

SEC. 4. That the appraisal of the lands described in section 1 of this act shall take into consideration the estimated cost per acre for the construction of irrigation works for the Milk River irrigation project, and in no event shall be less than the actual market value of said land and the estimated cost per acre for the construction of said irrigation project. The conveyances for the lands described above in sections 1 and 2 shall reserve to the United States and its successors in interest right of way for canals or ditches heretofore or hereafter constructed thereon, and the railway company shall construct at its own expense any crossings of said canals or ditches which may be necessary for its purposes, and such crossings shall be built and maintained in such a manner as not to interfere with the operations of said canals or ditches by the United States or its successors in interest, and such conveyances shall be subject to any prior valid rights of way.

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

Mr. SMITH of Georgia. Mr. President, I move that the Senate now take a recess until 11 o'clock to-morrow morning.

Mr. BRANDEGEE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Georgia withhold the motion for a moment?

Mr. SMITH of Georgia. I do.

Mr. BRANDEGEE. I hope the Senator will not propose a recess. I move that the Senate adjourn until 11 o'clock to-morrow morning.

Mr. SMITH of Georgia. The Senator from North Carolina [Mr. OVERMAN], who has charge of the business that will be immediately before the Senate to-morrow morning, was quite anxious that we should take a recess.

Mr. BRANDEGEE. I know he was, but I am quite anxious that we should take an adjournment.

Mr. SMITH of Georgia. It will be utterly impossible to take a recess over the objection of any Senator—

Mr. BRANDEGEE. I know it will.

Mr. SMITH of Georgia. So I change the motion to a motion to adjourn.

Mr. BRANDEGEE. I thank the Senator.

The PRESIDING OFFICER. The Senator from Georgia moves that the Senate adjourn.

The motion was agreed to; and (at 10 o'clock and 43 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, February 13, 1917, at 11 o'clock a. m.

## HOUSE OF REPRESENTATIVES.

MONDAY, February 12, 1917.

The House met at 11 o'clock a. m.

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

Eternal God, ever working in and through the minds and hearts of Thy children, making for righteousness and nobility of soul, we thank Thee for all the pure, the true, the noble, the great whom Thou hast raised up in every age of the world's history to be leaders among men, the trend of whose lives has been toward the higher ideals. Our hearts turn with one accord to-day to our own beloved Lincoln whose marvelous life challenges the most profound faith in the over-ruling of Thy providence. From the log cabin to the White House, from the bare-footed boy in homespun to the man affixing his signature to the Emancipation Proclamation, from the rail-splitter to the man pleading before the bar of justice, from the struggling lawyer to the man whose counsels were sought by the wisest and most learned, from the village politician to the greatest statesman of his age, the man of the hour to be the savior of his country in its greatest peril, a Moses leading his people through the Wilderness to the Land of Promise; surely if ever a prophet or seer was inspired of Heaven so was Lincoln inspired of God who for four long years bore the burdens and sorrows of his people, North, South, East, and West, upon his heart. And we pray that as citizens, statesmen, and patriots of a reunited country we may follow his illustrious example in every crisis that may arise in the onward course of human events under the divine leadership of the intrepid and dauntless, yet meek and lowly Jesus. Amen.

The Journal of the proceedings of Saturday, February 10, 1917, was read and approved.

BRIDGE OVER ALLEGHENY RIVER, N. Y.

The SPEAKER laid before the House the following resolution:

THE SENATE OF THE UNITED STATES,  
February 10, 1917.

Resolved, That the Secretary be directed to return to the House of Representatives, in compliance with its request, the bill (H. R. 19298) authorizing the Western New York & Pennsylvania Railway Co. to reconstruct, maintain, and operate a bridge across the Allegheny River in the town of Allegany, county of Cattaraugus, N. Y.

Mr. ADAMSON. Mr. Speaker, that is the bill recalled from the Senate, and I desire to insist upon the motion of the gentleman from Illinois [Mr. MANN] made to reconsider. I ask unanimous consent that at this time the bill be reconsidered, and that it lie on the table.

The SPEAKER. The gentleman from Georgia asks unanimous consent to reconsider the bill and that it lie on the table. Is there objection?

There was no objection, and it was so ordered.

### QUESTION OF PRIVILEGE.

Mr. LINDBERGH. Mr. Speaker, I rise to a point of the highest privilege to prefer impeachment proceedings.

The SPEAKER. The gentleman from Minnesota is recognized.

Mr. MANN. Mr. Speaker, under the unanimous-consent agreement which was entered into respecting proceedings to-day can the gentleman interrupt? Will he not have to wait until the proceedings are had fixed under the unanimous-consent agreement? I would ask the gentleman to voluntarily withhold, in any event.

The SPEAKER. The gentleman can interrupt the reading of the Journal with a question of that kind.

Mr. MANN. Of course he could interrupt the reading of the Journal.

The SPEAKER. A question of the highest privilege takes precedence over everything.

Mr. MANN. I should doubt whether it would take precedence over unanimous-consent agreements, but I hope the gentleman will consent to wait.

The SPEAKER. The Chair will ask the gentleman to withhold his matter for a short time.

Mr. LINDBERGH. I am willing to wait, but I would like to get in to-day.

The SPEAKER. The Chair will recognize the gentleman later.

### DIPLOMATIC RELATIONS WITH GERMANY.

Mr. WASON. Mr. Speaker, I ask unanimous consent to have printed in the Record some resolutions passed by the Legislature of New Hampshire indorsing the action of the President in severing diplomatic relations with Germany.

The SPEAKER. The gentleman from New Hampshire asks unanimous consent to extend his remarks in the Record by printing some resolutions passed by the Legislature of New Hampshire. Is there objection?

There was no objection.

The resolutions are as follows:

CONCORD, N. H., February 10, 1917.

To the Hon. EDWARD H. WASON, M. C.,  
Washington, D. C.

Sir: I have the honor to transmit to you the inclosed resolutions, which have been unanimously adopted by the house of representatives and the senate.

Respectfully, yours,

EARLE C. GORDON,  
Clerk of the Senate.

STATE OF NEW HAMPSHIRE, 1917.

Whereas the German Government has notified the Government of the United States that it is the purpose of Germany to sink without warning all merchant ships found within certain prescribed zones, regardless of the rights of neutrals to the freedom of the seas and regardless of all humanitarian considerations; and

Whereas the President of the United States on April 18, 1916, notified the German Government that unless that Government immediately abandoned its frightful and inhumane methods of submarine warfare as applied to neutrals the Government of the United States can have no choice but to sever diplomatic relations with the German Empire; and

Whereas the President of the United States, in accordance with this warning to the German Government and the subsequent declaration of that Government that it will no longer regard the rights of neutrals and the dictates of humanity in conducting its submarine warfare, has broken off diplomatic relations with Germany: Therefore

Resolved by the house of representatives (the senate concurring), That we approve the action taken by the President of the United States, and that we pledge to him the united support of the people of this State in all his efforts to maintain and defend the dignity, integrity, and rights of this country.

Resolved, That copies of these resolutions be forwarded to the President of the United States and to our Senators and Representatives in Congress.

### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had insisted upon its amendments to the bill (H. R. 8229) to establish a national military park at the battle field of Guilford Courthouse, had agreed to the conference asked by the House, and had appointed Mr. CHAMBERLAIN, Mr. HITCHCOCK, and Mr. DU PONT as the conferees on the part of the Senate.

The message also announced that the Senate had passed joint resolution (S. J. Res. 210) authorizing the temporary employment of additional policemen for the Capitol Building and

Grounds and the Senate and House Office Buildings, in which the concurrence of the House of Representatives was requested.

NATIONAL PROHIBITION (H. REPT. NO. 1493, PT. 3).

Mr. WALSH. Mr. Speaker, I ask unanimous consent that five legislative days be allowed for the filing of minority views on House joint resolution 84, the national-prohibition amendment.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that five legislative days be allowed for the filing of minority views on the national-prohibition amendment. Is there objection?

There was no objection.

EXTENSION OF REMARKS.

Mr. MOORE of Pennsylvania. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on the subject of Abraham Lincoln by inserting a speech of his.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to extend his remarks on the life and character of Abraham Lincoln. Is there objection?

There was no objection.

Mr. SIEGEL. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on the life of Abraham Lincoln, to follow the speeches which may be delivered to-day.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the Record upon the life and character of Abraham Lincoln, the remarks to be inserted in the Record following the speeches that will be delivered to-day upon the same subject. Is there objection?

There was no objection.

Mr. LINDBERGH. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record upon the subject of ship subsidy.

The SPEAKER. Is there objection?

There was no objection.

ABRAHAM LINCOLN.

The SPEAKER. Under the special order the gentleman from Missouri [Mr. RUSSELL] will read President Lincoln's Gettysburg Address.

Mr. RUSSELL of Missouri, from the Clerk's desk, read Lincoln's Gettysburg Address, delivered at the dedication of the cemetery at Gettysburg, November 19, 1863, as follows:

"Four score and seven years ago our fathers brought forth on this continent a new Nation, conceived in liberty and dedicated to the proposition that all men are created equal.

"Now we are engaged in a great civil war, testing whether that Nation, or any nation so conceived and so dedicated, can long endure. We are met on a great battle field of that war. We have come to dedicate a portion of that field as a final resting place for those who here gave their lives that that Nation might live. It is altogether fitting and proper that we should do this.

"But, in a larger sense, we can not dedicate, we can not consecrate, we can not hallow this ground. The brave men, living and dead, who struggled here have consecrated it far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here. It is for us, the living, rather to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced. It is rather for us to be here dedicated to the great task remaining before us—that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion; that we here highly resolve that these dead shall not have died in vain; that this Nation under God shall have a new birth of freedom; and that government of the people, by the people, for the people shall not perish from the earth." [Applause.]

The SPEAKER pro tempore (Mr. PAGE of North Carolina). The gentleman from Illinois [Mr. CHIPERFIELD] is recognized for 40 minutes. [Applause.]

Mr. CHIPERFIELD. Mr. Speaker, many years have come and gone since the earth last saw the beloved form of the Great Emancipator.

Although now they almost equal in number the allotted span of the life of a man, not a single laurel that was placed upon his brow by the loving hands of a grateful people has withered or faded under the destroying hand of time.

The passage of the years has but added to their freshness and luster, and his memory has become the more fixed and established, until to-day we again gather in reverence, to do homage to the deeds and achievements of the Nation's greatest—Abraham Lincoln. [Applause.]

In the State from which I come, as well as in the other Commonwealths of the Nation, his greatness is not forgotten, nor

are the deeds which he performed lost to remembrance, nor is their glory lessened, and though he has long since passed to the glorious company of the immortals, yet in truth he now liveth and speaks wherever the thought of liberty finds lodgment in the mind of man.

As the gray twilight brings the day to a close on the broad prairies of Illinois, mothers draw their little ones to their knees and tell in tones of affection o'er and o'er again the entrancing story of the life of this great man. And as the tale holds the youthful listeners spellbound, she does not dwell on the battles of years gone by, but speaks she of his humble origin; of the devoted mother who guided his childish steps; of the struggling youth; the sturdy and determined manhood; and the just and loving heart that found vast expression in the beneficent life that gave to us a most precious legacy—the memory of the greatest and most loved man since the days of the Savior of the world—the memory of the humble rail splitter of the prairies of Illinois. [Applause.]

Others may speak of Lincoln the leader, the statesman, the President, but I speak this day of Lincoln the humane, of Lincoln the man, and the life that has endeared him to all liberty-loving citizens of the world.

At this day we can not understand the severity of the struggles by which he rose or the bleak barrenness of his life, which he describes as "the short and simple annals of the poor." In after years he could not bear to speak of those days, and so far as his words are concerned they are a sealed book.

In all the length and breadth of the land to-day there is not poverty such as he knew. It is not accurate for men to say that his life was the common lot of the sturdy pioneer of those days, for this is not correct.

Why, I can not tell, but so it is, that when a great work in the affairs of nations is to be accomplished and a great man required, the early scenes of his life are almost invariably laid amidst the humblest surroundings and in homes where love must supply the greater part of the needs of childhood days. It was so with Gideon, David, Luther, Garfield, Webster, Grant, Edison, and many others, and so it was, although to a much greater degree, with Lincoln.

Reared in a cabin that was inferior to the shelter of the animals on the farm, housed in a structure that was for a long time without windows, doors, or a floor, and that was not even enclosed on all four of its sides, here his early years were spent. The furnishings, meager and cruelly crude, were hardly worthy of the name; his resting place was a bed of leaves laid upon a rude support of poles. Here dwelt and developed the indomitable spirit of the lad, who, while his heart was oftentimes saddened, though not embittered by the privations he experienced and the hardships he endured, suffered not his courage to fail.

Here it was that he learned the vast sympathy and the broad affection for his fellow man that a mansion or a palace does not seem to favor or create.

The church wisely reverences the humble cradle and abode of the Savior, and the American people find inspiration in the life of the youth who, like the chrysalis, outgrows his humble surroundings and emerges triumphant with a character glorious and beautiful.

And so with the lad of poverty, he triumphed, until at his death the world stood silent and the monarchs of the earth bowed their heads in grief and laid their tributes upon his bier as he made his last journey, silent and still, by night and by day, through the unbroken ranks of sorrowing citizens, to the old home, in the heart of Illinois, where now his sacred dust reposes, a precious trust of the people of that State.

Between the humble home and the last imposing spectacle lay a life of love, devotion, and service. In it all is not found one day of selfish ease or idle self-indulgence. No anchorite ever lived more humbly or toiled more vigorously to attain the goal, that was to be his.

To me it is a delight and a privilege to trace in imagination his triumphant, though weary steps.

Love and service, attended with the highest devotion to duty, marked his course. His guide and counsellor in those days of privation was a wonderful mother, whom he loved with all the devotion of his boyish heart and of whom he said: "All that I am or ever hope to be I owe to my angel mother." When the summons came to the rude hut and called her from earth away, it left the lad bereft and alone, and none could bring him comfort.

It was the first staggering blow to a life that already well knew sorrow.

Father and son with their own hands hewed out the rude casket, and winding her in her humble shroud, they laid her away forever from the sight of man, to await that glorious day of awakening when, instead of one of the humblest of the earth,



she would be welcomed to the life beyond as the heroic mother of the world's noblest.

Denoting the steadfastness of his devotion and purpose and the strength of his affection, the lad grieved day by day because no words of consolation and benediction had been spoken over the last resting place of his loved one, until learning that a man of God was at a distant point months afterwards, he trudged his weary way over hill and dale and through the lonely forest that the mother might have Christian burial, and gladly brought to her grave a holy man to perform the last rites and there speak the words of comfort and peace.

As the virgin mother of God is remembered by the faithful, so is lovingly adored by the people of the land the mother of Abraham Lincoln, and to all mothers who toil and struggle in sacrifice through poverty and hardship that their children may start the world aright, she stands in their vision as a patron saint, a guiding light, and a glorious inspiration. [Applause.]

The struggles of his boyhood days and their biting poverty left a melancholy impress on his mind and soul.

It gave to him for his entire lifetime the sensitive heart of a child.

He could see no wrong done or hurt come to any living thing without himself being hurt.

He sorrowed with the sorrowful and his tears fell with those who had been wounded and broken on the march of life.

His soul responded to the sufferings of the world.

Through his bitter experiences no man could better understand than he the fatherhood of God and the brotherhood of man, and this sympathetic comprehension animated and guided his every act.

In all the record of his life no mean deed is written and in the story of his career, as orally preserved by tradition in the State from which I come, there does not remain even the suggestion that he was capable of a selfish or unworthy act.

As only a starved soul could yearn, he desired affection and when this was given to him by Anne Rutledge it was returned with an ardor that was great. Many say that Anne Rutledge is a myth. I have visited her grave near the town of Old Salem, where it is said that after her death Lincoln came often in sadness and would not be consoled. It is repeated that at one of these times he said that the true inscription for her resting place should be "Here lies the body of Anne Rutledge and the heart of Abraham Lincoln."

Ofttimes he was oppressed with grief and for days he would seem to be crushed by it. At such a time he once said, "I am now the most miserable man living. If what I feel were distributed among the whole human family, there would not be a cheerful face on earth. Whether I shall ever be better, I can not tell. I awfully forbode I shall not. To remain as I am is impossible; I must die or be better, it seems to me."

With his sensitive nature he sought the love of those with whom he was brought in contact. Their esteem and good opinion sustained, encouraged, and supported him. Without it he was cast down and disheartened. His reward—and the only one he sought—was the approval of his countrymen. And in later years the knowledge that he was at variance with a great section of the land, caused him the most poignant grief.

It is worthy of much comment that although Lincoln, as he states, had the advantage of only six months of school, and no opportunity for what is sometimes called higher education, that he was a man of great and profound knowledge.

Perhaps not widely versed in the details of the arts or sciences, yet he knew men. He knew their thoughts and minds and souls and the motives which animated them. He knew their strength and their weakness. He was brother and father to all mankind, and knew their sorrows and their trials. To them he could speak in simple words that touched their deepest sensibilities, and could play upon the chords of their emotion in language plain, it is true, but with words that lived and breathed, in language that stands to this day as an unparalleled example of literary style.

If you ask where he attained this power, the answer, it seems to me, is easy to give.

He and his forbears were born amid surroundings where life was stern, and where each day was an actual struggle for existence.

Under these conditions speech was as plain as the method of life. There they employed the good old Anglo-Saxon of a century past.

They stripped from their meager vocabulary all effete and soft words and left remaining only those that were strong and vigorous, and of these they did not employ many.

The Bible was almost the only book and its influence upon their speech was marked. Lincoln used words that were

dynamic in their vigor. The addition of a syllable to a sentence was to him a matter of profligacy.

Each phrase was cut to the last degree and thought was given expression in sentences that were strong, direct, and filled with meaning.

Lincoln used the monosyllable whenever possible, and his sentences ofttimes were almost entirely made up of these elementary words. When he spoke to the people in these simple terms they listened to him gladly as they did in days of yore to the Man of Galilee, whose words were also plain and touched the hearts of all.

In this simple style, Lincoln, said:

I am not bound to win, but I am bound to be true. I am not bound to succeed, but I am bound to live up to what light I have. I must stand with anybody that stands right; stand with him while he is right and part with him when he is wrong.

And so again they were employed by him in making this prediction:

The mystic chords of memory stretching from every battle field and every patriot grave to every living heart and hearthstone, will yet swell the chorus of the Union when again touched as they will surely be by the better angels of our nature.

And it was in these same words of common speech that he astonished and charmed the world when in their marvellous beauty he paid his tribute on the field of Gettysburg to the men of the land who had given their lives that the Nation might live forever. This famous speech consisted of about 300 words. Of these, 204 were words of one syllable.

In all of his preparation for his life work, he was thorough and painstaking to the last degree. One day he was confronted with the word "demonstrate." Asking himself what it was to demonstrate, he went to his dictionary and saw that its meaning was "to make clear." He asked himself the question, if he could demonstrate and "make clear," and his answer was that he could not. Thereupon he laid aside the study of law, upon which he had commenced some months before, and took up the study of Euclid and did not again return to the law until he had mastered the first five books of Euclid's great work.

So it was in all his acts.

Thoroughness was his rule, and upon this solid basis did he build his life.

The way that Lincoln traversed in public life was not an easy one. Probably no man who ever attained great prominence has tasted as bitterly of defeat as did he.

In 1832 he was defeated for a seat in the Legislature of Illinois.

In 1848 he was defeated for renomination to Congress, to his great disappointment.

It then seemed to him, and so he said, that he believed that his public career was forever ended and that there was no further public service for him.

In 1849 he was a candidate for Commissioner of the General Land Office, but was defeated because Daniel Webster cast his influence in favor of another candidate.

In 1854 he was a candidate for United States Senator, but after a time withdrew in favor of Judge Trumbull.

In 1856 he was a candidate for Vice President, but was not named by the convention.

At that time he said:

I have the cottage at Springfield and about \$8,000 in money. If they make me Vice President with Seward, as some say they will, I hope I shall be able to increase it to \$20,000, and that is as much as any man ought to want.

In 1858 he was a candidate for the Senate of the United States, but was defeated by Judge Douglas, although he carried the popular vote of the State by 4,000.

His was a brave and indomitable heart.

He was not dismayed or crushed by these successive defeats, although his campaigns were made at a great sacrifice.

Lincoln was a comparatively poor man, and just what the sacrifices were can best be told in his own words to the Republican State committee of Illinois when he was told by them that there was no money to pay outstanding bills.

He wrote to the committee, as follows:

Yours of the 15th is just received. I wrote you the same day. As to the pecuniary matter, I am willing to pay according to my ability, but I am the poorest hand living to get others to pay. I have been on expense so long without earning anything that I am absolutely without money now for even household purposes. Still if you can put up \$250 for me toward discharging the debt of the committee, I will allow it when you and I settle the private matter between us. This, with what I have already paid, and with an outstanding note of mine, will exceed my subscription of \$500. This, too, is exclusive of my ordinary expenses during the campaign, all of which, being added to my loss of time and business, bears pretty heavily on one no better off in world's goods than I, but, as I had the post of honor, it is not for me to be overnice. You are feeling badly, "And this, too, shall pass away, never fear."

And after the long struggle came the great victory, and he sat in the seat of the mighty.



But this did not change a single fiber of his kindly nature. The mountain crest meant no more to him than the lowly valley.

When power came and greatness was his, he wore his honors modestly, without arrogance or ostentation, and humility and kindness marked his course.

He was to the Nation Father Abraham, and with meekness and might, affection and care, he led his children through the valley of the shadow, safely into the fold of peace and tranquillity.

No greater tribute can be paid to the wisdom and worth of the opinion of Lincoln than is paid to-day by those who use him and his words as the final and supreme argument in favor of some proposed plan or movement.

It is demonstration to the minds of many when it can be said, "Lincoln favored these things."

But while the tribute is great the name of Lincoln is not always worthily employed.

Those who seek to destroy and break down the vital principles of our Government do not hesitate to invoke his name as an aid in the accomplishment of that purpose.

By the frenzied orator of the curb who inveighs against all government his auditors are told that Lincoln stood for absolute freedom of thought and action and that he had no regard for the limitations of law.

They are not told, however, that Lincoln stood for freedom of speech and action *only under the Constitution and the law*. They are not told that in speaking of this freedom of speech he said:

Yes; we will speak for freedom and against slavery as long as the Constitution of our country guarantees free speech, until everywhere in this wide land the sun shall shine and the rain shall fall and the winds shall blow upon no man who goes forth to unrequited toil.

The things for which he stood and which he attempted to do were in the *name of the Constitution*, and to this instrument—as he construed it—he was wholly devoted.

The reckless and hairbrained experiment in government possessed no attraction for him, nor was he inclined to adopt a plan merely because it was new and untried, but going hand in hand with this conservatism was the ever-present desire to so adapt the Constitution that it would respond to the changing needs and requirements of the people.

While regarding with reverence the precedents of the past, he also sought to be acutely conscious of, and responsive to, the economic demands and needs of the present.

As he was intensely human in all his aspects of life, so did he make a sympathetic and human interpretation of the Constitution, where the rights of men were involved, which, while not always strict or entirely logical, still made for the uplifting and the welfare of the people of the land.

With such a construction of the Constitution of the United States by those in power, the people of the Nation will not quarrel. It is radical changes in our forms of government, not authorized by the Constitution, that will be met with condemnation.

Those who find comfort in the denial of a God or of a Supreme Being frequently claim Lincoln as one who shared their views and approved their lack of belief.

No greater or more foul slander could be uttered against this man.

Lincoln walked hand in hand with God for many years before his death, and there is no act of his life that warrants the claims so advanced.

It may be that he could not define a particular creed that entirely and closely fitted his views, but his steadfast belief in a God and His divine power to guide and shape the affairs of men was touching.

There is hardly an utterance of Lincoln that has been preserved that does not speak of this belief and faith.

On one occasion, early in life, when his father was about to pass away Lincoln wrote this letter:

I sincerely hope father may recover his health, but, in all events tell him to remember to call upon and confide in our great and good and merciful Maker, who will not turn away from him in any extremity. He notes the fall of a sparrow and numbers the hairs of our heads, and He will not forget the dying man who puts his trust in Him. Say to him that if we could meet now it is doubtful whether it would be more painful than pleasant, but that if it be his lot to go now, he will soon have a joyous meeting with many loved ones gone before, and where the rest of us, through the help of God, hope ere long to join them.

His state papers are filled with appeals to God and the statement of his belief in a Supreme Being and his reliance upon His aid and assistance.

His trusting faith was like that of a little child who confidently puts his hand in that of a loving father and walks the path with a sublime trust and without fear.

One can not fail but be impressed with the startling fact that the entire achievement of the life of Abraham Lincoln that has

caused the generations to remember him were accomplished and performed in barely fifteen hundred days.

If from his life were taken the actions and deeds embraced in those days his name would barely be known outside of the counties of Illinois where his activities had been.

When defeated for the Senate by Douglas it seemed to the doubting many that his career was done; but the defeats of the past were, to him, only the foundations on which he builded his future triumph.

His trials and struggles and sorrows had refined his soul until the dross was gone, and out of his bitter experience came forth a man—apparently called of God—to guide the people of the land, both North and South, out of the horrors of war to the place where, rededicated by the blood of a hundred fields, they stood a united and an invincible people.

One lesson taught by Lincoln that may be helpful at the present day was his determination to stand steadfast before the nations of the world for the rights of America.

Although opposed by the bravest of the brave at home, he did not fail to courageously speak for the dignity of the country when it was assailed from abroad, and like our own President in the crisis of to-day he spoke in the name of our Nation for the preservation of its rights.

The poet has told in inspiring lines of the response that the people of the land will make to such an appeal, and it was no more true when penned than it is to-day.

This whole Nation will respond in arms and bear any hardship that may be imposed, no matter how severe, whenever a wrong that involves a national principle is inflicted by a foreign foe.

If the call to arms should come, which God forbid, truly it can be said:

Up the hillside, down the glen,  
Rouse the sleeping citizen,  
Summon out the might of men.

Like a lion growling low,  
Like a night storm rising slow,  
Like the tread of unseen foe.

It is coming—it is nigh;  
Stand your homes and altars by;  
On your own free thresholds die.

Clang the bells in all your spires;  
On the gray hills of your sires  
Fling to heaven your signal fires.

O, for God and duty stand,  
Heart to heart and hand to hand,  
'Round the old graves of the land.

Whoso shrinks or falters now,  
Whoso to the yoke would bow,  
Brand the craven on his brow.

Freedom's soil hath only place  
For a free and fearless race—  
None for traitors false and base.

Perish party, perish clan;  
Strike together while ye can,  
Like the arm of one strong man.

[Applause.]

How marvelously like the ministry of the Savior of the world were the beneficent years of this great leader of men.

How like the passion of the Son of God was the martyrdom which he suffered that all men might be free and, better yet, be free with the Nation united.

For him the zenith of his career had been reached, and, like Moses, he stood upon the height and viewed the land regenerated, but which he might not enter; and then, on Good Friday, the day that the Christian world was sorrowfully observing the crucifixion of the Christ, God took him, even though the evening of his life had not yet come, for his task was done.

Yea, he was taken, if it can be so said of the death of the clay that formed his body; but there was left the undying spirit of this great man to lead and protect the people of this Nation by the wisdom he displayed for many generations to come.

Great men have come and gone since Lincoln fell, and many have attained high places in the Nation, but it is rarely that one, when his power was at the greatest, attained the wonderful influence over the people of the land that has been manifested, and still continues to be manifested until this day, by the memory of Abraham Lincoln.

That influence has guided the Nation when the hand of living man has faltered, for being dead, yet he speaketh to the souls of men with power and conviction.

And so to-day, as a Representative of the State of Illinois, I pay a humble tribute to the life and work of her great son.

Into his hands they gave all that was best and dearest.



To him they intrusted the sacred honor of the Nation, and never did he fail that trust.

In his death they honor him and preserve his memory.

In the Hall of Representatives at Springfield only two portraits are found.

On the one hand is that of Douglas, who in the hour of stress clasped hands with his old-time political opponent, and who held up the arms of Lincoln as Aaron did of old.

The place of Douglas is secure in the affections of the people of the Prairie State.

From the other side of the hall looks down the towering form of Abraham Lincoln, and there the people of the State come and stand with tearful eyes, gazing into the kindly face of this great man, and as they depart they take away an inspiration to better and more fully discharge the duties of citizenship.

Our State has taken his ashes and his fame and his memory to its heart.

One it will guard and the others it will proclaim until the Father of Waters no longer runs to the sea and until time is no more.

Not without thy wondrous story,  
Illinois, Illinois,  
Can be writ the Nation's glory,  
Illinois, Illinois;  
On the record of thy years  
Abram Lincoln's name appears,  
Grant and Logan, and our tears,  
Illinois.

In one of the most beautiful parks in the city of Chicago stands a wonderful monument, erected to commemorate the life of this, one of the world's greatest men.

It is builded beside the great inland sea, whose ceaseless surf sounds a requiem by night and by day.

The first rays of the rising sun rest upon it in rosy salutation, and here again they pause in benediction ere the night closes down.

To this spot the people come as they might to a shrine of freedom.

Here they pause and linger.

Here gather the poor, of whom Lincoln said, "God must have loved them or else He would not have made so many of them."

At the base of the statue the little children play.

Here kings and princes and rulers have sent their wreaths and floral tributes to be laid at the feet of the imposing figure that, motionless and silent, ever looks toward the great city.

In loving remembrance this memorial has been builded by the people of Illinois to honor its first citizen, Abraham Lincoln, the martyred President.

On its base, chiseled deep into the lasting granite, is one of the greatest sentences in the English language, and from its perusal we can gain the secret of the power and see the faith that animated Lincoln and gave him the courage to perform his task.

There may be found a motto that any man can live by, and that can be adopted by a nation in its hour of need.

These are his words—noble and courageous:

Let us have faith to believe that right makes might, and firm in that conviction let us to the end dare to do our duty as God gives us to see it.

Words of mine can add nothing to the veneration in which this wonderful character is held by the people of the land, both North and South.

He is loved and revered and his fame grows more secure as the generations pass.

I can not refrain, however, from adding as a far greater tribute than any I can pay that which was penned of Lincoln by a sweet singer.

It seems to me that it is a sublime epitomization of the character and the life of this man.

The color of the ground was in him, the red earth;  
The tang and odor of the primal things—  
The rectitude and patience of the rocks;  
The gladness of the wind that shakes the corn;  
The courage of the bird that dares the sea,  
The justice of the rain that loves all leaves;  
The pity of the snow that hides all scars;  
The loving kindness of the wayside well;  
The tolerance and equity of light that gives as freely to  
The shrinking weed as to the great oak flaring to the wind—  
The grave's low hill as to the Matterhorn  
That shoulders out the sky.

And so he came  
From prairie cabin to the Capitol,  
One fair ideal led our chieftain on.  
Forevermore he burned to do his deed  
With the fine stroke and gesture of a king  
He built the rail pile as he built the State,  
Pouring his splendid strength through every blow,  
The conscience of him testing every stroke,  
To make his deed the measure of a man.

So came the Captain, with his mighty heart;  
And when the step of earthquake shook the house,  
Wrenching the rafters from their ancient hold,  
He held the ridge pole up and spiked again  
The rafters of the Home. He held his place—  
Held the long purpose like a growing tree—  
Held on through blame and faltered not at praise  
And when he fell in whirlwind, he went down  
As when a kingly cedar, green with boughs,  
Goes down with a great shout upon the hills,  
And leaves a lonesome place against the sky.

[Loud applause.]

The SPEAKER. The Chair recognizes the gentleman from Washington [Mr. DILL].

Mr. DILL. Mr. Speaker, it is not my purpose to-day to tell the story of the life of Abraham Lincoln. With that all are familiar. Only his sad face and homely figure are better known to the American people than are the details of his tedious struggle from poverty to power. Nor shall I attempt his eulogy. Lincoln is too big a theme. His greatness is different from the greatness of other men. We can not measure him. There is no standard by which to compare him with any other man. No other common man ever moved in such high position without losing his commonness. He is the only character in all history whose native simplicity no honor could transform and no office change. All I hope to do to-day is to mention some of the characteristics of his greatness and to call attention to certain facts as evidences that a divine power so timed his life and so fashioned his faculties that he would supremely fill his country's need when his country called.

Abraham Lincoln had an unshakable religious faith. Because he was not affiliated with any church, some have said he was not a Christian. No conclusion concerning him was more grossly wrong. He himself said, "Show me the church whose only creed is to love God and to love man, and I'll walk a hundred miles to join it." All through his life and especially during the war this religious faith was the guiding force of every great deed he performed. When defeats came so thick and fast that even some members of his Cabinet openly despaired of success, he declared to them in a Cabinet meeting, "This is God's fight, and He will win it in His own good time." Thus did his religious faith become the anchor of the Union cause, the buoy of the Nation's hope. It was the overflowing reservoir furnishing strength and inspiration which gave him his superiority over every other man of his time.

As a leader and ruler of men he was ordinarily merciful and kind; but he became, when occasion called, a man of iron with the courage of a lion. The very passion of his existence as President was to save the Union. To save the Union, he called to his Cabinet every man who had been a formidable candidate against him for the nomination for President in 1860. Seward, his chief rival, he made Secretary of State; Chase, Ohio's favorite son, he made Secretary of the Treasury; and Cameron, Pennsylvania's man, Secretary of War. When Cameron failed and Lincoln felt he must have a man who would rule with an iron hand, he turned to Edwin M. Stanton, of Cincinnati, a Democrat, who up to that time had been the severest critic which the administration had had. This was the same Stanton who 20 years before had administered the severest insult the young backwoods lawyer had ever received, and this man Stanton he made Secretary of War.

What turbulent times Lincoln had with these men! Again and again he found it necessary to ignore Seward, plead with Chase, and bear with Stanton in order to keep them working at the tremendous tasks which he knew must be performed. How perfectly he managed them is best shown by Stanton's statement immediately following Lincoln's death, as he stood just outside the little room down there on Tenth Street, in Washington, and referring to the death chamber said: "In there lies the most perfect ruler the world has ever known." After that, it is not surprising that in later years Grant said: "He was indeed a commander of commanders and incontestably the greatest man I ever knew."

Somebody has said that a truly great man is just a common man enlarged. The mountain is composed of exactly the same substances as the plain, the only difference being that the mountain mass has been piled up into the sky. Such was the greatness of Abraham Lincoln. Born and reared amidst the humblest conditions of life, he was truly a son of the soil. Although he reached the highest heights of power with more than a million men in arms to do his will, he remained to the hour of his death, the most gentle, the most just, and the most merciful ruler the world has ever known.

I have long believed and I now believe that there was something divine in the life of this plain and simple man. If I were a clergyman I would preach a sermon on this day, and I would entitle it "The hand of God in history." I would take



as my chiefest proof of God's desire and purpose that this Nation should live, the life and work of Abraham Lincoln.

In that sermon I would picture God as standing at the threshold of the nineteenth century looking adown the vista of the years. Seeing the formation of the black clouds of an awful civil war and realizing the need of a new and strange kind of man for leader during that period, I would picture Him as selecting the choicest spirit of all heavenly realm and giving it birth in the form of a little boy out in the wilds of Kentucky, to be known to the world as Abraham Lincoln. I would show that for his mother He chose a woman of such strong religious sentiment that although she would be with her son but nine short years, in that brief time she would instill her religious ideals into his life so deeply they would control his entire career. I would point out that for his father, God chose a roving, reckless, almost worthless fellow who would flee on westward at the first signs of civilization. Thus did He keep this boy away from the deadening leveling processes of the schools and the crushing conventionalities of civilized communities, especially great cities, depriving him of all books save such as Shakespeare and the Bible, and reared him up in nature's school so that when his great work came he, like nature, would never compromise.

Then I would show that when the one danger to the divine plan appeared in the form of his great love for that little woman, Anne Rutledge, and God saw that this man who had been the object of His special care might soon become so happy in the love of wife and home and child that he would neglect to take part in the struggles which were necessary to fit him for the leadership to which he was destined, God took her away. Thus was the only flower that ever budded along the hard and stony pathway of his life cut down before it bloomed, and Lincoln led to woo and win the ambitious Mary Todd who ever urged him on to position and to power.

Nor would I end my sermon here! I would point out that God caused him to choose for his life profession the law—the law, that broad but steep and dangerous pathway over which so many men have passed to ruin or to fame. I would point out that to aid his development God chose from among New England's brilliant boys the most brilliant of them all, Stephen A. Douglas, and took him out to Illinois to act as a pacemaker for this pioneer. I would show how these two men went through life together, yet opposed. During early life both lived in adjoining counties and practiced law in the same courts. Both wooed the same girl and Lincoln won her. Both served in the same State legislature together. Both were in the National Congress, Lincoln in the House and Douglas in the Senate at the same time. Both ran for the Senate in Illinois in 1858 and Douglas won, making almost certain Lincoln's election to the presidency in two years more. Then as a crowning close to all their struggles almost the last public act of Douglas's life was to hold Lincoln's hat while he took the oath of office as President. Lastly, I would show that when the awful war was done and Lincoln stood on the highest heights of fame, haloed by the homage and adoration of a world, this Divine Being took him as the Nation's last and most precious sacrifice of all that war—took him away before envy and jealousy could heap abuse and calumny upon his memory and his name.

Thus would I show how an All-Wise God had so planned this man's life, so shaped his surroundings, and so arranged his associations that by means of him he had kept us one Nation, sovereign, grand, and free. [Applause.]

For whom is the lesson of it all? The lesson is for the boys and girls of this Nation and for the boys and girls of all other nations, of which they will be the rulers when they are grown.

The story of his life is our greatest national asset. I know of no more hopeful sign of our country's future greatness and permanent security than the twenty millions of boys and girls in the public schools of this land who are being educated under the inspiration of his name and with reverence for his memory, because when the centuries of history shall have shaken the great characters of the past through the unerring sieve of time, one of the few that will remain is Abraham Lincoln. [Loud applause.]

Mr. MANN. Mr. Speaker, I ask unanimous consent that the gentleman from North Carolina [Mr. POU] may be granted leave to address the House for five minutes on the subject of Abraham Lincoln. [Applause.]

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

Mr. POU. Mr. Speaker, my love and veneration for the character of this great man is such that I would do myself an injustice if I were to remain silent while the House of Representatives is doing honor to the memory of Abraham Lincoln. One of the wonders of the life and character of the Man of Galilee is

that as the centuries go by His influence grows. It is spreading, making men better wherever men live. Growing, gathering more and more influence and power, the example, the character, the life work of Abraham Lincoln will live forever. As the years go by his influence becomes greater and the love of all the people of this great Nation for him more intense. The greatest blow that could have stricken the section from which I come in 1865 was that which occurred on that fateful night in April when the life of this great and good man was taken. Our people realize that. I have wondered if the saints on high see what is taking place here below. We have a united Nation now. We all love the flag. We are all ready to fight for it. There would be an instant rallying under that flag by all Americans the minute this Nation is attacked. With what glorious satisfaction the spirit of Abraham Lincoln may contemplate this realization of the great passion of the last days of his life.

Yes; we all love the flag and we are all ready to fight for it. Thank God sectional lines have been obliterated. Bitterness has passed away and in its place there is the feeling of friendly brotherhood. The yearning of the last years of Lincoln's life was to see a Nation reunited by the ties of love. Thank God, this great, grand consummation is here, more attributable, probably, to the life and character and work of Mr. Lincoln than to any other man living or dead. [Applause.] Aye, Mr. Speaker, in truth we are not enemies but friends, all Americans everywhere. So I bring you this humble little tribute to tell you how I believe my people feel toward this wonderfully good man.

We are building a great monument to him down on the banks of the Potomac; but we can not honor him by building that monument. We can not honor him by building any monument. We may honor ourselves. [Applause.] His statue will stand there for coming generations to look upon, but it will not meet the sunshine and the storm with calmer mien than did he, nor can its granite base be firmer than is the love of all the people of this Nation. [Applause.] That monument, that statue, in the course of time, will crumble, but the love for Abraham Lincoln will live forever in the hearts of a united people. [Applause.]

Mr. SIEGEL. Mr. Speaker, when, on April 15, 1865, Gen. Garfield heard that Abraham Lincoln had been assassinated he uttered the ever-memorable words "God reigns, and the Government at Washington still lives." No other sentence and no other speech ever made has more thoroughly embodied Lincoln's faith and Lincoln's sole ambition in life.

During all the four years of that terrible irrepressible conflict he constantly hoped and prayed that the Union would be preserved, and that when the time would arrive for him to hand over the reins of government to his successor, it would be a united Nation that would greet him. The battle had been fought and the victory was his, but like Moses he was not destined to reap the harvest.

In the short span of 56 years, having first seen the light of day on February 12, 1809, he wrote his name on the pages of history in such a way that time can not efface it. To have been merely the savior of the Union would have entitled him to the lasting generous regard of generations yet unborn, but to have been the one who freed 3,000,000 of men from the bondage of slavery was bound to win him such a measure of fame as to forever make his name secure not only in the hearts of his countrymen but in the memory of all mankind.

Where can you find a man whose patriotism has not been strengthened and his pulse quickened whenever he has read or heard Lincoln's Gettysburg address. Longer speeches have been made but no orator pleading for the highest interests of the Republic has ever been able to equal that address, either for purity of language or for sounding a clarion note to citizens to rally to the defense of the Union.

In a few minutes of time one is unable to give full expression to that nobleness of character that was his by nature; to that spirit of mercy displayed by him on many an occasion when some poor unknown mother appealed to him to save her boy from death after having been condemned by court-martial; to his constant and abiding faith in Him that guides not only the destinies of men but nations as well; to that inborn wit and humor that immediately removed the seriousness on the faces of the members of his Cabinet; and to his genuine loyalty to the generals in the United States Army who achieved victories.

Fifty years have come and passed away since Lincoln was taken from us. The Union has grown larger and stronger each year. The bitterness of civil strife has gradually melted away until now all men, whether descendants of those who fought for the gray or those who battled for the blue, have come to recognize the greatness of the man who stood by the helm of the ship of state during the four trying years of 1861 to 1865.



Men have commenced to judge him rightly until now in more than half of the States in the Union his birthday is observed as a legal holiday. I am looking forward to the time, and I believe it will be very shortly, when Congress will take action toward observing the day in the same manner in the city of Washington. Then indeed shall we have visible evidence and give proof to the world that the men of the South and the North have at last joined hands in acknowledging Lincoln's greatness and able achievements and at the same time forever cemented the ties that bind us together as a Nation, so that this "Government of the people, by the people, and for the people shall not perish from the earth," but shall always be a power seeking to be at peace with the world, at the same time commanding universal respect for our flag both at home and abroad.

Men and rulers may come and go, but as long as men can read so long will Abraham Lincoln's loving memory and his noble deeds survive.

Mr. Speaker, a year ago the Outlook published an article on Abraham Lincoln by Mr. E. S. Nadel, formerly in the Diplomatic Service of the United States, so full of recollections and comparisons of Abraham Lincoln that I deem it worthy of being read here to-day. It is as follows:

#### I. LINCOLN AND STANTON.

I am indebted to a friend, who was not one of Lincoln's admirers, for the following:

"When the last call for troops was made and a conscription ordered, the proportion assigned to the city of New York was some thousands in excess of what some people believed to be our legal liability, and our committee on volunteering were certain they could prove this if they could have access to the books of the War Department. The committee—Orison Blunt, John Fox, Smith Ely, and William M. Tweed—went to Washington and asked Secretary Stanton's permission to examine the records, which was brusquely refused on the pretext that the books were in constant use. The committee then went to the White House and saw Lincoln in his private office. After asking them to be seated, he resumed his chair, in which he sat partly on his back, with his heels literally on the mantelpiece. His linen bosom was unbuttoned, exposing his red flannel shirt. He was told that we had furnished, in excess of previous calls, more than enough to exempt us from the present call, which we would prove if we could have access to the records for any two hours during the night when they were not in use. He was also assured that in no event would a conscription be needed in New York, as we were getting 50 volunteers daily, and a short postponement of the draft would enable us to supply all the demands, just or unjust. He listened with an expression of profound sadness, and said he thought the request a reasonable one, but he feared if the order for a draft was postponed volunteering would cease. He said that a similar committee from Cincinnati had applied to him for a postponement of the draft, as they were getting 20 volunteers a day. It was done, and the day following not a single volunteer appeared. 'That,' said Lincoln, 'is human nature. When you think death is after you, you run; but as soon as death stops, you stop.' At this he sprang from his chair, throwing his arms about, and laughed loudly at his own dismal joke. Lincoln gave the New York committee a note to Stanton, substantially as follows:

"DEAR SECRETARY: These gentlemen from New York ask only what I think is right. They wish access to the records, with two accountants, for two hours at any time to-night. I have told them that they may have double that time.

"Yours,

A. LINCOLN."

"They took the note to Stanton, who handed it to Fry. The latter glanced at it, and, saying, 'Take seats,' left the office. In a few minutes he returned and said, curtly, 'The order is annulled; you can't see the books.' The committee withdrew and returned to New York the next forenoon. The clerk of the committee, Eugene Durbin, said that late in the evening an Army officer with two orderlies called at the committee's rooms and presented the chairman with a note, which read as follows: 'The Secretary of War expects to be informed that the committee on volunteering from the county of New York have left Washington prior to noon to-morrow.' The committee, after their return, said it was Stanton, and not Lincoln, who was President of the United States."

The gentleman to whom I am indebted for this—Mr. Smith Ely, a former mayor of New York and a Member of Congress—was a Democratic political leader of war times, and, although one of the most amiable and kind-hearted of men, had, of course, to some degree the feelings regarding Lincoln shared by the men who in those days frequented the Manhattan Club. He does not see much point in Lincoln's remark about death and the draft. To me the point seems clear enough. "When the devil was sick, the devil a saint would be," etc. Nor will the reader conclude with the committee that Stanton was President and not Lincoln. Stanton was a man of great administrative ability, a kind of human dynamo, such as you could hardly duplicate in the country, a patriot and honest man besides. As long as the issue was one of no great importance—which seems to have been the case here—Lincoln let him have his way.

Stanton was probably the greatest man in civil life produced by the war—of course, after Lincoln. My earliest recollection of him is seeing him at the trial of Sickles for the murder of Key, which took place when I was a boy at school in Washington. He was one of Sickles's counsel. The acquaintance which Sickles formed at that time with Stanton was in part the cause of Sickles's success as a soldier in the Civil War. Stanton advanced and supported him. I remember at the trial a thick-set man with a heavy beard, who sat behind the other lawyers, and who would occasionally interpolate a remark in a gruff voice. He had that physical build which is said to be one of the best for strength—very broad shoulders and deep chest, a large body set on short, stout legs. He had Herculean powers of labor. I suppose he was honest, but I do not suppose that he was an overscrupulous man. He would have been out of place as war minister if he had been. When some one complained to him of Gen. Meigs, who was one of his subordinates, he said, "Now, don't say anything against Meigs; he's the best man I have; he is a soldier, and can do things which I as a lawyer

find it hard to do." One wonders what the things were that Stanton would not do.

I am able to make only one original contribution to the history of Stanton. A young girl once told me this incident about him. The reader, of course, knows Coleridge's poem beginning—

"All thoughts, all passions, all delights,  
Whatever stirs this mortal frame,  
Are but the ministers of love,  
And feed his sacred flame."

This girl's father was a client and a great friend of Stanton's, and she used to make long visits to Stanton's family during the war. She was a pretty girl and a belle of those days. She said that Stanton worked all the time and that the only relaxation he allowed himself was that on Sunday afternoon for an hour or so he would read poetry to her, and she told me that the poem he read oftenest and with the greatest pleasure was "All thoughts, all passions, all delights."

#### II. LINCOLN AND FORESIGHT.

It is strange that Lincoln with his thoughtfulness should not have in some degree foreseen the approach of secession and war. He had been in Congress and must have known the southern people fairly well. He was undoubtedly a foreseeing kind of man. No one saw more clearly than he did that the country could not continue to exist "half free and half slave." It seems strange, therefore, that he had not some notion of what was coming. But who does foresee what is ahead? Benjamin Franklin was a foreseeing kind of man one would suppose. He spent a number of years in France before the Revolution, knew the country well, and was on intimate terms with the leading people of France. He remained there till 1785. In eight years from that time the King's head was off; and yet the wise, observant, thoughtful, and presumably farsighted Franklin never seems in the least to have suspected what was coming. The French Revolution would indeed have been very difficult to foresee, as perhaps our Civil War was in a less degree. But there are other things not so difficult to know beforehand which are not foreseen. I was in the House of Commons one night during the Franco-Prussian War when Vernon Harcourt, who was at that time unconnected with the Government, accused the Government of shortsightedness in not foreseeing the war, implying that he had foreseen it. Robert Lowe, an extremely clever man, got up to answer for the Government, and said: "Because the gentleman foresaw this war he thinks that everybody else should have been as clever as he was. I am free to say, however, that the whole thing was a complete surprise to me." Men are always too busy with present matters to bother with what is problematical. Take the case of the present war. Half a dozen European nations have each been holding for 40 years a loaded pistol with the finger on a hair-trigger, and yet how surprised we were when, in the lapse of time, one of the pistols went off. Much had been said about "the next war," but have we not put the prophecies regarding it in much the same category as that of the destruction of the world by fire? The ancients, in their deep, attentive knowledge of human nature, said that the gods bestowed upon Cassandra the gift of prophecy, but they coupled the gift with the condition that her prophecies should not be believed. Is that not so of all prophets? They are always regarded as bores or cranks.

There were, however, some prescient souls who did foresee our great struggle. Webster, no doubt, had some prevision of that conflict in which his only son was to die—"When my eyes shall be turned to behold for the last time the sun in heaven," etc. Mr. S. J. Tilden said to John Bigelow some years before the war: "If Mr. Bryant and those who think as he does succeed in what they are about the streets of this city will run red with blood." They did run red during the draft riots, much redder than is commonly understood. Mr. Loyall Farragut tells me that his father, Admiral Farragut—then Capt. Farragut—and he were on the balcony of the old Metropolitan Hotel in Broadway one night in 1858 and were looking at a Republican torchlight procession, when his father said: "I don't like these marching men. It looks to me like war."

My father had a friend, John Heart, who was a Federal office-holder at Washington under Buchanan. He was from South Carolina, and had been the editor of the Charleston Mercury. He came to pay us a visit in Brooklyn in the summer of 1860. He had just been in Charleston, and from what he told us we could have no doubt that South Carolina would secede if Lincoln were elected. I had been lately much in the South, and, although only 17 years old, knew enough of the temper and characteristics of the southern people to be aware that, secession once started, it would be very difficult to prevent the spread of it. But youth is sanguine and precipitate. I wanted to see the power of slavery curtailed and was willing to take the chances, and other boys and young men felt as I did.

Calhoun, perhaps the most prescient of American statesmen, foresaw the struggle and wanted to bring on the war before the strength of the rapidly growing North should prove too great to be withstood by the South. The scheme of the North should have been to put off the struggle as long as possible for the same reason. If Calhoun saw what was for the interest of the South, it should not have required superhuman intelligence on the part of the North to see where its interests lay. No one, however, at the North seemed to see this point quite as sharply defined as Calhoun did. But there were those in the North who saw that great danger, perhaps disunion and war, would follow antislavery agitation, and who wished to adhere to the status quo, preferring postponement and the chances of the future to the present probabilities of secession and war.

But would it have been possible, after the repeal of the Missouri compromise, to put off the war? If Douglas, the marplot, or demagogue, or egotist, or whatever he was, could have been suppressed, it might have been possible to postpone the war for four or eight years, or even longer. But with the repeal once passed, and Pandora's box open, and the newspapers and all the poets and orators hounding the country on to war, was it possible to do it? You can not teach tact and discretion to 20,000,000 people. One night in Plymouth Church in Brooklyn, a few weeks before John Brown's execution—so a friend told me who was there—Wendell Phillips, a Massachusetts man, said: "The State proclamations of Massachusetts conclude with the words, 'God save the Commonwealth of Massachusetts'; but if Massachusetts allows John Brown to be hanged, I say, 'God damn the Commonwealth of Massachusetts.'" The effect of this spoken to a vast, crowded, and sympathetic audience with the utmost passion by a perfectly honest fanatic, who was at the same time an incomparable orator, may be easily conceived. When such incidents were possible, war could not be far off. If the war was to come, Lincoln was the perfect and apparently heaven-appointed leader, and it was perhaps fortunate that he was no wiser in advance than he was.



## III. WASHINGTON AND LINCOLN.

We are fortunate to have had in our short career two such characters as Washington and Lincoln. England has had only one, Alfred. Washington was, of course, a man of much less salient characteristics than Lincoln. The young Chastellux found "his distinction to be in the harmonious blending of his characteristics rather than in the existence of marked special qualities." So he has always seemed to his countrymen, but he probably had more pronounced qualities than we have supposed. Albert Gallatin said that of all the inaccessible people he ever knew, Washington was the most inaccessible. Gallatin, however, knew him as a young man and was not by way of knowing him well. That could not have been the opinion of the farmer Burns, a neighbor of Washington, who once said to him, "Where would you have been if the widow Custis hadn't married you?"

There grew up an idea that Washington was colorless. Carlyle, for instance, said of him that "George was just Oliver with the juice left out." That is, of course, untrue. He is not so visible as Lincoln, has not Lincoln's gift of familiarity. In order to get a clear idea of him we should have to follow him more closely than it would be necessary to do with Lincoln. But as we did so, we should of course find him a man of marked qualities. I have always found that men are more individual than they are thought to be. As you look at them closely marked traits begin to define themselves. It would be so in the case of this great man. I am sure also that as we followed him closely we should grow very fond of him. We should perhaps find him pleasanter company than Lincoln. For one thing, he was handsome; he had a person worthy to be the tenement of a mind and character as great as his. Washington, however, had not at all a great opinion of himself. He does not seem to have set even a fair estimate upon his own powers. Says one who has made a study of him: "There seems to be no doubt that to the day of his death he was the most determined skeptic as to his fitness for the positions to which he was called in succession." That we know was not Lincoln's feeling. Lincoln probably knew perfectly well what he was.

Washington had not in the least Lincoln's humor. One of Washington's foibles, by the way, was a disposition to shine as a wit, a disposition which was a source of disturbance to his admirers, some of whom had come over-seas to set eyes upon the most illustrious man of his age. But you and I find this and his other foibles pleasant, because they bring him nearer to us.

Washington was himself of a happy disposition. He appreciated the good things of this world. He was a mundane person, and there is something cheerful in that. Thackeray hinted that in his marriage he was not insensible to the fact that the widow Custis had a hundred thousand dollars—a great sum in those days. People here were indignant at the suggestion when it was made. I am indignant myself, and yet the promptitude with which his heart declared itself when he saw the widow, taken in connection with the fact that the other lady for whom he entertained a tender sentiment, Miss Phillipse, was also an heiress, does look as if he had his wits about him. But why object to this? It was in character. Why object to what is in character, and why hesitate to recognize it?

Both Lincoln and Washington were men from the farm and the country; both were physically strong men. Washington was six feet three. Lafayette said of him that his hands were the largest he ever saw. He was a skillful horseman. People said that scarcely anyone had such a grip with his knees as he had. He could ride anything; all that he asked of a horse was that he should go forward. He had a passion for horses; of this the following incident is an illustration. Like most men who have accomplished much, he believed there was a right and a wrong way of doing things, and he had a strong feeling that they should be done the right way. A tradition, which I have had from a lady connected with Washington's family and which I have not seen in print, is that he would go into the stable and pass a silk handkerchief over the coats of the horses; if he found dust on the handkerchief, the groom would catch it!

Both Washington and Lincoln were prudent men in money matters. In Washington's case this story may be related as an instance. I have seen several versions of it. The following will do as well as any: Young Mr. Lewis was dining at Mount Vernon. Washington said he was looking for a pair of horses. Some one said that Mr. Lewis had a fine pair. Lewis said: "Yes; I have a good pair, but they will cost something, and Gen. Washington will never pay anything." At that the clock on the mantelpiece struck. It was a cuckoo clock, the gift, perhaps, of some European admirer. (This story will illustrate as well Washington's propensity to make bad jokes.) The cuckoo came out and crowed the hour. Washington said: "Ah, Lewis, you're a funny fellow; that bird is laughing at you."

There is one difference between Washington and Lincoln which is characteristic and important. Washington was an aristocrat; an upright, downright English gentleman, much resembling the Englishmen of the revolution of 1688, which was a Protestant gentleman's revolution. He was an aristocrat, but with a difference. A fine gentleman of that day would probably have thought him a countryman. I saw lately that Josiah Quincy, who had known him, said that he gave the impression of a man who had not been much in society. I should think that that was true. One has an impression that he was, in a noble way, a rustic. He was an English country gentleman, with a little of Sir Roger de Coverley about him. But he was much more than that. On this basis there was superposed something of Leatherstocking and something of Cincinnatus.

But he was essentially an aristocrat. Read his letters, and you will see that the tone of them is unmistakably aristocratic. He belonged to a world of classes, a world in which the existence of classes was the natural and inevitable order of things. But a new society was about to grow up, and it was right that this society should have its great man. In the older society the feeling of the upper class was one of marked separation from the common people. The feeling of that class was, consciously or unconsciously, that it was the business of the poor to be unhappy. A great man of the old time could not altogether escape this feeling. There had been plenty of good and kind rulers in the past, but their feeling in regard to the common people could not be the same as if they had themselves been of that class. Lincoln, on the other hand, was of that class. In him we have a great man unlike the good rulers of the past, not a Haroun-al-Raschid mixing with his people or an Alfred burning the cakes, but the real thing. The fact that he was from that class, that he belonged to it not only by birth and experience but by nature (for birth would not have been sufficient if it had not been that in his heart and his profound sympathies he was a democrat to the core), was an important element of his fame.

Of course, it is Lincoln's power of sympathy that attracts men. But that would not of itself have been enough. What endears Lincoln especially to men is the union of sympathy with faith and great strength.

It is very unusual to find these qualities united. In the list of English and American worthies I can think of but one other who was like him in this respect. I mean Dr. Johnson. Scott had this union of qualities, although in a less degree; and I have sometimes had a fancy, if there be not a certain temerity in the suggestion, that you might descry some such association of characteristics in the vast and vague personality that lies remote and in shadow behind the writings of Shakespeare. But in Lincoln and Johnson it is clear and marked, and it is the reason of their great power of winning affection. Men wish to attach themselves to such characters. The thought of each man is, "He would have been my friend."

The peculiar character of Lincoln's genius also was in part the cause of his power of winning our affection. No great public man has had such strong human intuitions. Certainly no man in our history is his equal in that respect.

It appears from the recent life of Hay that it took Lincoln's secretaries a year or more to find out that their chief was a great man, and that they found it out before other people did. In talking with people who knew Lincoln before the war, most of whom are now gone, it has always been easy for me to see that they thought the modern notion of him extravagant. They may have had some jealousy of him or may have felt something of pique and vexation that they had not been clever enough to find out all this for themselves, but that was what they thought. Of course, they were too prudent to say that, but you could see it in their faces. The devotion of the people of this country to Lincoln is, however, not merely a matter of opinion. He has got hold of their hearts as no other American ever did, not even Washington, and he has held them for 50 years; and there is no indication that this sentiment is on the wane.

The Washington Herald on February 7, 1917, printed an article entitled "Man who helped everybody," by Orison Swett Marden, and it pays a tribute to Lincoln in a manner worthy of permanent preservation, and I therefore read it at length:

## MAN WHO HELPED EVERYBODY.

[By Orison Swett Marden.]

One of the most beautiful examples of magnanimity in confessing past injustice and acknowledging a tremendous change of feeling toward Lincoln was the utterance of the London Punch years ago. In its recantation of the sneering criticism and caricature with which it had relentlessly pursued him, Punch said:

"Yes, he lived to shame me from my sneer,  
To lame my pencil and confute my pen—  
To make me own this hind of princes peer,  
This rail splitter—a true born king of men."

As the stress and anxiety of the great war increases one of the most noticeable things in England is its increasing admiration and appreciation of the greatness of Abraham Lincoln.

Leading English publications recently printed long articles about him, and English statesmen have quoted his words and acts as precedents for their guidance in momentous crises developed during the war.

The reason why Lincoln is so loved and admired to-day, not only by the people of his own land but by the people of every land on the earth, was never more clearly and briefly stated than in those words by a well-known Chinese diplomat.

In an address to the Union League Club of Brooklyn, on the ninety-second anniversary of Lincoln's birthday, Mr. Wu Ting-fang, then the Chinese Minister to the United States, said: "To Lincoln may be applied the words which a Chinese historian uses in describing the character of Yao, the most revered and honored of the ancient rulers of China: 'His benevolence was boundless, his wisdom was profound, to anyone approaching him he had the genial warmth of the sun.' When viewed at a distance he seemed to have the mysterious warp of the clouds; though occupying the highest station he was not haughty; though controlling the resources of the whole Nation he was not lavish; justice was the guiding principle of his actions; nobleness was written on his face."

That "nobleness was written on every lineament of his face," and that he was destined for greatness was apparent to the reader of character when Lincoln was still a youth.

Capt. John Le Mar tells us that one day while riding with his father past where young Lincoln was working his father said to him in simple western fashion, "John, look at that boy yonder and mark my words, he will make a smart man of himself. I may not live to see it, but you see if my words don't come true."

Lincoln was loved in his lifetime and is loved to-day as perhaps no other man on this continent was ever loved, because of his genial, lovable disposition and his rare spirit of helpfulness. His spontaneous desire to help everybody, and especially to return a kindness, endeared him to all who knew him. His desire to serve, in youth as in later life, amounted to a passion with him. He chopped wood for the poor widows in his neighborhood, helped those who were out of work, ran errands, did chores for people, and in fact was known as "the man who helped everybody."

Herndon, his law partner, said: "When the Rutledge Tavern, where Lincoln boarded, was crowded, Lincoln would often give up his bed and sleep on the counter in his store with a roll of calico for his pillow. Somehow, everybody in trouble turned to Lincoln for help."

No man hated deception of any kind or loved truth more than he did. One simple illustration of this trait might be studied with advantage by glib political campaign managers of to-day. When John L. Scripp, of the Chicago Tribune, had written up a little biographical sketch of Lincoln for campaign purposes, Lincoln asked to see advance sheets of the book. After reading them he sent for Scripp and said to him: "That paragraph wherein you state that I read Plutarch's Lives was not true when you wrote it, for up to that moment of my life I had never seen that great contribution to human history. But I want your book, even if it is nothing more than a campaign sketch, to be faithful to the facts, and, in order that the statements in it might be literally true, I secured a copy of Plutarch's Lives a few weeks ago and have sent for you to tell you that I have just read it through."

The keynote of Lincoln's greatness, of his success from first to last, is to be found in his own memorable words, "I am not bound to win, but I am bound to be true. I am not bound to succeed, but I am bound to live up to what light I have. I must stand with anybody that stands right."

Mr. Speaker, a year ago the New York Evening Sun published an editorial entitled "The Living Lincoln," and it is as follows:



## THE LIVING LINCOLN.

Better than all printed biographies are the renewals and continuations of the lives of greater men in the lives of the less. No other American, and very few men of any nation or period, have entered so intimately into the personal experience of millions as Abraham Lincoln. The words of him who never had a year in school are used in teaching college students the highest possibilities of language. His coined phrases are worn smooth and dateless in current speech. But more than that, his habit of thought has guided the thinking of errand boy and President. His faith quickens the faith of us all. Shelley wrote of Keats:

"He is made one with nature: there is heard  
His voice in all her music, from the moan  
Of thunder to the song of night's sweet bird;  
He is a presence to be felt and known  
In darkness and in light, from herb and stone,  
Spreading itself where'er that Power may move  
Which has withdrawn his being to its own;  
Which wields the world with never-wearied love,  
Sustains it from beneath and kindles it above."

In such wise the man whose birth we celebrate to-day has entered into the life of his people and is in process of penetrating the wider circles of the whole world's life. This, on its earthward side, is the immortality of Abraham Lincoln.

But if ever something more than a vague admiration for a historic figure was needed it is now. The materials are at hand for such intimate and complete knowledge of the man as will expand the intellect and elevate the standards of our voters, aiding them in coming to decisions on the vital issues of the most anxious period since the Civil War. Lincoln is worth knowing well. "Thorough" was one of his own great words. Any man or woman that will give the spare evenings of the next year, or the next five years, to his life and writings will be the better and the happier for it. The Nation will be the stronger for a body of citizens equipped with such knowledge.

The man had a thousand little Boswells but no great one. It is the reader's task to make his own unification of the recorded facts, correcting each account by the weight of testimony. Some 1,500 books or pamphlets have been issued dealing with the various phases of the subject. Naturally, a large proportion of this literature may be thrown aside. But this must be done with care, for sometimes it is worth reading a whole volume for one sentence.

Nicolay and Hay furnish the largest bulk of material. The seeker after Lincoln himself can not help wishing that they had felt a less heavy weight of responsibility for the political history of the period. Much of the best matter is in John Hay's footnotes—extracts from his diary. And Hay put many of his vivid impressions into a separate paper published later in the Century (1890).

Stoddard, another secretary, has left a few precious pages, notably those in which he tells of the Commander in Chief's lonely all-night march up and down his room collecting his own forces after Chancellorsville. ("Inside the White House in War Times.")

Noah Brooks had the exceptional fortune of almost daily intercourse, and he has done as much as any witness to call back the very expression of the man's face, the sound of his voice, and his individual modes of thought and expression. These hints are to be found in the book, Washington in Lincoln's Time and in various magazine articles which have not been reprinted—Harper's Monthly of July, 1865, and Scribner's of February and March, 1878, and August, 1879.

Six Months in the White House, by Carpenter, who painted the picture of the Cabinet discussing emancipation, has perhaps as many good stories as any of the source books. There are three or four collections of short papers—the ones published first in the North American Review ("Reminiscences of Abraham Lincoln, by distinguished men of his time"), Oldroyd's "Immortelles," and Dr. William Hayes Ward's "Tributes," first published in the Independent.

L. E. Chittenden contributed the beautiful story of William Scott, the classic instance of pardon, and a clear inside view of the Treasury situation leading up to the break with Chase.

Col. A. K. McClure's "Lincoln and men of war times" naturally gives an unusual amount of political information, from the campaign crisis that led to Lincoln's nomination down to the substitution of Johnson for Hamlin, which left deep marks on the history of the following period.

The diary of Gideon Welles, Secretary of the Navy, which was published only a few years ago, can not be neglected as a primary source; nor can Welles's paper in the Galaxy of April, 1872, which gives perhaps the most complete account of the last Cabinet meeting and of Lincoln's plans for reconstruction. In that contemporary account it is made clear that the liberator of the slaves was not in favor of insisting that the States about to be reorganized should give the vote at once to freedmen. He simply expressed the desire and the hope that those who had proven their fitness should be rewarded by full citizenship.

David Homer Bates, in his Lincoln in the Telegraph Office, pictures the scene in which the Emancipation Proclamation was wrought out. Grant's Memoirs furnishes a sidelight or two, and Blaine's Twenty Years in Congress is one of the most admirably balanced presentations of the legislative aspects of the war, with clear pictures of many leading men. The later controversies in which Blaine was involved should not be permitted to obscure his value as a historian.

Immediately after the war J. G. Holland gathered from living witnesses fresh impressions of Lincoln, many of which are more convincing than some of the later testimony. Ida Tarbell did a great service in gathering facts that had remained unpublished down to our own day.

These are by no means all even of the primary sources, but they are enough to blaze for the reader a trail through the biographical tangle. It is fair to add the name of one of the few books that attempt analysis—Rothschild's Lincoln, Master of Men.

But if the choice must be made between the books other men have written about him and Lincoln's own words the letters and addresses hold first place. He can be trusted as the best witness in his own case. His word was as good as his bond and his life was as good as his word. Speech was the water from a living well, under which the stream of character never failed.

Probably the majority of men desire to be counted on the side of truth. But few will make any great effort to find what is true. And as Sir Thomas Browne declares, not every man is a fit champion of truth. For when the man who is right in principle falls in the trial by combat, the cause suffers in his defeat.

Abraham Lincoln was not a speculative philosopher, an originator of systems of thought. But he was one of the greatest exponents and defenders of truth in its applications and illustrations in human experience that the world has ever seen. His life and words—which are inseparable—perfectly teach the balance between thought and act, principle and practice, general truth and particular fact.

As a boy he was irritated by the lack of clearness in the talk of his elders. He determined to find words that should tell to other men what was in his own mind so that nobody could misunderstand him. He held to that resolve. And with it went the passion for clear thinking.

The Cooper Union speech is perhaps the best illustration of what has just been affirmed. Lincoln probably took more pains with it than with any other single production. Note how he divides his main subject into three or four allied themes, establishes the facts on which his argument is to be based, and joins the whole structure. He takes his opponent's words for a beginning:

"Our fathers when they framed the Government under which we live understood this question just as well and even better than we do now."

This sentence he repeats wholly or in part about twenty times, with illustrations and reinforcement. His second theme is the question: "Does the proper division of local from Federal authority, or anything in the Constitution, forbid our Federal Government to control as to slavery in our Federal Territories?"

This he repeats or refers to nearly a score of times, interweaving it with the first theme as Bach would compose a fugue. The result is perfection, and to perfection there is no answer. His address is a model for all discussion in public or in private. And it is a helpful model because it does not require genius to follow it.

The same is true of the letters, which are full of keen and kindly applications to the life of each one of us and of the whole people. Even with Gettysburg and the second inaugural in mind, we have found a more nearly complete and satisfying expression of the man in his letters than in his addresses. In them he confounds the enemies of the Republic, admonishes, warns, and instructs his people, and comforts the broken-hearted with a tenderness that had blossomed upon the graves of Nancy Hanks and Ann Rutledge and upon those of his children.

For in this man reason and emotion were joined like form and color in a flower. He rejoiced in the exercise of his mind, but he had none of that intellectual arrogance that denies all it can not comprehend or prove. The charge of atheism is the most futile of all that have been brought against him. As an inquiring boy he read Tom Paine and wrote an essay along radical lines; but the pressure of human need constrained him to turn to Divinity.

Prayer was the very breath of his later life. Gen. Daniel Sickles was hardly the man to invent a pious tale. He has repeated to many witnesses the story of Lincoln's prayer before Gettysburg. But it is inconceivable that so honest a man could write his reverent expressions of trust in the Almighty without a personal sense of relationship.

The two men of the nineteenth century who have drawn and held the most intense admiration of the civilized world are Napoleon Bonaparte and Abraham Lincoln. Both were great leaders, great executives. Both had the power of binding their followers to them with a personal loyalty stronger than the ties of blood. Both appeal to the imagination of millions who never saw them.

But, as the Evening Sun pointed out on the anniversary of Waterloo, it is the downfall of Napoleon that the world remembers, the long-deferred but inevitable defeat of ambition. Lincoln died victorious, not alone in the circumstance of triumphant arms and a Nation reunited but in the victory of unselfish devotion to the cause of human freedom. He identified his life with the progress of mankind, and in losing himself he found immortality.

In to-day's Washington Post appears a modest autobiography which Lincoln penned at the request of a political friend at Springfield, Ill., on December 20, 1859, and is as follows:

I was born February 12, 1809, in Hardin County, Ky. My parents were both born in Virginia, of undistinguished families—second families, perhaps I should say. My mother, who died in my tenth year, was of a family of the name of Hanks, some of whom now reside in Adams, and others in Macon County, Ill. My paternal grandfather, Abraham Lincoln, emigrated from Rockingham County, Va., to Kentucky about 1781 or 1782, where a year or two later he was killed by the Indians, not in battle but by stealth, when he was laboring to open a farm in the forest. His ancestors, who were Quakers, went to Virginia from Berks County, Pa.

## YOUTH IN BACKWOODS.

My father at the death of his father was but 6 years of age, and he grew up literally without education. He removed from Kentucky to what is now Spencer County, Ind., in my eighth year. We reached our new home about the time the State came into the Union. It was a wild region, with many bears and other wild animals still in the woods. There I grew up. There were some schools, so called, but no qualification was ever required of a teacher beyond reading, writing, and ciphering to the rule of three. If a straggler supposed to understand Latin happened to sojourn in the neighborhood, he was looked upon as a wizard. There was absolutely nothing to excite ambition for education. Of course, when I came of age I did not know much. Still, somehow, I could read, write, and cipher to the rule of three, but that was all. I have not been to school since. The little advance I now have upon this store of education I have picked up from time to time under pressure of necessity.

## RAISED TO FARM WORK.

I was raised to farm work, which I continued until I was 22. At 21 I came to Illinois, Macon County. Then I got to New Salem, now in Menard County, where I remained a year as a sort of clerk in a store. Then came the Black Hawk War, and I was elected a captain of volunteers, a success which gave me more pleasure than any I have had since. I went through the campaign, was elated, ran for the legislature the same year (1832) and was beaten—the only time I ever have been beaten by the people. The next and three succeeding biennial elections I was elected to the legislature. I was not a candidate afterwards. During the legislative period I had studied law and removed to Springfield to practice it. In 1846 I was elected to the lower House of Congress. Was not a candidate for reelection. From 1849 to 1854, both inclusive, practiced law more assiduously than ever before. Always a Whig in politics, and generally on the Whig electoral tickets, making



active canvasses, I was losing interest in politics when the repeal of the Missouri compromise aroused me again. What I have done since then is pretty well known.

PERSONAL APPEARANCE.

If any personal description of me is thought desirable, it may be said I am, in height, 6 feet 4 inches, nearly; lean in flesh, weighing on an average 180 pounds; dark complexion, with coarse black hair and gray eyes. No other marks or brands recollected.

History takes up the story where Abraham Lincoln left off, and tells how he was elected President of the United States, how he guided the Nation through the Civil War, how he brought about the abolition of slavery, how he was reelected, and how he was shot down by an assassin, John Wilkes Booth, on the night of April 14, 1865, dying early the next morning.

In conclusion, Mr. Speaker, let me read the

ODE FOR THE FUNERAL OF ABRAHAM LINCOLN.

[By William Cullen Bryant.]

(Read in New York, Apr. 25, 1865, at the martyred President's obsequies.)

Oh, slow to smite and swift to spare,  
Gentle, and merciful, and just!  
Who, in the fear of God, didst bear  
The sword of power—a Nation's trust.

In sorrow by thy bier we stand,  
Amid the awe that hushes all,  
And speak the anguish of a land  
That shook with horror at thy fall.

Thy task is done—the bonds are free—  
We bear thee to an honored grave,  
Whose proudest monument shall be  
The broken fetters of the slave.

Pure was thy life; its bloody close  
Hath placed thee with the sons of light,  
Among the noble host of those  
Who perished in the cause of right.

QUESTION OF PRIVILEGE.

Mr. LINDBERGH. Mr. Speaker, before I use the high privilege that I have here, to prefer these articles of impeachment, I ask the unanimous consent of the House to proceed for four minutes.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to proceed for four minutes, prefatory to his motion of impeachment. Is there objection?

There was no objection.

Mr. LINDBERGH. Mr. Speaker and fellow colleagues, in preferring these articles of impeachment, which I am about to begin to read, I realize that I am taking a serious and important step. But I have given much thought and consideration to the step which I am about to take. I shall make no motion after I have read these articles of impeachment, but shall leave it to the House to act upon that question. I realize that often a motion to lay upon the table is what follows the reading of important articles, and I think these are of that character; and if they are disposed of in this way I wish to say to the membership of this House that that is not the way to dispose of these articles which I shall read. It would not be doing justice to the country if it is done in that way. Either I am right in presenting these articles of impeachment or I am wrong. If I do injustice to the House, if I do injustice to the country in preferring articles of impeachment which ought not to be preferred, then it is the duty of the House to discredit me for doing that thing. I do not, however, expect to be discredited, though undoubtedly powerful influence will be used to prevent favorable action on the articles of impeachment. Therefore, I shall proceed with the reading of the articles, and at the close I shall ask unanimous consent for the privilege of extending my remarks upon this question and the incidental questions that are involved in it.

The SPEAKER. The gentleman asks unanimous consent to extend his remarks. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, the gentleman can ask that at the conclusion of his remarks.

The SPEAKER. I thought he was asking it now.

Mr. LINDBERGH. No. I wish the House to know what is in the articles of impeachment before I ask that privilege.

The SPEAKER. All right.

Mr. LINDBERGH. Mr. Speaker and the House of Representatives, I, CHARLES A. LINDBERGH, the undersigned, upon my responsibility as a Member of the House of Representatives, do hereby impeach W. P. G. Harding, governor; Paul M. Warburg, vice governor; and Frederick A. Delano, Adolph C. Miller, and Charles S. Hamlin, members, each individually as a member of the Federal Reserve Board, and also all of them collectively as the five active working members of said board, of high crimes and misdemeanors.

I, upon my responsibility as a Member of the House of Representatives, do hereby impeach the said W. P. G. Harding, governor; Paul M. Warburg, vice governor; and Frederick A. Delano, Adolph C. Miller, and Charles S. Hamlin, members, and each of them as members of the Federal Reserve Board, and also impeach all of them collectively as the five active working members of the Federal Reserve Board, of high crimes and misdemeanors in aiding, abetting, and conspiring with certain persons and firms hereinafter named, and with other persons and firms, known and unknown, in a conspiracy to violate the Constitution and the laws of the United States and the just and equitable policies of the Government, which said conspiracy developed and grew out of and was consummated from the following facts and acts, to wit:

First. On or about the month of July, 1906, the exact date being unknown to the relator, the late J. P. Morgan, of the firm of J. P. Morgan & Co., and the said firm, private bankers and brokers, with their main office in New York City and doing business all over the world; Paul M. Warburg, of the firm of Kuhn, Loeb & Co., and the firm of Kuhn, Loeb & Co., also private bankers and brokers, doing business all over the world, with their main office in New York City; Lee, Higginson & Co., also private bankers and brokers, doing business all over the world, with their main offices in Boston and New York; Kidder, Peabody & Co., also private bankers and brokers, doing business all over the world, with their main offices in Boston and New York; the National City Bank of New York, with its office in the city of New York and doing a general banking business, domestic and foreign; the First National Bank of New York, with its office in New York City, doing a general banking business, domestic and foreign; and various others persons and firms, known and unknown to the relator, did conspire with each other to devise a means through social, political, and other ways of strategy and by general chicanery, to deceive the people of the United States, the Congress, and the President of the United States for the purpose and with the object to secure an act of Congress providing for a new monetary and banking system, to have in it a provision for a managing board vested with unusual and extraordinary powers, and to secure the appointment upon the board of management that should be provided for in the act persons for membership on the board who would, by subterfuge, manipulation, and false administration, so manage as to avoid the spirit and the purpose of the people of the United States, the Congress, and the President aimed at in the passage of such an act, and instead of administering the act to meet with the spirit and comply with its terms, to induce and secure such board to enter into the conspiracy aforesaid, to administer the act for the special benefit and advantage of all of the said conspirators hereinbefore named, and their associates, and contrary to the letter, intent, and purpose of the act itself and in contravention of the Constitution and law; that in order to start the campaign with a plan well matured to succeed in said conspiracy, Paul M. Warburg, now vice governor of the Federal Reserve Board, but then a member of the firm of Kuhn, Loeb & Co., was a most active participant in drafting the main features and principles which should be embodied into whatever bill might be put through Congress, and did also assist in a plan for a secret campaign, to be kept from the knowledge of the President, with the appointing power, and from the Senate, with the confirming power in the selection and confirmation of all high Federal appointive officials, in order that a board of administration should, when the time came for its selection, be appointed that would carry out the designs of the conspirators aforesaid; that there were many secret meetings held by the conspirators for this purpose, which under the very circumstances would be screened and kept from the public and made practically impossible to discover, but nevertheless made certain of the fact because of the acts which point back to their creation; that one of such meetings—which your relator does not undertake to verify the truth of its holding, but is reliably informed that it was held—is described in Leslie's Illustrated Weekly Magazine in the October 19, 1916, number thereof, which is hereby referred to as showing the method most likely to have been followed for planning the then contemplated act of Congress, which is now the act known as the Federal reserve act.

Second. That in pursuance of said conspiracy to promote the object of the conspirators aforesaid and as a part of their general scheme to induce Congress to legislate upon the monetary and banking system as stated hereinbefore, said conspirators caused to be organized the so-called Citizens League, with headquarters in the city of Chicago, to act as a mother organization and promoter to induce organization in the several States of auxiliary and affiliated leagues, and by misrepresentation to the public as to the origin of the said mother league and its



purpose to induce citizens who should have no knowledge of the said conspiracy and would be innocent of any wrong intention, and whose motives and intent would be to act in the common interests of their country, to join in the formation of auxiliary leagues throughout the several States in order to give the outward and surface appearance of respectability and honor, and that in pursuance of that plan the conspirators succeeded in organizing affiliated leagues in 45 of the States; that when organized the conspirators hereinbefore named, themselves directed who should be sent to these organizations as speakers and instructors, and also the kind of literature that should be distributed to the members and to the general public, the design of which was to have only such speakers, instructors, and literature as would discredit the then existing banking and currency system and prejudice the people in every way possible against it; but notwithstanding the then existing banking and currency system was bad and unfitted to the demands of the Nation and the needs of commerce and trade, such campaign was by its conspirators aforesaid directed not to designate to the public what sort of a banking and currency system would be adopted in its stead, but the promoters of the conspiracy should pretend that the object of the campaign was to aid in every way to create a new monetary banking and currency system to take the place of the then existing bad one, and, as far as it could be done, the conspirators should prevent the people getting together to prepare a plan of their own to be presented to Congress; that the purpose of the conspirators was simply to make the public believe that a new banking and currency system was absolutely necessary and at the same time keep the public from finding out what would be its form and details, all this for the reason that the conspirators aforesaid had their own preconceived plan prepared as a part of their conspiracy, which they would secretly manage in their own way to have presented to Congress as the plan in response to all this public sentiment which the conspirators themselves had ingeniously worked out through the campaign aforesaid, and with the intent that Congress and the President would legislate the conspirators' said plan into effect; that it was a part of said plan to create many offices and positions with lucrative salaries, which offices and positions would be equivalent to a bid for the ambitious to support it, because these offices and positions would be filled by the leaders and most active persons who would join in the campaign to put the conspiracy into effect and influence Congress and the President for the purpose of securing the legislation.

Third. That in further pursuance of said conspiracy and to be in control of the information and literature that should be distributed throughout the Nation, the said conspirators then having control of a large number of magazines, newspapers, and publishing companies, used all of these, and proceeded to procure control of as many more as could be purchased or subsidized to publish articles prepared by subsidized writers who would criticize the then existing banking and currency system so as to create public sentiment against it; that of the thousands of country newspapers, a majority of them use so-called "patent" articles not edited or even practically controlled by the owners of the papers, which patent articles are commonly called "boiler-plate" stuff, and no responsibility as to the influence such articles have upon the public attaches to anybody; that those writing this "boiler-plate" stuff so published, many of them were also subsidized and controlled by the said conspirators, so that the small newspapers were practically forced to carry on a campaign against the then existing banking and currency system along the same lines of the others referred to hereinbefore; that readers generally do not have the opportunity to distinguish between "boiler-plate" articles and the articles which the editors of the smaller papers write themselves; that the news-distributing agencies through the telegraph and telephone were then and still are largely controlled by said conspirators, and the operators of the news agencies have been allowed to report only such news relating to a new banking and currency system as would promote said conspiracy, and required to suppress any and everything in the way of information or news that would tend to encourage the people to prepare for themselves a concrete plan for banking and currency in the interest of all the people; that the general plan of the conspiracy was to suppress every article, statement, and thing, so far as possible, which would give any information as to the existence of said conspiracy, all of which was for the purpose of enabling the conspirators aforesaid to deceive the people as well as Congress and the President, in order that said conspirators might finally consummate their aforesaid conspiracy.

Fourth. That in consequence of the campaign carried on by said conspirators stated and recited in paragraphs named

"First," "Second," and "Third" in these impeachment articles, and numerous secret, clandestine, and underground methods employed by said conspirators, the people of the United States, the Congress, and the President were deceived, and as the first official act in the consummation of the objects sought by said conspirators Congress did legislate and pass an act of Congress which was signed by the President, and is known as the Federal reserve act, which act is substantially the plan prepared by the said conspirators as aforesaid.

Fifth. That immediately upon the passage of said Federal reserve act the said conspirators disorganized the so-called "Citizens' League" and all the affiliated leagues in the 45 States referred to in the paragraph named "Second" herein; that prior to such disorganization the said conspirators had by secret and underground methods, and for the purpose of using the same in completing and perpetuating their conspiracy, organized another "association" and called it the "United States Chamber of Commerce," giving it that name in order to deceive the public by making it appear that it is a department of the Government, which organization is administered with more intricate machinery for management than the so-called "Citizens' League" was, and with a purpose of taking up the work of coordinating everything social, political, business, and other, to work for the benefit of the said conspirators in carrying out their plan to force the masses of all mankind into absolute and abject industrial slavery; that the methods and the design of the "United States Chamber of Commerce" are set forth in remarks which your relator placed in the CONGRESSIONAL RECORD March 10, 1916, and are hereby referred to for more specific detail; that the influence of the "United States Chamber of Commerce" is one of the agencies being used as an aid to further consummate the conspiracy charged in these articles of impeachment.

Sixth. That the said Federal reserve act is so framed that it has the possibility and contains the provisions which, under proper and impartial administration, would furnish a remedy to some of the faults that existed in the banking and currency system which it superseded, but also contains provisions which, under a bad and improper administration, makes it more dangerous to the public welfare than even the old banking and currency system was; that the main feature of the said Federal reserve act in giving effect to it is the authority vested in the Federal Reserve Board and the discretion intrusted to the members thereof in its "administration"; that the "administration" of said Federal reserve act is vested in the Federal Reserve Board, advised by the Federal reserve advisory council made up of 12 persons, 1 selected by each of the 12 Federal reserve banks; that the 5 active working members of the Federal Reserve Board are the said W. P. G. Harding, governor; Paul M. Warburg, vice governor; and Frederick A. Delano, Adolph C. Miller, and Charles S. Hamlin, members; and that the Federal reserve advisory council is formed by the following persons, to wit: Daniel G. Wing, of Boston; J. P. Morgan, of New York; Levi L. Rue, of Philadelphia; W. S. Rose, of Cleveland; J. N. Norwood, of Richmond; Charles A. Lyerly, of Atlanta; J. B. Forgan, of Chicago; Frank O. Watts, of St. Louis; J. R. Mitchell, of Minneapolis; E. F. Swinney, of Kansas City; T. J. Record, of Dallas; and Herbert Fleishhacker, of San Francisco; that the said Federal Reserve Board and the said Federal reserve advisory council held many meetings and are now and have been ever since the Federal reserve act was passed, fully advised as to the financial and business conditions, domestic and foreign; that the members of the Federal Reserve Board and the members of the Federal reserve advisory council are men with enormous business interests, and each of them have been for more than 15 years last past, and are now, extensive operators and speculators for individual profit and gain in the markets, and control several of the largest banks in the country; that J. P. Morgan, jr., is the leading member of the firm of J. P. Morgan & Co., one of the firm hereinbefore charged with being a party to the conspiracy aforesaid; that several of the members of the Federal reserve advisory council own stock in the National City Bank of New York and the First National Bank of New York, they being the two banks charged hereinbefore with being parties to the said conspiracy, and said members also own stock and are interested in business managed and controlled by the parties specifically named as the conspirators in the paragraph hereinbefore designated as "First"; that Paul M. Warburg, a member and vice governor of the Federal Reserve Board, was at the time of the original formation of the conspiracy aforesaid a party to the said conspiracy, and a partner and member of the firm of Kuhn, Loeb & Co., one of the conspirators; that each of the members of the Federal Reserve Board and of the Federal reserve advisory council are associated with and form a part of a group of promoters and speculators, the individual members of which



reside in various parts of the United States, principally in the large cities, and a few of them live in Europe, which said group individually and collectively deal in credits, stocks, bonds, securities, and various promoting enterprises from which they have made billions of dollars in profits, and still operate and propose to continue their operations for the purpose of making still greater profits upon their future dealings; that in further pursuance of their said purpose, they joined in the original conspiracy aforesaid and it was planned as a part of the said original conspiracy to create several great business and financial centers in different parts of the United States in order to facilitate and celerify a coordination of all big business and all financial control, for the benefit of the said conspirators in carrying out their plan of personal gain in contravention to the public welfare; that said group instigated the campaign which finally resulted in the passage of the Federal reserve act; that in the administration of said act by the said five active working members of the Federal Reserve Board, and through the influence exercised over them by the members of the Federal reserve advisory council, and collectively all of the members and membership of both the Federal Reserve Board and of the Federal reserve advisory council, a part of and influenced by said larger "group" in this paragraph designated as having joined in the conspiracy aforesaid, the said five active working members of the Federal Reserve Board, each individually and all collectively, at all times since they became members of the said Federal Reserve Board, knowingly and intentionally have been improperly influenced by the said "group," and because of such influence have failed to administer the Federal reserve act in accordance with the spirit, letter, and intent of Congress and the President when the act was passed; but, on the contrary, the said five active working members of the Federal Reserve Board hereinbefore specifically named as such, with intent to evade and set aside by "administration" all the purposes of Congress and of the President in the passage and approval of the act, and of the act itself, have administered, and are now administering, the Federal reserve act with the intent to coordinate "big business" and "speculation" for the benefit of the said "group" of operators and speculators hereinbefore designated as having taken part in the original conspiracy; that said National City Bank hereinbefore named, in which many of the other conspirators own stock, acts as the "official mouthpiece" for them all, to give technical information to enable them all to act in concert; that to facilitate its distribution said bank issues a monthly bulletin; that in its February, 1917, bulletin, in an article dealing with the present plethora of money and credit available, among other "tips" intended for the conspirators to act upon, is the following—and I would like the House to hear it—this is what is contained in the bulletin which the National City Bank issued:

Under the circumstances money promises to be in abundant supply, but if bankers have a proper regard for their responsibilities it will not be correspondingly cheap. Compensatory rates for money and ample reserves should be consistently maintained.

That said bulletin was sent to the Federal Reserve Board, to all the Federal reserve banks, to all the larger National and State banks and trust companies, in order to "tip" off to the conspirators and those acting in concert to tighten the rates of interest; that such "tips" are a common practice and do prevent the reduction of interest rates to borrowers for legitimate business, contrary to the intent and purpose of Congress and the President and in contravention of the act itself and to the enormous loss of the people and injury to the general welfare.

Seventh. That there are approximately 20,000 State banks and trust companies in the United States, incorporated and organized under the State laws of the respective States in which their offices and places of business are located, and doing a general banking business, State and interstate, many of which are eligible to become members of the Federal Reserve System, and many not now eligible could become so without an increase of their capitalization; that of those now eligible and that could qualify for membership in the Federal Reserve System without an increase of their capital, they have more than half of the capitalization of all the banks not now included in the Federal Reserve System; that the capitalization of State banks and trust companies which are not members of the Federal Reserve System exceeds the capital of the banks which are members of the Federal Reserve System; that the governors and other high and administrative officials of the 12 Federal reserve banks, through their influence with member banks, wittingly or unwittingly, but most of them wittingly, became accessories to the said conspiracy of the said persons and parties named in these articles of impeachment in the paragraph herein designated as "First" and have caused a boycott of all banks not

members of the Federal Reserve System by influencing the member banks to hamper, inconvenience, and annoy the patrons of the nonmember banks by discrimination against them in the clearing of checks drawn upon them and otherwise; that they threaten and seek to cajole the nonmember banks in an attempt to force them to become members of the Federal Reserve System; that the said five active working members of the Federal Reserve Board are cognizant of the same; that the intent, purpose, and aim of each and all of the said conspirators aforesaid is to compel the State banks to join the Federal Reserve System for the purpose of bringing the said banks under the jurisdiction of the Federal Reserve Board in order that all of the banks, National and State, may become one gigantic combination with an absolute and complete monopoly and have the power of exploiting the people for the benefit of the conspirators aforesaid.

Eighth. That Congress in creating the Federal Reserve Board had in mind, and it is the spirit of the Federal reserve act, that the said board should keep a guardian watch over the operations of the banking and currency system and report to Congress and the country from time to time such facts and occurrences relating to banking and currency as affect the business of the people in trade and commerce exchanges, domestic and foreign, so that Congress should receive information that would give to Congress the facts upon which to base any necessary amendments to the act in order to make it responsive to the general welfare; that, contrary to the spirit of the Federal Reserve act, the aforesaid five active working members of the Federal Reserve Board have willfully failed to keep the public and Congress informed of the inflation of bank credits and the effect of it that has taken place under the "administration" of the said act, and in violation of the spirit thereof said members have conspired with the members of the Federal reserve advisory council and their business associates hereinbefore named and have aided and abetted in a conspiracy to a systematic inflation of bank credits for the benefit of the said conspirators and against the public welfare; that in consequence of said unlawful acts and misfeasance in office of the said members of the Federal Reserve Board the banks have, for private gain, increased the bank credits of the country since the passage of said act approximately seven thousand millions of dollars and without effecting a corresponding reduction in the interest rate, thus increasing the aggregate amount of interest paid by the people to the said banks equal to that charged upon said sum; that the effect of the inflation of bank credits has been and is to also increase speculative credits enormously more than equal to the inflation of bank credits, and that such increase since the Federal reserve act took effect has been billions of dollars; that the increase in the aggregate sum of interest paid to the banks upon the said inflated bank credits and the increase caused by the said inflation in the speculative values upon commodities required to supply the necessities of life for the people has been many billions of dollars, which have been added to the cost of living for the people to pay; that said increase in the cost of living is mainly the profits that the conspirators have added to their individual fortunes to the equivalent loss of the people generally and to the Government as well.

Ninth. That as part of the said conspiracy and in furtherance of the same the said aforesaid conspirators, in violation of the Nation's heretofore established economic policy of conservation of material and natural resources, conspired with European speculators to draw upon the material resources of this Nation for export with no correlation between the value of the materials exported and the value of the materials imported; that in consequence of the conspiracy to affect said export of material resources belonging to this Nation and to the people of it approximately eight thousand millions of dollars in value of the material resources have been exported since the war in Europe began; that as a result thereof the said conspirators acted with the said five members of the Federal Reserve Board in manipulating bank credits, and through credits the markets increased the cost to American consumers in the same period approximately sixteen thousand millions of dollars in excess of the real values, which extra cost has mainly been the profits that have been added to the fortunes of the aforesaid conspirators; that as an additional and future loss to the people of this Nation in consequence of the facts aforesaid, the natural material resources of the Nation are forever less, and the costs made forever higher than they would be if trade and commerce were not manipulated through a false administration of finances.

Tenth. That to further carry out the said conspiracy the aforesaid conspirators have, ever since the Federal reserve act took effect, sought to influence, and in fact have influenced, said five members of the Federal Reserve Board in an attempt to fur-



ther deceive Congress to secure legislation granting to the said board enlarged powers of "administration"; that in the Sixty-third Congress the said board, concealing the real purpose to aid said conspirators, deceived the Senate Banking and Currency Committee to get it to report for passage the then Senate bill 6505, and it passed the Senate and subsequently came before the House Banking and Currency Committee and was favorably reported, your relator, however, filing a minority report in opposition. Later, on the floor of the House, the chairman of the Banking and Currency Committee withdrew action on the bill; that the aim of said bill was to give the Federal Reserve Board greater "administrative" power over the gold supply, so that it could, whenever the conspirators aforesaid wished it, inflate still further the banking credit by an issue of the Federal-reserve notes for the benefit of said conspirators; that again in this Sixty-fourth Congress said five active working members of the Federal Reserve Board alleged, repeatedly sought the House Banking and Currency Committee to report a bill giving greater "administrative" powers to said board than is authorized by the original act; in fact, to give said board power to force from banks all over the country the gold in their vaults and into the 12 Federal reserve banks, there to form a basis upon which to issue still more Federal-reserve notes and further inflate credit without causing a reduction of interests that in the aggregate would equal the charge made on the inflated currency, but serving mainly as a guaranty to reinforce the conspirators hereinbefore named in exploiting of the people for private gain.

Eleventh. That the Federal reserve act obligates the United States to redeem in gold at the United States Treasury all Federal reserve notes, and as a part of the said conspiracy and in furtherance of the same, and to extend the speculation of the operators and perpetrators of the said conspiracy to include Europe and other foreign territory, they, most of them being international as well as domestic bankers, seek to dominate the relations of the United States with foreign countries and to selfishly influence the same by means of the control of finances, and in furtherance of said branch of their speculations have conspired with the said five active working members of the Federal Reserve Board to secure aid from the Federal Reserve System for said selfish purposes and not in the interest of the public, the conspirators in connivance with the said five active working members of the Federal Reserve Board had the said board select and appoint, through the Federal reserve bank of New York, the so-called Bank of England as its agent, thus putting the credit of the Government of the United States back of this foreign corporation, organized for private gain, which is no longer able to make payments in gold and fails to give a statement of its true conditions; that said Federal Reserve Board is threatening to permit and also to render aid to the international bankers in America who dominate the banking system, to enter into further entangling alliances with bankrupt countries of Europe at the very time this Government contemplates issuing hundreds of millions of dollars of interest-bearing bonds upon the credit of the people of the Nation to meet the Government expenses.

Twelfth. That during the Civil War the Government of the United States issued money commonly called "greenbacks"; the same being issued upon the credit of the people of the Nation; that of said "greenbacks" so issued there have been ever since their issue and now are outstanding and in general circulation based upon the credit of the people of the United States \$346,681,016, for which a reserve of \$150,000,000 in gold is held by the Government to guarantee their redemption if demanded; that said circulating "greenbacks" have already saved the Government from paying approximately \$1,000,000,000 interest during the time they have been in circulation and are now saving the Government approximately \$6,000,000 annually; that in furtherance of said conspiracy in these articles of impeachment alleged and as a part thereof, the conspirators have sought and by secret connivance now seek to have the said "greenbacks" retired and the \$150,000,000 of gold guarantee placed in the Federal reserve banks on which to base the loaning of "bank credits" as a substitute for the money owned by the people; that if the Federal reserve banks are allowed to secure possession of said gold, when the time comes that the conspirators aforesaid shall be able to use additional bank credits to their advantages in exploiting the people, the same would become the basis for additional bank inflation, directly and indirectly, to the extent of over a billion dollars upon which the banks would collect a great sum of interest, and the speculators would scalp even greater profits from additional manipulation of the markets, all of which would be added to the cost of living for the people to pay.

Thirteenth. That in furtherance of the said aforesaid conspiracy and as a part of the same the said five active working

members of the Federal Reserve Board, in their capacity as members, have arbitrarily at all times and with intent to prevent the legitimate business interests of the country securing the advantages that Congress sought to give by the passage of the Federal reserve act, and in connivance with the big reserve and central reserve banks controlled by the conspirators aforesaid, established rediscount rates for member banks desiring to borrow from Federal reserve banks above the rates charged by the reserve and central reserve banks, which creates an excuse for the member banks in the country to charge higher rates of interest to legitimate borrowers than they otherwise would; that the interest rates charged by the reserve and central reserve banks, on the one hand, and the higher rates charged by the Federal reserve banks on the other hand, is maintained at certain times when the conspirators aforesaid desire to draw the reserves of the country banks to the reserve and central reserve cities for the interest that these reserve banks pay on deposit balances and in anticipation of times when the country banks may wish to rediscount paper with said banks; that by following the arbitrary practice of rediscounts aforesaid the said conspirators are enabled to and do go on with their speculations, manipulate the markets, and exploit the people, and whenever they find themselves in financial stress they can raise the rates of interest in the reserve and central reserve banks, which they control, above the Federal reserve bank discount rates, thus forcing the country banks, which may have rediscounted with reserve banks in order to give accommodations to their borrowers, to rediscount with the Federal reserve banks to enable them to repay the reserve and central reserve banks, in order to create free money and credit for said conspirators to carry on their speculations; that the Federal reserve act contains several provisions which when applied under the "administrative" power of the Federal Reserve Board serve as a means of taking or imposing a toll in the nature of discriminatory interest rates in order to force a shift of money and credits from one section of the country to another, or out of the country and to foreign countries; that this discriminatory power vested in the Federal Reserve Board is willfully abused by the said five active working members of the said board for the benefit and in the interest of the said aforesaid conspirators; that the people of the United States have been injured to the extent of several billions of dollars by reason thereof.

Fourteenth. That in furtherance of said aforesaid conspiracy and to give the said aforesaid conspirators complete practical power to carry out and put into effect their purpose of making the masses of mankind absolutely dependent upon "big business," and in order to create industrial slaves of the masses, the said aforesaid conspirators did conspire and now conspire to have the Federal reserve act "administered" so as to enable the conspirators to coordinate all kinds of "big business" and to keep themselves in control of "big business," in order to amalgamate all of the "trusts" into one great trust in restraint and control of trade and commerce, and thus be able to exploit the masses and take from them their earnings, except what they would require for bare subsistence; that to that end and to give them power to accomplish the same said conspirators have marshaled all of the different kinds of "big business" and induced those in control to use their means and whatever kind of patronage and favors they have to give in such way as to promote the objects and purposes of said conspirators and to enslave the masses of humanity; that at the same time that the said conspirators marshal their own "big business" supporters by a coordination of all their interests they have used every trick and subterfuge possible to create friction among the masses and divide them into hostile contending factions, thus keeping the masses from coordinating their affairs to promote the general welfare; that the said aforesaid five active working members of the Federal Reserve Board have all the time, by a willful and wrongful "administration" of the Federal reserve act, aided and abetted the said aforesaid conspirators in promoting and carrying out the objects of their said conspiracy and have refused and failed to so administer the Federal reserve act as to have the same promote and operate in favor of the general welfare.

Fifteenth. That the Federal reserve act is void and unconstitutional, but that, notwithstanding, the conspirators aforesaid have so manipulated things as to prevent the question of constitutionality of the act from being brought before the courts.

CHARLES A. LINDBERGH.

Mr. SHERWOOD. Mr. Speaker, I would like to ask the gentleman a question.

Mr. LINDBERGH. I suppose my privilege stops now, does it?

The SPEAKER. It does.



Mr. LINDBERGH. I ask for five minutes in which to answer the question of the gentleman.

The SPEAKER. The gentleman asks five minutes. Is there objection?

There was no objection.

Mr. SHERWOOD. I understand the gentleman to say the National City Bank now controls the official action of the Federal Reserve Board.

Mr. LINDBERGH. I said they have that effect, along with the other parties associated with them.

Mr. SHERWOOD. In case the Senate should sit as an impeachment court, you have evidence to establish that charge?

Mr. LINDBERGH. I want to say this: I have spent enough time and made enough investigation of this case to know that I can demonstrate—not accurately, I may say, but to a mathematical certainty—that the charges in this impeachment are substantially true. I may not be able to establish by direct proof that some of these meetings to which the impeachment refers were held, but that the charges are substantially true, I will certainly show.

Mr. SHERWOOD. That is, by substantial evidence?

Mr. LINDBERGH. By substantial evidence, and by effects which the business of this country demonstrates beyond question.

Now, Mr. Speaker, I ask leave to insert, following the reading of these articles, my remarks upon them and the questions that are incidentally involved in the impeachment articles.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. SIEGEL. I object.

The SPEAKER. The gentleman from New York objects.

Mr. KITCHIN. Mr. Chairman, I move that the impeachment articles be referred to the Committee on the Judiciary, and on that I demand the previous question.

The SPEAKER. The gentleman from North Carolina moves that the impeachment articles be referred to the Committee on the Judiciary, and on that he demands the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the motion to refer.

The question was taken, and the motion was agreed to.

#### DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. PAGE of North Carolina. Mr. Speaker, I call from the Speaker's table the bill H. R. 19119, the District of Columbia appropriation bill, with Senate amendments, and ask that the Senate amendments be disagreed to, and that the conferees be appointed on the part of the House.

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to call to the attention of the gentleman from North Carolina [Mr. PAGE] amendment No. 98, on page 123 of the bill, which provides for increases in compensation. In the legislative appropriation bill, which bill is still in conference, in the House we agreed to a provision for an increase of 10 per cent on salaries less than \$1,200 and 5 per cent on salaries between \$1,200 and \$1,800, as I recall.

Mr. PAGE of North Carolina. Yes.

Mr. MANN. That bill is still in conference. The Senate struck out the House provision in that bill and inserted the same provision in that bill which is inserted in this bill. The Agricultural appropriation bill carried the same provision as it passed the House that we agreed to in the legislative appropriation bill. The Senate has amended that. If we should just disagree to this Senate amendment and send it to conference, it is not within the power of the conferees to report a provision that corresponds with what the House did on the legislative appropriation bill and the Agricultural appropriation bill, and if those provisions should remain in conference in those two bills the conferees on the part of the House in the District bill could not put them in.

Mr. PAGE of North Carolina. I think the gentleman is entirely right.

Mr. MANN. I suggest to the gentleman that before sending the bill to conference he move to concur in Senate amendment No. 98, with an amendment striking out all of the amendment and inserting the same provisions that we have carried in the other bills, so that the matter will be in conference in this bill in order that whatever action is taken it may be uniform in the three bills.

Mr. PAGE of North Carolina. I will say to the gentleman from Illinois that that is entirely agreeable to me, and in case it is the only way—

Mr. MANN. It is the only way by which it can be done.

Mr. PAGE of North Carolina. It is the only way, possibly, by which we can get uniformity.

Mr. MANN. It is the only possible way by which you can get uniformity unless you get unanimous consent or a rule.

Mr. PAGE of North Carolina. Unless in conference upon the other bills the present Senate amendment were agreed to.

Mr. MANN. Certainly.

Mr. PAGE of North Carolina. Mr. Speaker, the bill is not yet before the House, is it?

Mr. MANN. I have no objection to the matter being laid before the House without now disagreeing to all of the Senate amendments.

Mr. JOHNSON of Kentucky. Mr. Speaker, pending that, I would like to ask the gentleman from North Carolina if the House will be accorded a vote upon Senate amendment No. 97, relating to the tax upon intangible property?

Mr. PAGE of North Carolina. Mr. Speaker, I will say to the gentleman that the House has that privilege now. Of course, if there is any expression on the part of the House that they want to vote, they will be given that opportunity before the conferees reach an agreement.

The SPEAKER. The Chair lays before the House the bill H. R. 19119, the District appropriation bill, with Senate amendments thereto.

Mr. PAGE of North Carolina. Mr. Speaker, I move that the House disagree to all of the Senate amendments, excepting Senate amendment No. 98, on page 123, and Senate amendment No. 13.

Mr. FOSTER. Mr. Speaker, will the gentleman yield before that is done?

Mr. PAGE of North Carolina. Yes.

Mr. FOSTER. Mr. Speaker, I observe there is a Senate amendment providing for a municipal hospital and to change the location of that hospital from Fourteenth Street and Upshur Street to Reservation No. 13, which means out here where is now located the Washington Asylum. For a long time there has been a contention here in the District with reference to this hospital, and after a considerable while and considerable opposition to the location of the hospital where it ought to go, if it is to be constructed, they have changed it to place it on what is called Reservation No. 13. I do not believe we ought to do that. In the first place, I think we ought not to build a hospital at all; but if it is to be built, then it seems to me we ought to agree on building the hospital where it ought to be built, and I hope the gentleman will not agree to any amendment at all, but if he has to agree to it, that he will not agree to report the provision locating the hospital on Reservation 13, but where it ought to go, regardless of what some people in the District may think is a wrong place to put it. We have no municipal hospital except the Washington Asylum.

I say this, that I do not think there is any place in the United States where the indigent poor who are sick are better taken care of than they are in the city of Washington. I think some improvement might be made in the Washington Asylum, as it exists now, but there has been a continual fight on the part of the residents of the District against any improvements of the surroundings or betterment of the conditions in the Washington Asylum, because they have hoped to force through Congress this municipal hospital; and then, after Congress talked of building it where it ought to be placed, if it is going to be built at all, they undertake to force that hospital away from that place and back up here on the Anacostia River, or whatever that branch of the Potomac is called. I do not think a few people, who have, as they think, some esthetic notions about this matter, ought to be able to dillydally around for years and finally force Congress to do something that is wrong because of these notions of what they think should be done and what they think should not be done. I hope the gentleman, in the first place, will not agree to this amendment at all, but if he can not get along without it, that he might give this House an opportunity to vote upon it, because there is some difference in opinion in the House with reference to whether the hospital should be built at all or not.

Mr. DYER. Mr. Speaker, will the gentleman yield?

Mr. PAGE of North Carolina. I yield to the gentleman.

Mr. DYER. I would like to know why the gentleman from Illinois said we should not have a municipal hospital in the city of Washington, in view of the fact that we have none that is at all suitable, and that the one we do have is in a dilapidated building, without any means whatever of giving decent treatment to the people therein?

Mr. FOSTER. I will say to the gentleman that the Government has two buildings out there worth half a million dollars fit for a hospital.

Mr. DYER. Out where?



Mr. FOSTER. At the Washington Asylum; and yet the people have steadfastly refused the other location because of the great scheme of building a highway around the city, which, they fear, might be interfered with by this proper location at Fourteenth and Upshur.

Mr. DYER. Does the gentleman mean the old jail building?

Mr. FOSTER. Yes; and the Government is to lose the value of buildings worth, as they told me when I was out there, three or four hundred thousand dollars.

Mr. PAGE of North Carolina. Will the gentleman state what those buildings were constructed for?

Mr. FOSTER. Yes; they were constructed for a workhouse.

Mr. DYER. A jail.

Mr. FOSTER. But that does not mean that people are to go into a workhouse or go into cells. The gentleman knows better than that. These buildings, for one-half or one-fourth of the money that a municipal hospital will cost, can be fitted up to take all necessary care of the indigent poor, but they have refused to do it, because they thought it was in the line of a great boulevard that it was proposed to build around the city.

Mr. SHERWOOD. Is not that a better location than down on the Anacostia River?

Mr. FOSTER. Very much. First they wanted it located up here, and then they began to holler again to have it located out there, and they have finally succeeded in inducing the other body to do what they ask.

Mr. PAGE of North Carolina. Mr. Speaker, if the gentleman from Illinois [Mr. FOSTER] will permit, I am anxious to get this bill to conference and not consume the time of the House, but I know when I am held up. I will say to the gentleman that the conferees on the part of the House will give the House an opportunity to vote on this hospital proposition.

Mr. JOHNSON of Kentucky. Still reserving the right to object, Mr. Speaker, I make the same request of the gentleman from North Carolina relative to Senate amendment 97.

Mr. PAGE of North Carolina. What is that amendment?

Mr. JOHNSON of Kentucky. It is the intangible-property tax amendment.

Mr. PAGE of North Carolina. I will make the same statement to the House with reference to that amendment—that if it becomes necessary to do so I will bring it back to the House.

Mr. JOHNSON of Kentucky. So that we may have a separate vote?

Mr. PAGE of North Carolina. So that we may have a separate vote on that amendment.

The SPEAKER. The gentleman from North Carolina asks unanimous consent to take this bill from the Speaker's table, disagree to all the Senate amendments except 13 and 98, and ask for a conference.

Mr. JOHNSON of Kentucky. Is Senate amendment No. 97 included in that?

The SPEAKER. No.

Mr. JOHNSON of Kentucky. I thought that was understood.

Mr. PAGE of North Carolina. I have made a statement to the gentleman that I will live up to, if it becomes necessary.

Mr. JOHNSON of Kentucky. Very well, that is satisfactory.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The SPEAKER. Now, the gentleman from Delaware [Mr. MILLER] makes a motion which the Clerk will report, as to amendment No. 13.

Mr. MILLER of Delaware. Pending the motion of the gentleman from North Carolina I send to the Clerk's desk a motion to concur in Senate amendment No. 13, relative to motor vehicles, with an amendment which I ask the Clerk to report.

The SPEAKER. The Clerk will first report Senate amendment No. 13, and will then report the amendment of the gentleman from Delaware.

The Clerk read as follows:

Amendment numbered 13: Page 31, lines 5 and 6, after "thereunder" insert:

*Provided further*, That motor vehicles, owned or operated by persons not legal residents of the District of Columbia but who shall have complied with the laws of the State of their legal residence requiring the registration of motor vehicles or licensing of operators thereof and the display of identification or registration numbers on such vehicles and which identification numbers shall be displayed on such motor vehicles as provided by the laws and regulations of the District of Columbia while used or operated within the District, shall not be required to be licensed or registered or bear other identification numbers under the laws and regulations of the District if the State in which the owner or operator of such motor vehicle has his legal residence extends the same privilege to the motor vehicles owned or operated by legal residents of the District of Columbia.

The SPEAKER. The Clerk will now report the amendment of the gentleman from Delaware [Mr. MILLER].

The Clerk read as follows:

Mr. MILLER of Delaware moves that the House conferees be instructed to concur in Senate amendment numbered 13 to H. R. 19119, with the following amendment:

Add on page 26, line 9, the following—

Mr. MANN. Add at the end of the Senate amendment.

Mr. POU. Mr. Speaker, we can not hear what is being said over here.

Mr. PAGE of North Carolina. The amendment of the gentleman from Delaware is to follow the language of the Senate amendment.

Mr. MANN. To add to the Senate amendment.

The Clerk read as follows:

Add at the end of the Senate amendment the following:

*Provided further*, That on and after July 1, 1917, the Commissioners of the District of Columbia be, and they are hereby, authorized and empowered to make and enforce all regulations governing the speed of motor vehicles in the District of Columbia, subject to the penalties prescribed in the act approved June 28, 1906.

Mr. MANN. Mr. Speaker, I think the Clerk read that as a motion to instruct the conferees. I hope the gentleman from Delaware will modify his motion so as to move to concur in the Senate amendment with an amendment, so that if the amendment is agreed to the whole thing will go to conference.

Mr. MILLER of Delaware. That is satisfactory to me. I drew that motion before the gentleman from North Carolina [Mr. PAGE] made his motion.

The SPEAKER. Without objection, the amendment to the amendment will be so modified.

Mr. WINGO. Reserving the right to object, is it proposed that we concur in the Senate amendment with an amendment?

The SPEAKER. Yes.

Mr. PAGE of North Carolina. That would send it all to conference.

Mr. WINGO. I would like to have the language of the bill which it is proposed to amend read.

Mr. PAGE of North Carolina. It has been read.

Mr. WINGO. I know, but I would like to hear it read again.

The SPEAKER. Without objection, the Senate amendment will be read again.

The Senate amendment was again read.

Mr. WINGO. I should like to ask the gentleman from North Carolina what is the necessity for this amendment? Have we not already a law regulating the speed? And is not the trouble we have to get the enforcement of the present law?

Mr. PAGE of North Carolina. No. I will say to the gentleman that under the present law the Commissioners of the District of Columbia have not the authority to regulate the speed of motor vehicles in the District.

Mr. WINGO. Have we not a law prohibiting excessive speed in the District?

Mr. PAGE of North Carolina. There is a law that fixes the limit of speed in the District at a uniform figure of 12 miles an hour all over the District. The purpose of this is to put into the hands of the commissioners the power to regulate the speed, so that in the regions of denser traffic it may be put at a very much lower limit and in the suburbs at a greater limit.

Mr. WINGO. I am in sympathy with something that will check reckless running in the city. My peculiar interest at this time has been aroused by the fact that within the last three days I have had to exercise the agility of a tomcat to avoid a District of Columbia motor-driven vehicle on one of the principal thoroughfares in the residential part of the city.

If that is the object of the gentleman's amendment, I do not object, but I was fearful it might repeal the present existing law by transferring to them the right to make some regulations when my observation of their handling of the motor-vehicle question has been rather exasperating, to say the least of it. I withdraw any objection.

Mr. MILLER of Delaware. Mr. Speaker, I do not care to discuss my amendment unless some gentleman desires further explanation.

Mr. DILL. Mr. Speaker, will the gentleman yield for a question?

Mr. MILLER of Delaware. I will.

Mr. DILL. Is the purpose of this amendment to give the commissioners the power to change the existing speed rate of automobiles in the District?

Mr. PAGE of North Carolina. It is; either to raise or lower it.

Mr. DILL. That is to change the law passed by Congress?

Mr. PAGE of North Carolina. Yes; and to fix a zone of speed; that is the real object. The gentleman from Delaware, who offers the amendment, will tell the gentleman in regard to that.

Mr. MILLER of Delaware. Mr. Speaker, I will say to the gentleman from Washington and anybody else in the House



who is interested in the matter, that the section in the District appropriation bill as passed by the Senate practically contains a new automobile law for the District of Columbia, with one exception, namely, the regulation of speed. It provides a new system of automobile licenses, it provides for reciprocity, and the provision which I submit, after consulting the District authorities who are interested and who would enforce the law, provides that the District Commissioners shall have the right to regulate the speed. I will say further to the gentleman before he interrupts me that to-day they have the right to regulate everything in connection with the operation and control of automobiles in the District except that of speed. Last year I introduced a bill regulating the speed and operation of motor vehicles that went to the District Committee and which was ordered reported, but which has not been done up to date, and I understand this is practically the amendment they would report out.

Mr. DILL. If I understood the reading of the amendment correctly, it provides they shall fix the penalties.

Mr. MILLER of Delaware. No; right there I will say to the gentleman, the penalties are taken care of under this provision, "subject to the penalties prescribed in the act approved June 29, 1906," and that contains very proper and adequate penalties.

Mr. DILL. If they raise the rate of speed from 12 miles an hour to 18 miles an hour a violation of the speed limit would be punished in the same way as it is now?

Mr. MILLER of Delaware. The same penalties as are now in force.

Mr. CANDLER of Mississippi. I will ask if the commissioners have not had the right heretofore to regulate the speed of automobiles?

Mr. MILLER of Delaware. I will say to the gentleman speed is the only thing in connection with the operation of automobiles in the District of Columbia that they have not the right to regulate or control. It is now fixed at 12 miles an hour, and without speaking with any authority I understand that if they are given this power they are going to place it at 15 miles an hour.

Mr. PAGE of North Carolina. In certain parts of the city. Mr. MILLER of Delaware. In certain parts of the city.

The SPEAKER. The question is on the motion of the gentleman from Delaware to concur in the Senate amendment with an amendment.

The question was taken, and the motion was agreed to.

Mr. PAGE of North Carolina. Mr. Speaker, I move to concur in Senate amendment No. 98 by striking out the Senate language and inserting the language that I send to the Clerk's desk.

The SPEAKER. The gentleman from North Carolina moves to concur in Senate amendment 98 with an amendment, which the Clerk will report.

The Clerk read as follows:

Strike out the Senate amendment and insert in lieu thereof the following:

"Sec. 7. That to provide, during the fiscal year 1918, for increased compensation at the rate of 10 per cent per annum to employees who receive salaries at a rate per annum less than \$1,200, and for increased compensation at the rate of 5 per cent per annum to employees who receive salaries at a rate not more than \$1,800 per annum and not less than \$1,200 per annum, so much as may be necessary is appropriated: *Provided*, That this section shall only apply to the employees who are appropriated for in this act specifically and under lump sums or whose employment is authorized herein: *Provided further*, That detailed reports shall be submitted to Congress on the first day of the next session showing the number of persons, the grades or character of positions, the original rates of compensation, and the increased rates of compensation provided for herein."

The SPEAKER. The question is on concurring in Senate amendment 98 with an amendment.

The question was taken, and the motion was agreed to.

The SPEAKER. The Chair announces the following conferees.

The Clerk read as follows:

Mr. PAGE of North Carolina, Mr. McANDREWS, and Mr. DAVIS of Minnesota.

#### SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 1174. An act granting to the State of Iowa all the right, title, and interest of the United States in and to the land within the meander lines, as originally surveyed, of the lakes within said State; to the Committee on the Public Lands.

#### MILITARY ACADEMY APPROPRIATION BILL (H. REPT. NO. 1452).

Mr. DENT. Mr. Speaker, by direction of the Committee on Military Affairs I report a bill making appropriations for the support of the Military Academy.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 20872) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1918, and for other purposes.

Mr. KAHN. Mr. Speaker, I reserve all points of order on the bill.

The SPEAKER. The gentleman from California reserves all points of order on the bill. The bill is ordered printed and referred to the Committee of the Whole House on the state of the Union.

#### NAVAL APPROPRIATION BILL (H. REPT. NO. 1451).

Mr. POU. Mr. Speaker, I offer the following resolution reported from the Committee on Rules.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

#### House resolution 499.

*Resolved*, That it shall be in order while H. R. 20632 is being considered in the Committee of the Whole House on the state of the Union to consider as amendments to the bill (H. R. 20632) entitled "An act for making appropriations for the naval service for the fiscal year ending June 30, 1918, and for other purposes," the following matter, the general rules of the House to the contrary notwithstanding:

Amendment offered by Mr. PADGETT: Page 5, after line 7, insert as a separate paragraph:

"To enable the Secretary of War and the Secretary of the Navy to secure, by purchase, condemnation, donation, or otherwise, such basic patent or patents as they may consider necessary to the manufacture and development of aircraft in the United States and its dependencies, for governmental and civil purposes, under such regulations as the Secretary of War and the Secretary of the Navy may prescribe, \$1,000,000.

*Provided*, That such arrangements may be made in relation to the purchase of any basic patent connected with the manufacture and development of aircraft in the United States as in the judgment of the Secretary of War and the Secretary of the Navy will be of the greatest advantage to the Government and to the development of the industry.

*Provided further*, That in the event there shall be pending in court litigation involving the validity of said patent or patents, bond, with good and approved security in an amount sufficient to indemnify the United States, shall be required, payable to the United States, conditioned to repay to the United States the amount paid for said patent or patents in the event said patent or patents are finally adjudged invalid."

Amendment offered by Mr. PADGETT: After line 19, page 59, insert as a new paragraph:

"(a) That the word 'person,' as used in paragraphs (b), (c), (d) next hereafter, shall include any individual, trustee, firm, association, company, or corporation. The word 'ship' shall include any boat, vessel, submarine, or any form of aircraft, and the parts thereof. The words 'war material' shall include arms, armament, ammunition, stores, supplies, and equipment for ships and airplanes, and everything required for or in connection with the production thereof. The word 'factory' shall include any factory, workshop, engine works, building used for manufacture, assembling, construction, or any process, and any shipyard or dockyard. The words 'United States' shall include the Canal Zone and all territory and waters, continental and insular, subject to the jurisdiction of the United States.

"(b) That in time of war, or of national emergency arising prior to March 1, 1918, to be determined by the President by proclamation, the President is hereby authorized and empowered, in addition to all other existing provisions of law, and within the limit of amounts appropriated therefor:

"First. To place an order with any person for such ships or war material as he may require and which are of the nature, kind, and quantity usually produced or capable of being produced by such person. Compliance with all such orders shall be obligatory on any person to whom such order is given, and such order shall take precedence over all other orders and contracts theretofore placed with such person. If any person owning, leasing, or operating any factory equipped for the building or production of ships or war material for the Navy shall refuse or fail to give to the United States such preference in the execution of such an order, or shall refuse to build, supply, furnish, or manufacture the kind, quantity, or quality of ships or war material so ordered at such reasonable price as shall be determined by the President, the President may take immediate possession of any factory of such person, or of any part thereof without taking possession of the entire factory, and may use the same at such times and in such manner as he may consider necessary or expedient.

"Second. To modify or cancel any existing contract for the building, production, or purchase of ships or war material; and if any contractor shall refuse or fail to comply with the contract as so modified the President may take immediate possession of any factory of such contractor, or any part thereof without taking possession of the entire factory, and may use the same at such times and in such manner as he may consider necessary or expedient.

"Third. To require the owner or occupier of any factory in which ships or war material are built or produced to place at the disposal of the United States the whole or any part of the output of such factory, and to deliver such output or parts thereof in such quantities and at such times as may be specified in the order at such reasonable price as shall be determined by the President.

"Fourth. To requisition and take over for use or operation by the Government any factory, or any part thereof without taking possession of the entire factory, whether the United States has or has not any contract or agreement with the owner or occupier of such factory.

"Fifth. To waive all provisions of law restricting the hours of labor of persons in the employ of the United States or of persons in the employ of contractors therewith when employed on work in connection with such ships or war material: *Provided*, That wages of Government employees shall be computed on a basic day rate of eight hours' work, with overtime rates to be paid for at not less than time and one-half for all hours worked in excess of eight hours.

"(c) That no person shall, directly or indirectly, induce any person employed in any factory and engaged on work for the United States to leave his employment or to cease such work.

"(d) That any person who violates or fails to comply with any provision of paragraphs (b), (c), or any order given, direction, regula-



tion, or restriction made or imposed thereunder shall be subject to a fine of not more than \$10,000 or to imprisonment for not more than two years, or both.

"(c) That whenever the United States shall cancel or modify any contract, make use of, assume, occupy, requisition, or take over any factory or part thereof, or any ships or war material, in accordance with the provisions of paragraph (b), it shall make just compensation therefor, and in default of agreement upon the damages, compensation, price, or rental due by reason of any action hereunder, the person to whom the same is due shall be entitled to sue the United States to recover his fair and reasonable damages in the manner provided for by section 24, paragraph 20, and section 145 of the Judicial Code."

Mr. POU. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the Speaker announced that the yeas seemed to have it.

Mr. CALLAWAY. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from Texas [Mr. CALLAWAY] demands the yeas and nays. Those in favor of having this vote taken by the yeas and nays will rise and stand until counted. [After counting.] One gentleman has risen in the affirmative, not a sufficient number.

Mr. CALLAWAY. Mr. Speaker, I make the point of no quorum.

Mr. MANN. Oh, do not do that.

Mr. KEATING. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. KEATING. In case the Speaker should find that a quorum was not present, would the vote come automatically?

The SPEAKER. Yes. The gentleman from Texas [Mr. CALLAWAY] raises the point of no quorum. The Chair will count. [After counting.] One hundred and twelve gentlemen are present, not a quorum. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll. Those in favor of this resolution will, as their names are called, answer "yea," and those opposed will answer "nay."

The question was taken; and there were—yeas 282, nays 19, answered "present" 2, not voting 130, as follows:

YEAS—282.

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|-----------------|-----------------|------------------|-----------------|
| Abercrombie     | Darrow          | Haugen           | Martin          |
| Adair           | Davis, Minn.    | Hawley           | Mays            |
| Adamson         | Davis, Tex.     | Hayden           | Miller, Del.    |
| Alken           | Decker          | Hefflin          | Miller, Minn.   |
| Alexander       | Dempsey         | Helm             | Miller, Pa.     |
| Allen           | Denison         | Helvering        | Mondell         |
| Almon           | Dent            | Henry            | Montague        |
| Anderson        | Dill            | Hensley          | Moon            |
| Anthony         | Dillon          | Hernandez        | Morrison        |
| Ashbrook        | Dixon           | Hilliard         | Moss            |
| Aswell          | Doolittle       | Holland          | Mott            |
| Austin          | Doremus         | Hollingsworth    | Murray          |
| Ayres           | Doughton        | Hood             | Neely           |
| Barkley         | Dowell          | Hopwood          | Nicholls, S. C. |
| Barnhart        | Dunn            | Houston          | Nichols, Mich.  |
| Beales          | Dupré           | Howard           | Nolan           |
| Bel             | Dyer            | Hull, Iowa       | Norton          |
| Black           | Eagle           | Hull, Tenn.      | Oakey           |
| Blackmon        | Edmonds         | Humphrey, Wash.  | Oldfield        |
| Booher          | Emerson         | Humphreys, Miss. | Oliver          |
| Borland         | Esch            | Husted           | O'Shaunessy     |
| Browne          | Evans           | Igoe             | Overmyer        |
| Brumbaugh       | Farley          | Jacoway          | Padgett         |
| Buchanan, Tex.  | Farr            | James            | Page, N. C.     |
| Burgess         | Fields          | Johnson, Ky.     | Palfe, Mass.    |
| Burke           | Fitzgerald      | Kahn             | Park            |
| Burnett         | Flood           | Kearns           | Parker, N. Y.   |
| Butler          | Foss            | Keating          | Peters          |
| Byrnes, S. C.   | Foster          | Kelley           | Phelan          |
| Byrns, Tenn.    | Frear           | Kennedy, Iowa    | Platt           |
| Candler, Miss.  | Freeman         | Kennedy, R. I.   | Pou             |
| Cannon          | Fuller          | Key, Ohio        | Pratt           |
| Cantrill        | Gandy           | Kincheioe        | Price           |
| Capstick        | Gard            | King             | Quin            |
| Caraway         | Garland         | Kitchin          | Rainey          |
| Carlin          | Garner          | Konop            | Raker           |
| Carter, Okla.   | Garrett         | Langley          | Randall         |
| Cary            | Gillett         | Lazaro           | Rauch           |
| Casey           | Glass           | Lee              | Rayburn         |
| Chandler, N. Y. | Glynn           | Leibach          | Reilly          |
| Chipperfield    | Godwin, N. C.   | Lenroot          | Ricketts        |
| Clark, Fla.     | Good            | Lever            | Roberts, Nev.   |
| Cline           | Gordon          | Lewis            | Rogers          |
| Collier         | Gray, Ala.      | Lieb             | Rouse           |
| Connelly        | Gray, Ind.      | Littlepage       | Rowe            |
| Conry           | Green, Iowa     | Lobeck           | Rubey           |
| Cooper, Ohio    | Greene, Mass.   | Longworth        | Rucker, Ga.     |
| Cooper, W. Va.  | Greene, Vt.     | McArthur         | Russell, Mo.    |
| Cooper, Wis.    | Griffin         | McCracken        | Russell, Ohio   |
| Cox             | Hadley          | McCulloch        | Saunders        |
| Cramton         | Hamilton, N. Y. | McDermott        | Scott, Mich.    |
| Crisp           | Hamlin          | McGillcuddy      | Sears           |
| Crosser         | Hardy           | McKellar         | Shallenberger   |
| Cullop          | Harrison, Miss. | McKenzie         | Sherley         |
| Curry           | Harrison, Va.   | McLemore         | Sherwood        |
| Dale, Vt.       | Haskell         | Magee            | Shouse          |
| Dallinger       | Hastings        | Mapes            | Siegel          |

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|--------------|----------------|--------------|
| Sims         | Steele, Pa.    | Talbott      |
| Sinnot       | Steenson       | Taylor, Ark. |
| Slayden      | Stephens, Tex. | Thomas       |
| Slomp        | Sterling       | Thompson     |
| Small        | Stiness        | Tillman      |
| Smith, Idaho | Stone          | Timberlake   |
| Smith, Mich. | Stout          | Tinkham      |
| Smith, N. Y. | Sulloway       | Van Dyke     |
| Smith, Tex.  | Summers        | Venable      |
| Snyder       | Sutherland     | Vinson       |
| Stafford     | Sweet          | Volstead     |
| Steagall     | Switzer        | Walker       |
| Stedman      | Taggart        | Walsh        |
| Steele, Iowa | Tague          | Watkins      |

NAYS—19.

- |                |                 |               |
|----------------|-----------------|---------------|
| Balley         | Fordney         | Lindbergh     |
| Buchanan, Ill. | Hamilton, Mich. | McKinley      |
| Callaway       | Helgesen        | Mann          |
| Coleman        | Kinkald         | Moore, Pa.    |
| Fairchild      | La Follette     | Morgan, Okla. |

ANSWERED "PRESENT"—2.

- |       |              |
|-------|--------------|
| Hayes | Smith, Minn. |
|-------|--------------|

NOT VOTING—130.

- |               |                  |               |                 |
|---------------|------------------|---------------|-----------------|
| Bacharach     | Estopinal        | Kreider       | Roberts, Mass.  |
| Barchfeld     | Ferris           | Lafean        | Rodenberg       |
| Beakes        | Fess             | Leshner       | Rowland         |
| Benedict      | Flynn            | Liebel        | Rucker, Mo.     |
| Bennet        | Focht            | Linthicum     | Sabath          |
| Bowers        | Gallagher        | Lloyd         | Sanford         |
| Britt         | Gallvan          | Loft          | Schall          |
| Britten       | Gardner          | London        | Scott, Pa.      |
| Browning      | Goodwin, Ark.    | Loud          | Scully          |
| Bruckner      | Gould            | McAndrews     | Sells           |
| Caldwell      | Graham           | McClintic     | Shackleford     |
| Campbell      | Gray, N. J.      | McFadden      | Sisson          |
| Carew         | Gregg            | McLaughlin    | Sloan           |
| Carter, Mass. | Griest           | Madden        | Snell           |
| Charles       | Guernsey         | Maher         | Sparkman        |
| Church        | Hamill           | Matthews      | Stephens, Miss. |
| Coady         | Hart             | Meeker        | Stephens, Nebr. |
| Copley        | Heaton           | Mooney        | Swift           |
| Costello      | Hicks            | Moore, Ind.   | Tavener         |
| Crago         | Hill             | Morgan, La.   | Taylor, Colo.   |
| Dale, N. Y.   | Hinds            | Morin         | Tilson          |
| Danforth      | Howell           | Mudd          | Towner          |
| Davenport     | Huddleston       | Nelson        | Treadway        |
| Dewalt        | Hughes           | North         | Vare            |
| Dickinson     | Hulbert          | Oglesby       | Ward            |
| Dies          | Hutchinson       | Olney         | Wason           |
| Doolling      | Johnson, S. Dak. | Parker, N. J. | Watson, Pa.     |
| Driscoll      | Johnson, Wash.   | Patten        | Whaley          |
| Drukker       | Jones            | Porter        | Wilson, Ill.    |
| Eagan         | Keister          | Powers        | Winslow         |
| Edwards       | Kent             | Ragsdale      | Wood, Ind.      |
| Ellsworth     | Kettner          | Reavis        |                 |
| Elston        | Kiess, Pa.       | Riordan       |                 |

So the resolution was agreed to.

The Clerk announced the following pairs:

Adoption of special rule making in order on naval appropriation bill certain amendments:

- Mr. HART with Mr. BACHARACH.
  - Mr. HUDDLESTON with Mr. SELLS.
  - Mr. HUGHES with Mr. SLOAN.
  - Mr. SPARKMAN with Mr. GUERNSEY.
  - Mr. SISSON with Mr. GRIEST.
  - Mr. HULBERT with Mr. SNELL.
  - Mr. JONES with Mr. TREADWAY.
  - Mr. KETTNER with Mr. BROWNING.
  - Mr. LESHNER with Mr. CAMPBELL.
  - Mr. LINTHICUM with Mr. VARE.
  - Mr. PATTEN with Mr. WILSON of Illinois.
  - Mr. MCANDREWS with Mr. COSTELLO.
  - Mr. LLOYD with Mr. WARD.
  - Mr. LOFT with Mr. COPLEY.
  - Mr. OGLESBY with Mr. WATSON of Pennsylvania.
  - Mr. MCCLINTIC with Mr. CRAGO.
  - Mr. MAHER with Mr. WASON.
  - Mr. RAGSDALE with Mr. FESS.
  - Mr. SABATH with Mr. GRAHAM.
  - Mr. MORGAN of Louisiana with Mr. DRUKKER.
  - Mr. RIORDAN with Mr. SCOTT of Pennsylvania.
- Until further notice:
- Mr. RUCKER of Missouri with Mr. GOULD.
  - Mr. SCULLY with Mr. GRAY of New Jersey.
  - Mr. STEPHENS of Mississippi with Mr. SWIFT.
  - Mr. TAVENNER with Mr. TILSON.
  - Mr. TAYLOR of Colorado with Mr. FOCHT.
  - Mr. STEPHENS of Nebraska with Mr. TOWNER.
  - Mr. BEAKES with Mr. HEATON.
  - Mr. HAMILL with Mr. SCHALL.
  - Mr. GREGG with Mr. MUDD.
  - Mr. WHALEY with Mr. HICKS.
  - Mr. CALDWELL with Mr. HILL.
  - Mr. DICKINSON with Mr. KIESS of Pennsylvania.
  - Mr. ESTOPINAL with Mr. MADDEN.
  - Mr. GALLAGHER with Mr. SANFORD.



Mr. CAREW with Mr. WINSLOW.  
 Mr. CHURCH with Mr. WOOD of Indiana.  
 Mr. DAVENPORT with Mr. ROBERTS of Nevada.  
 Mr. EAGAN with Mr. MCFADDEN.  
 Mr. FLYNN with Mr. MEEKER.  
 Mr. COADY with Mr. HUTCHINSON.  
 Mr. DALE of New York with Mr. JOHNSON of South Dakota.  
 Mr. DEWALT with Mr. RODENBERG.  
 Mr. FERRIS with Mr. ROWLAND.  
 Mr. GALLIVAN with Mr. MOORES of Indiana.  
 Mr. DIES with Mr. KREIDER.  
 Mr. GOODWIN of Arkansas with Mr. MORIN.  
 Mr. EDWARDS with Mr. McLAUGHLIN.  
 Mr. DRISCOLL with Mr. LOUD.  
 Mr. DOOLING with Mr. LAFFAN.  
 Mr. SHACKLEFORD with Mr. BENNET.  
 Mr. BRUCKNER with Mr. HAYES.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors.

On motion of Mr. POU, a motion to reconsider the vote whereby the resolution was agreed to was laid on the table.

#### EXTENSION OF REMARKS.

Mr. BORLAND. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing the correspondence between the President and the Federal Trade Commission on the proposed food investigation.

The SPEAKER. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, are the letters to the Federal Trade Commission identical with the letters to the Secretary of Agriculture?

Mr. BORLAND. I understand so. I did not examine the letters from the Secretary of Agriculture, but I understand they are identical.

Mr. MANN. I shall not object.

The SPEAKER. Is there objection?

There was no objection.

Mr. CARY. Mr. Speaker, I ask unanimous consent to print in the RECORD resolutions passed by the Milwaukee Common Council in regard to boat lines.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. EMERSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection to the gentleman's request?

There was no objection.

Mr. PADGETT. Mr. Speaker, the motion was not made awhile ago to reconsider and lay on the table, was it?

The SPEAKER. Yes; it was.

Mr. PADGETT. Very well.

#### WITHDRAWAL OF PAPERS.

Mr. DYER, by unanimous consent, was granted leave to withdraw from the files of the House the papers in the case of H. R. 13294, a private claim bill of Henry Hochner, first session, Sixty-fourth Congress, an adverse report having been made thereon.

#### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. SHACKLEFORD, indefinitely, on account of illness.

To Mr. HULBERT, indefinitely, on account of illness.

#### NAVAL APPROPRIATION BILL.

Mr. PADGETT. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 20632) making appropriations for the naval service for the fiscal year ending June 30, 1918, and for other purposes.

Mr. CROSSER rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. CROSSER. To make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CROSSER. This being District of Columbia day, will a motion be in order to go into the Committee of the Whole for the consideration of District business? Is such a motion as that in order now?

The SPEAKER. The gentleman from Tennessee [Mr. PADGETT] moves that the House resolve itself into Committee of

the Whole House on the state of the Union for the further consideration of the naval appropriation bill. That is a preferential motion.

Mr. CROSSER. If that motion fails, the motion I suggested would be in order?

The SPEAKER. Of course it would. The question is on agreeing to the motion of the gentleman from Tennessee [Mr. PADGETT] that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the naval appropriation bill.

The question was taken, and the Speaker announced that the ayes appeared to have it.

Mr. CROSSER. A division, Mr. Speaker.

The SPEAKER. The gentleman from Ohio asks for a division.

The House divided; and there were—ayes 87, noes 5.

So the motion was agreed to.

The SPEAKER. The gentleman from North Carolina [Mr. PAGE] will please take the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 20632) making appropriations for the naval service for the fiscal year ending June 30, 1918, and for other purposes, with Mr. PAGE of North Carolina in the chair.

The CHAIRMAN. The Clerk will report the bill by title.

The Clerk read the title of the bill, as follows:

A bill (H. R. 20632) making appropriations for the naval service for the fiscal year ending June 30, 1918, and for other purposes.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Washington [Mr. HUMPHREY].

Mr. PADGETT. Mr. Chairman, I ask that the amendment be again reported.

The CHAIRMAN. Without objection, the amendment will again be read.

The Clerk read as follows:

Amendment offered by Mr. HUMPHREY of Washington: Page 58, line 16, strike out the word "eighteen" and insert "fifty."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. HUMPHREY of Washington. Mr. Chairman, I ask unanimous consent to proceed for one minute.

The CHAIRMAN. The gentleman from Washington asks unanimous consent to proceed for one minute. Is there objection?

Mr. PADGETT. Mr. Chairman, I must object to debate.

The CHAIRMAN. Objection is heard.

Mr. HUMPHREY of Washington. Then, Mr. Chairman, I make the point that there is no quorum present.

The CHAIRMAN. The gentleman from Washington makes the point that there is no quorum present. The Chair will count. [After counting.] One hundred and forty-two gentlemen are present—a quorum. The question is on agreeing to the amendment offered by the gentleman from Washington.

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. HUMPHREY of Washington. A division, Mr. Chairman.

The CHAIRMAN. The gentleman from Washington demands a division.

The committee divided; and there were—ayes 58, noes 87.

So the amendment was rejected.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Massachusetts [Mr. GARDNER]. Without objection, the Clerk will report it.

The Clerk read as follows:

Amendment offered by Mr. GARDNER: Page 58, line 12, beginning with the word "Three," strike out all down to and including the word "each," in line 18, and insert the following: "Four battleships, \$15,500,000 each; 2 battle cruisers, \$19,000,000 each; 4 scout cruisers, \$6,000,000 each; 20 destroyers, \$1,300,000 each; 1 destroyer tender, \$2,300,000; 1 submarine tender, \$1,900,000; 18 coast submarines, to have a surface displacement of about 800 tons each, \$1,300,000 each; 9 fleet submarines, \$1,850,000 each."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The next amendment is that offered by the gentleman from Alabama [Mr. BURNETT]. Without objection, the Clerk will report it.

The Clerk read as follows:

Amendment offered by Mr. BURNETT: Page 58, lines 12 and 13, after the word "amounts," in line 12, strike out "three battleships, \$10,500,000 each" and insert in lieu thereof the following: "One battleship, \$15,500,000, and 30 coast submarines, \$1,300,000 each."

The CHAIRMAN. The question is on agreeing to the amendment.



The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. BURNETT. A division!

The CHAIRMAN. The gentleman from Alabama demands a division.

The committee divided; and there were—ayes 31, noes 79.

Accordingly the amendment was rejected.

The CHAIRMAN. The next amendment is that of the gentleman from Alabama [Mr. OLIVER], which the Clerk will report.

The Clerk read as follows:

Amend, on page 58, by inserting, at the end of line 25, the following proviso: "Provided, No money herein appropriated shall be expended in the construction of any vessel unless the period of time for the final completion of said vessel shall be fixed at not exceeding 38 months."

The CHAIRMAN. The question is on the amendment.

The question being taken, on a division (demanded by Mr. PADGETT) there were—ayes 38, noes 78.

Mr. OLIVER. I demand tellers on that.

Tellers were refused, 18 Members, not a sufficient number, seconding the demand.

Accordingly the amendment was rejected.

The CHAIRMAN. The Clerk will report the other amendment of the gentleman from Alabama [Mr. OLIVER].

The Clerk read as follows:

Amend, on page 58, line 13, by inserting, after the word "each," the following proviso: "Provided, No money herein appropriated shall be expended in the construction of battleships until contracts shall be first made for the construction of the battle cruisers herein appropriated for."

The CHAIRMAN. The question is on the amendment.

The amendment was rejected.

The Clerk, resuming the reading of the bill, read as follows:

Increase of the Navy, torpedo boats: On account of submarine torpedo boats heretofore authorized, \$16,816,110, and on account of the 18 additional coast submarine torpedo boats herein appropriated for, \$6,115,170; in all, submarine torpedo boats, \$22,931,280, to be available until expended.

Mr. MILLER of Minnesota. Mr. Chairman, I move to strike out the last word. I should like to ask the gentleman in charge of the bill a question. I notice the committee have recommended, in a paragraph which we have already passed, the building of a single battle cruiser. Four were authorized a year ago.

Mr. PADGETT. There were six authorized and four were appropriated for.

Mr. MILLER of Minnesota. The gentleman is correct.

Mr. PADGETT. Leaving two to be constructed hereafter, of which we now appropriate for one.

Mr. MILLER of Minnesota. Six were authorized and four were ordered built. This appropriates for one, and if all of them are built we will have five. Has it not been one of the contentions of the Navy, and of the gentleman himself, that you could not build these excepting in groups of two? And if there is a reason why we can now build one by itself and not build two, I should like to know it.

Mr. PADGETT. We authorized six last year and appropriated for four, leaving two for the remaining two years of the program. There were also six battleships; so that in this bill we are providing for one-half of the battleships and one battle cruiser, which is one-half of the remaining battle cruisers, leaving three battleships and one battle cruiser for the bill of next year to complete the three-year program.

Mr. MILLER of Minnesota. Is it not a fact that, if we build one battle cruiser this year and another next year, in time we will have two battle cruisers, and therefore will have a moving unit, and if we kept on building one each year we would have four, which would be a group that they could maneuver?

Mr. PADGETT. This is on the basis of a group of three, not four.

Mr. MILLER of Minnesota. I thank the gentleman. I bring this up simply for the reason that two years ago, when this bill was before the House, I took occasion to make some remarks advocating the construction by our Government of battle cruisers, but I did not get very far. I intimated then somewhat the reason why I had the temerity to suggest the building of battle cruisers—that I had talked with a great many men who are charged with the duty of actually operating fighting ships, and I certainly found quite a number who believed that battle cruisers were essential to anything like an adequate modern Navy for the United States. I was met constantly by the statement that one battle cruiser would not be of any value, that two would not be of any very great value, that we needed four in order to have a naval unit which they could maneuver and operate. I thought then that if we built one that year and one the next year we would have two, and if we kept it up for four years we would have four; but that

did not seem to prevail on the minds of the gentlemen who were then hugging the delusion that we should build battleships alone in order to secure the safety of the United States. Now I find that the committee are recommending the construction of a single battle cruiser, and I have no doubt the Navy Department have recommended it.

Mr. PADGETT. Last year we authorized six and appropriated for four, and one this year will make five, and one next year will make six.

Mr. MILLER of Minnesota. I am not speaking about authorization; I am speaking about construction. We might authorize a million, but if we did not build any of them we would not have any.

Mr. GORDON. But we appropriated for four last year and one this year.

Mr. MILLER of Minnesota. Then we will have a moving unit of four, with one over.

Mr. GORDON. Why, yes.

Mr. PADGETT. The unit is three, not four.

Mr. MILLER of Minnesota. Then they have changed their position, because when I talked to them some years ago four constituted the unit.

Mr. PADGETT. The unit for battleships is four and for battle cruisers three.

Mr. MILLER of Minnesota. Then, it is purely theoretical, and next year they may operate battleships in units of three and battle cruisers in units of four or five.

Mr. GORDON. Then, the information which the gentleman has elicited is this, that when we get this battle cruiser that we are now appropriating for constructed, and four others, we will have five.

Mr. MILLER of Minnesota. By that time I hope we may have authorized others, so that we will have 8 or 10.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MILLER of Minnesota. I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. MILLER of Minnesota. I know it is about the meanest thing any man on earth can do to hash up something that may not be pleasant for some one else to listen to or to think about. There were quite a number of individuals in this House who for a number of years thought we ought to build some battle cruisers. On February 5, 1915, almost exactly two years ago, when the naval bill was before the House, I had the temerity to say—

The lesson taught by history is that speed is one of the vitally essential things in a fighting ship. This bill provides for two battleships, and the gentleman from Alabama [Mr. Hobson] moves to increase the two to four. The gentleman from Alabama [Mr. UNDERWOOD] moves to reduce them to one. It is all on the question of battleships.

I hope the membership of the House will bear in mind that this is only two years ago, when the very distinguished leader of the Democratic side of the House, instead of urging an increased building program, was trying to cut the number of battleships from two to one, and that in continuation of the fact that the first year that our friends the Democrats controlled the House they did reduce the number of battleships we were building a year from two to one. I quote further:

There is no provision in the bill, none suggested, for ships of the battle-cruiser type. I strongly believe our Navy needs a unit of battle cruisers more than it needs an addition of any other fighting craft.

There is something more that might be quoted.

Mr. HAMILTON of Michigan. Mr. Chairman, will the gentleman yield?

Mr. MILLER of Minnesota. Yes.

Mr. HAMILTON of Michigan. Just what is the technical meaning of the term "unit," as the gentleman is using it now—I mean in naval construction?

Mr. MILLER of Minnesota. As I understand, the unit as used in this connection means a unit for mobilization purposes, and in order to have ships sufficient for a fighting unit it requires four. Four ships are required as a fighting unit in the battleship class, and, as the gentleman from Tennessee [Mr. PADGETT] has just said, three in the battle-cruiser class. Next year they may change that to make it another number. That is a technicality. The gentleman from Tennessee [Mr. PADGETT], the chairman of this committee, when later on we were trying to add battle cruisers to the building program at that time had this to say—and I do not offer this as a matter of criticism, because I think he correctly stated the facts, but merely as a matter of history:

Every single officer who appeared before us said that the supreme demand of our Navy is for battleships. Gentlemen speak of the speed. A cruiser is a fast vessel, sacrificing its fighting power for speed, but



a battle cruiser of 80,000 tons displacement would cost \$20,000,000, as against \$15,000,000 for a battleship. It would cost 25 per cent more a year to operate it than it would a battleship. So that we come down to the vital question in this matter, Shall we stand by and take the recommendation and the opinions of the men who know, and the men upon whom we must rely in time of battle?

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

Mr. MILLER of Minnesota. Mr. Chairman, I ask unanimous consent to proceed for one minute more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MILLER of Minnesota. I simply bring this to the attention of the House to show that only two years ago, at least, those who appeared before the Naval Committee, who are our naval officers, did not emphasize the need of battle cruisers.

Mr. GORDON. But they changed the next year.

Mr. MILLER of Minnesota. Then it was not appreciated how important they would be to our Navy, that within two years' time we now know that the greatest need our Navy has, not excluding submarines, is for a quota of fast-moving, swift-moving battle cruisers, with the speed of meteors, as it were, mounting the biggest guns that a ship can carry.

Mr. CALLAWAY. Mr. Chairman, I move to strike out the last two words. I want to ask the gentleman from Minnesota a question in my time, if his time has expired, and that is if he does not know that the naval bill last year when it came into the House from the House committee provided for four battle cruisers and no battleships at all?

Mr. BUTLER. Five.

Mr. CALLAWAY. Five battle cruisers and no battleships at all, and that the chairman of the committee defended the change on the floor of the House for the same reason that has been suggested by the gentleman from Minnesota, and that when the bill went over to the Senate they changed it. Did the gentleman know that?

Mr. MILLER of Minnesota. I had forgotten it for the moment, but I recall now that that is the situation that existed then, and I thought of making the same speech then that I have just now, but I did not.

Mr. CALLAWAY. I want to further state for the information of the gentleman that the price of battleships and battle cruisers has been reversed since that time, and battle cruisers now cost \$28,000,000 while battleships cost \$28,000,000 each.

Mr. PADGETT rose.

Mr. CALLAWAY. I yield to the gentleman from Tennessee.

Mr. PADGETT. I simply wanted to make this statement: That the policy of the general board was that until we got up to a certain strength in battleships, other construction should give up, and after we got up to a given strength in our battleships, then they recommended battle cruisers, and the chairman last year did emphasize the value and the importance of battle cruisers at that time under the conditions that were existing, and we had the approval of the general board.

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentleman from Texas yield?

Mr. CALLAWAY. Yes.

Mr. COOPER of Wisconsin. The gentleman just made a statement that surprises me. The bill speaks of three battleships at \$15,500,000 each and one battle cruiser at \$19,000,000. The gentleman has just stated to the gentleman from Minnesota that a battle cruiser is to cost \$28,000,000 and a battleship \$28,000,000.

Mr. CALLAWAY. Just the shell of the ship is provided for in the bill, without armor and general equipment. I am talking about the battle cruiser and the battleships complete, ready to take the water.

Mr. COOPER of Wisconsin. So that these are the figures, so far as the hulls are concerned?

Mr. CALLAWAY. Yes; the hull, without the armor.

Mr. BURNETT. That is, this is just a starter.

Mr. CALLAWAY. Yes.

Mr. MILLER of Minnesota. Mr. Chairman, will the gentleman from Texas yield?

Mr. CALLAWAY. Yes.

Mr. MILLER of Minnesota. As I understand, from about 1904 to 1907 there were four or six—I do not remember which—scout cruisers authorized by our Government, of which the *Memphis* was one; the *Tennessee*, I think, was another; the *Charleston* another; and so on. Have those ever been found to be of any value to the Navy?

Mr. CALLAWAY. They have not found any vessel of any value as yet.

Mr. MILLER of Minnesota. Well, have they been of any value as scout cruisers?

Mr. PADGETT. They were of value in their day and in comparison with other ships of their time.

Mr. MILLER of Minnesota. What was their speed?

Mr. PADGETT. They were ships of about 23 knots, as I remember.

Mr. MILLER of Minnesota. I did not think they were as much as that. I did not know they would make more than 20 or 21.

Mr. PADGETT. Oh, yes; scout cruisers are ships of about 23 knots, as I remember. Since then the development and progress in ship building is such that the battle cruisers provided for in the bill of last year and appropriated for in this bill are to have a speed of 35 knots.

Mr. MILLER of Minnesota. Of course that will answer all possible requirements. One further inquiry. You are providing in this bill, the same as you did a year ago, for some scout cruisers. They are different from the battle cruiser. What is to be their speed?

Mr. PADGETT. They are similar ships in speed—something like 30 knots.

Mr. MILLER of Minnesota. Well, scout cruisers, however, to be of any value must have a speed greater than a battleship?

Mr. PADGETT. Oh, yes; battleships are down to 21 to 23 knots.

The Clerk read as follows:

Total increase of the Navy heretofore authorized and herein appropriated for, \$174,762,323.

Mr. PADGETT. Mr. Chairman, I wish to offer an amendment. It was recited in the rule that it should come after line 19, page 59, but the Clerk has read line 20, and I will ask to offer this amendment to come after line 21.

The CHAIRMAN. The gentleman will send his amendment to the Clerk's desk. The gentleman from Tennessee offers an amendment, which the Clerk will report.

Mr. PADGETT. The Clerk will read where I have marked it with a pencil.

The Clerk read as follows:

Amendment offered by Mr. PADGETT: After line 21, page 59, insert as a new paragraph:

"(a) That the word 'person' as used in paragraphs (b), (c), (d), next hereafter shall include any individual, trustee, firm, association, company, or corporation. The word 'ship' shall include any boat, vessel, submarine, or any form of aircraft, and the parts thereof. The words 'war material' shall include arms, ammunition, stores, supplies, and equipment for ships and airplanes, and everything required for or in connection with the production thereof. The word 'factory' shall include any factory, workshop, engine works, building used for manufacture, assembling, construction, or any process, and any shipyard or dockyard. The words 'United States' shall include the Canal Zone and all territory and waters, continental and insular, subject to the jurisdiction of the United States.

"(b) That in time of war or of national emergency arising prior to March 1, 1918, to be determined by the President by proclamation, the President is hereby authorized and empowered, in addition to all other existing provisions of law, and within the limit of amounts appropriated therefor:

"First. To place an order with any person for such ships or war material as he may require and which are of the nature, kind, and quantity usually produced or capable of being produced by such person. Compliance with all such orders shall be obligatory on any person to whom such order is given, and such order shall take precedence over all other orders and contracts theretofore placed with such person. If any person owning, leasing, or operating any factory equipped for the building or production of ships or war material for the Navy shall refuse or fail to give to the United States such preference in the execution of such an order, or shall refuse to build, supply, furnish, or manufacture the kind, quantity, or quality of ships or war material so ordered at such reasonable price as shall be determined by the President, the President may take immediate possession of any factory of such person, or of any part thereof without taking possession of the entire factory, and may use the same at such times and in such manner as he may consider necessary or expedient.

"Second. To modify or cancel any existing contract for the building, production, or purchase of ships or war material; and if any contractor shall refuse or fail to comply with the contract as so modified the President may take immediate possession of any factory of such contractor, or any part thereof without taking possession of the entire factory, and may use the same at such times and in such manner as he may consider necessary or expedient.

"Third. To require the owner or occupier of any factory in which ships or war material are built or produced to place at the disposal of the United States the whole or any part of the output of such factory, and to deliver such output or parts thereof in such quantities and at such times as may be specified in the order at such reasonable price as shall be determined by the President.

"Fourth. To requisition and take over for use or operation by the Government any factory, or any part thereof without taking possession of the entire factory, whether the United States has or has not any contract or agreement with the owner or occupier of such factory.

"Fifth. To waive all provisions of law restricting the hours of labor of persons in the employ of the United States or of persons in the employ of contractors therewith when employed on work in connection with such ships or war material: *Provided*, That wages of Government employees shall be computed on a basic day rate of eight hours' work, with overtime rates to be paid for at not less than time and one-half for all hours worked in excess of eight hours.

"(c) That no person shall, directly or indirectly, induce any person employed in any factory and engaged on work for the United States to leave his employment or to cease such work.



"(d) That any person who violates or fails to comply with any provision of paragraphs (b), (c), or any order given, direction, regulation, or restriction made or imposed thereunder shall be subject to a fine of not more than \$10,000, or to imprisonment for not more than two years, or both.

"(e) That whenever the United States shall cancel or modify any contract, make use of, assume, occupy, requisition, or take over any factory or part thereof, or any ships or war material, in accordance with the provisions of paragraph (b), it shall make just compensation therefor, and in default of agreement upon the damages, compensation, price, or rental due by reason of any action hereunder, the person to whom the same is due shall be entitled to sue the United States to recover his fair and reasonable damages in the manner provided for by section 24, paragraph 20, and section 145 of the Judicial Code."

During the reading of the amendment,

Mr. KEATING. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. KEATING. For a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. KEATING. Would it be in order at the end of the amendment to offer amendments to any part of the amendment? I understand we are not reading it by paragraphs.

The CHAIRMAN. The Chair thinks so; the amendment is being considered as a whole.

The Clerk resumed and concluded the reading of the amendment.

Mr. BUTLER. Mr. Chairman, I offer an amendment to the amendment.

The CHAIRMAN. Is this an amendment to the amendment or a substitute to the amendment?

Mr. BUTLER. It is an amendment to the amendment. Mr. Chairman, it is to the last paragraph of the Padgett amendment, and inasmuch as we are reading the Padgett amendment as a whole I presume it will be in order to offer it now.

The CHAIRMAN. It is an addition?

Mr. BUTLER. It is an amendment to Mr. PADGETT's amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend Mr. PADGETT's amendment by adding to the last paragraph the following: "(e) In the proper district court of the United States, irrespective of the amount claimed and on application from and by petition or by such claimant or claimants or the United States"—

Mr. BUTLER. Mr. Chairman, might we wake up, all of us. I would ask the Clerk to read the paper I sent up there. It reads this way:

Amend, page 6, paragraph (e), line 7, by striking out all after the word "damages," on line 7 and subsequent lines, and insert in lieu thereof the following:

Now, if the Clerk will read.

The Clerk read as follows:

Amend, page 6, paragraph (e), line 7, by striking out all after the word "damages," on line 7 and subsequent lines, and insert in lieu thereof the following: "In the proper district court of the United States, irrespective of the amount claimed, and on application thereto by petition, either by such claimant or claimants, or the United States as the case may be, or any one in behalf of either, the said court shall appoint five discreet and disinterested commissioners, and appoint a time for said commissioners to meet, of which time and place at least 10 days' notice shall be given by the petitioners to the said commissioners and the other party; and the said commissioners or a majority of them, having been first duly sworn or affirmed, faithfully, justly, and impartially to decide and a true report make concerning all matters and things to be submitted to them in relation to which they are authorized to inquire, in pursuance of the provisions of this act, and after having heard the parties, their proofs, and allegations, they shall estimate and determine the damages, if any, sustained by the claimant or claimants, and make report thereof to the said court; and if any damages be awarded, and the report be confirmed by the said court, judgment shall be entered thereon; the costs to follow the judgment, and the court shall determine the reasonable compensation of such commissioners for their services.

"The commissioners hereinbefore provided for may be appointed either after the exercise of the powers herein conferred or actual notice of intention so to do, and upon the report of said commissioners being filed in said court, either party, within 30 days thereafter, may file its, his, her, or their appeal from said report to the said court; and after such appeal either party may put the cause at issue in the form directed by said court, and the same shall then be tried by said court and a jury; and after final judgment in said court either party may appeal therefrom to the Circuit Court of Appeals or the Supreme Court, in the manner prescribed in other cases.

"The said district court shall have power to issue subpoenas for the appearance of witnesses before such commissioners, order what notices shall be given connected with any part of the proceedings, and make all such orders connected with the practice, pleadings, forms, and proceedings either before such commissioners or in said court, as may be deemed requisite.

"Whenever any department of the Government of the United States shall have exercised any of the powers herein conferred, such department, either before or after the proceedings above mentioned, is hereby authorized from time to time to pay to the injured party or parties, either its discretion, out of any moneys appropriated for that purpose, either the whole or any part or parts of the reasonable damages admitted by such department to have been sustained, or which are likely to be sustained, by reason of the exercise of such power, without prejudice to the rights of either party by reason of such payment or payments and upon final judgment being entered in any such proceeding, the proper department is hereby authorized and directed to draw its warrant on the Treasury for the amount of said judgment and costs, and said

amount for the payment thereof is hereby appropriated out of any moneys in the Treasury not otherwise appropriated."

Mr. PADGETT. Mr. Chairman, I reserve a point of order against the amendment.

Mr. MANN. What is the point of order?

Mr. PADGETT. I want the Chair to rule on it. As to whether it is subject to the point of order or not I am not prepared to say.

Mr. MANN. I would like to have the Chair determine whether the amendment offered by the gentleman from Tennessee is subject to amendment at all; it is a germane amendment if it is subject to amendment.

Mr. PADGETT. It is subject to amendment in a proper way, but whether or not this substitute—

The CHAIRMAN. The Chair will ask the gentleman from Tennessee what his point of order is.

Mr. PADGETT. This amendment is so broad and substitutes an entirely different method of obtaining damages and making an appropriation of an indefinite amount in the future to meet awards—

Mr. MANN. Well, the amendment offered by the gentleman from Pennsylvania provides the district court may appoint practically arbitrators or a commission. It also authorizes a suit to be brought in the district courts. The original proposition authorizes the President to fix practically the value of everything. It authorizes a suit to be brought. Now, it is certainly germane to a provision authorizing a suit to be brought to provide that there may be also opportunity to appoint a board of arbitrators without having a suit brought.

Mr. GORDON. Will the gentleman yield at that point?

Mr. MANN. Yes.

Mr. GORDON. Does it not first authorize a suit to be brought and then provide the means of prohibiting a jury trial?

Mr. MANN. Oh, no. The original amendment of the gentleman from Tennessee [Mr. PADGETT] authorizes suit to be brought, and the amendment of the gentleman from Pennsylvania [Mr. BUTLER] authorizes the matter to be submitted to arbitration first. It still retains the right to bring suit.

Mr. PADGETT. There is nothing in the amendment which I offered providing for arbitration.

Mr. MANN. The purpose of having the arbitration is to agree upon the damages quickly. Under the provision in the bill, while the President is given certain power to fix compensation, there is no way, unless they can come to an agreement between themselves, to fix the compensation without a suit being brought. And the modern system of settling these affairs is to give preference to arbitration where the parties are willing to do it. Of course the lawyers do not all like it, but I do. I am not one of the lawyers that prefer litigation to settlement.

Mr. GORDON. How about the constitutional provision where a man is entitled to a suit before you can take his property?

Mr. MANN. I have said to the gentleman four times, and I hope he will listen to it this time, that the amendment of the gentleman from Pennsylvania reserves the right to bring suit.

Mr. GORDON. Then it provides for two lawsuits instead of one.

Mr. MANN. It provides for arbitration. The gentleman from Ohio [Mr. GORDON] probably does not want to have anything settled soon, but I think it is desirable, if we are going to take possession of factories or business, to endeavor to have a settlement early. Of course the gentleman from Pennsylvania [Mr. BUTLER] will make his argument in reference to that. I am only talking about the point of order.

Now, we have the right under this provision also to provide that where the Government of the United States shall take possession of property and seize it we shall appropriate the money to pay for it.

Mr. SHERLEY. Mr. Chairman, I do not think the amendment offered by the gentleman from Pennsylvania [Mr. BUTLER] is germane. The amendment offered by the gentleman from Tennessee [Mr. PADGETT] gives to the President, upon the issuing of a proclamation, the right to take over plants or portions of plants of private manufacturers and to modify contracts in connection with the construction of ships or material for the Navy. And then it provides certain penalties for any person who shall refuse to work or shall violate any of the provisions. Then it provides—

That whenever the United States shall cancel or modify any contract, make use of, assume, occupy, requisition, or take over any factory or part thereof, or any ships or war material, in accordance with the provisions of paragraph (b), it shall make just compensation therefor, and in default of agreement upon the damages, compensation, price, or rental due by reason of any action hereunder the person to whom the same is due shall be entitled to sue the United States to recover its fair and reasonable damages in the manner provided for by section 24, paragraph 20, and section 145 of the Judicial Code.

These sections of the Judicial Code relate to suits by claimants against the United States. Now, the gentleman's proposal



provides for a board of arbitration, with a complicated system of appeal, and then that there shall be paid to such successful claimant whatever damages may be awarded against the United States. There is nothing in the amendment of the gentleman from Tennessee [Mr. PADGETT] that warrants the payment without appropriation by Congress of any damages that may be awarded. And I submit that that, if nothing else in the amendment, makes it not germane and subject to a point of order.

Mr. MANN. Will the gentleman yield for a question?

Mr. SHERLEY. Certainly.

Mr. MANN. Does the gentleman think that where Congress directs the President to seize certain property it is not a germane amendment to that to provide for paying for the property as the Constitution directs?

Mr. SHERLEY. I think it is not a question of what should be done. It is the question of germaneness. I do not think the amendment of the gentleman is germane. That part of it which provides new machinery for the adjudication of claims and provides for the payment of those claims is not germane to that part of the amendment of the gentleman from Tennessee, which simply gives the right to sue in the Court of Claims to these claimants.

Mr. MANN. Suppose the gentleman from Tennessee had carried no provision at all in his amendment for making compensation, would it not be germane to offer an amendment providing for a method of ascertaining compensation?

Mr. SHERLEY. I am not prepared to admit that it would, though I do not think that that would necessarily determine the matter here presented.

Mr. MANN. It seems to me perfectly clear where we provide for the seizing of the property that it is germane to provide a method of paying for it, and if it is suggested it be done in one way it is still germane to offer an amendment to provide that it shall be done in another way. Suppose the bill had provided that it should be settled by the Court of Claims; certainly no gentleman would say it would not be germane to authorize a suit to be brought in the United States courts instead of in the Court of Claims. Now, the section which was referred to, I assume, although I have not looked it up, is the one which authorizes suits to be brought in the Court of Claims or in the district courts of the United States.

Mr. SHERLEY. Section 145 of the Judicial Code—it might be well to read it for the information of all of us. It provides:

Sec. 145. The Court of Claims shall have jurisdiction to hear and determine the following matters:

"First. All claims (except for pensions) founded upon the Constitution of the United States or any law of Congress, upon any regulation of an executive department, upon any contract, express or implied, with the Government of the United States, or for damages, liquidated or unliquidated, in cases not sounding in tort, in respect of which claims the party would be entitled to redress against the United States either in a court of law, equity, or admiralty if the United States were suable."

Then comes a proviso in regard to war claims and a paragraph in regard to set-off, counter claims, and so forth. Now, the amendment of the gentleman from Tennessee extends the jurisdiction of the Court of Claims to these claims.

Mr. MANN. There being another provision of the Judicial Code providing that where suit can be tried in the Court of Claims suit may be brought in the district courts of the United States, could they under this provision do that? Or must every man, wherever his factory is located, come to Washington and bring his suit under the amendment of the gentleman from Tennessee?

Mr. SHERLEY. I am not familiar enough now with these sections of the Judicial Code to say when a party has the right to bring suits against the United States other than in the Court of Claims.

Mr. MANN. Would the gentleman question, then, the right of the House, as an amendment to the amendment of the gentleman from Tennessee, to provide distinctly, so that people would know whether they could bring a suit in the district courts or not?

Mr. SHERLEY. I did not make that the basis of my point of order. I did not make the basis of my point the providing of a different tribunal, but the fact that the amendment offered by the gentleman from Pennsylvania provides for the payment of the award without any further appropriation; and I insist that that is such a change as to make the whole paragraph not germane to that which has been presented.

Mr. MANN. What I understood the gentleman first to say was that the point of order was made because you provide a different and complicated tribunal.

Mr. SHERLEY. I simply said it did do that, without making that the basis of my point.

Mr. MANN. The only point the gentleman from Kentucky makes is that it provides for the payment of the amount now due. Yet we are constantly doing that, and if we have the right to seize property, as we have, for certain purposes, under the provision of the Constitution we must pay for it, and then certainly we have the right when we order the seizure to order the payment.

That is a germane proposition. That is part and parcel of the proposition. If the amendment of the gentleman from Tennessee had been offered without these provisions in it providing for compensation, it would not have been worth the paper it is written on, because it would be in violation of the Constitution. It would be directing a seizure of property without making compensation. Now, I contend that under the constitutional provision which says we must make compensation we have the right, when we order property seized, to provide the compensation and provide for its payment.

Mr. SHERLEY. If the gentleman will permit, there is quite a distinction between the right and the duty that the Congress has to provide for compensation and the germaneness of one amendment so providing to another amendment that does not so provide. Now, whether or not we should do it is a question that will appeal differently to various men, but the question for the Chair is whether there is in the amendment offered by the gentleman from Tennessee anything that makes germane the provision in the amendment offered by the gentleman from Pennsylvania for the payment of damages directly out of the Treasury.

Mr. PADGETT. Mr. Chairman, I would call attention, if the gentleman will permit it, to the fact that the amendment offered by me limited it to the method provided here, which is the court. Now, the gentleman is offering an amendment which goes away from the court and provides for arbitration. Arbitration is not germane to a provision for a suit in court. It is an additional and entirely different method of settling disputes. It is a method that the country has never admitted. I might call attention to the merits of it as set out in the letter of the Attorney General. It is subjecting the United States to a trial before a jury, something that the Government has never done. The Government has never consented that it should be sued before a jury.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield in that particular? Does not the gentleman in his own proposal—

Mr. MANN. The gentleman from Ohio [Mr. GORDON] was very much afraid the gentleman from Tennessee was trying to give a trial by jury, and now, when it appears that the gentleman from Pennsylvania is trying to give a trial by jury, we see my friend from Ohio changing his view.

Mr. GORDON. I am not changing anything.

Mr. BUTLER. It is provided in this amendment offered by the gentleman from Tennessee [Mr. PADGETT] that the Government shall make just compensation in the event that it seizes the property of an individual or corporation, and by this amendment which I have offered I have done no more than to extend the authority to the court, or the jurisdiction to the court, to ascertain the damages in another manner.

Mr. SHERLEY. If the gentleman will yield right there—

Mr. BUTLER. Of course, I will yield right there. I do not know whether I will be able to answer the gentleman, because I am not enough of a lawyer, you understand—I am not a lawyer; I am simply a member of the bar [laughter]—but this amendment was drawn, I will say to the gentleman, by the best authority in the State of Pennsylvania. He is a Member of this House and in our State he stands high as a lawyer, one of the very best therein. I will ask the Chair to hear my colleague, Mr. STEELE.

Mr. SHERLEY. The question does not relate to the wisdom of the proposal or its practicability. You do not simply provide a new forum, you do not simply provide a new method of determining damages, but you go forward and appropriate money to pay the verdicts that may be rendered. I am not saying why, what the reason is, but in that particular you differ so widely from the proposal of the gentleman from Tennessee that you make your amendment not germane.

Mr. BUTLER. Mr. Chairman, let us see if I can answer the gentleman from Tennessee before my colleague, Mr. STEELE, makes his argument in favor of this amendment. Of course, it is expected that the Government will pay the damages, and if we pass a law and do not provide for payment, I doubt very much whether the law would be a good law. Furthermore, it is provided in the amendment offered by the gentleman from Tennessee that compensation shall be made by the Government, and this is one of the methods of making the compensation through



the district court. That is the only answer I can give. If I do understand the gentleman from Kentucky, I tried to answer him; I am unable to further answer his question. I have given the best answer I could.

Now, Mr. Chairman, I have no time to yield, but will the Chair now hear the gentleman who drew this amendment?

The CHAIRMAN. The Chair would like to hear the gentleman on the point of order, the specific point made by the gentleman on the germaneness.

Mr. BUTLER. Mr. Chairman, it is said that this amendment is not germane because it provides, as I understand, for the payment of money without specifically providing in the amendment that the money must be paid out of money appropriated by Congress.

It is provided in this amendment which I have offered that whatever is assessed by these arbitrators shall be paid out of money appropriated by Congress for the very purpose. Now, I repeat what I said to the Chair when I made the first statement, which was this: That the amendment of the gentleman from Tennessee provides two forums, either one of which may be used by claimants to recover damages. If the Chair will look at the bottom of paragraph (e), the first is through the district court authorizing the claimant to bring suit in the district court. The second is the Court of Claims. Now, if this amendment of mine should be adopted, either court will have jurisdiction—either the Court of Claims or the district court. Now, the amendment does no more. It certainly refers to the same subject—the collection of compensation from the Government for property taken or destroyed by the Government for such purposes as are stated in this amendment. Then it follows that we have the authority to enlarge the jurisdiction or the power given to the district court to enable it to appoint arbitrators, to assess damages immediately. This is modeled after the form of law that is found in each State in the Union, so far as I know—it certainly is in our State—to enable a claimant to collect his damages expeditiously on account of property taken from him adversely or where the right of eminent domain is exercised by the corporation taking the property.

I have nothing further to say. I am not able to say anything more than this, for I do not know any better way to say it. The amendment is certainly germane.

Mr. MANN. Mr. Chairman, I understand practically the only point of order now being urged is against that part which provides for the payment of the judgment on recovery. If the Chair will notice the amendment, he will find a provision that the President shall have the authority to place an order for material, which order is obligatory, which should take precedence, and if they fail he may seize and take immediate possession of any factory or any part thereof—

At such reasonable price as shall be determined by the President.

That same provision is carried in various other places.

At the bottom of page 4: Third, the President may require the owner or occupier of a factory—

to deliver such output or parts thereof in such quantities and at such times as may be specified in the order at such reasonable price as shall be determined by the President.

And the bill makes provision for the payment of those amounts.

The CHAIRMAN. Will the gentleman allow the Chair to ask him a question?

Mr. MANN. Certainly.

The CHAIRMAN. Under the provisions contained in the committee amendment, would it not require an appropriation by Congress to meet these things?

Mr. MANN. Why certainly not—an appropriation made after the amount is determined?

The CHAIRMAN. How would the appropriation be made unless the amount had been determined?

Mr. MANN. Because the bill expressly provides that it shall be paid out of any amounts which are appropriated. Under paragraph (b) in the middle of page 3—

The President is hereby authorized and empowered, in addition to all other existing provisions of law, and within the limit of amounts appropriated therefor—

First, second, third, fourth, and fifth, to do various things. Now, the Chair will recall that while this is an appropriation bill, this item is not subject to the rules governing appropriation bills. This is a legislative item, and we always have the right in a legislative item to make an appropriation to carry it into effect. Most legislative bills which involve the expenditure of any money at all have a provision in them making appropriations to carry those bills into effect when enacted into law, being a legislative determination, not confined by the rules relating to appropriation bills. This provision is taken out

from under the limitation of the rule that you can not make an appropriation unless authorized by law. Now, the gentleman from Pennsylvania [Mr. BUTLER] proposes to make an appropriation as a part of this legislation. That is in order and germane. If the Committee on Naval Affairs had reported this as a legislative bill, it would be in order to provide the appropriation to pay the money which is found due.

Mr. SHERLEY. Mr. Chairman, if the Chair will turn to Hinds' Precedents, volume 5, section 5850, he will find this statement:

To a bill authorizing the Court of Claims to adjudicate a claim, an amendment providing for paying the claim outright was held not to be germane.

And in section 5851—

To a proposition to pay a claim an amendment proposing to send the claim to the Court of Claims was held not to be germane.

Now, that is the exact point that I make here. Here is a proposal not simply providing for a different tribunal but providing for the payment of the claim when the tribunal shall have determined its amount, making an indefinite appropriation. Now, the proposal that was up and which was ruled upon, quoted in Hinds' Precedents, was a bill to confer jurisdiction on the Court of Claims in the case of the Methodist Episcopal Church South against the United States. To that was offered an amendment to pay the claim outright, and the Chair held that that was not germane, and I submit that that decision is exactly upon all fours with the proposal here presented.

Mr. TOWNER. Mr. Chairman, I presume that the Chair is familiar with the fact that originally no one, citizen or alien, could sue the Government of the United States. We broke over that old rule by establishing the Court of Claims, in which a claim could be prosecuted against the United States and the amount of it determined, but without giving that court any power of judgment. We then made in the Judicial Code a further extension of the right to sue or bring suit against the Government, and that is the provision that is contained in the twenty-fourth section of the Judicial Code which defines the powers of the district courts of the United States. Under paragraph 20 of that twenty-fourth section is the following language, to which I would like to have the attention of the Chair:

Concurrent with the Court of Claims, of all claims not exceeding \$10,000, founded upon the Constitution of the United States or any law of Congress, or upon any regulation of an executive department, etc., jurisdiction is given to the district courts of the United States.

That is, the claimant has the choice of bringing his claim either in the Court of Claims or, if it is less than \$10,000, in one of the district courts of the United States. If it is more than \$10,000, however, there is no court in the United States in which he could bring his claim except the Court of Claims. The provision of the amendment of the gentleman from Pennsylvania [Mr. BUTLER] is to establish a new and a further method of establishing claims against the United States, and that by arbitration. It occurs to me that the very statement of that fact shows that it could not possibly be germane to this bill, for the reason that this bill provides that it must be brought under the provisions of paragraph 20 of section 24. In addition to the fact that it provides an entirely different method of trial in suits against the United States, the provision making an appropriation in advance for the amount of the recovery, is certainly a variation, and a strong variation, that would show it is not germane to this provision. Another provision of the bill, as the gentleman from Illinois [Mr. MANN] argues, stating that these amounts must be within the appropriations, would have no applicability to this proposition. This is an unsettled and an undetermined claim. No such claim ever would arise. No such claim could possibly be within the contemplation of Congress. There could be no appropriation, because it could not be contemplated that the need for any appropriation would arise. It would appear clear that the method of payment is a clear departure from any provision of the bill.

Mr. GOOD. Does not the amendment of the gentleman from Tennessee [Mr. PADGETT] establish a different method of arriving at the amount? That provides that the President shall fix the amount—not the Court of Claims, nor the court of the United States.

Mr. TOWNER. That is, of course, in the first instance; but it gives the party claimant, if he is not satisfied with the action of the President, the right to go to the courts; and, so it seems to me clearly, the point of order that is made by the chairman of the committee against the germaneness of this amendment is well taken.

Mr. STEELE of Pennsylvania. Mr. Chairman, this bill proposes the most drastic exercise of the right of eminent domain ever attempted in this country. It proposes to vest in the officers of the General Government the power of condemning



real and personal property without limit for the purposes of the Government. Of course, under the Constitution we are bound to provide compensation for the payment of damages. It may be that it is not necessary that those damages should be paid coincident with the exercise of this power by the General Government, but it seems to me that in the exercise of so comprehensive a power as this some method should be provided for the immediate ascertainment of these damages, because under the provisions of this bill any manufacturing plant engaged in the manufacture of munitions or articles of war, or in the manufacture of ships, can be taken over by the General Government without making any immediate compensation whatever. In the meantime what will happen? Those plants will lose any earning power they may have possessed, and the Government has possession of their property, without any means of income, without any means of paying dividends to the stockholders, or any means whatever of making their plant, so far as its financial operations are concerned, a going concern while the stockholders are deprived of their property. The purpose of this amendment offered by the gentleman from Pennsylvania is simply to provide some immediate remedy by which these damages can be ascertained and at the same time preserve the right of the Government, in the event that they are not satisfied with the action proposed in the amendment.

The act itself provides, as correctly stated by the gentleman from Iowa [Mr. TOWNER], that the procedure shall be either in the district court when the amount is under the sum of \$10,000 or in the Court of Claims when the amount is in excess of that figure. Manifestly the exercise of so large a power will in almost every case exceed the sum of \$10,000, so that the effect of this act would be to relegate for the ascertainment of damages all these cases to the Court of Claims. The chief justice of the Court of Claims, when he appeared before the Judiciary Committee of the House, of which I happen to be a member, stated within the past year that there were pending in that court more than 4,000 cases at the present time, and with that large calendar to impose this additional duty upon it would mean it would take years for the ascertainment of the amount of damages that would arise under the terms of the act. So much for the propriety of the remedy proposed.

The CHAIRMAN. The gentleman is arguing the merits of the proposition.

Mr. STEELE of Pennsylvania. I understand. The point of order is that this proposed amendment makes an appropriation. I understand that it is not seriously disputed but that the general features for ascertaining these damages would be a proper amendment. This amendment does not provide anything outside of the district court. It does not provide for an arbitration outside of the district court. The bill itself provides that you can have a remedy in the district court of a limited character. This simply enlarges the jurisdiction of the district court beyond that provided for in the amendment offered by the gentleman from Tennessee [Mr. PADGETT].

Now, it simply proposes a new procedure in the district court, simply leaving the jurisdiction where it was but enlarging the amount. It simply provides that any claimant or the United States can go into the district court and ask by petition for the appointment of commissioners to determine the amount of damages, and either party who may not be satisfied with their award can appeal to the district court and have it determined by a jury. It simply leaves the whole matter to the determination of the district court in practically the same way as provided in the Judicial Code—first to appoint commissioners to ascertain the amount and then provides in addition that the amount can be determined in the district court. So far as appropriating money is concerned, the amendment itself authorizes any officers of the Government to draw on account out of any money appropriated. That certainly does not make an appropriation. It leaves the amount to be appropriated, and in the final clause it does say that where the final judgment is once reached that then the amount of the final judgment, including the costs, is authorized to be paid by the officers of the Government, and that amount is appropriated. And when the gentleman said that the United States never agreed or authorized that in cases of eminent domain that the case should be tried by a jury, he is mistaken. I refer to the act of 1888, when this House passed an act, which was approved by the Senate, authorizing the condemnation of some property of the Monongahela Navigation Co., where the identical language was used as in this amendment for the procedure to be in accordance with the laws of Pennsylvania and other States, which provided the same method as provided by this amendment.

Mr. SAUNDERS. Mr. Chairman, looking to the amendment offered on the part of the gentleman from Tennessee and the amend-

ment to the amendment offered by the gentleman from Pennsylvania, we find, as I understand the two, this situation. The amendment of the gentleman from Tennessee in substance provides that upon a certain state of facts, there shall be a liability on the part of the Government, and for the discharge of this liability, the Congress must thereafter make a special appropriation. On the other hand the amendment on the part of the gentleman from Pennsylvania, provides a method of ascertainment of liability and the appropriation in advance of a sum to be drawn upon for the discharge of this liability.

Mr. HASTINGS. Which might run into a billion dollars.

Mr. SAUNDERS. Oh, yes. The amount to be provided is altogether indefinite and uncertain. There is certainly a great difference, in substance between the two propositions, and that being so, having in mind the continual and increasing tendency manifested in the precedents of this House to narrow the rule of germaneness, a tendency which has been noted by everyone who has followed these rulings, it seems to me that the amendment offered on the part of the gentleman from Pennsylvania is not in order.

The CHAIRMAN. In the amendment offered by the gentleman from Tennessee provision is made in the last clause, page 6:

It shall make just compensation therefor—

That is, the property that has been taken by the Government—and in default of agreement upon the damages, compensation, price, or rental due by reason of any action hereunder the person to whom the same is due shall be entitled to sue the United States to recover his fair and reasonable damages in the manner provided for by section 24, paragraph 20, section 145 of the Judicial Code.

Which, as the Chair understands it, would allow suit in the Court of Claims for damages. Now, the amendment offered by the gentleman from Pennsylvania that suit may be brought in the proper district court of the United States, or that within the jurisdiction of this court it may be arbitrated, in the judgment of the Chair and in the opinion of the Chair that part of the amendment of the gentleman from Pennsylvania is germane to the amendment offered by the gentleman from Tennessee. But in the later clause of the amendment offered by the gentleman from Pennsylvania he creates an indefinite and continuing appropriation, and the question of germaneness, as the Chair has stated, in the first part of the amendment of the gentleman from Pennsylvania, he would hold it was germane, but in the opinion of the Chair the amendment of the gentleman from Pennsylvania creating a continuing and indefinite appropriation destroys the germaneness, and the point of order is sustained.

Mr. BUTLER. Mr. Chairman, I desire to offer another amendment. I desire to say, in order not to take up the time of the committee, that this is exactly the same amendment I offered before, but leaving out the part which the Chair has ruled not to be in order.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend page 6, paragraph (e), line 7, by striking out all after the word "damages" on line 7, and subsequent lines, and insert in lieu thereof the following: "In the proper district court of the United States, irrespective of the amount claimed, and, on application thereto by petition, either by such claimant or claimants, or the United States, as the case may be, or anyone in behalf of either, the said court shall appoint five discreet and disinterested commissioners, and appoint a time for said commissioners to meet, of which time and place at least 10 days' notice shall be given by the petitioners to the said commissioners and the other party; and the said commissioners, or a majority of them, having been first duly sworn or affirmed, faithfully, justly, and impartially to decide, and a true report made, concerning all matters and things to be submitted to them in relation to which they are authorized to inquire, in pursuance of the provisions of this act; and after having heard the parties, their proofs and allegations, they shall estimate and determine the damages, if any, sustained by the claimant or claimants, and make report thereof to the said court; and if any damages be awarded and the report be confirmed by the said court, judgment shall be entered thereon, the costs to follow the judgment, and the court shall determine the reasonable compensation of such commissioners for their services.

"The commissioners hereinbefore provided for may be appointed either after the exercise of the powers herein conferred or actual notice of intention so to do, and upon the report of said commissioners being filed in said court, either party, within 30 days thereafter, may file its, his, her, or their appeal from said report to the said court; and after such appeal either party may put the cause at issue in the form directed by said court, and the same shall then be tried by said court and a jury; and after final judgment in said court either party may appeal therefrom to the Circuit Court of Appeals or the Supreme Court in the manner prescribed in other cases.

"The said district court shall have power to issue subpoenas for the appearance of witnesses before such commissioners, order what notices shall be given connected with any part of the proceedings, and make all such orders connected with the practice, pleadings, forms, and proceedings either before such commissioners or in said court, as may be deemed requisite."

The CHAIRMAN. The gentleman offers an amendment to the amendment of the gentleman from Pennsylvania, which the Clerk will report.

Mr. PADGETT. The lines are not numbered. In the copy I have here it is in the paragraph called "(h)." Page 2, line 2,



strike out the words "and a jury" following the words "by said court."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On the second page of the amendment, in line 2, strike out the words "and a jury" following the word "court."

Mr. MANN. Mr. Chairman, of course the amendment offered by the gentleman from Tennessee [Mr. PADGETT] is subject to a point or order, being an amendment in the third degree. I did not make the point of order because I thought it wise to leave it to the judgment of the House whether they had reached that point where they proposed to abolish trial by jury.

Mr. PADGETT. I have a letter here from the Attorney General—

Mr. MANN. I have no doubt the Attorney General wants to abolish trial by jury. I never knew a time when the defendant did not.

Mr. PADGETT. It says here that a jury trial is provided for, whereas the United States has never consented to be sued before a jury.

Mr. MANN. The Attorney General is in error. He does not know what the law is on the subject. There is a trial by jury now in the district court in a suit against the United States.

Mr. TOWNER. Will the gentleman yield to me to show the gentleman?

Mr. MANN. I will be very glad to yield.

Mr. TOWNER. The language of this provision that was put originally by the gentleman from Tennessee in the bill, referring to this paragraph 20, section 24, says that these suits may be brought either by law or at equity. If they were brought at law they would employ a jury trial.

Mr. MANN. Mr. Chairman, after all it does not make so much difference about that. Here is a proposition that the Government of the United States shall walk into a man's factory and take out any part of it, either of his product or his machinery, or take out all that he has, confiscate, in effect, and then say to him, "You shall not have a chance to lay your matter before a jury." Is not that giving him little enough? When you seize his property, is it not giving him little enough to give him a chance before a jury? I want the Government to be careful before it takes the property, and if it seizes the property of an individual it ought to be willing to recompense him and leave it to a jury, not to a packed court, a court perhaps wanting promotion at the hands of the President, and seeking to get the favor of the administration. It would not be the first time that had occurred.

Mr. PADGETT. I want it distinctly understood that I am opposed to this entire amendment offered by the gentleman from Pennsylvania [Mr. BUTLER], and I hope that the House will vote it down. But before it is voted upon as a whole it ought to be remedied as far as possible of objectionable details. The gentleman says "a packed court," in referring to the court. Every man here knows what it means to subject the Government to a suit before a jury. There is no use of mincing words about it. Every condemnation proceeding that is had, where a jury condemns, we know the Government has to pay two, three, or four prices; and to subject the Government to a suit before a jury in the district court where the jury is taken out from around and among those interested in the establishment and the manufactory would put the Government at a great disadvantage.

Mr. SMITH of Michigan. Will the gentleman yield?

Mr. PADGETT. If this amendment is to be adopted at all, it ought to be amended so that the Government, when it consents to be sued, should consent to be sued in the court and tried by the court, and not before a jury.

The CHAIRMAN. Does the gentleman from Tennessee [Mr. PADGETT] yield to the gentleman from Michigan [Mr. SMITH]? Mr. PADGETT. I do.

Mr. SMITH of Michigan. Is it not true that the Government appoints the court, and that you would be trying a man before a court appointed by the plaintiff in the case?

Mr. PADGETT. That is so far-fetched that I do not think it needs any answer. But we do know the operations of juries where the Government is sued, and I think the amendment I have offered should be agreed to.

Mr. BUTLER. Mr. Chairman, have we reached the merits of the dispute?

Mr. HUMPHREY of Washington. We have.

Mr. BUTLER. Very well. Mr. Chairman, I wish to say something before this proposed amendment is voted on, and I wish every Member would express himself so that the country might understand where he stands on the proposition that suitors shall not have their disputes at law settled by their

peers. I repeat what I said heretofore. I requested the gentleman from Pennsylvania [Mr. STEELE] to prepare the amendment which I offered to secure to the people of the United States—who are unfortunate enough to have their property taken forcibly from them under war conditions—an opportunity to have their disputes tried in the ordinary way and by ordinary courts of justice. In the State of Pennsylvania, where Mr. STEELE and I live, he having had much experience and I having had but little, we do know this, that wherever the property of an individual is seized he has the opportunity, first, to have his damages assessed by seven men appointed by the court of common pleas of the county in which his property is located, and then if the award is not satisfactory to either party interested an appeal is allowed him that he may try before a jury of the county in which the property is located the question of how much compensation he in justice ought to have. The Government ought to ask no greater privilege, and the claimant surely is entitled to that much.

Mr. GORDON. Will the gentleman yield?

The CHAIRMAN. Will the gentleman from Pennsylvania yield to the gentleman from Ohio?

Mr. BUTLER. Yes.

Mr. GORDON. The amendment offered by the gentleman from Tennessee [Mr. PADGETT] provides that the President of the United States shall fix the value of this property, and if they are not satisfied with his judgment they then may appeal to the court. Do you think the President of the United States is liable to oppress your citizens temporarily? Is not that as much of a safeguard, in other words, as the system you have just described as in force in your State?

Mr. BUTLER. I do not agree that the President of the United States should be the sole arbiter, and beyond this I want to inquire whether or not small manufacturers of the State in which Mr. STEELE and I live shall have justice. And I do not want to see the right of the injured party turned over to the Government of the United States to do with it as the Government may see fit; to take him where the Government shall direct and in the manner which the Government may dictate and in its own time determine what damage the Government may have done him in the forcible occupation of his property. I wish the injured party to have a quick remedy and an inexpensive one.

They are not asking to have their property taken. They have offered them, but if any dispute should arise between them and the Government as to the amount of damage, it must be settled somewhere and by some tribunal. Why should the Government, being the aggressor, select the place of trial and the manner of the remedy.

Mr. Chairman, let me tell you a rather sad story that belongs to my district, and one that led me to ask this learned gentleman to prepare this amendment. John Roach built the first ships of the new Navy of the United States. He built the *Dolphin*, the *Atlanta*, the *Boston* and the *Raleigh*. Before they were completed his shipyard was seized by the Government. It used his tools and burnt his coal and greatly damaged his plant. It confiscated his property to suit the views of the officers and officials of the United States Government, who charged him with inability to complete his contracts. It drained Mr. Roach's purse, it broke his heart, and destroyed his life, and 13 years did his family labor before they finally recovered through the Court of Claims, and procured an appropriation by Congress to reimburse them. There was no question of their right nor any question of the honesty of the claim.

Mr. TALBOTT. Mr. Chairman, will the gentleman yield to me for one moment?

Mr. BUTLER. Yes.

Mr. TALBOTT. All the trouble about the Roach case was this—

Mr. BUTLER. I was here when the appropriation was made.

Mr. TALBOTT. Now, wait. All the trouble about it was this, that the Secretary of the Navy, Mr. Robeson, made a contract with the Roaches to build a vessel without authority of law.

Mr. BUTLER. No, sir; that was not the reason which the Government assigned for the confiscation.

Mr. TALBOTT. That was the whole of it.

Mr. BUTLER. I know that Whitney was Secretary of the Navy at the time, and seized John Roach's plant, and said the *Dolphin* was defective—structurally weak. Yet she has sailed around the earth several times. She is the best ship the Navy ever had. It was stated repeatedly that the plant was seized because the shaft of the *Dolphin* had been defectively made. It was the shaft the Government prescribed, and against the rules of its builder. Anyhow, they took these shops over. His own Government confiscated his yards. The grand old shipbuilder



of Chester, remembered for his skill and beloved for his integrity, was buried long before his family received the damages they were entitled to. In his day he had built more than 200 ships and never had a dispute with a customer, except his own Government. I do not want to see such occur again, and it was to avoid a similar catastrophe that my colleague from Pennsylvania [Mr. STEELE] prepared the amendment and I offered it, so that if hereafter a man whose property is seized, whether he is a rich man or a poor man, whether he has notes in the bank or a deposit to his credit, there shall be given to him an early and quick remedy by which he can recover justly what is due him. [Applause on the Republican side.] And if you take from him the right of trial by jury, and deny him the remedy herein provided, I shall make my best effort to put this House upon record. [Applause.]

Mr. GORDON. You are not asking for a jury trial?

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

Mr. HASTINGS. Mr. Chairman, I rise to say only one word. I heartily agree with my friend from Pennsylvania [Mr. BUTLER] that every man ought to have his day in court, but I believe that that ought to be applied to all citizens of the United States. I think it ought to be applied to the munition manufacturers; I think it ought to be applied to the big corporations, as in this case, and to every individual case without reference to his station in life.

But, Mr. Chairman, I rose for the purpose of inviting attention to the fact that we find upon the House Calendar to-day 50 or 75, or maybe 200 or 250, little bills to refer individual claims to the Court of Claims, and when Members get up on the floor in behalf of the little fellows, in behalf of these little claims, to refer their claims against the Government to the Court of Claims, you invariably find some objection made on that side. I am very glad that there is a change of heart, that we find our friends willing to have these cases referred to a court for adjudication. I am not only in favor of referring these claims to a court to be adjudicated, but I am in favor of referring all claims where the interests of the Government are properly safeguarded in the bill to some court for adjudication. [Applause.]

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

Mr. SHERLEY. Mr. Chairman, the Federal Government is not always a fair debtor, and it is not always a fair debtor because its citizens unfortunately are so frequently unfair to it. Any man who has served any length of time in this House knows how careful men must be in examining claims against the Government in order that the Government may not be robbed, and the result of that is that the Government frequently leans backward and refuses to pay its just debts knowing it is frequently asked to pay what is not just.

But what is the proposal before the House? The proposal is that in this particular matter you shall have a different sort of procedure from what you have in other matters of claims against the Government. Now, if the gentleman had proposed a summary proceeding by way of arbitration for the settlement of these questions I might have listened with more patience, but what he is proposing is simply to add a form of arbitration to the court procedure so as to give an additional reason for delay in final adjudication. His amendment provides that there may be these arbitrators, and then their decision being final upon nobody, the right shall exist to an ordinary trial in a court by a jury, and he insists on the right to appeal to the circuit court of appeals or the Supreme Court, as the facts may warrant in the particular cases.

Now, what is the present law? The present law is that as to all claims over \$10,000 suits shall be brought in the Court of Claims, where a jury trial does not exist. Suits brought in a district court that are properly suits for determination by a jury and which have to be less than \$10,000 may be tried by a jury.

He proposes now to have a jury trial in all instances. Well, there have been discussions since the beginning of the Government and probably will be until the end of it as to the merits of the jury system, as to whether it does or does not promote equity; and I probably would not have said anything about the matter if it had not been for the suggestion made by several gentlemen, that because Federal judges, forsooth, are appointed by the United States Government therefore they can not be expected to be honest and impartial in dealing with suits against the Federal Government.

I think that is an undeserved and unwarrantable reflection upon the character of the judiciary of the United States, and I would be false to myself if I did not protest against

an assertion of that kind. There is nothing in the history of these judges that warrants men to believe that in trying matters between the Government and its citizens they will not do full and exact justice. If we are going to change the rule, let us change it as to all manner of cases. There is no more reason for providing for a jury trial in this class of cases than there is as to any other suit brought by citizens against the Federal Government. I submit that what we are likely to do in passing upon amendments that we have only heard read, and have not been able to examine, is to create a very cumbersome machinery for the consideration of these cases that will result in expensive litigation before the rights of parties are determined. The proposal of the gentleman from Tennessee [Mr. PADGETT] is simply to extend the existing machinery for the adjudication of claims against the Government to such claims as may arise under this legislation.

Mr. DALLINGER. Does not the gentleman see any difference between the case of a citizen voluntarily selling something to the Government, and the case provided for by this extraordinary amendment?

Mr. SHERLEY. I do in one sense, and I do not in another. I do not think the citizen who has his property taken over in time of national peril is in such a terribly desperate state and has such peculiar equities that he should ask favors that are not given to the ordinary creditor of the Government. That is a time when all men's property should be subject to the command of the Nation that makes their property worth while by the defense that it gives to them and to their property, and I see nothing so very sacred in the character of these claims as against claims of other kinds that may exist against the Government. I want my Government to do justice as to all claims, but I do not think the jury system necessarily guarantees a better solution of these cases, and I think it will serve to lengthen very greatly the time before final judgment is had and the matter is settled.

Mr. DAVIS of Texas. Mr. Chairman, it is a well-known rule of common law that a sovereign is not subject to be sued by a subject or citizen without consent. That being the established rule of all Governments, this Federal Government years ago gave a common rule of consent by which the citizen might sue the Government through the Court of Claims, and I am unwilling to go out and scatter all over this Republic a thousand or a hundred thousand suits to be defended at different and converse times by district attorneys all over the country, prolonging the litigation, in time of war. In time of war you can confiscate, conscript, and condemn human lives and compel them to die. Money is no more sacred than men.

Mr. SWITZER. I should like to ask the gentleman a question.

Mr. DAVIS of Texas. I yield for a question, not for a stump speech.

Mr. SWITZER. This is not limited to time of war. It says, "in time of any national emergency."

Mr. DAVIS of Texas. Imminent danger of war. That is what is contemplated. It will never be exercised otherwise.

Mr. SWITZER. Then why not strike out the word "emergency"?

Mr. DAVIS of Texas. A national emergency is such an imminent danger as necessitates immediate preparation for war. That is understood. There is certainly no contention about that. Now, the Government having established this process by which citizens can reach the Government in suit on cause of action, I do not want to hamstring and hogtie the Federal Government by prolonging and scattering and disseminating litigation all over the Republic. I support the amendment of the gentleman from Tennessee to the amendment of the gentleman from Pennsylvania.

The CHAIRMAN. The question is on the amendment of the gentleman from Tennessee [Mr. PADGETT] to the amendment of the gentleman from Pennsylvania [Mr. BUTLER].

The question being taken, on a division (demanded by Mr. PADGETT) there were—ayes 48, noes 63.

Accordingly the amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. BUTLER].

The question being taken, on a division (demanded by Mr. BUTLER) there were—ayes 32, noes 78.

Accordingly the amendment was rejected.

The CHAIRMAN. The question is on the amendment of the gentleman from Tennessee [Mr. PADGETT].

Mr. COOPER of Wisconsin. Mr. Chairman, I have an amendment to that.

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



The Clerk read as follows:

Amendment to the amendment: In line 17, on page 3, strike out the word "he" and insert in lieu thereof the words "the necessities of the Government."

Mr. COOPER of Wisconsin. I think the chairman of the committee will agree to that. That leaves it, not as he may require but as the necessities of the Government may require.

Mr. PADGETT. Who would require it?

Mr. COOPER of Wisconsin. The President has the authority.

Mr. PADGETT. I know; but the word "he" gives him the authority.

Mr. COOPER of Wisconsin. To be determined by the President.

Mr. PADGETT. My amendment says:

To place an order with any person for such ships or raw material as he may require.

Mr. COOPER of Wisconsin. I will amend my amendment in this way, Mr. Chairman:

To be determined by the President.

Mr. PADGETT. Who would give the order for it? The President is to give the direction for them to do something.

Mr. LENROOT. That direction is in (b), which authorizes the President to place the order. This has nothing to do with the order. It still will remain as it was. The President will be authorized to place the order.

Mr. PADGETT. How does your amendment read?

Mr. COOPER of Wisconsin. Let the Clerk read it.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment as modified: Strike out the word "he" and insert "the necessities of the Government, to be determined by the President."

Mr. PADGETT. I have no objection to that.

Mr. COOPER of Wisconsin. Strike out the words "as he may require and" and insert "as the necessities of the Government, to be determined by the President, may require."

The CHAIRMAN. The Clerk will again report the amendment as now modified.

The Clerk read as follows:

Strike out the words "he may require and" and insert "as the necessities of the Government, to be determined by the President, may require."

Mr. SNYDER. Mr. Chairman, referring to the taking over of certain plants by the Government, I was sufficiently fortunate yesterday to meet a gentleman who left England less than two weeks ago, who is the representative there, and has been for many years, of one of the largest manufacturing establishments in the United States.

He is familiar with nearly every condition under which manufacturing is being carried on in England at the present time, and with the methods in use by the English Government, especially in the use of private manufacturing establishments for Government work. The English Government has not confiscated a single manufacturing plant, as we here understand the term. It has built many factories for the exclusive uses of the Government.

Of course, it is true, too, that hundreds of the manufacturing establishments of England are being operated exclusively for the Government, but there has been no taking over, such as we contemplate doing by this measure that is now before the House.

I have here positive information, at first hand, of exactly the plan as operated by our friends across the water.

In the first place, the English Government has made a census, or survey, of all manufacturing establishments, as we have already done in this country, and from that list they have selected various establishments which are suitable for the manufacturing of such items as the Government needs.

The idea is to send to the factory the general agent of the English Government to inform them that that Government has decided to purchase of them certain items which it needs, and he presents a list of those items, designated as "A," "B," "C," "D," and so forth. "A" represents the item most suitable for the plant to manufacture and most needed by the Government. "B" represents the item second in importance, and for the manufacture of which the plant is suitable. "C" "D" and "E" follow along the same line in the order designated.

The representative of the Government says, "Gentlemen, we want this factory to put all its endeavors on this line of work. After the items we have laid out here have been manufactured, if you have any facilities left for other purposes, you will be permitted to manufacture and sell them elsewhere, as you have heretofore."

Now, when it comes down to the matter of a settlement or terms for the manufacturing for the Government, there is no question as to any arrangement as to interest on the investment or anything of that sort. The Government simply assumes the

rôle of a customer, the same as any other purchaser, at the prices made by the maker, and the maker bills them up to the Government, exactly as he would to any other buyer, and when the year end comes he is permitted to make a profit of 6 per cent on his entire capital and investment, and after that, if there is any further profit he divides that equally with the Government.

Now, gentlemen, that seems to me to be a very satisfactory and feasible method of handling this whole proposition. There is no confiscation. There is no reason in the world why any manufacturing establish in this country, or any other, would not be willing to do business with the Government on this basis. There is no opportunity for graft; no incentive for a concern to charge more than a reasonable profit, because it can have only a fair share of that profit and the Government will get the balance.

The plant goes along from the time the arrangement is made with the Government exactly as before, except it may be possible that its facilities will also allow it to operate on other lines not needed by the Government at the same time. It bills up its business in a regular way. The Government has no regular or specific terms, no fixed set of terms with which the manufacturer must comply. Instead, the Government accepts the individual terms of the manufacturer, as to prices, and so forth.

Now, it seems to me if some plan of this sort could be adopted and followed by this Government, in case it became necessary to secure the aid of many private concerns, there would be very little difficulty, very few claims to adjust, and very little trouble, if any, for the factory to return from Government work to its former production of its general business output.

I feel, as a manufacturer myself, that this method is, perhaps with some few details changed, which might be necessary under our laws, would be a most suitable one and very much more satisfactory in this country than anything which has been presented along this line up to the present moment. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. COOPER].

The amendment was agreed to.

Mr. PADGETT. Mr. Chairman, in order to make clear some matters here, I desire to transpose certain words. On page 3 of the resolution, the proposed amendment, in lines 14 and 15, occur the words "and within the limit of amounts appropriated therefor." I think it would be well to strike out those words as they appear in paragraph (b) and insert them in line 16 of the same page, just below, so that it would read:

First. Within the limit of amounts appropriated therefor, to place an order with such person—

And so forth, and to insert the same words after the word "Second," in line 10, page 4.

The CHAIRMAN. The Chair would suggest that the committee act upon one of these at a time.

Mr. PADGETT. Then, Mr. Chairman, I move to strike out the words "and within the limit of amounts appropriated therefor," in lines 14 and 15, on page 3, and to insert the words "within the limit of amounts appropriated therefor" after the word "First," in line 16, page 3, and to strike out the capital "T" and insert a small "t" in the word "To."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend. on page 3, by striking out, in lines 14 and 15, the words "and within the limit of amounts appropriated therefor"; and insert, after the word "First" and before the word "To," in line 16, the words "within the limit of amounts appropriated therefor," and change the capital letter "T" to a small letter "t."

Mr. MANN. Mr. Chairman, the amendment does not strike me favorably, even to accomplish the purpose that the gentleman desires to accomplish. I am not very much enamored at the gentleman's amendment at all. Here is a proposition consisting of a number of paragraphs, all preceded by certain general provisions—"in time of war," "or of national emergency arising prior to March 1, 1918," "to be determined by the President by proclamation," "the President is hereby authorized and empowered," "in addition to all other existing provisions of law." All of those are preliminary and necessary to each one of the other separate provisions, and included in it as one of these is the provision "within the limit of amounts appropriated therefor." The gentleman might just as well strike out "in time of war" or "any national emergency," where it occurs, and insert it each time after the number of each succeeding paragraph. Why is it not better to have it in general language to begin with? It applies to all of the paragraphs.

Mr. PADGETT. No; it does not; and that is the reason I desire to explain it to the gentleman.

Mr. MANN. Oh, it does apply to all of the paragraphs.

Mr. LENROOT. It does, but it should not.



Mr. PADGETT. There is where we differ. In paragraph "First" it applies, and it applies to paragraph second, but it would not to paragraph third, to require the owner or occupier of any factory in which ships or war material are built or produced, and so forth, for there is no appropriation made.

Mr. MANN. There is an appropriation made for war material. Of course, that makes it worse from my point of view. If it is the intention of the gentleman to give to the President power to do all of these things, regardless of appropriations, that is one thing. I am opposed to the amendment, even within the limit of appropriations; but if the President is to have the power to seize everything, regardless of any appropriations which are made, I am that much more opposed to the amendment.

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. MANN. In a moment.

Mr. PADGETT. The gentleman from Wisconsin [Mr. LENROOT] called my attention to this matter. When I first introduced the resolution and it was printed, it had a provision for an appropriation of \$150,000,000 to care for all of these things, and it was drawn with reference to that provision in the bill. The Rules Committee did not report and make in order that provision, so that as we have it before us we do not have the appropriation which was originally contemplated.

Mr. MANN. Well, you do not have any appropriation. For instance, you do not have any appropriation to give to the President power to place an order with any person for such ship or war material, and so forth. You have no specific appropriation. You have no appropriation with reference to modifying or canceling any existing contract; but you have certain appropriations to acquire certain things, and you can only do these things and obligate the Government to the extent of those appropriations. If you remove the limit, there is no limit at all to the authority of the President to seize anything he pleases and obligate the Government to pay the bill.

Mr. PADGETT. I am proposing to remove it from that place and insert it at all of the other places where it belongs.

Mr. MANN. Oh, no; the gentleman does not propose to insert it at all of the other places where it belongs.

Mr. PADGETT. Yes; I do. I have not gotten through with my amendments.

Mr. MANN. The gentleman stated he did not propose to apply it to the third or fourth item.

Mr. PADGETT. The gentleman from Wisconsin [Mr. LENROOT] suggested to me that in paragraph (b) an appropriation would be construed as precedent to the authority of the President to require the owner or occupier of any factory to do the things provided in paragraph 3. It would be precedent to the right and authority of the President as provided in paragraph 4 and also precedent to the reading of the language in section 5, where there were no appropriations, and none are provided for in this resolution, and as it was originally framed and drawn by us—it was changed by the Rules Committee—there was an appropriation, a lump-sum appropriation caring for all of these things.

Mr. MANN. Let me tell the gentleman what he is running into. If you do not put that in, the authority authorizes the President to require the owner or occupier of any factory in which ships or war material are built or produced to place at the disposal of the United States the whole or any part of the output of any such factory, and to deliver such output or parts thereof in such quantities and at such times as may be specified in the order. Now, supposing there is no appropriation, and the President of the United States takes possession of every shipyard in the United States and requires the output of every shipyard to be turned over. No money to pay for it. Does the gentleman want to give that authority to the President? We are making a very large appropriation in the naval appropriations this year, and this would give the authority to the President to add to the naval appropriation by threefold. He could take possession of everything and every shipyard in the United States without regard to any appropriation at all. I think we are making enough appropriations in the naval bill this year anyhow. I am not in favor of letting the President spend five or six hundred million dollars and, in addition to that, obligate the Government to pay for it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LENROOT. Mr. Chairman, with reference to this matter I asked the chairman of the committee whether it was the intention of the committee to make any specific appropriations for taking over these plants. He said while that was originally contemplated, it is not now the committee's intention so to do. I then called his attention to the fact that unless specific appropriations were made, if the language remained in the amendment,

it would not authorize the President to take over a single plant, because the language specifically declares his authority upon these very things, the existence of war, an emergency arising, and that they shall be within the limits of amounts appropriated therefor. It is entirely clear, therefore, that if no money is appropriated for taking over the plants the President would not have jurisdiction at all to take them over. Now, clearly what is in contemplation by the committee is that the President, without this specific appropriation, shall have the power to take over these plants, but as to the products of the plants, he shall not have power to get a greater product than authorized by law in the way of appropriations.

Mr. PADGETT. That is limited by the other amendments.

Mr. LENROOT. Now, he suggests an amendment, in line 16, after the word "first," "within the limit of amounts appropriated therefor." That will take care of every proposition in that paragraph only. The same amendment will take care of other provisions in paragraph 2, but the gentleman from Illinois is right that there should be a provision in paragraph 3, not at the same point however as the amendment proposed for the other two paragraphs, because paragraph 3 begins with the power to take over the plants, but when it comes to the product of this plant that should be limited by the appropriation, and I suggest to the gentleman if he will offer the same amendment at the end of line 22, with relation to the product only, that entire matter will then be taken care of.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee.

The question was taken, and the amendment was agreed to.

Mr. PADGETT. Mr. Chairman, on page 4, line 10, after the word "second," insert the words "within the limit of amounts appropriated therefor," and change the capital "T" to a small "t."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 4, after the word "second," in line 10, insert the words "within the limit of amounts appropriated therefor."

The question was taken, and the amendment was agreed to.

Mr. PADGETT. Mr. Chairman, page 4, after the end of line 22, after the words "and at such time," insert "and within the limit of amounts appropriated therefor."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 4, after the words "and at such times," in line 22, insert the following "and within the limit of amounts appropriated therefor."

Mr. STAFFORD. Mr. Chairman, does it not seem to be a more proper place to have it after the word "and" in line 21? That would harmonize with the provision inserted in the other item. It is rather awkward where the gentleman now seeks to apply his amendment. I suggest it would be better to insert it after the word "and" in line 21.

Mr. PADGETT. I think the suggestion a very good one, and I ask that the amendment suggested follow the word "and" in line 21, page 4, so it will read then "and with the limit of amounts appropriated therefor to deliver."

The Clerk will report the amendment.

Page 4, line 21, after the word "and," insert the words "within the limit of amounts appropriated therefor."

Mr. RUCKER of Missouri. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I make this motion for the purpose of asking unanimous consent to extend my remarks in the Record by printing therein a patriotic letter received from a very distinguished and intelligent German citizen of my district expressing some views with regard to the present international situation.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to extend his remarks in the Record by printing a letter from one of his constituents. Is there objection? [After a pause.] The Chair hears none. The pro forma amendment will be considered as withdrawn.

Mr. GREEN of Iowa. Mr. Chairman, I move to strike out the last two words. I do that for the purpose of propounding some questions to the gentleman from Tennessee [Mr. PADGETT], if I may have his attention for a moment, in regard to some provisions in the amendment before I offer a formal amendment.

The CHAIRMAN. Is the gentleman from Iowa [Mr. GREEN] referring to the present amendment?

Mr. GREEN of Iowa. I misunderstood the situation.

The CHAIRMAN. The question is on agreeing to the pending amendment.

The question was taken, and the amendment was agreed to.

Mr. PADGETT. Mr. Chairman, in order to remove any doubt, as I have been asked several times about it, on page 5, line 14, in paragraph (c), as it is now written or printed, you



will see that it reads "that no person shall, directly or indirectly," and so forth. Then I wanted to insert after the word "that," in line 14, the words "in time of war or of national emergency arising prior to March 1, 1918," so as to make it clear that this paragraph and the powers given in that paragraph are limited the same as in paragraph (b).

The CHAIRMAN. The gentleman will state his amendment.

Mr. LENROOT. Will the gentleman yield?

Mr. PADGETT. Yes.

Mr. LENROOT. I suggest he add the words "as aforesaid," to cover the proclamation by the President.

The CHAIRMAN. The Chair suggests that the gentleman from Tennessee [Mr. PADGETT] prepare his amendment and send it up here.

Mr. PADGETT. I send the amendment to the Clerk's desk.

The CHAIRMAN. The gentleman from Tennessee [Mr. PADGETT] offers an amendment, which the Clerk will report.

Mr. SMITH of Minnesota. Mr. Chairman, if the amendment now offered by the chairman is adopted, will it prevent the making of a motion to strike out subdivision (c)?

Mr. PADGETT. Yes, sir.

Mr. SMITH of Minnesota. I wish to make the motion to strike out.

Mr. PADGETT. It has to be perfected first.

Mr. SMITH of Minnesota. Then any motion will be in order.

The CHAIRMAN. The motion of the gentleman will be in order after the section is perfected.

The Clerk will report the amendment.

The Clerk read as follows:

Page 5, line 14, after the word "that," insert "in time of war or national emergency arising prior to March 1, 1918, to be determined by the President by a proclamation as aforesaid."

Mr. PADGETT. Strike out the words "as aforesaid."

Mr. HOWARD. Mr. Chairman, I desire to offer an amendment.

Mr. MANN. An amendment to the amendment is not in order. It would be an amendment of the third degree. Of course, it could be offered by unanimous consent.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee [Mr. PADGETT].

Mr. MANN. Under the construction given it by the gentleman from Tennessee [Mr. PADGETT], how far down in the language, beginning in paragraph (b), on page 3, "that in time of war or of national emergency," and so forth, is it operative? How far down in the bill is that operative?

Mr. PADGETT. I understand that the words "or of national emergency arising prior to March 1, 1918," applied to the whole bill.

Mr. MANN. If they do apply to the whole bill, and then you somewhere stick in the same words again, the Lord could not tell what they do apply to.

Mr. PADGETT. Some gentlemen wanted to make it certain and I said that I had no objection to making it specific.

Mr. MANN. I suppose that that applied to the rest of the bill, except the bringing suit, perhaps, or a claim. But certainly it does not do to have language to apply to the whole bill, and then use the language again saying that it did not mean to apply to the whole bill, unless you are certain what you are doing. It may be that you hold it only applies down to the end of the fifth. I do not know.

I would like to ask the gentleman before I take my seat another question. What does this language mean, "or a national emergency arising prior to March 1, 1918"? Could the President, whoever may be President 20 years from now, seize property on the ground that the national emergency arose prior to March 1, 1918?

Mr. PADGETT. I think the powers given in it are limited to 1918, March 1, and after that down—

Mr. MANN. Oh, no; that power to seize is not limited to March 1, 1918. The power to seize is limited only to a national emergency which arose prior to March 1, 1918, but if it is intended that the power to seize shall end March 1, 1918, let us say so. Do not leave that open.

Mr. PADGETT. That is what we want to say, if the gentleman will offer a suggestion that will make it clear. That limitation was not in the original resolution, but it was inserted by the Rules Committee, and if it is not clear I would be very glad to avail myself of the suggestion of the gentleman.

Mr. MANN. The gentleman admits it is not clear. The President might declare it 20 years hence.

Mr. HOWARD. I wanted to ask the gentleman this question. I noticed over on page 3, line 10, that the date of March 1, 1918, appears. Now, then, the gentleman has offered an amendment inserting the same date in another portion. Now, would not

that naturally carry with it that it did not apply to the other sections which it does not specifically state?

Mr. MANN. I suppose it would be claimed by whomever it was that suggested this amendment be offered, that the first provision only applies to the first, second, third, fourth, fifth, and so forth.

Mr. HOWARD. Yes, sir.

Mr. MANN. And that (c), or what is under (c), is on the same basis as that under (b). I do not know. It is as clear as mud to me.

Mr. LENROOT. Right on that point, it seems very clear to me that is not proper. We have five paragraphs (a), (b), (c), (d), (e), and (f). Now (b) relates only to the emergency contained in the various paragraphs under (b), and it certainly does not relate to (c), because they are separate paragraphs and entirely distinct from each other. For instance, (a) is the first paragraph of the amendment. It is a definition, and then (b) relates to the emergency in time of war, and (c) is silent upon those points.

Mr. MANN. (d) is apparently an authorization to the President to do certain things. I rather think the gentleman is correct about that. But on this other point I would like to hear from the gentleman from Wisconsin [Mr. LENROOT], who probably prepared it. [Laughter.]

Mr. LENROOT. The gentleman from Wisconsin did prepare the limitation, but he will state very frankly that he did not have in mind the point that the gentleman from Illinois now raises.

Mr. MANN. I think that should be corrected.

Mr. PADGETT. What is the point?

Mr. MANN. The gentleman from Wisconsin and I agree that the amendment is proper, but that there ought to be another one.

Mr. LENROOT. I wanted, however, to make a slight correction of a statement made inadvertently, I am sure, by the gentleman from Tennessee [Mr. PADGETT] wherein he stated that these amendments were put in by the Committee on Rules. In defense of the Committee on Rules, I will say the committee did not attempt to legislate, and the changes were suggested when the committee was assured by the gentleman from Tennessee that he would be glad to adopt any suggestions that were made.

Mr. PADGETT. I insisted, if the gentleman will permit me, on the provisions contained in my original proposal. But when I was assured by the Rules Committee that I could not get that, I said I would take what I could get.

Mr. BUTLER. Will the gentleman from Tennessee let me have a little talk with him? [Laughter.]

Mr. PADGETT. Yes.

Mr. BUTLER. I understood that there were 21 members on the Committee on Naval Affairs.

Mr. PADGETT. Yes, sir.

Mr. BUTLER. We met and we agreed upon this provision. I have no complaint because I was unsuccessful in attempting to amend the bill, and although the chairman agreed upon this provision, we voted it out here practically unanimously. The chairman of the committee now sees fit to have changes made without consulting any of us on this side.

Mr. PADGETT. No, sir. The chairman insisted on the provision as reported by the Committee on Naval Affairs, and the Committee on Rules assured me that they would not report that. I tried to get as much of it as I could, and I succeeded in obtaining what is embraced in this reported resolution. The rest of it I could not get, and a half loaf is better than no bread.

Mr. BUTLER. I know, but the committee had agreed upon all bread.

Mr. PADGETT. They did, and I could not get all bread.

Mr. BUTLER. Suppose they did not want half bread?

Mr. PADGETT. I tried to get all, but I could not get all of it. I did get what is here, so that it can be amended. If the majority of this House want to restore it as it was before the committee eliminated certain things, it is in the power of the House to do so.

Mr. BUTLER. Of course, the Committee of the House is not going to do that after the chairman of the Committee on Naval Affairs has said we agreed to these things reported by the Committee on Rules. I want to find out whether or not it is important that I should attend the meetings of the Rules Committee. [Laughter.]

Mr. GOOD. Mr. Chairman, I rise in opposition to the amendment. It seems to me, Mr. Chairman, that it is a mistake to place these limitations in the bill. I know of no reason why we should discriminate, in enacting a law of this kind, between the two branches, the Army and the Navy. We enacted a national-defense act and put a provision in that act which gave the President the power at any time of an emergency or in time of



war to give orders for ammunition or any war material, and if the orders were not filled to seize any manufacturing plant capable of producing ammunition or any other war material; and those concerns would either be compelled, under the provisions of that law, to furnish the very things the Secretary of War has requested them to procure, providing the plant was suitable for producing those things or the Government would take over the plant and produce them.

It seems to me that is what should be done for the Navy. This provision leaves the President without any power at all unless we first make appropriation for that purpose.

Now, after the present emergency passes, say, in a couple of years, when Congress is adjourned, an emergency might arise when the President would want to take possession of some of these manufacturing plants, and he could not do it if it was to procure things for the Navy, but he could do it if it was to procure things for the Army.

Now, what is the use of having these two different systems? I would like to have the attention of the chairman of the committee in regard to this matter. Why should we, in this regard, have two different systems, one for the Navy and one for the Army, and why is it not better and more patriotic to have that broad provision such as was incorporated in the national-defense act, to give the President, in time of war or national emergency, the right to reach out the strong arm of the Government and take possession of the plant whose owner was not patriotic enough to do the things that the Government wants done?

Mr. PADGETT. I introduced the provision as indicated by the gentleman, but the Rules Committee declined to report it in that way and inserted this limitation. Then various Members upon the floor have been to me privately and have expressed anxiety about an unlimited provision. By extending it to March 1, 1918, that will take care of any emergency, and there will be an intervening session of Congress before that time; and, as I have stated, I took these limitations under the circumstances which I have detailed.

Mr. GOOD. I wish to suggest to the gentleman also that the penalties in the Army bill and in this provision are altogether different for the commission of exactly the same offenses. The Army bill provides a fine of \$50,000 and imprisonment for three years, whereas this provides a fine of \$10,000 and imprisonment for two years. It does seem to me that when we are providing a law for the two branches of the Government that are so nearly alike, designed to bring about the same thing, the penalties for violation ought to be the same.

Mr. PADGETT. It is open to amendment, and I have no objection to striking out "ten" and inserting "fifty," and to striking out "two" and inserting "three."

Mr. GOOD. It seems to me that ought to be done; but what we ought to do is to pass just such a provision as we did in the Army bill, and not have a provision here that would leave the President without authority if at some time in the future, when Congress was not in session, he needed the authority that Congress a few months ago thought he should have in times of emergency so far as the Army is concerned.

Mr. GREEN of Iowa. I call the attention of my colleague to the fact that we are now discussing an amendment to a provision that is not in the Army national-defense act at all, an amendment to an extremely drastic provision that I think ought to have not only the amendment proposed by the gentleman from Tennessee [Mr. PADGETT], but a further amendment which I shall offer later on. This amendment which is now before the House is to division (c), and if the gentleman will examine the peculiar provision of this division (c), under which a person with the most innocent intent may subject himself to an extreme penalty, I think he will see some reason for the amendment offered by the gentleman from Tennessee and other amendments.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee [Mr. PADGETT].

The amendment was agreed to.

Mr. HOWARD. Mr. Chairman, I offer an amendment.

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

The Clerk read as follows:

Amendment by Mr. HOWARD: Page 5, line 14, strike out all of lines 14 to 17, inclusive.

Mr. PADGETT. Mr. Chairman, does the gentleman from Iowa [Mr. GREEN] want to offer an amendment to section (c)?

Mr. GREEN of Iowa. Mr. Chairman, I offer a preferential amendment.

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

The Clerk read as follows:

Amendment by Mr. GREEN of Iowa: Page 5, line 14, after the word "indirectly," insert "with intent to hinder or delay the completion of work being done for the United States."

Mr. PADGETT. I have no objection to that amendment.

The amendment was agreed to.

The CHAIRMAN. The question reverts to the amendment of the gentleman from Georgia [Mr. HOWARD] to strike out the language in lines 14, 15, 16, and 17 of page 5 of the committee amendment.

Mr. HOWARD. Mr. Chairman, my amendment is to strike out all of lines 14 to 17, inclusive, on page 5. I want to call the attention of the committee to this particular provision, which is peculiarly drastic and I believe unnecessary. I believe that cash registers have been the cause of manufacturing more thieves in this country since their invention than all other things put together, because when a clerk in a store sees one of them it certainly carries with it the imputation that he is under suspicion, and that he might as well be dishonest in fact.

I had the pleasure and the honor of serving for a little over a year in the Spanish-American War. I was in a very large regiment, which had 1,352 men in it. The boys from the State of Georgia who constituted that regiment were, 90 per cent of them, boys out of the machine shops, clerks in stores, and off the farms, and only about 10 per cent of them were sweet-scented dudes.

This section practically conscripts; in other words, it is equivalent to peonage on the part of this Government, and the imputation is that the laboring men of this country are not patriotic, and that they will not respond to the call of their country. Now, if this country should become involved and it should become necessary to mobilize the industrial and the military strength of this Nation, I have no hesitancy in saying that the industrial strength of the Nation will be recruited long before we really begin the recruiting of our military strength. I see no necessity for this clause to remain in this bill. It is a slap in the face of the laboring men of this country, and if you will take the history of the English Government and look back two years and a half and see what effect such attempted legislation as this had in Great Britain I think you will vote upon this particular section with much caution. Why should this provision be in the bill? When has the laboring man of America proven himself unpatriotic? When has he held back when the honor of the Republic was in the balance? He has given freely his brain, muscle, skill, and his life's blood whenever his country called.

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

Mr. HOWARD. Yes.

Mr. KELLEY. It developed in the hearings when the shipbuilders were before the committee that private shipbuilding plants manufacturing commercial ships were making so much larger profits that they are able to pay higher wages than can be paid in yards that are doing largely Government work, and commercial shipbuilders are constantly taking away employees from yards doing Government work and thus reducing the output by causing a shortage of help.

This provision, in its first inception, was intended, I feel quite sure, simply to prevent a commercial shipyard from taking away the men from a yard employed on Government work in time of war or imminent danger.

Mr. HOWARD. Mr. Chairman, I am very glad the gentleman has given me that information, because that explains why these contracts for the Government ships are not being completed. If it were not for the fact that these private shipyards are making such enormous profits in building these ships for private concerns, the Navy battleships and the auxiliaries of the Navy would not be in the woeful, uncompleted condition in which they are to-day. The gentleman has given us the very reason.

Mr. KELLEY. Mr. Chairman, will the gentleman yield further?

Mr. HOWARD. Yes.

Mr. KELLEY. It further developed that the shipyards that are building the warships for the Government are engaged only in a very limited degree in the commercial shipbuilding business and those engaged in the commercial shipbuilding business are doing only a very small amount of work for the Government, and so this provision was put in to save the employees to those shipyards that were doing Government work, in order that the ships for the Navy might be completed more quickly.

Mr. HOWARD. Mr. Chairman, I thank my distinguished friend from Michigan for his further explanation. This is an unnecessary piece of legislation. I think it is ill-considered



legislation. I think if there is any piece of legislation in this bill that would place a damper on the patriotism of the American wage earner, it is the fact that the great Government under which they live has not enough confidence in their patriotism to trust them to come to the rescue of the Government with their skill, their brawn, and their ability.

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

Mr. HOWARD. Mr. Chairman, I ask unanimous consent to proceed for three minutes more.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to proceed for three minutes. Is there objection? There was no objection.

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

Mr. HOWARD. Yes.

Mr. MANN. Under the language of this paragraph, if one should offer employment innocently to somebody employed in a yard engaged in work for the United States, and the man should accept the employment, would the one offering employment not have indirectly caused the man to leave his employment?

Mr. HOWARD. Yes.

Mr. MANN. And be subject to imprisonment to two years?

Mr. HOWARD. Yes; and to pay a fine of \$10,000.

Mr. MANN. That is what I thought.

Mr. PADGETT. The amendment offered by the gentleman from Iowa [Mr. GREEN], which was agreed to, removes any such interpretation.

Mr. MANN. None of us heard the amendment, so we did not know.

Mr. PADGETT. That amendment removed any such interpretation.

Mr. HOWARD. I did not hear the amendment thoroughly. I hope it does.

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

Mr. HOWARD. Yes.

Mr. PLATT. The gentleman says this is a slap in the face of labor, which I think is largely true. Is not the whole proposition applicable to all of the American people?

Mr. HOWARD. I would not like to say that as to the whole of it, but here is the distinction: In the first place, these are relations between a shipbuilder and the Government, which are contractual relations.

Mr. PLATT. Not when the shipyard is seized.

Mr. HOWARD. That is to say, the work has to be carried on beyond the day. The distinction between the laborer and the shipbuilding concern is that a man's labor is extended only from day to day.

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

Mr. HOWARD. Yes.

Mr. HUDDLESTON. Will not this provision prevent any competition among employers in securing labor? Will it not prevent one employer from offering larger wages than his neighbor is paying?

Mr. HOWARD. Yes; it prevents that, and, as I said in the outset, I have studied that section pretty closely and think I am putting the proper construction upon it. Men have been sent to the penitentiary in this country for peonage under a statute that is not as drastic as that, and that is what this means. That is what the Navy Department wants to do. It means penal servitude and nothing else for the laborers of this country. As I said, it is a slap in the face of patriotism, and I for one would not vote for such a provision, because I believe that the American laboring man from one end of this country to the other is just as patriotic, is just as true to that flag, as any other man in this country, and he does not deserve any such attempted legislation as this. [Applause.]

Mr. SMITH of Minnesota. Mr. Chairman, I rise to support the amendment offered by the gentleman from Georgia, and in doing so I want to read the section under discussion.

SEC. (c). That no person shall, directly or indirectly, induce any person employed in any factory and engaged on work for the United States to leave his employment or to cease such work, and any person who shall violate these provisions shall be subject to a fine of not more than \$10,000 or to imprisonment of not more than two years, or both.

This provision has been amended in two particulars. First, its operation has been limited to March 1, 1918; second, the words "with intent" have been added.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. SMITH of Minnesota. I understand the gentleman's amendment.

Mr. GREEN of Iowa. He does not quite get the effect of it. It is "with intent."

Mr. SMITH of Minnesota. I know the gentleman inserted the words "with intent."

Mr. GREEN of Iowa. I think the whole section ought to be stricken out.

Mr. SMITH of Minnesota. I am glad my colleague from Iowa is of that opinion. As far as this legislation goes, it serves no purpose, as has been well expressed by the gentleman from Georgia, except to cast a reflection upon a class of men that we can depend upon when this Nation's life is at stake, whether it be from invasions from without or insurrection within. We have never looked in vain to them for protection in times of danger. Ninety per cent of our Army and Navy has always been made up from the working classes. We have never resorted to conscription in the past. Why should we presuppose that we must in the future? If men are to be measured by their deeds, then this provision is an insult to our most patriotic citizens.

This does not only affect the men who are working at the forge or working at the bench, it means everybody connected with an industrial organization, excepting possibly the owners, from the president down to the men performing the most menial labor. It means more than that, Mr. Chairman; it means that the management of a private factory can not take the risk of employing men who are in the Government service. It means men working for the Government can not even go across the street and enter the employment of a private factory, though the management is willing to pay twice the amount of wages.

We have to-day discussed the rights of a man whose property is taken by the Government in times of national emergency or war and have tried to incorporate in this bill legislation for his protection. Though that legislation does not protect him to the extent I wish it did, it does furnish him at least a measure of protection. In the consideration of such legislation we were concerned with the rights of capital invested in industrial plants. We were all solicitous that such capital should be furnished ample and complete protection and security, and in doing this we but complied with the constitutional prohibition against the taking of private property for public use without just compensation.

The value of an industrial plant is represented in money. The value of a day's labor is also represented in money. Why should we be more solicitous about the capital invested in the plant than in the laboring man's capital, which is his right to render a day's service for the highest wages obtainable? The only capital this man has is this right. If we take this away from him are we not depriving the laboring man of his property without just compensation? Does not the same constitutional prohibition protect his rights that protects the money represented in an industrial plant? If it does not it ought to.

I am aware that this constitutional provision is seldom invoked when the rights of labor are in question. This is no fault, however, of the Constitution. It is a lack on the part of society to assign to labor its proper position. Its policy has always been to compel labor to take a secondary place to that of money and to bend its knee to the assumed superiority of money. In view of these facts, I say it is unfair, I say it is unjust, I say it is unwise, I say it is un-American to incorporate a section of this character in any legislation emanating from the American Congress, where the rights of labor are, and of right should be, exalted above the dollar.

Mr. HUDDLESTON. Mr. Chairman, I move to strike out the last word. This provision, and we might as well understand it, is a direct blow at the labor organizations. It is intended to prevent strikes. It is intended to take away from the labor organizations all the benefits which they have gained throughout all these years of fighting. As a friend of organized labor I can not support any such measure, and I do not believe that any Member who believes in the organization of labor ought to give this measure his support.

If this measure becomes a law the workingman in a plant that has a Government contract will be at the mercy of his employer. He will be compelled to submit to any conditions that his employer may visit upon him and to accept any wages that his employer may choose to pay. He will be compelled to submit to this unless alone and single-handed and of his own initiative he quits work and leaves the place and goes somewhere else.

Are we prepared to vote for a measure of that kind? Are we ready to deny to the men who toil in this country the right to organize and to take reasonable and necessary measures for their protection to get better conditions of work and better pay for their labor? If we are prepared to deny them that right, then we may well adopt this provision.

It does not make any difference whether it is war or peace, if we choose to conscript men, let us conscript them for service under the flag, let us conscript them for Government service. I will never vote to conscript a man, whether workman or otherwise, to work for a private employer.



Mr. BLACK. I would like for the gentleman to point out that section which undertakes to conscript anybody.

Mr. HUDDLESTON. The measure makes it unlawful for a "walking delegate," if you please, to confer with members of his organization\* for whom he may be acting with a view of bettering their conditions. It is a frank and plain proposition you are up against. Perhaps some may think a walking delegate ought to be hung; that is their privilege. As for me, I think they are entitled to respect, and I am willing to stand here and protect them so far as their activities are confined to private establishments and are legitimate activities. That is the way I feel about it.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. BLACK. Mr. Chairman, I wish to speak a few minutes in opposition to the amendment of the gentleman from Georgia [Mr. HOWARD], to strike out section (c) of the amendment offered by the chairman of the Naval Affairs Committee [Mr. PADGETT]. That section (c) as it now stands, after being perfected by amendment, reads substantially as follows: "That in time of war or of national emergency arising prior to March 1, 1918, that no person shall, directly or indirectly, when the intent is to hinder or delay such Government work, induce any person employed in any factory and engaged on work for the United States to leave his employment or to cease such work."

It is not only incorrect, but it is unfair for any Member to state in this debate that amendment (c) will work any sort of conscription on any laboring man. It is true that H. R. 20779, as originally proposed by Mr. PADGETT, did contain a section, namely, section (d), which provided "that in time of actual war that the President was authorized and empowered to draft into the naval service of the United States all officers, agents, or employees of any factory equipped for the building or production of ships or war material for the Navy"; but that provision has been eliminated. I am glad that this section (d) has been eliminated from the bill, for I certainly should have voted against a provision of that kind, because I believe it unnecessary and inopportune. I concur with the statements made by several gentlemen who have addressed the House during this debate that labor is not unpatriotic. Indeed, on the contrary, I am glad to believe that the great mass of the American people, whether they be the captains of industry, merchants in the marts of trade, workmen in mill or factory, producers on the farm, or in whatever occupation or avocation in life, are thoroughly loyal to our common country and one flag. Of course, I believe that, and I would hate to believe anything else. This is not a provision to draft any man into service, and I defy any man on the floor of this House to show that it is. It merely provides that after the Government has exercised its power given by this Padgett amendment to requisition and take over for use or operation, in time of actual war or national emergency, these shipbuilding and munition factories, that no trouble maker and unpatriotic schemer who has not at heart the interests of the American Government shall go among these employees and incite dissatisfaction and disloyalty to the Government and induce any of such employees to quit their work in such critical times. The provision itself expressly provides that it shall not apply except in those cases where there is an intent to hinder and delay the Government work, and any lawyer who has any knowledge of legal phraseology at all knows that the intent would be the gravamen of the offense. And I say that such ought to be the law in the time of a national crisis, when it may be that the best blood of the country would be spent upon the battle field in defense of the Nation's safety and honor. No man in this House wishes any more than I that the cup of woe may be permitted to pass without our Nation drinking from its dregs, but if, unhappily, that should not be our privilege and the best blood of the country should be called to the national defense, then while they are fighting to save the country, are we going to permit trouble makers and breeders of discord to ply their avocation in the shipbuilding and munition factories, with intent to hinder and delay Government work? I say it would be monstrously unfair to the men in the field who would be spending their blood to preserve the Nation, for whom we should all be willing to make any needed sacrifice.

Mr. KEATING. Will the gentleman yield?

Mr. BLACK. I will.

Mr. KEATING. The gentleman says it would be unfair to go into a factory under Government control. I want to call his attention to the fact that the amendment applies to all factories which may be engaged in Government work, but not necessarily under Government control, but where private contracts are under Government control.

Mr. BLACK. Exactly; but the gentleman overlooks the fact that they would have been brought into that Government service

under the provisions of this bill, and that the provision has absolutely no application except in cases where the intent and purpose is to hinder and delay Government work, and that itself would be the gravamen of the offense.

Mr. HUDDLESTON. Will the gentleman yield?

Mr. BLACK. I will.

Mr. HUDDLESTON. Suppose a concern was doing one piece of work for the Government and doing another piece for a private concern. These men might be engaged partly on Government work and partly on private work. If in that case they were induced to quit work, or agree among themselves to quit work, they would have to go to the penitentiary.

Mr. BLACK. No, sir; the provision has no such meaning. It would be incumbent upon the prosecution for the United States Government to show as an element of that offense that it was done with the specific intent to hinder and delay the Government work. The burden of proof would, of course, be upon the Government, as in all criminal cases.

Mr. BUCHANAN of Illinois. Will the gentleman yield?

Mr. BLACK. Yes, sir.

Mr. BUCHANAN of Illinois. Does not the gentleman believe that if the workmen of America are loyal enough to enlist and go to the front and fill the trenches and the rifle pits and to be shot down, they will be loyal enough to work for the Government in the case of an emergency, and does not he think this is unnecessary and a slap at the working people?

Mr. BLACK. No, sir; I do not think it is a slap at the workingman at all. The provision of the bill is not aimed at the workingman. It will only reach the disloyal and trouble maker who comes into the factory to stir up trouble, and I can not see wherein it affects the patriotic workingman at all.

Mr. BUCHANAN of Illinois. I do.

Mr. BLACK. I think it is intended to exactly apply to the man to whom it ought to apply, and that is the man who in the time of a national crisis thinks only of his own selfish desires, forgets his patriotic duty to his country, and undertakes to hinder and delay the Government work.

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. BLACK. I will.

Mr. COOPER of Wisconsin. I notice on page 5 the following:

Fifth. To waive all provisions of law restricting the hours of labor of persons in the employ of the United States or of persons in the employ of contractors therewith when employed on work in connection with such ships or war material.

That is, we waive all the provisions of the eight-hour law for anybody making ships for the United States.

A MEMBER. That is all right.

Mr. COOPER of Wisconsin. I am opposed to that. That would not necessarily apply to those plants that had been commandeered by the Government; not at all.

Mr. BLACK. It could not mean anything else.

Mr. COOPER of Wisconsin. It does not mean—

Mr. BLACK. I dispute the gentleman's construction absolutely, and I contend that it only applies to Government work, and that the bill very clearly shows that fact.

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

Mr. SIMS. I would like to ask the gentleman from Tennessee in regard to paragraph (c), on page 5, where it says:

That no person shall, directly or indirectly, induce any person employed in any factory and engaged on work for the United States to leave his employment or to cease such work.

Mr. PADGETT. That has been amended by inserting in line 1 the words "with intent to hinder and delay the Government work."

Mr. SIMS. I want to know the reason why this was put in. Perhaps the enemies of the United States might get in there and undertake to delay the work in opposition to the policy of the United States in regard to any military undertaking?

Mr. PADGETT. Certainly. It is to prevent conspiracies and efforts to undermine and deter Government enterprise. It is no thrust at labor and was not intended as such.

Mr. SIMS. It is to frustrate the intent of spies and conspirators of the enemy in case we should be engaged in war or in an emergency?

Mr. PADGETT. That is the main purpose of it.

Mr. SIMS. What is the purpose that is not the main purpose?

Mr. PADGETT. It would prevent anyone going in there with an intent to delay Government work and induce men to quit. It would prevent any citizen from attempting to do that.

Mr. SIMS. Suppose you are a private contractor and have Government work, and I am a private contractor and am doing work for a private individual. I may say to your employees, "I



will give you better prices if you will work for me." Would that make me a criminal under this statute?

Mr. HOWARD. It would.

Mr. SIMS. I am opposed to that, if it would.

Mr. HOWARD. Will the gentleman yield to me for a second?

Mr. SIMS. Yes.

Mr. HOWARD. I will say to the gentleman that if he will read that provision containing the words "directly or indirectly" he will see that the gentleman has stated a concrete, hypothetical case; that if a man went into one of these factories and offered a man a higher wage, thereby inducing him to leave the employment of that private factory he would come under that provision and go to the penitentiary; both the man that offers and the man who accepts the inducement.

Mr. PADGETT. Mr. Chairman, let us have a vote on this and go ahead.

Mr. COOPER of Wisconsin. Mr. Chairman, I would like to say a word upon it.

The CHAIRMAN. The Chair will state that this debate is proceeding by unanimous consent.

Mr. KITCHIN. I would like to ask the chairman of the committee a question.

Mr. PADGETT. Yes.

Mr. KITCHIN. Do you understand by your bill that paragraph (c) applies only in case of war, when the President issues a proclamation to the effect that an actual emergency exists?

Mr. PADGETT. It does. We took the words from the preceding paragraph.

Mr. KITCHIN. I overlooked that.

Mr. PADGETT. It was adopted here a while ago. It is the same language that appears on page 3. We inserted the words "in time of war or national emergency arising prior to March 1, 1918, to be determined by the President by proclamation as aforesaid." Right in there between the word "that" and "therefor."

Mr. BUCHANAN of Illinois. Mr. Chairman, will the gentleman yield?

Mr. PADGETT. Yes.

Mr. BUCHANAN of Illinois. It says there, "in time of war or national emergency, declared by proclamation or Executive order of the President."

Mr. PADGETT. No. It says "by proclamation." The "Executive order" was cut out.

Mr. BUCHANAN of Illinois. Suppose he proclaims a strike a national emergency—an industrial strike?

Mr. PADGETT. I do not think that is a supposable case.

Mr. COOPER of Wisconsin. Mr. Chairman, I want to ask the gentleman a question: On page 3, at the end of line 14, the language "and within the limit of amount appropriated therefor" is stricken out, is it not?

Mr. PADGETT. It is stricken out after line 14, page 3, and inserted in the other paragraph.

Mr. COOPER of Wisconsin. I understand, Mr. Chairman; and I think the point raised by the gentleman from Georgia [Mr. HOWARD] is well taken. If gentlemen will return to page 3, line 10, they will find this general provision: "That in time of war, or of national emergency, arising prior to March 1, 1918, to be determined by the President by proclamation, the President is hereby authorized and empowered, in addition to all other existing provisions of law," and so forth; and then comes "first," "second," "third," "fourth," and "fifth"—five separate things up to that point which he is empowered to do. Under "fifth" the President is authorized, when there is war, or when he thinks there is a national emergency, "to waive all provisions of law restricting the hours of labor of persons in the employ of the United States or of persons in the employ of contractors therewith"—that is, with the United States—"when employed on work in connection with such ships or materials."

Mr. PADGETT. Now, does the gentleman object to that? That is not as broad as the existing law. If you want to strike it out and go back to existing law, very well.

Mr. COOPER of Wisconsin. Wait a moment. Then follows this proviso: "Provided, That wages of Government employees shall be computed on a basic day at the rate of eight hours, with overtime rates to be paid for at not less than time and one-half for all hours worked in excess of eight hours."

Mr. PADGETT. That is not as broad as the law exists now.

Mr. COOPER of Wisconsin. Let me finish, please. There is a discrimination here against employees of contractors. Because under this provision the President of the United States, in time of war or public emergency, to be determined by him, can also waive the eight-hour provision as to employees of contractors who are doing work for the United States—

Mr. PADGETT. You can do it now—

Mr. COOPER of Wisconsin. But without any increase of pay for overtime for them.

Mr. PADGETT. He can do it now under the law.

The CHAIRMAN. The time of the gentleman has expired. The question is on agreeing to the amendment offered by the gentleman from Georgia [Mr. HOWARD].

The question was taken, and the Chairman announced that the ayes seemed to have it.

Mr. PADGETT. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 59, noes 21.

So the amendment was agreed to.

Mr. PADGETT. Mr. Chairman, I ask that the Clerk be authorized to renumber and redesignate the paragraphs. As section (c) goes out, it will be necessary to make those changes.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that the Clerk be authorized to redesignate and renumber the paragraphs. Is there objection?

There was no objection.

Mr. PADGETT. And I ask unanimous consent, in line 19, on page 5, to strike out the letter "(c)."

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to strike out the letter "(c)" in line 19, page 5. Is there objection?

There was no objection.

Mr. KEATING. Mr. Chairman, I offer the following amendment.

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

The Clerk read as follows:

Amendment by Mr. KEATING: Page 5, line 10, after the word "of," strike out the words "Government employees" and insert "all employees affected by this paragraph."

Mr. KEATING. Mr. Chairman, this section provides that the President of the United States may waive all provisions of law restricting the hours of labor of persons in the employ of the United States.

Mr. PADGETT. Will the gentleman yield for a moment?

Mr. KEATING. Yes.

Mr. PADGETT. To expedite matters I will say that I have no objection to the gentleman's amendment. It was in the original provision which I had contemplated offering, and I have no objection to it.

Mr. BUTLER. Mr. Chairman, may we have the amendment reported again?

The CHAIRMAN. Without objection the Clerk will again report the amendment.

The amendment was again reported.

Mr. LENROOT. Will the gentleman yield?

Mr. BUTLER. I would like to ask the gentleman a question.

The CHAIRMAN. The gentleman from Colorado has the floor. Does he yield to the gentleman from Pennsylvania.

Mr. KEATING. I yield to the gentleman.

Mr. BUTLER. Is that as we had it originally?

Mr. KEATING. I think so.

Mr. BUTLER. Have you not amended it along the line that we agreed upon at first?

Mr. KEATING. It is perfectly satisfactory to the chairman of the committee.

Mr. PADGETT. It had no express provision in it. We did not say anything about labor, but all of the shipbuilders who appeared before us stated that they would be glad of the opportunity to get the extra time and to pay for it at the excess rate.

Mr. LENROOT. If the gentleman's amendment prevails, do I understand that the law will then in express terms require private contractors to pay time and a half for overtime?

Mr. KEATING. If they are working on Government work and the restrictions are waived.

Mr. LENROOT. Now, I want to ask the gentleman whether he thinks Congress has any power to impose any such provision?

Mr. KEATING. I think the Congress has the right to specify that before the President shall waive those restrictions—

Mr. LENROOT. Yes; but the gentleman does not do that.

Mr. KEATING. That will be the practical effect of it.

Mr. LENROOT. No. Does the gentleman think that with the language as he now has it, not being made contingent, as a condition of the raising of the restriction, it is within the power of Congress to require a private contractor, where we do not take over the plant, where no power is exercised under this bill with reference to that shop, to prescribe the rates of compensation that that private contractor shall pay to his employees?

Mr. KEATING. That is a very nice legal question.



Mr. LENROOT. Does the gentleman think it is a question at all, as a lawyer?

Mr. KEATING. Being a newspaper man, perhaps my answer would not have any particular value. But here is one point upon which I am clear: This provision should be so worded that these restrictions will not be waived unless the contractor agrees to treat the men as the Government treats them. That is the object of this amendment.

Mr. COOPER of Ohio. Will the gentleman yield?

Mr. KEATING. Yes.

Mr. COOPER of Ohio. Is it not a fact that at this time we have such a proposition in the Supreme Court?

Mr. LENROOT. Yes; but the question there, if I may be allowed to say so, is an entirely different question, involving a different legal principle.

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

Mr. COOPER of Ohio. Mr. Chairman, I doubt whether this is a good proposition. I have always doubted the advisability of legislative enactment in fixing the wages of employees engaged in private employment. I will vote for any amendment that will help the workingmen and that will stop them from being drafted into the service, as provided in this provision we acted upon a few moments ago; if the call comes to join the colors the workingmen of our country will respond without waiting to be drafted into service; but I doubt the advisability, and I do not think the workingmen of this country are ready to have their wages fixed at this time by legislative enactment.

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

Mr. COOPER of Ohio. In a moment. I am afraid that this amendment of the gentleman from Colorado [Mr. KEATING] will provide that the Government shall have the power to fix the wages of private employees. I now yield to the gentleman from Ohio.

Mr. GORDON. The gentleman voted for the eight-hour law last fall?

Mr. COOPER of Ohio. I will answer the gentleman by saying yes; that I, with a great many other Republicans, voted for the eight-hour law, not because we thought it was such a good measure, but because the President of the United States forced the same upon Congress after he had injected himself into the controversy between the railroad employees and their employers. I doubt very much if there would have been any railroad strike if the President had kept his hands off this affair, but after he mixed into it a strike was called, and there was only one way to stop the same, and that was to pass the Adamson bill.

Mr. GORDON. Forced the Republicans to vote for it!

Mr. KEATING. Mr. Chairman, will the gentleman yield to me for a moment?

Mr. COOPER of Ohio. I will ask the gentleman to wait until I reply to my colleague [Mr. GORDON]. I will say this, I believe that at this time the railroad employees of the United States realize that the President's interference last fall in the controversy between the employers and the employees was not the best piece of legislation that has ever come to the railroad employees in this country.

Mr. GORDON. The gentleman made a mistake in his vote, then.

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

Mr. COOPER of Ohio. Yes.

Mr. KEATING. In the first part of this section it provides that the President may waive the restrictions concerning the eight-hour day. Does not the gentleman think if he is permitted to waive those restrictions that the men should be compensated for the overtime?

Mr. COOPER of Ohio. I do; and I will say that I believe the intentions of the gentleman from Colorado [Mr. KEATING] are well, and that he desires to help the workingmen out with his amendment, but as I said, I doubt the advisability of Congress fixing the wages of employees in private employment, for when that is once started no one knows what the ultimate result may be.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado [Mr. KEATING].

The question was taken; and on a division (demanded by Mr. KEATING) there were—ayes 14, noes 31.

So the amendment was rejected.

Mr. PADGETT. Mr. Chairman, in order to make this comply with the penalties of the other section, I move, in line 22, page 5, to strike out "\$10,000" and insert "\$50,000," and, in the same line, to strike out the word "two" and insert the word "three," so that it will read that imprisonment is provided for not more than three years.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 5, line 22, strike out "\$10,000" and insert "\$50,000," and, in the same line, strike out the word "two" and insert the word "three."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. SMITH of Minnesota. Mr. Chairman, since we have stricken out subdivision (c), will the gentleman consent to strike out "(c)," in line 19, of the same page?

Mr. PADGETT. That has already been stricken out.

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

The amendment was agreed to.

Mr. KEATING. Mr. Chairman, the House having decided not to amend this so as to grant the men who are working for private contractors the extra pay for work over eight hours, I wish to move to strike out, on page 5, all of lines 8 and 9, and the word "material" on page 10.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, on page 5, by striking out all of lines 8 and 9 and the word "material," in line 10.

Mr. KEATING. Mr. Chairman, that would leave the provision reading as follows:

Fifth. To waive all provisions of law restricting the hours of labor of persons in the employ of the United States: *Provided*, That wages of Government employees shall be computed on a basic day rate of eight hours' work, with overtime rates to be paid for at not less than time and one-half for all hours worked in excess of eight hours.

My contention is this, that if the Government waives the legal restrictions concerning the workday of the men engaged on Government work, then all men who are taken out from under the law should be given compensation for overtime, and that if we are not to extend that compensation to all men affected by this waiver, then we should restrict the waiver. I am perfectly willing that the waiver shall stand as broad as it is now; but I contend, in justice to the workingmen, that if you make the waiver so broad that it will cover the workingmen who are employed by private manufacturers, then you should insist that those men shall receive time and a half, just as the Government employees will receive time and a half under this provision.

Mr. PADGETT. Mr. Chairman, to agree to the amendment offered by the gentleman from Colorado would completely emasculate the bill, and there would be no expedition in the construction of ships. That is striking at the very heart of this provision, and it would be better that the whole provision go out than to agree to this amendment.

Mr. COOPER of Wisconsin. Mr. Chairman, I will ask the gentleman from Tennessee if it is not now the law that any contractor with the Government of the United States to build a ship is bound by the eight-hour law?

Mr. PADGETT. Yes, sir.

Mr. COOPER of Wisconsin. Now, this amendment of the gentleman from Tennessee authorizes the President to waive the eight-hour provision so far as the Government itself is concerned and its employees.

Mr. PADGETT. And the contractors.

Mr. COOPER of Wisconsin. And the contractors.

Mr. PADGETT. The eight-hour law allows him to do that both as to contractors and as to Government work.

Mr. COOPER of Wisconsin. Yes; and the gross unfairness of the thing is this, that the proviso gives to the employees of the Government time and a half per hour when they work 16, 18, or 20 hours a day, but the private contractor can work them 16, 18, or 20 hours a day with no time and a half provision, and it is an outrageous discrimination.

Mr. PADGETT. They do not have to work unless they want to. The private shipbuilders, all of them, said before in the hearings that they would be glad of the opportunity to pay time and a half to get the work done.

Mr. COOPER of Wisconsin. If that is so the gentleman ought to consent—

Mr. PADGETT. The Government has no authority, and the gentleman from Ohio here representing labor appealed to the House not to insert the provision with reference to private contractors, because he said it might be construed as extending the authority of the Government to fix contracts.

Mr. COOPER of Wisconsin. Allow me to answer the gentleman right there on that point—

Mr. KELLEY. Mr. Chairman, I move to strike out section 5 entirely—

The CHAIRMAN. The gentleman from Wisconsin has the floor.



Mr. COOPER of Ohio. Will the gentleman yield?

Mr. COOPER of Wisconsin. In a moment. The Government of the United States has already provided that a contractor with the Government shall be bound by the provisions of the eight-hour law.

Mr. PADGETT. I have said that several times.

Mr. COOPER of Wisconsin. Exactly. Now, then, the appropriations we are making for the new ships—none of those ships have been contracted for?

Mr. PADGETT. A great many of them have been contracted for. There are 7 which have not been contracted for and 60 which have.

Mr. COOPER of Wisconsin. Well, but there are a great many we have not.

Mr. PADGETT. Seven; four battle cruisers and three scout cruisers.

Mr. COOPER of Wisconsin. If we should insert in this law that any private contractor contracting with the Government of the United States where the provisions of the eight-hour law are waived shall pay time and a half overtime that would be put into his contract; otherwise he could not get the contract.

Mr. PADGETT. There is no trouble about that; they are anxious to pay them.

Mr. COOPER of Wisconsin. And there would be nothing wrong for us to put that in the law, because it would apply only to the new contracts not yet made and it would be a perfectly lawful stipulation.

Mr. PADGETT. We ought not to limit the power of the President; we are limiting him too much as it is.

Mr. COOPER of Ohio. Mr. Chairman, I would like to say to the chairman of the committee I have no authority to represent organized labor here on this floor—

Mr. PADGETT. I understand it.

Mr. COOPER of Ohio. I support the amendment offered by the gentleman from Colorado [Mr. KEATING], because I believe as long as the Government has no power to fix wages it ought not to have the power to fix the hours of service.

Mr. COOPER of Wisconsin. Will the gentleman from Tennessee turn to page 4, second provision, and he will see that the President is authorized to modify or cancel any existing contract for the building, production, or purchase of ships of war.

Mr. PADGETT. In order to expedite them, certainly he has.

Mr. COOPER of Wisconsin. If he can modify a contract, could not he modify it to that extent?

Mr. PADGETT. If he could get the other men to agree to it, he could; and if they do not agree to do it, then the alternative is to take over the ships.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KELLEY. Mr. Chairman, I never have been able to see any value whatever in this section in the bill. It is simply a declaration of existing law, so far as the right of the President to suspend the eight-hour provision or any other provision restricting the hours of labor is concerned. That being the case, it seems to me that the easiest way out of the matter is to strike the paragraph out altogether. This will let the law stand, which gives the President full power in time of war or national emergency to suspend the provisions referred to in this section. We are only multiplying words and multiplying laws, and we may just as well strike the section out.

Mr. STAFFORD. Will the gentleman yield?

Mr. KELLEY. I will.

Mr. STAFFORD. I think the gentleman is a little broad in his statement.

Mr. KELLEY. No; I think not. I have considered the matter fully.

Mr. STAFFORD. I have here the law restricting the hours of labor of those employed in Government work, and the only limitation is that it can only be suspended in case of extraordinary emergency, not upon any proclamation of the President.

Mr. KELLEY. The President can not, except in cases of war or great emergency, make any proclamation under this bill.

Mr. STAFFORD. The law would grant the exemption of limitation in cases of extraordinary emergency.

Mr. KELLEY. Just so, under the law as it stands now. Under existing law the President has power to suspend all labor restrictions in case of emergency or war. Now, that is all this section does, and I never could see any reason for its being in the bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado [Mr. KEATING].

Mr. KEATING. Mr. Chairman, I ask unanimous consent to withdraw the amendment which I offer. I do not think we are so very far apart, and I think I can offer an amendment which will satisfy everyone concerned.

The CHAIRMAN. The gentleman asks unanimous consent to withdraw his amendment. Is there objection? [After a pause.] The Chair hears none.

Mr. KEATING. Now, Mr. Chairman, on page 5, at the end of line 3, add the following, which I will read, because I question if the Clerk could read the handwriting:

*Provided further*, That the President shall make no such waiver as to contractors with the Government unless such contractors shall agree to pay for all time in excess of eight hours at a rate not less than time and a half for all hours work in excess of eight hours.

That means simply that the President shall not waive the eight-hour law as it affects the contractors unless the contractors agree to do what the Government is directed to do in this bill—pay time and a half for overtime.

The CHAIRMAN. Will the gentleman send his amendment to the desk so that the Clerk can report it?

The Clerk read as follows:

Amendment by Mr. Keating: At the end of line 13, on page 5, insert the following:

*Provided further*, That the President shall make no such waiver as to contractors with the Government unless such contractors shall agree to pay for all time in excess of eight hours at a rate not less than time and a half for all hours work in excess of eight hours."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. ROBERTS of Massachusetts. Division, Mr. Chairman.

The committee divided; and there were—ayes 34, noes 22.

So the amendment was agreed to.

Mr. KELLEY. Mr. Chairman, I move to strike out the paragraph including line 6 to line 13, on page 5.

The CHAIRMAN. The gentleman from Michigan offers an amendment to strike out the paragraph included in line 6 to line 13, on page 5. Is there objection?

The amendment was agreed to.

Mr. LENROOT. Mr. Chairman, I offer an amendment.

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

#### MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had disagreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18453) 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, 1918, had insisted upon its amendments Nos. 80, 95, and 111, disagreed to by the House of Representatives, and had appointed Mr. ASHURST, Mr. MYERS, and Mr. CLAPP as the conferees on the part of the Senate.

#### NAVAL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Amendment by Mr. LENROOT: On page 5, after line 3, add: "That all authority granted to the President in this paragraph to be exercised in time of national emergency shall cease on March 1, 1918."

The CHAIRMAN. The question is on agreeing to the amendment. Does the gentleman from Wisconsin [Mr. LENROOT] desire recognition?

Mr. LENROOT. This is to meet the point raised by the gentleman from Illinois [Mr. MANN] that I think was well taken, to the effect that unless this be adopted the authority might extend beyond March 1, 1918; and this will make it plain.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to. Mr. MANN. Mr. Chairman, may I get the attention of the gentleman from Tennessee?

Mr. LENROOT. Mr. Chairman, I ask unanimous consent to correct my amendment. The sixth paragraph having been stricken out, it should be offered at the end of line 5, page 5.

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

Mr. MANN. Why do not you put it at the end of line 15, page 3? That is where it belongs.

Mr. LENROOT. The only reason I did not do so was because of the grammatical construction.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.



Mr. MANN. Mr. Chairman, I believe that the committee has changed paragraphs (d) and (c), on page 5.

Mr. PADGETT. All of those have been changed.

Mr. MANN. I think the letter (d) wants to be stricken out and the letter (c) ought to stay in. In other words, to change (c) to (d). So (d) wants to go out, (c) remain in.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the letter (d), in line 2, page 2, be stricken from the bill. Is there objection?

There was no objection.

Mr. BUTLER. Mr. Chairman, will the gentleman from Tennessee [Mr. PADGETT] give me his attention?

Inasmuch as I was present when this bill was prepared, and I voted for it, and I feel it incumbent on me to remain here while the bill is being considered, I would like to ask the gentleman if seven hours a day in this kind of atmosphere is not enough?

Mr. PADGETT. I think we have about completed this with the vote on this amendment. I think there are no further amendments. If we take the vote on it I will move to rise.

Mr. BUTLER. That is all right.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Tennessee, as amended.

The amendment as amended was agreed to.

Mr. PADGETT. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. PAGE of North Carolina, 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. 20632) making appropriations for the naval service for the fiscal year ending June 30, 1918, and for other purposes, and had come to no resolution thereon.

#### WITHDRAWAL OF PAPERS.

Mr. SWITZER, by unanimous consent, was granted permission, without leaving copies, to withdraw from the files of the House the papers in the case of John Henson, no adverse report having been made thereon.

#### EXTENSION OF REMARKS.

Mr. FLOOD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by incorporating in them an address made by the Secretary of State before the alumni of Amherst College on Saturday night.

The SPEAKER. The gentleman from Virginia asks unanimous consent to extend his remarks in the manner indicated. Is there objection?

There was no objection.

#### PATENTS TO CERTAIN INDIANS, STATE OF WASHINGTON.

Mr. STEPHENS of Texas, by direction of the Committee on Indian Affairs, submitted for printing, under the rule, the conference report on the bill (H. R. 8092) confirming patents heretofore issued to certain Indians in the State of Washington.

The conference report and accompanying statement are as follows:

#### CONFERENCE REPORT (NO. 1454).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8092) confirming patents heretofore issued to certain Indians in the State of Washington, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1 and 2, and agree to the same.

JNO. H. STEPHENS,  
C. D. CARTER,  
*Managers on the part of the House.*

KEY PITTMAN,  
MOSES E. CLAPP,  
HARRY LANE,  
*Managers on the part of the Senate.*

#### STATEMENT.

The Senate having receded on both of its amendments, the bill remains the same as when it passed the House.

JNO. H. STEPHENS,  
C. D. CARTER.

#### AMENDMENT OF THE GENERAL DAM ACT.

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, submitted for printing, under the rule, the conference report on 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.

#### HOOR OF MEETING TO-MORROW—11 O'CLOCK A. M.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow morning. Is there objection?

There was no objection.

#### EXTENSION OF REMARKS.

Mr. AUSTIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the naval appropriation bill.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to extend his remarks in the RECORD on the naval appropriation bill. Is there objection?

There was no objection.

#### JOHN B. BUCK.

Mr. OAKLEY. Mr. Speaker, I ask unanimous consent to proceed for two minutes, to give the House notice of the death of an ex-Member.

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

There was no objection.

Mr. OAKLEY. Mr. Speaker, on the 6th day of this month the Hon. John R. Buck, of Hartford, Conn., passed to the "great majority."

Mr. Buck was a Member of the Forty-seventh and Forty-ninth Congresses, a man greatly beloved and respected in the State which I have the honor in part to represent; a distinguished member of the great profession of the law; a kindly, genial man; a lovable neighbor, a delightful friend; a friend of the great McKinley, a companion of the brilliant Harrison; a credit to his profession, a credit to the city that he loved, a credit to the State and the country to which he gave much of his valued service. [Applause.]

#### EXTENSION OF REMARKS.

Mr. COLEMAN rose.

The SPEAKER. For what purpose does the gentleman from Pennsylvania rise?

Mr. COLEMAN. To ask unanimous consent to extend my remarks in the RECORD on the subject of Lincoln and Gettysburg.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to extend his remarks on the subject of Lincoln and Gettysburg. Is there objection?

There was no objection.

#### RECESS.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that the House stand in recess until 7.30 o'clock.

The SPEAKER. The Chair appoints the gentleman from Illinois [Mr. FOSTER] to preside to-night. The gentleman from North Carolina [Mr. KITCHIN] asks unanimous consent that the House stand in recess until 7.30 to-night. Is there objection?

There was no objection.

Accordingly (at 5 o'clock and 40 minutes p. m.) the House stood in recess until 7.30 p. m.

#### EVENING SESSION.

The recess having expired, the House (at 7 o'clock and 30 minutes p. m.) resumed its session, and was called to order by Mr. FOSTER as Speaker pro tempore.

The SPEAKER pro tempore. The Clerk will call the first bill on the Private Calendar.

Mr. STEPHENS of Mississippi. Mr. Speaker, I ask unanimous consent that these bills be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. The gentleman from Mississippi asks unanimous consent that these bills be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

#### JOHN MINAHAN, ALIAS JOHN BAGLEY.

Mr. KINKAID. Mr. Speaker, I ask unanimous consent to make a brief explanation about a bill I have here, which failed to receive consideration in the last Congress because the first evening, when private bills were considered, we began in the middle of the calendar, two bills beyond my bill, and the next



time commenced at the beginning and did not reach it. The other evening, when private bills were considered here last week, we began just two bills beyond my bill, on the assumption that my bill had had an opportunity to be heard at the last session, but it had not. It was reported after the two evenings when we considered private bills at the last session. Now we are beginning at the first of the calendar and my bill is at the last, just two bills ahead of where we began last week. Therefore, as it has come over from the former Congress and never had its inning, I ask unanimous consent that it be considered now.

The SPEAKER pro tempore. In the order fixing this evening for the consideration of bills on the Private Calendar it was agreed to begin at the first of the calendar.

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

Mr. MANN. We can do so by unanimous consent.

The SPEAKER pro tempore. If the gentleman desires to ask unanimous consent that this bill be taken up now, the Chair will put the request.

Mr. KINKAID. That is my request.

The SPEAKER pro tempore. What is the number of the bill?

Mr. KINKAID. The bill is No. 439 on the Private Calendar.

The SPEAKER pro tempore. The gentleman from Nebraska asks unanimous consent that No. 439 on the Private Calendar be taken up before we begin with the first of the calendar. Is there objection?

Mr. COX. Let the bill be reported, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report it.

The bill (H. R. 1764) for the relief of John Minahan, alias John-Bagley, was read as follows:

*Be it enacted, etc.,* That in the administration of the pension laws John Minahan, alias John Bagley, late a private in Company K, Eighth Regiment New Hampshire Volunteers, be held and considered to have been honorably discharged from the military service of the United States as a private in said company and regiment on the 24th day of August, 1864: *Provided,* That no back pay, back pension, back allowances, or emoluments shall accrue by reason of the passage of this act.

The SPEAKER pro tempore. The gentleman from Nebraska asks unanimous consent that before beginning the call of the calendar at the first number this bill be called. Is there objection?

There was no objection.

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

There was no objection.

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

The SPEAKER pro tempore. The Clerk will report the first bill on the Private Calendar.

THOMAS SMART.

Mr. OAKLEY. Mr. Speaker, I am in somewhat the same ferry-boat as the gentleman from Nebraska [Mr. KINKAID], and while I do not want to try to get in ahead of anybody else, I am a little afraid that my bill will not be reached to-night. It is No. 412 on the Private Calendar, and is a bill that I think no one has any objection to. A neighbor and friend of mine wants his military record corrected, and I ask unanimous consent that that bill be considered.

The SPEAKER pro tempore. The gentleman from Connecticut asks unanimous consent that before beginning the calendar the bill No. 412 on this calendar be first considered. Is there objection?

Mr. STEPHENS of Mississippi. Reserving the right to object, I want to say that I am not going to object, but I want to serve notice that hereafter I shall object. I think it is rather putting it over some of these other gentlemen.

Mr. OAKLEY. I am afraid it is, a little; but I doubted whether my bill would be reached.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The bill (S. 1361) for the relief of Thomas Smart was read, as follows:

*Be it enacted, etc.,* That in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers, Thomas Smart, late of Company B, Eighth Regiment Connecticut Volunteer Infantry, shall hereafter be held and considered to have been present with his company and regiment from the 27th day of February, 1864, to May 27, 1864: *Provided,* That other than as above set forth no pay, bounty, or other emolument shall accrue by reason of the passage of this act.

The SPEAKER pro tempore. Is there objection to the consideration of this bill?

There was no objection.

Mr. MANN. Mr. Speaker, I would like to ask the gentleman if he thinks this bill will do any good?

Mr. OAKLEY. I think so. It was unanimously passed by the Senate.

Mr. MANN. I doubt whether it will accomplish any purpose, but I do not object.

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

CERTAIN CIVILIAN EMPLOYEES OF THE ENGINEER DEPARTMENT.

The first business on the Private Calendar was the bill (H. R. 5079) for the relief of certain civilian employees of the Engineer Department at Large, United States Army.

The Clerk read the title of the bill.

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

Mr. MANN. I object.

OSCAR FROMMEL & BRO.

The next business on the Private Calendar was the bill (H. R. 2241) for the relief of Oscar Frommel & Bro.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. Mr. Speaker, I object.

DOMMICK TAHENY AND JOHN W. MORTIMER.

The next business on the Private Calendar was the bill (H. R. 6167) for the relief of Dommick Taheny and John W. Mortimer.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, I object.

GEORGE T. LARKIN.

The next business on the Private Calendar was the bill (H. R. 947) for the relief of George T. Larkin.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. Mr. Speaker, I object.

CHARLES JOHNSON AND KATE JOHNSON.

The next business on the Private Calendar was the bill (H. R. 9466) for the relief of the heirs or legal representatives of Charles Johnson and Kate Johnson.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

ELLEN B. MONAHAN.

The next business on the Private Calendar was the bill (H. R. 6770) for the relief of Ellen B. Monahan.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, I object.

PETER M'KAY.

The next business on the Private Calendar was the bill (S. 1376) for the relief of Peter McKay.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, I object.

DR. E. V. HAILMAN.

The next business on the Private Calendar was the bill (H. R. 3145) for the relief of Dr. E. V. Hailman.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, I object.

FRANK PAYNE SELBY.

The next business on the Private Calendar was the bill (S. 2720) for the relief of Frank Payne Selby.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, I object.

PRESTON B. C. LUCAS.

The next business on the Private Calendar was the bill (H. R. 5091) for the relief of Preston B. C. Lucas.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury is hereby authorized and directed to pay to Preston B. C. Lucas the sum of \$500, which sum is hereby appropriated out of any money in the Treasury not otherwise appropriated.

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

A. J. HODGES, T. W. HODGES, AND C. C. HODGES.

The next business on the Private Calendar was the bill (H. R. 10421) for the relief of A. J. Hodges, T. W. Hodges, and C. C. Hodges.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. Mr. Speaker, I object.



## WILLIAM ENGLUND.

The next business on the Private Calendar was the bill (H. R. 11499) for the relief of William Englund.  
The SPEAKER pro tempore. Is there objection?  
Mr. MANN. Mr. Speaker, I object.

## E. A. SWIFT.

The next business on the Private Calendar was the bill (H. R. 8426) for the relief of E. A. Swift.  
The SPEAKER pro tempore. Is there objection?  
Mr. MANN. Mr. Speaker, I object.

## GEORGE T. HAMILTON.

The next business on the Private Calendar was the bill (H. R. 8310) for the relief of George T. Hamilton.  
The SPEAKER pro tempore. Is there objection?  
Mr. MANN. Mr. Speaker, I object.

## LENA GARAGNON.

The next business on the Private Calendar was the bill (H. R. 2540) for the relief of Lena Garagnon.  
The SPEAKER pro tempore. Is there objection?  
Mr. MANN. Mr. Speaker, I object.

## ETHEL FREDERICKSON AND DAUGHTER ETHEL.

The next business on the Private Calendar was the bill (H. R. 2538) for the relief of Ethel Fredrickson and daughter Ethel.  
The SPEAKER pro tempore. Is there objection?  
Mr. MANN. Mr. Speaker, I object.

## JOHN B. BOSTICK.

The next business on the Private Calendar was the bill (H. R. 9946) waiving the age limit for admission to the Medical Corps of the United States Navy in the case of John B. Bostick.  
The SPEAKER pro tempore. Is there objection?  
Mr. STAFFORD. I object.

## CLARA KANE.

The next business on the Private Calendar was the bill (H. R. 6406) granting the sum of \$480 to Clara Kane, dependent parent, by reason of the death of William A. Yenser, late civil employee, killed as a result of an accident at Philadelphia Navy Yard.

The Clerk read the title of the bill.  
The SPEAKER pro tempore. Is there objection?  
Mr. COX. Mr. Speaker, I object.  
Mr. MOORE of Pennsylvania. Will the gentleman withhold his objection or is he going to insist on it?  
Mr. COX. I am going to insist.  
Mr. MOORE of Pennsylvania. Then I will not take up the time of the House further.  
The SPEAKER pro tempore. The gentleman from Indiana objects.

## MISSION FARM CO.

The next business in order on the Private Calendar was the bill (H. R. 10869) for the relief of the Mission Farm Co., Peter Volondra, and others.

The Clerk read the title of the bill.  
The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.  
The Clerk read as follows:

*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, to the following-named corporation and persons the respective amounts, as follows: The Mission Farm Co., \$1,835; Peter Volondra, \$187.50; M. E. Robertson, \$62.50; E. E. Bead, \$187.50; James V. Satra, \$75; Cash Rogers, \$255; Ed Nelness, \$87.50; Jacob Hempel, \$22.50; Isalah Davis, \$187.50; Alvin Hoffman, \$50; Louis Bordeaux, \$1,385; Charley Pavlik, \$50; George W. Coleman, \$875; W. S. Hatten, \$200; Frank Rothleutner and George W. Coleman, \$750; Hugh Coleman, \$54.50; and Charles Kolkofen, \$62.50, for damages caused to each of said parties by a certain fire set by the carelessness of the employees of the Government in the regular line of their duty and as incident thereto in the Indian Service on the Rosebud Indian Reservation, in South Dakota, and across the State line in Nebraska, on the 20 day of October, 1909.

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

The title was amended so as to read: "A bill to authorize the payment of certain amounts for damages sustained by prairie fire on the Rosebud Indian Reservation, in South Dakota."

## FREDERICK CITY, MD.

The next business in order on the Private Calendar was the bill (H. R. 4751) to refund to the corporate authorities of Frederick City, Md., the sum of \$200,000, exacted from them by the Confederate Army under Gen. Jubal Early, July 9, 1864, under penalty of burning said city.

The Clerk read the title of the bill.  
The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, I object.  
Mr. STEPHENS of Mississippi. Mr. Speaker, I object.

## MARYLAND TRUST CO., OF BALTIMORE.

The next business in order on the Private Calendar was the bill (H. R. 6629) for the relief of the Maryland Trust Co., of Baltimore, Md.

The Clerk read the title of the bill.  
The SPEAKER pro tempore. Is there objection?  
Mr. MANN. Mr. Speaker, reserving the right to object, this proposes to refund a certain amount of money that was collected, the claim not being presented until more than two years had passed, and it was too late for the department to allow it. Apparently the bill was not referred to the Treasury Department. There is no report on the bill from the Treasury Department. It creates a precedent under which the Government would have to pay out hundreds of thousands of dollars, and I think we ought to be careful about passing it. Was the bill referred to the Treasury Department?

Mr. STEPHENS of Mississippi. Judging from the report, it was not. I notice the gentleman from Maryland [Mr. PRICE] reported it. There is a letter here—

Mr. MANN. I have read the letter from the Maryland Trust Co., but that is not a report upon this bill.

Mr. STEPHENS of Mississippi. I understand.  
Mr. MANN. If they made a report on the bill, they would probably make a report with reference to similar claims.

Mr. STEPHENS of Mississippi. I will say very frankly, Mr. Speaker, it would establish a precedent in other matters of this character.

Mr. MANN. Mr. Speaker, for the present I object.

## FRANK MOGRIDGE.

The next business in order on the Private Calendar was the bill (H. R. 8089) for the relief of Frank Mogridge.  
The Clerk read the title of the bill.  
The SPEAKER pro tempore. Is there objection?  
Mr. MANN. Mr. Speaker, I object.

## JACOB F. WEIDNER.

The next business in order on the Private Calendar was the bill (H. R. 8090) for the relief of Jacob F. Weidner.  
The Clerk read the title of the bill.  
The SPEAKER pro tempore. Is there objection?  
Mr. MANN. Mr. Speaker, I object.

## EUGENE A. FREUND AND ALFRED F. ROEMMICH.

The next business in order on the Private Calendar was the bill (H. R. 4319) for the relief of Eugene A. Freund and Alfred F. Roemmich.  
The Clerk read the title of the bill.  
The SPEAKER pro tempore. Is there objection?  
Mr. STAFFORD. Mr. Speaker, I object.

## WILLIAM S. ROTE.

The next business in order on the Private Calendar was the bill (H. R. 7182) for the relief of William S. Rote.  
The Clerk read the title of the bill.  
The SPEAKER pro tempore. Is there objection?  
Mr. MANN. Mr. Speaker, I object.

## JOE T. WHITE.

The next business in order on the Private Calendar was the bill (H. R. 1443) for the relief of Joe T. White.  
The Clerk read the title of the bill.  
The SPEAKER pro tempore. Is there objection?  
Mr. MANN. Mr. Speaker, I object.

## JAMES BOOKHAMER.

The next business in order on the Private Calendar was the bill (H. R. 4880) for the relief of James Bookhamer.  
The Clerk read the title of the bill.  
The SPEAKER pro tempore. Is there objection?  
Mr. MANN. Mr. Speaker, I object.

## D. M. CARMAN.

The next business in order on the Private Calendar was the bill (S. 1425) for the relief of D. M. Carman, representing the estate of Luis R. Yangco, deceased.  
The Clerk read the title of the bill.  
The SPEAKER pro tempore. Is there objection?  
Mr. MANN. Mr. Speaker, I object.

## E. W. ROHMELING.

The next business in order on the Private Calendar was the bill (H. R. 7504) for the relief of E. W. Rohmeling.



The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, I object.

Mr. WALSH. Will the gentleman withhold his objection?

Mr. MANN. Mr. Speaker, I reserve the right to object.

Mr. WALSH. This is a bill to compensate an employee of the Fisheries Bureau who lost some personal effects and money by a fire which took place upon one of the steamers of the bureau, and it seems to me that reimbursement of this loss is in line with the policy of the Government which provides rewards for employees of the Government or others when they restore property that has been lost through carelessness or accident in various departments of the Government.

This man by his prompt action and at some risk saved property to the value of several thousand dollars to the Government, and I trust the gentleman will not press his objection, but will allow a claim that has as much justness in it as this to be passed upon and approved.

Mr. MANN. Mr. Speaker, there are a good many of these claims—quite a number of them on the calendar. It is not possible for the Government of the United States to insure the personal effects of an employee on board ship or elsewhere. It is possible for the employee to insure them, and I do not think the Government should attempt to assure an employee that if he loses his personal effects the Government will pay the bill. That is not the practice, therefore I am bound to object.

Mr. WALSH. Will the gentleman permit a question?

Mr. MANN. Certainly.

Mr. WALSH. Does the gentleman make any distinction where the employee loses his effects in the ordinary course of events and the case where he loses them while he is performing what we might call a heroic deed, where, without consideration for himself or his property, he goes to his post of duty and as a result of that saves a vessel worth several thousands of dollars? Now, the other members of the crew were able to save their effects, but this man went immediately to the fire pumps. With two or three minutes delay he could have saved his property, but he gave that matter no thought. He went immediately to the fire pumps and put them in operation, and as a result of that saved the steamer and lost his money and personal effects.

Mr. MANN. Mr. Speaker, the man performed a very meritorious service, and the memory of that ought to be a great comfort to him without expecting the Government to pay for it. There would not be any merit in it if he asked the Government to do so. I object.

HENRY S. ROYCE.

The next business in order on the Private Calendar was the bill (H. R. 1622) for the relief of Henry S. Royce.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD and Mr. MANN objected.

CLAIMS AGAINST CHOCTAW AND CHICKASAW NATIONS.

The next business in order on the Private Calendar was the bill (H. R. 10555) referring certain claims against the Choctaw and Chickasaw Nations of Indians to the Court of Claims.

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

Mr. MANN. I object.

STUART, LEWIS, GORDON & RUTHERFORD.

The next business in order on the Private Calendar was the bill (H. R. 10872) making an appropriation to Stuart, Lewis, Gordon & Rutherford, in payment of legal services rendered by them to the Creek Nation.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Let the bill be reported.

The SPEAKER pro tempore. The Clerk will report the bill. The Clerk read as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to pay to Stuart, Lewis, Gordon & Rutherford, out of any funds in the Treasury of the United States belonging to the Creek Nation, the sum of \$7,000, together with interest thereon at the rate of 5 per cent per annum from October 18, 1900, to date of payment, being in full settlement of the claim of the said Stuart, Lewis, Gordon & Rutherford against the said Creek Nation for legal services rendered the said Creek Nation employed by authority of an act of the national council of the Creek Nation, approved January 7, 1898, the said sum of \$7,000 having been appropriated in payment of said services by an act of the national council of the Creek Nation, approved October 18, 1900.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Reserving the right to object, we had quite a discussion about this bill before. It was disapproved at one time by President McKinley. It may have been an error. I notice the bill provides for the payment of \$7,000, together with

interest thereon. The gentleman from Oklahoma [Mr. HASTINGS], I think, will recall that where there is no contract the Government does not undertake to pay interest.

Mr. HASTINGS. I am willing the amendment should be made to cut out the interest, in line 7, after "\$7,000," the words "together with interest thereon at the rate of 5 per cent per annum from October 18, 1900, to date of payment." That would eliminate that feature.

Mr. MANN. Very well. I do not object.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chairs hears none.

Mr. HASTINGS. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The gentleman from Oklahoma offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HASTINGS:

Page 1, line 7, after the figures "\$7,000," strike out "together with interest thereon at the rate of 5 per cent per annum from October 18, 1900, to date of payment."

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

The amendment was agreed to.

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

CATHRINE GRACE.

The next business on the Private Calendar was the bill (H. R. 14570) for the relief of Cathrine Grace.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

The SPEAKER pro tempore. The gentleman from Illinois objects. The Clerk will report the next one.

R. L. JENNINGS.

The next business on the Private Calendar was the bill (H. R. 13636) for the relief of R. L. Jennings.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, this bill is improperly on the Calendar. It never has been reported. It is a mistake on the part of somebody. The resolution was reported to refer this bill to the Court of Claims. I have a notation on the bill that the resolution has been passed. The bill never was reported. The report reads:

The Committee on Claims, to whom was referred the bill H. R. 13636 \* \* \* having considered the same, report in lieu thereof the following House resolution:

*Resolved,* That the bill \* \* \* be reported to the Court of Claims for findings of fact and conclusions of law.

I do not recall it, but I have a notation that the resolution has been passed.

Mr. STEPHENS of Mississippi. I have no recollection of its being passed, and the clerk to the committee has no recollection of it.

Mr. MANN. I have a notation to the effect that the resolution was passed.

Mr. STEPHENS of Mississippi. I ask unanimous consent, Mr. Speaker, that the bill be passed over until we can look into it and see.

The SPEAKER pro tempore. The gentleman from Mississippi asks unanimous consent that the bill be passed over without prejudice. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the next bill.

HUDSON BROS.

The next business on the Private Calendar was the bill (H. R. 5253) for the relief of Hudson Bros., of Norfolk, Va.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Let the bill be reported, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury is hereby directed to pay to Hudson Bros., of Norfolk, Va., out of any money in the Treasury not otherwise appropriated, the sum of \$620.60 for damages sustained by said Hudson Bros. on account of a collision between the United States revenue cutter *Apache* and barge *C. T. Rowland*, owned by said Hudson Bros., the collision being caused by the fault in handling the United States revenue cutter *Apache*, as determined by court-martial in the case.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Reserving the right to object, \$160 of the amount is for demurrage. It may be that the Government ought to



pay demurrage, but it is not the custom. If the gentleman wants to reduce it by \$160 and make it \$460.60, I will make no objection.

Mr. STEPHENS of Mississippi. Do I understand the gentleman will object unless the reduction is made?

Mr. MANN. Yes.

Mr. STEPHENS of Mississippi. Then, Mr. Speaker, I move that in line six the figures "\$620.60" be stricken out and the sum of "\$460.66" be inserted.

Mr. MANN. Mr. Speaker, I withdraw my objection.

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from Mississippi.

The Clerk read as follows:

Page 1, line 6, amend by striking out "\$620.60" and insert in lieu thereof "\$460.66."

Mr. MANN. Make it \$460.60.

Mr. STEPHENS of Mississippi. Very well.

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

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill as amended.

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

#### JAMES C. HILTON.

The next business on the Private Calendar was the bill (S. 606) for the relief of James C. Hilton.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, I think that has been taken care of.

Mr. STEPHENS of Mississippi. The Hilton bill?

Mr. MANN. Yes.

Mr. STEPHENS of Mississippi. We have not been informed, if it has. I have not seen anybody interested in the matter for quite a little while.

Mr. MANN. I think it was paid in the naval bill at the last session of Congress.

Mr. STEPHENS of Mississippi. Then I ask that the bill be passed over until I can find out about it. I am not informed of it now.

Mr. MANN. That is the case. It was taken care of in the naval bill.

The SPEAKER pro tempore. Without objection, the bill will be passed over.

There was no objection.

#### WILLIAM W. FINEREN.

The next business on the Private Calendar was the bill (H. R. 2601) for the relief of William W. Fineren.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

The SPEAKER pro tempore. The gentleman from Illinois objects.

#### VICTOR A. ERMERINS.

The next business on the Private Calendar was the bill (S. 4581) for the relief of Victor A. Ermerins.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

The SPEAKER pro tempore. The gentleman from Illinois objects. The Clerk will report the next one.

#### DOUGLAS H. JOHNSTON.

The next business on the Private Calendar was the bill (H. R. 12391) to reimburse Douglas H. Johnston.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Reserving the right to object, I am sure that is in the Indian bill as a Senate amendment.

Mr. MURRAY. That is in the Indian bill. The only thing about it is that it looks as though they were going to kill the Indian bill.

Mr. MANN. This will be the best thing in it to kill. [Laughter.]

Mr. STAFFORD. The amendment has been agreed to in conference, though the conference report has not been adopted.

Mr. MURRAY. I will tell you what I will do—

Mr. MANN. To save time I will object.

#### FORT HALL RESERVATION, IDAHO.

The next business on the Private Calendar was the bill (H. R. 12472) authorizing the submission to the Court of Claims of the claims of sundry citizens of Idaho for damages sustained by reason of the overflow of their lands in connection with the construction of the reservoir to irrigate lands belonging to the Indians on the Fort Hall Reservation in Idaho.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

#### CHARLES AKERLUND.

The next business on the Private Calendar was the bill (H. R. 6518) for the relief of Charles Akerlund.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

#### WILLIAM E. JOHNSON.

The next business on the Private Calendar was the bill (H. R. 13072) for the relief of William E. Johnson.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

#### EXCESS DUTIES ON STEEL BLOOMS.

The next business on the Private Calendar was the bill (S. 4398) for the refund of excess duties on steel blooms.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Let the bill be reported.

Mr. CULLOP. I object.

#### LENA SCHMIEDER.

The next business on the Private Calendar was the bill (H. R. 3294) for the relief of Lena Schmieder.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

#### MARTHA HAZELWOOD.

The next business on the Private Calendar was the bill (H. R. 7427) for the relief of Martha Hazelwood.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

#### ESTATE OF JOHN STEWART, DECEASED.

The next business on the Private Calendar was the bill (S. 3388) for the relief of the estate of John Stewart, deceased.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

#### MOEUR-PAFFORD CO.

The next business on the Private Calendar was the bill (H. R. 13496) for the relief of the Moeur-Pafford Co.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. HAYDEN. Mr. Speaker, I move to lay that bill on the table. It has been cared for in other legislation.

The SPEAKER pro tempore. Without objection, the bill will be laid on the table.

There was no objection.

#### P. J. CARLIN CONSTRUCTION CO.

The next business on the Private Calendar was the bill (H. R. 4537) for the relief of the P. J. Carlin Construction Co.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

#### ESTATE OF JOHN H. CHRISTY, DECEASED.

The next business on the Private Calendar was the bill (H. R. 8010) making an appropriation to pay the legal representatives of the estate of John H. Christy, deceased, to wit: E. J. Christy, Mary L. Christy, Sallie A. Christy, W. S. Christy, T. J. Christy, and Julia H. Bryson, and the estates of J. R. Christy, W. D. Christy, and H. P. Christy, heirs at law of John H. Christy, late of the State of Georgia, in full for any claim for salary and allowance made by reason of the election of the said John H. Christy to the Thirty-ninth Congress and his services therein.



The Clerk read the title of the bill.  
The SPEAKER pro tempore. Is there objection?  
Mr. MANN. I object.

T. J. BALL.

The next business on the Private Calendar was the bill (H. R. 13637) for the relief of T. J. Ball.

The Clerk read the title of the bill.  
The SPEAKER pro tempore. Is there objection?  
Mr. MANN. I object.

JOHNSTON-M'CUBBINS INVESTMENT CO.

The next business on the Private Calendar was the bill (S. 3257) for the relief of Johnston-McCubbins Investment Co.

The SPEAKER pro tempore. Is there objection?  
Mr. MANN. Mr. Speaker, I object.

MARY BAILEY PRATT.

The next business on the Private Calendar was the bill (H. R. 8624) for the relief of Mary Bailey Pratt.

The SPEAKER pro tempore. Is there objection?  
Mr. MANN. I object.

JOHN STEAGALL.

The next business on the Private Calendar was the bill (H. R. 15117) for the relief of John Steagall.

The SPEAKER pro tempore. Is there objection?  
Mr. MANN. Mr. Speaker, I object.

CHARLES E. KNICKERBOCKER.

The next business on the Private Calendar was the bill (H. R. 11843) for the relief of Charles E. Knickerbocker.

The SPEAKER pro tempore. Is there objection?  
Mr. COX. Mr. Speaker, I object.

Mr. MILLER of Delaware. Mr. Speaker, I ask unanimous consent that we pass over the bills from Calendar No. 294 to Calendar No. 319, inclusive, unless there are some bills in those numbers that are not going to be objected to by any Member here.

Mr. SWEET. Mr. Speaker, I object. My bill is 295.

Mr. MILLER of Delaware. I shall renew the request, because a lot of these bills have been gone over before and have been objected to, and we want to get along, if possible.

Mr. STAFFORD. We are getting along pretty well.

CATHERINE BURNS, WIDOW OF PATRICK BURNS.

The next business on the Private Calendar was the bill (H. R. 11661) for the relief of Patrick Burns.

The SPEAKER pro tempore. Is there objection?  
Mr. MANN. Mr. Speaker, I object

Mr. HASKELL. Mr. Speaker, will the gentleman withhold his objection for a moment?

Mr. MANN. Mr. Speaker, I reserve the objection.

Mr. HASKELL. Mr. Speaker, Patrick Burns, an employee of the Government, as the result of an accident which happened on April 10, 1899, at the Brooklyn Navy Yard, lost a leg. The committee have reported and recommended in his favor an amount which he would have received under the workmen's compensation act. At that time the workmen's compensation act was not in force. Here is a man who lost his leg as the result of an accident which happened on April 10, 1899, while in the performance of his duty to the United States Government. I know that after the accident and the amputation of his leg his wife and himself spent practically all of their earnings to restore him to such health where he could live and half-way enjoy life, handicapped and crippled as he was. Other bills of this nature have passed. I remember in the last session of this Congress a similar case, where the committee, following this rule, reported a bill making a recommendation of allowance upon the basis of the amount which the man would have received had the workmen's compensation act been in effect, and it was unanimously passed here on the floor of the House. I submit that as an act of justice in this case this allowance ought to be made.

Since this bill was pending, and on July 24, 1916, this man, afflicted as he was, died, and I dare say the widow who survives him, now advanced in years, will shortly follow in his path. I appeal here to-night that this bill is fair and meritorious and the Government owes it to this widow. The victim of the accident is dead, and if Congress is to further postpone action, even the widow will be deprived of this modest amount. I sincerely hope that the gentleman under the circumstances will withdraw his objection and allow this act of justice to be done.

Mr. MANN. Mr. Speaker, we had a long controversy and took up a lot of time the other evening on a case where a man had lost his leg.

Mr. HASKELL. But something was allowed.

Mr. MANN. And the gentleman interested in the matter was not satisfied with what was allowed. If the gentleman is satisfied with the committee amendment, I shall withdraw my objection.

Mr. HASKELL. I shall be perfectly satisfied.

Mr. MANN. I do not object.

The SPEAKER pro tempore. The Clerk will report the bill.  
The Clerk read as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Patrick Burns, out of any money in the Treasury not otherwise appropriated, the sum of \$2,000, in full compensation for injuries received, resulting in the loss of his left leg through no fault of his own, while performing his duties as a joiner at the navy yard, Brooklyn, N. Y., on the 10th day of April, 1899.

With the following committee amendment:

Line 6, strike out "\$2,000" and insert "\$1,000."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. HASKELL. Mr. Speaker, I move to insert on line 4, after the words "pay to," the words "Catherine Burns, widow of."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Line 4, after the words "pay to," insert the words "Catherine Burns, widow of."

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

Mr. AUSTIN. Mr. Speaker, I move to strike out the last word. May I ask the gentleman if this injury was the cause of this man's death?

Mr. HASKELL. I can not say positively as to that. He died in July, 1916, and the accident happened in 1899.

Mr. AUSTIN. Mr. Speaker, on the last night we had under consideration the bills on the Private Calendar, attention was called to the fact by the gentleman from New Jersey [Mr. BROWNING] that on the afternoon of the day when we passed the bill appropriating \$720 for the loss of a man's leg the Senate of the United States passed a bill making an appropriation of \$2,500 for the loss of a man's arm.

I found on investigation that the case passed upon by the Senate was a House bill in the interest of a man by the name of Jennings; that the House Committee on Claims reported that bill favorably, carrying an appropriation of \$2,500, and that the Senate passed the House bill after we had passed it. Now, I wish to direct an inquiry to the members of the Committee on Claims to give an explanation why in the Collins case they reported and passed a bill appropriating \$2,500 for the loss of an arm, and in the case then under consideration, from New Jersey, the committee reported a bill, and we passed it, providing for an appropriation of \$720? And now we are about to pass a bill making an appropriation of \$1,000, having reduced it from \$2,000 to \$1,000, for the loss of a leg. In other words, why is there a scale or a difference; and if so, upon what measure of justice and equity does the committee fix this standard? That is what I would like to know, in the interest of fair play, and I yield for an explanation from any member of the Committee on Claims.

Mr. STEPHENS of Mississippi. Mr. Speaker, in answer to the gentleman, I will say that the committee has tried very hard to live up to the policy of allowing one year's salary where a party was injured. Now, of course, the gentleman knows very well that the salary of Government employees varies very largely. Some men get \$500, some get \$720 per annum, some \$1,000, and some \$2,500, and so on; and it may be in some cases we have gone a little beyond the year's salary. I think, owing to the peculiar circumstances in the case, once or twice we have gone beyond the one year's salary, but in the main we have held it down to an amount equal to one year's salary.

Mr. AUSTIN. Does the gentleman plead guilty to a statement that his committee fixed the valuation of \$2,500 in the case passed by the Senate the other day; and if so, why was an exception made in that case; and if it were possible to go beyond a year's salary in one case, why is it not possible to do the same thing in other cases?

Mr. STEPHENS of Mississippi. It is possible, of course, Mr. Speaker, to fix any amount we care to fix; but the gentleman should remember under the law these people are not entitled to anything.

Mr. AUSTIN. Why did the committee in the Jennings case make it \$2,500?

Mr. STEPHENS of Mississippi. Mr. Speaker, I have not the bill before me, and I do not know the facts—



Mr. AUSTIN. I will get it.

Mr. STEPHENS of Mississippi. If the gentleman has read the evidence in the case he might think we are exactly right even in that matter.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from New York.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

The title was amended so as to read; "A bill for the relief of Catherine Burns, widow of Patrick Burns."

#### REIMBURSEMENT FOR CURRENCY DESTROYED BY FIRE.

The next business in order on the Private Calendar was the bill (H. R. 4626) to reimburse the Farmers' Savings Bank, of Brandon, Iowa, for currency destroyed by fire.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money not otherwise appropriated, the sum of \$1,985 to the Farmers' Savings Bank, of Brandon, Iowa, to reimburse them for the above-named amount of lawful currency of the United States which was destroyed by fire at the time the Farmers' Savings Bank, of Brandon, Iowa, burned and the currency consumed.

Mr. CULLOP. Mr. Speaker, I would like to know from the author of this bill whether this property was insured and payment was received?

Mr. SWEET. The currency was not insured but the building in which the bank was located was insured, and also the furniture.

Mr. CULLOP. There was no insurance against the destruction of the currency by fire?

Mr. SWEET. None whatever.

Mr. COX. Mr. Speaker, I would like to ask a question. The currency was in a safe that was guaranteed by the company to withstand fire, was it not?

Mr. SWEET. It was in a safe that was reported to be sufficient for a bank of that kind.

Mr. COX. The safe was bought of the Diebold Safe & Lock Co. They sent their representative, Mr. E. Thompson, of Cedar Rapids, Iowa, to Brandon, who sold to the officers and directors of the bank a manganese-steel safe with automatic locks and all modern appliances, representing to the officers and directors that this safe was absolutely fireproof under conditions that might arise in the frame building in which it was to be placed. Now, does the gentleman know whether or not this corporation or company ever undertook in any way to hold this Diebold Safe & Lock Co. responsible for it?

Mr. SWEET. No; not upon the oral representations as made.

Mr. COX. Was it an oral representation or a written agreement, does the gentleman know?

Mr. SWEET. There was no written agreement. It was merely a statement made by an agent of the company or one representing the company at the time.

Mr. COX. There is no written guaranty to the bank that this safe would withstand fire?

Mr. SWEET. There was not.

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

#### SIMON M. PRESTON.

The next business in order on the Private Calendar was the bill (S. 1288) for the relief of Simon M. Preston.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, I object.

#### MRS. W. E. CRAWFORD.

The next business in order on the Private Calendar was the bill (H. R. 9335) for the relief of Mrs. W. E. Crawford.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, I object.

Mr. ALMON. Mr. Speaker, will the gentleman reserve the right to object?

Mr. MANN. I will reserve the right to object.

Mr. ALMON. Mr. Speaker, this is a bill to pay \$140.40 earned by Mrs. Crawford as temporary substitute carrier for the delivery of parcel post at Decatur, Ala.

The Post Office Department admits that the service was rendered and that it has not been paid for. The payment was declined for the reason, it was said, that there were some el-

gibles on the civil-service register and that the postmaster was informed. The report of the Committee on Claims was to the effect that the postmaster himself even did not have the notice to discontinue the services of Mrs. Crawford, and there is absolutely no contention that the woman who did the work had any notice that there was an eligible list or that her services were not desired. It was a case where there was simply a quibble over the payment, on account of the civil-service registry.

Mr. MANN. Mr. Speaker, this is a plain violation of the civil-service law and a willful violation, I think, by the postmaster. I do not know that the woman was to blame. I do not think it creates any precedent to amount to anything, and it is only a small amount, and therefore I withdraw my objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

*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 of the United States not otherwise appropriated, to Mrs. W. E. Crawford the sum of \$140.40 in full compensation for services rendered as auxiliary carrier of mails at Decatur, Ala., from February 28, 1914, to June 28, 1914.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

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

#### RHODA MENZ, W. W. CHRISTMAS, AND JAMES M. CHRISTMAS.

The next business in order on the Private Calendar was the bill H. R. 10624, a bill to appropriate a sum of money to Rhoda Menz, W. W. Christmas, and James M. Christmas, heirs of Myra Clarke Gaines, for certain lands in Louisiana.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object. It is not a very good time for Christmas presents.

#### AMENDMENT TO ACTS OF 1909.

The next business in order on the Private Calendar was the bill (H. R. 13674) to amend section 11 of chapter 308 of the acts of 1909.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

#### DUNCAN GRANT RICHART.

The next business in order on the Private Calendar was the bill (H. R. 7111) to authorize the appointment of Duncan Grant Richart to the grade of lieutenant in the Army.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

#### CLAIMS OF IOWA TRIBE OF INDIANS.

The next business in order on the Private Calendar was the bill (S. 4253) conferring jurisdiction on the Court of Claims to hear, determine, and report to Congress on claims of the Iowa Tribe of Indians against the United States.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Reserving the right to object, if I recollect correctly, under the Judicial Code the committee by a simple little committee resolution can send this matter to the Court of Claims. I do not know why they do not. I do not see any cause for the legislation, especially on the terms named in the bill. Therefore, I object.

#### CLAIMS OF SHAWNEE INDIANS.

The next business in order on the Private Calendar was the bill (S. 1098) to adjust and settle the claims of the loyal Shawnee and loyal Absentee Shawnee Tribe of Indians, and to report the same to Congress.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

#### CLAIMS OF PONCA TRIBE OF INDIANS.

The next business in order on the Private Calendar was the bill (S. 1094) conferring jurisdiction on the Court of Claims to hear and determine and report to Congress on claims of the Ponca Tribe of Indians against the United States.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

#### COWLITZ TRIBE OF INDIANS.

The next business in order on the Private Calendar was the bill (S. 2458) authorizing the Cowlitz Tribe of Indians residing in the State of Washington to submit claims to the Court of Claims.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.



FRANCESCA G. MONTELL.

The next business in order on the Private Calendar was the bill (H. R. 14046) for the relief of Mrs. Francesca G. Montell. The SPEAKER pro tempore. Is there objection? Mr. MANN. I object.

JOSEPH C. AKIN.

The next business in order on the Private Calendar was the bill (H. R. 2743) for the relief of the widow of Joseph C. Akin. The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill. The Clerk read as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay Mrs. Joseph C. Akin, of Dolores, Montezuma County, Colo., widow of Joseph C. Akin, who, while in the discharge of his duty as a deputy United States marshal, was killed by a band of renegade Ute Indians while he was attempting to arrest one Tse-Ne-Gat, a Ute Indian charged with murder, on the 21st day of February, 1915, the sum of \$5,000, on account of the murder of her said husband while in the regular discharge of his duties in the service of the Government of the United States.

Also the following committee amendment was read:

Page 1, line 4, after the word "pay," insert the words "out of any money in the Treasury not otherwise appropriated."

Mr. MANN. Mr. Speaker, when this bill was called before I objected to it because the report did not show that Joseph C. Akin was, in fact, a deputy marshal or, for that matter, did not show that he was killed, although that is the statement in the bill. The gentleman from Colorado [Mr. TAYLOR] stated to me the other day that he had investigated the matter and had a statement from the Attorney General.

Mr. TAYLOR of Colorado. I have very full proof here from the Department of Justice, and also from the United States marshal, and I will place them in the RECORD at this point:

DEPARTMENT OF JUSTICE,  
Washington, D. C., August 17, 1916.

Hon. EDWARD T. TAYLOR,  
House of Representatives,  
Washington, D. C.

MY DEAR SIR: In accordance with your request, the Department wired the United States marshal for Utah in reference to Joseph C. Akin, deceased, and received, August 16, the following telegraphic reply:

"Joseph C. Akin was duly appointed by me as posseman February 16, 1915; was killed while acting in discharge of his duties as such posseman February 21."

In addition, I may state that the files of this department show that Joseph C. Akin was appointed posseman by the United States marshal for Utah upon due authority given by the department, and that Thomas H. Akin, administrator of said Akin's estate, was duly paid for services performed by Akin as posseman, payment being made under Revised Statutes, section 846, and duly approved by the President. There is also on file with the department a certified copy of the appointment of Thomas H. Akin as said administrator by the county court for the county of Montezuma, Colo., reciting that Akin died intestate on or about February 21, 1915.

Respectfully,  
For the Attorney General:

CHARLES WARREN,  
Assistant Attorney General.

Mr. AUSTIN. May I ask the gentleman a question?

Mr. TAYLOR of Colorado. Yes.

Mr. AUSTIN. What is the annual salary of the deputy marshal?

Mr. TAYLOR of Colorado. It is \$3 a day.

Mr. AUSTIN. That is \$900 a year. Why is an exception made in this case?

Mr. TAYLOR of Colorado. It is more than \$900 a year.

Mr. AUSTIN. I thought the bill read "\$5,000."

Mr. TAYLOR of Colorado. There is a committee amendment reducing it to one year's salary, namely, \$1,095.

Mr. AUSTIN. In this connection I wish to state that I hold in my hand a copy of a bill, H. R. 6732, an act for the relief of Joseph A. Jennings, appropriating \$2,500. It passed the House of Representatives on March 3, 1916, and passed the Senate last week for the same amount.

Mr. Jennings was a painter in the Government navy yard in Washington and was paid \$3.04 a day, which is equivalent to \$951.51 per annum.

I heard the statement made the other night in answer to my criticism that if we increased any of these amounts over and above the annual salary of one of these Government employees the Senate would not pass it. I wish to call attention to the fact that the Senate did pass that bill, which carries about \$1,500 more than the man's yearly salary.

Mr. STEPHENS of Mississippi. Mr. Speaker, I wish to say, in answer to that, that the Senate has on a number of occasions refused to pass bills carrying more than one year's salary. They have been insistent on holding the amount down to one year's salary.

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER pro tempore. The Clerk will read the next committee amendment.

The Clerk read as follows:

Amend, page 2, line 2, by striking out the figures "\$5,000" and inserting in lieu thereof the figures "\$1,095."

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

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill as amended.

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

THOMAS G. ALLEN.

The next business on the Private Calendar was the bill (H. R. 13354) to compensate Thomas G. Allen for injuries received while employed in the General Land Office of the United States, and making an appropriation therefor.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read the bill, as follows:

*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, to Thomas G. Allen, the sum of \$3,000 for injuries received while employed in the United States General Land Office, Washington, D. C., December 27, 1915.

With a committee amendment, as follows:

Amend, line 6, by striking out the figures "\$3,000" and inserting in lieu thereof "\$1,000."

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

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

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

The SPEAKER pro tempore. The Clerk will report the next bill.

JOHN FRAZER—ZEPHANIAH KINGSLEY.

The next business on the Private Calendar was the bill (H. R. 7733) to give the Court of Claims jurisdiction to hear and adjudge the claims of the estate of John Frazer, deceased, and of the estate of Zephaniah Kingsley, deceased.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

The SPEAKER pro tempore. The gentleman from Illinois objects. The Clerk will report the next one.

WOMAN'S BOARD OF DOMESTIC MISSIONS, REFORMED CHURCH OF AMERICA.

The next business on the Private Calendar was the bill (H. R. 11563) for the relief of the Woman's Board of Domestic Missions, Reformed Church of America.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

The SPEAKER pro tempore. The gentleman from Illinois objects. The Clerk will report the next one.

ARTHUR HUBESTY TURNER.

The next business on the Private Calendar was the bill (H. R. 8277) to reinstate Arthur Hubesty Turner as a second lieutenant in the United States Marine Corps.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

The SPEAKER pro tempore. The gentleman from Illinois objects. The Clerk will report the next one.

LIEUT. RICHARD PHILIP McCULLOUGH, UNITED STATES NAVY.

The next business on the Private Calendar was the bill (H. R. 4890) for the relief of Lieut. Richard Philip McCullough, United States Navy.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

The SPEAKER pro tempore. The gentleman from Illinois objects. The Clerk will report the next bill.



L. C. JOHNSON, JR.

The next business on the Private Calendar was the bill (H. R. 9005) for the relief of I. C. Johnson, jr.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

The SPEAKER pro tempore. The gentleman from Illinois objects. The Clerk will report the next bill.

ASSISTANT PAYMASTER JOHN D. P. HODAPP, UNITED STATES NAVY.

The next business on the Private Calendar was the bill (H. R. 15016) for the relief of Assistant Paymaster John D. P. Hodapp, United States Navy.

The SPEAKER pro tempore. Is there objection?

Mr. DIXON. Mr. Speaker, that bill may be laid on the table, it having been included in the naval bill of last year.

The SPEAKER pro tempore. Without objection, the bill will be laid on the table.

There was no objection.

The SPEAKER pro tempore. The Clerk will report the next bill.

RELIEF OF SUNDRY BUILDING AND LOAN ASSOCIATIONS.

The next business on the Private Calendar was the bill (S. 5672) for the relief of sundry building and loan associations.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the several associations herein named, out of the moneys in the Treasury not otherwise appropriated, the sums herein specifically set forth, the same being a refund of the tax illegally collected from said associations under the excise act of August 5, 1909, namely:

To the Rapides Building & Loan Association, of Alexandria, La., \$23.70.  
 To the Shreveport Building Association, of Shreveport, La., \$929.47.  
 To the Sixth District Building & Loan Association, of New Orleans, La., \$41.64.  
 To the Fidelity Homestead Association, of New Orleans, La., \$70.26.  
 To the Union Homestead Association, of New Orleans, La., \$190.98.  
 To the Iberia Building Association, of New Iberia, La., \$723.55.  
 To the Teutonia Loan & Building Co., of New Orleans, La., \$312.16.  
 To the Citizens' Homestead Association, of New Orleans, La., \$21.63.  
 To the Portsmouth Savings & Loan Co., of Portsmouth, Ohio, \$111.57.  
 To the Ninth West Columbia Permanent Building Association, of Baltimore, Md., \$88.41.  
 To the State Mutual Building Association, of Baltimore, Md., \$247.55.  
 To the Citizens' Saving & Loan Association Co., of Portsmouth, Ohio, \$243.48.  
 To the Reliable Building & Loan Association, of Newark, N. J., \$811.59.  
 To the Orvil Cooperative Building & Loan Association, of Allendale, N. J., \$38.74.  
 To the Monticello Mutual Building & Loan Association, of Jersey City, N. J., \$261.36.  
 To the Junior Order Building & Loan Association, of Newark, N. J., \$228.61.  
 To the Ironbound District Building & Loan Association, of Newark, N. J., \$97.28.  
 To the Hilton Building & Loan Association, of Newark, N. J., \$134.82.  
 To the Duncan Building & Loan Association, of Jersey City, N. J., \$47.46.  
 To the Columbia Building & Loan Association, of Jersey City, N. J., \$201.05.  
 To the Commonwealth Building & Loan Association, of Newark, N. J., \$77.40.  
 To the Woodlawn Building & Loan Association, of Jersey City, N. J., \$10.95.  
 To the Boonton Building & Loan Association, of Boonton, N. J., \$149.23.  
 To the Twelfth Ward Building & Loan Association, of Newark, N. J., \$11.01.  
 To the Woodside Building & Loan Association, of Newark, N. J., \$404.69.  
 To the State Mutual Building & Loan Association, of Los Angeles, Cal., \$1,969.66.  
 To the Fidelity Savings & Loan Association, of Los Angeles, Cal., \$2,392.29.  
 To the Kern County Mutual Building & Loan Association, of Bakersfield, Cal., \$189.20.  
 To the Pasadena Building & Loan Association, of Pasadena, Cal. (formerly the Los Angeles County Mutual Building & Loan Association, of Pasadena), \$62.74.  
 To the Home Builders' Loan Association, of Pomona, Cal., \$117.55.  
 To the San Diego Building & Loan Association, of San Diego, Cal., \$317.68.  
 To the Provident Mutual Building Loan Association, of Los Angeles, Cal., \$4,403.12.  
 To the People's Mutual Building & Loan Association, of Bakersfield, Cal., \$199.35.  
 To the Santa Fe Building Association, of San Bernardino, Cal., \$571.90.  
 To the Home Investment Association, of Redlands, Cal., \$157.65.  
 To the Western Loan & Building Co., of Salt Lake City, Utah, as successors to the Western Loan & Savings Co., \$768.38.  
 To the Yakima Savings & Loan Association, of North Yakima, Wash., \$121.54.  
 To the German Savings, Building & Loan Association, of Seattle, Wash., \$37.54.

To the Pacific Building & Loan Association, of Tacoma, Wash., \$268.33.  
 To the Jefferson County Building & Loan Association, of Birmingham, Ala., \$1,034.59.  
 To the West Baltimore Building Association, of Baltimore, Md., \$168.17.  
 To the Fidelity Building, Loan & Savings Co., of Columbus, Ohio, \$541.28.  
 To the Trumbull Savings & Loan Co., of Warren, Ohio, \$173.07.  
 To the Permanent Savings & Loan Co., of Akron, Ohio, \$56.22.  
 To the Home Building Loan & Savings Co., of Coshocton, Ohio, \$164.92.  
 To the Third Savings & Loan Co., of Piqua, Ohio, \$151.23.  
 To the Cleveland Savings & Loan Co., of Cleveland, Ohio, \$405.31.  
 To the Union Savings & Loan Co., of Cleveland, Ohio, \$1,389.70.  
 To the People's Savings Association, of Columbus, Ohio, \$835.61.  
 To the Allemania Building & Loan Co., of Columbus, Ohio, \$10.58.  
 To the Cambridge Loan & Building Co., of Cambridge, Ohio, \$122.82.  
 To the Bellefontaine Building & Loan Co., of Bellefontaine, Ohio, \$194.44.  
 To the Centerburg Building & Loan Co., of Centerburg, Ohio, \$331.10.  
 To the Central Ohio Building & Loan Co., of Columbus, Ohio, \$353.68.  
 To the Citizens' Home & Savings Co., of Marysville, Ohio, \$80.11.  
 To the Defiance Home Savings & Loan Association, of Defiance, Ohio, \$269.58.  
 To the Delphos Savings & Loan Association Co., of Delphos, Ohio, \$155.39.  
 To the Home Savings, Loan & Building Association Co., of Bryan, Ohio, \$122.42.  
 To the Mutual Loan & Savings Association, of Chillicothe, Ohio, \$105.45.  
 To the People's Savings & Loan Association, of Sidney, Ohio, \$58.02.  
 To the Railroad Employees' Building & Loan Co., of Columbus, Ohio, \$478.25.  
 To the Savings, Building & Loan Co., of Sandusky, Ohio, \$50.08.  
 To the Star Building & Loan Co., of Ironton, Ohio, \$358.70.  
 To the West Side Building & Loan Association, of Columbus, Ohio, \$31.73.

With committee amendments, as follows:

To the Savings & Homestead Association, of New Orleans, La., \$28.49.  
 To the Citizens' Building & Loan Association Co., of Newark, Ohio, \$83.60.  
 To the Eagle Savings & Loan Association, of Cincinnati, Ohio, \$141.24.  
 To the Home Building Association, of Newark, Ohio, \$351.13.  
 To the Johnstown Building & Loan Association Co., of Johnstown, Ohio, \$116.34.  
 To the People's Building & Loan Co., of Delaware, Ohio, \$206.04.  
 To the People's Building & Savings Co., of Troy, Ohio, \$197.16.  
 To the Orange Building & Loan Association, of Orange, Cal., \$238.72.  
 To the Silver Gate Building & Loan Association, of San Diego, Cal., \$232.73.  
 To the Modern Building & Loan Association, of Newark, N. J., \$110.76.  
 To the Preferred Building & Loan Association, of Newark, N. J., \$116.22.  
 To the Assurance Permanent Loan & Savings Association, of Baltimore, Md., \$97.01.  
 To the Baltic Perpetual Building & Loan Association, of Baltimore, Md., \$59.82.  
 To the Calvert Mortgage Co., of Baltimore, Md., \$1,734.18.  
 To the Eureka Permanent Building Association, of Baltimore, Md., \$44.69.  
 To the Fidelity Permanent Building & Loan Association, of Baltimore, Md., \$16.20.  
 To the Hampden Building Association, of Baltimore, Md., \$21.11.  
 To the Mozart Building & Loan Association, of Baltimore, Md., \$12.13.  
 To the North Avenue Permanent Building & Loan Association, of Baltimore, Md., \$3.13.  
 To the North Baltimore Permanent Building Association, of Baltimore, Md., \$25.  
 To the Orleans Permanent Building Association, of Baltimore, Md., \$186.40.  
 To the West Lafayette Building & Loan Association, of Baltimore, Md., \$6.91.  
 To the Central Building, Loan & Savings Co., of Columbus, Ohio, \$103.57.  
 To the Industrial Savings & Loan Association, of Bellevue, Ohio, \$201.44.  
 To the Royal Savings & Loan Co., of Portsmouth, Ohio, \$130.48.  
 To the Granville Building, Savings & Loan Co., of Granville, Ohio, \$25.  
 To the Citizens' Savings & Loan Association Co., of Portsmouth, Ohio, \$243.48.  
 To the Cambridge Loan & Building Co., of Cambridge, Ohio, \$122.82.  
 To the Riverside County Mutual Building & Loan Association, of Riverside, Cal., \$105.78.  
 To the Pearl Street Perpetual Savings & Building Association, of Baltimore, Md., \$84.17.  
 To the Pearl Street Perpetual Savings & Building Association No. 2, of Baltimore, Md., \$70.98.

In all, the sum of \$29,794.70; which said sum is hereby appropriated, out of any money in the Treasury not otherwise appropriated, in full settlement of the claims of the 96 above-named associations.

The SPEAKER pro tempore. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

Mr. MILLER of Delaware. Mr. Speaker, I offer a committee amendment, which I send to the Clerk's desk.

The SPEAKER pro tempore. The gentleman from Delaware offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MILLER of Delaware: On page 9, strike out all of lines 7, 8, 9, and 10.

Mr. MANN. Why are these items stricken out?

Mr. MILLER of Delaware. These two items were stricken out because in adding the amendments the committee made a



mistake. They are already included in the bill. The additional three amendments are for bills that were introduced which were not put into this bill when reported by the committee.

Mr. MANN. I have a letter from the Acting Commissioner of Internal Revenue, to whom I wrote asking if this bill covered all the cases of similar character for the relief of building and loan associations. In that letter he says—

I have the honor to inform you that this bill does not cover all building and loan associations barred by the statute of limitations.

Why did not the committee include all of these?

Mr. MILLER of Delaware. I will say to the gentleman that bills were not introduced for all of them.

Mr. MANN. Bills were not introduced for all that are in this bill either.

Mr. MILLER of Delaware. The bill as it carries \$30,000, and I submit that is a pretty big amount in an omnibus bill of this character. All the House amendments were covered by bills introduced. I can not answer for the items as they came from the Senate.

Mr. MANN. I submit that when the Government makes a rule in reference to the repayment of small sums of money—\$10, \$20, \$30, \$40, or \$50—the Government ought to take care of them and not require the claimants to go to the expense of hiring an attorney to see a Member of Congress to have a bill drafted, have it introduced, have somebody appear before the committee, and absorb more than twice the amount in order to get it.

Mr. MILLER of Delaware. I agree with the gentleman, but he will not deny that there are thousands of claims that ought to be paid that are treated in the same manner.

Mr. MANN. No; I do not think so. It is not customary to pass bills of this character unless you cover all the cases. My eye rests on an item of \$3.13. Certainly nobody has introduced a bill to have that paid. If he has he has not had a correct conception of the duties of a Member of Congress, and it seems to me that when the committee have an omnibus bill of this kind and then offer amendments to it they ought to include all the items. They ought to get the items from the Treasury Department and include them all. I do not believe in compelling claimants for these small sums of money to hire a lawyer, or agree to pay a contingent fee to some active claim agent in Washington who says he will try to get the claim through for 25 or 30 per cent of the amount involved.

Mr. MILLER of Delaware. The department is loath to give this information, because, as the gentleman knows, they have uniformly objected to the passage of all bills of this character refunding money, even though it was just. The department does not initiate claims against itself.

Mr. MANN. I think the gentleman is in error. I do not know that. I do not think that is the attitude of the department. On several occasions we have passed some general legislation for the refund of various amounts that were collected under the income-tax law, and I think if you are dealing with people you ought to deal with them all alike. I will not object to the bill, though I did object once before, just because it did not cover the other claims. I understood my friend from Delaware to tell me after that that he thought this included most of the claims.

Mr. MILLER of Delaware. I will say to the gentleman that after my conversation with him, to which he refers, I endeavored to get the department to furnish the information that would enable us to clean up all of these, and I hold in my hand a letter, which I am not going to read, but which I will insert in the RECORD to show the answer I received.

Mr. MANN. Very well. Probably it is a good reason for not passing the bill.

Mr. MILLER of Delaware. The letter is as follows:

TREASURY DEPARTMENT,  
Washington, August 4, 1916.

Hon. THOMAS W. MILLER,  
House of Representatives, Washington, D. C.

MY DEAR MR. MILLER: I have the honor to acknowledge the receipt of your letter of the 2d instant, inclosing copy of Senate bill 5672, in which you state that about a month ago you had the clerk of the Committee on Claims write to the Treasury Department in order to ascertain whether there were any more claims of this character on file in the department other than those which were included in the bill with amendments. You state that there is no record in the Claims Committee of the letter having been answered, and request this information.

I have the honor to refer you to a letter written to the Hon. JAMES R. MANN on July 13, 1916, which is, in part, as follows:

"In reply to your inquiry whether this bill probably covers all the cases of a similar situation relating to tax collected from this character of associations, I have the honor to inform you that this bill does not cover all building and loan associations barred by the statute of limitations."

I also have the honor to refer you to a letter written to the Hon. EDWARD W. POT, chairman of the Committee on Claims, under date of July 11, 1916, which I quote in full:

"I have the honor to acknowledge receipt of your letter of the 8th instant, addressed to the Secretary of the Treasury, and by him referred to this office for reply. You inclose bill S. 5672, with House amendments, and request that this office inform you whether the bill in its present form provides for the repayment to all the mutual companies that paid this tax under the excise act of August 5, 1909.

"In reply to this inquiry, this office has no means of definitely ascertaining the number of companies which are not provided for in the inclosed bill, but can state with authority that the present bill does not take care of all the mutual companies that paid this tax under the act of August 5, 1909.

"In reply to your request for an opinion as to the merits of this bill, I have the honor to inform you that a formal investigation in this office discloses that a large number of the companies provided for in the present bill are presented by Washington attorneys, who have secured powers of attorney and are interested in the refundment of this tax, for the purpose of obtaining fees for their work. This office has never yet recommended the abrogation of section 3228, Revised Statutes, the statute of limitations, in favor of any one person or number of persons. General legislation should be had in this matter in order that, if it be the desire of Congress to make a refund of a certain kind of tax, all taxpayers included thereunder would be given a chance to obtain this refund.

"Therefore, in reply to your request for an opinion, this office respectfully suggests that this bill in its present form should not be made a law."

The above two letters are respectfully submitted to you in reply to the inquiry contained in your letter of August 2. This office did formally reply to all requests for information in regard to this bill.

Respectfully,

DAVID A. GATES,  
Acting Commissioner.

Mr. MOORE of Pennsylvania. I should like to ask the gentleman from Delaware, since the associations that are to have relief are not many of them in the eastern section of the country, whether application was made or bills were presented on behalf of any eastern building association?

Mr. MILLER of Delaware. It has only been possible for us to consider bills that were introduced by Members, or that were included in the Senate bill that came over.

Mr. MOORE of Pennsylvania. Taking up the question raised by the gentleman from Illinois [Mr. MANN], I assume that most of these claims originated in the East, where the building associations are strongest. I remember when this matter came before the Committee on Ways and Means there was some reluctance about the passage of a relief measure, although it was apparent that collections had been made that ought not to have been made under the law.

Was the department requested to furnish information as to such associations as had paid that are not included in this bill?

Mr. MILLER of Delaware. Mr. Speaker, when the bill came over from the Senate and was given to me to report with sundry House amendments, I wrote to the proper official at the Treasury Department and asked him as plainly as I could to let me know if there were additional claims. He replied that there were, and although my letter asked that we be given some specific information as to the names and amounts, they were not given to me.

Mr. MOORE of Pennsylvania. So long as the gentleman does not intend to read the letter I would like to know if he can tell, without reading it, how much the Treasury Department acknowledged it had collected in error.

Mr. MILLER of Delaware. That information is not in the letter. I would remind the gentleman that the Treasury Department under the present administration is opposed to the refunding of all sums like this, and has so expressed its opposition to the committee. I do not know what the reasons are, especially if the refunds are just.

Mr. MOORE of Pennsylvania. Does the letter indicate that the Treasury Department is reluctant to give the information desired?

Mr. MILLER of Delaware. No. If the gentleman desires I shall have the letter read from the Clerk's desk.

Mr. MOORE of Pennsylvania. Is there anything in the letter to indicate that there is any confusion in the department as to the collection of the income tax?

Mr. MILLER of Delaware. I should not think that they would want to admit what is very apparent, but that does not concern us here.

Mr. MOORE of Pennsylvania. It is very apparent that this bill does not contain the names of all of the building associations that ought to have a refund under the law.

Mr. MILLER of Delaware. No; it does not, but it contains relief for all that have applied through bills in the House or Senate.

Mr. MOORE of Pennsylvania. Then the only recourse, according to the gentleman from Illinois [Mr. MANN] for those who are not included in this particular bill is to employ an at-



torney and fight it out with the Treasury Department, or take it up with the Committee on Claims.

Mr. MILLER of Delaware. Or take it up with a Member of Congress and have him introduce a bill.

Mr. MOORE of Pennsylvania. The department is certainly in possession of evidence showing who is overpaid, and it seems to me the committee ought to have secured that information and that it ought to have dealt fairly and squarely with all those who have overpaid the amount of taxes.

Mr. LANGLEY. Mr. Speaker, I see that the letter is short, and I am curious to know just what the attitude of the department is upon this matter. The gentleman might have it read.

Mr. MILLER of Delaware. I have no objection, but we are trying to make time here to-night, and there is no objection to the bill so far.

Mr. GORDON. I would like to know where the gentleman gets his information that these bills were all correct—these bills that he has included. Do you not verify the amounts claimed in this bill by conferring with the department?

Mr. MILLER of Delaware. The clerk of the committee and the clerk of the Senate committee verified these amounts with the Treasury Department, I will say to the gentleman. The great bulk of these bills are contained in the Senate bill. We added only the bills of House Members that were introduced after the omnibus bill came over here, and they were most certainly verified.

Mr. GORDON. By whom?

Mr. MILLER of Delaware. By the clerks of the respective committees and receipts tendered the committee.

Mr. GORDON. Do the members of the committee know anything about it?

Mr. MILLER of Delaware. Certainly; but the members of the committee are not expected to do the clerical work in connection with a big omnibus bill like this.

Mr. GORDON. It is not clerical work to determine whether the Government is indebted to these men.

Mr. MANN. They get the information from the Treasury.

Mr. GORDON. Let us have that letter read. I do not know how you get this information.

Mr. MILLER of Delaware. If the gentleman wants to discuss this bill, I will be very glad to take some time to do it.

Mr. GORDON. Put the letter in.

Mr. MILLER of Delaware. I have endeavored to make it as plain as possible.

Mr. GORDON. Oh, yes; the gentleman is trying to throw mud at the department. Why not put the letter in?

Mr. MILLER of Delaware. I am not trying to throw mud at the department. If the gentleman wants to go at it that way, I will take the time to answer him. I am here trying to do my duty as a member of the Committee on Claims, and get through other people's bills, and I will not have any of the gentleman's mud thrown at me.

Mr. Speaker, I have sent an amendment to the Clerk's desk.

The SPEAKER pro tempore. The Chair will state that, without objection, the action with respect to the committee amendments will be set aside and then the gentleman can offer his amendments. Is there objection. [After a pause.] The Chair hears none.

The Clerk will report the amendments to the committee amendments.

The Clerk read as follows:

On page 9, strike out all of lines 7, 8, 9, and 10.

On page 9, after line —, insert the following:

"To the East End Loan & Savings Association, Baltimore, Md., \$354.88.

"To the Millington Building & Loan Association of Baltimore, Md., \$15.52.

"To the Northeast Permanent Building Association, of Baltimore, Md., \$30.54.

"To the Standard Permanent Building & Savings Association, of Baltimore, Md., \$30.59."

The question was taken, and the amendments were agreed to.

The Clerk read as follows:

On page 9, line 17, strike out the figures "\$29,794.70" and insert in lieu thereof the figures "\$29,859.93."

The question was taken, and the amendment was agreed to.

The committee amendments as amended were agreed to.

Mr. AUSTIN. Mr. Speaker, I move to strike out the last word.

Mr. MILLER of Delaware. Will not the gentleman make that motion in the next bill?

Mr. AUSTIN. Yes; Mr. Speaker, I shall be very glad to do so for the accommodation of my young friend from Delaware.

Mr. MILLER of Delaware. I am not asking the gentleman to do so to accommodate me, but for the accommodation of other Members.

Mr. AUSTIN. Then, if it will please my genial young friend from Delaware, I will do so with pleasure.

The Senate bill as amended was ordered to be read the third time, was read the third time, and passed.

MRS. H. O'NEILL.

The next business in order on the Private Calendar was the bill (H. R. 14695) for the relief of Mrs. H. O'Neill.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Mrs. H. O'Neill, of Brooklyn, N. Y., out of any money in the Treasury not otherwise appropriated, she being the heir at law of Ambrose O'Neill, late an employee of the Isthmian Canal Commission, the sum of \$175, or an amount equal to six weeks' wages of said Ambrose O'Neill, at the rate of pay he was receiving at the time of his death, the same being in lieu of six weeks' vacation with pay to which said Ambrose O'Neill was entitled but had not received at the time of his death.

The committee amendment was read as follows:

On page 1, line 4, after the word "O'Neill," insert the word "widow."

The question was taken, and the amendment was agreed to.

Mr. HASKELL. In reference to the committee amendment there seems to be a misapprehension. Mrs. O'Neill is the mother and not the widow, and I would ask unanimous consent that the word "mother" be inserted in place of the word "widow."

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

There was no objection.

The Clerk read as follows:

Page 1, line 5, after the word "of," strike out the words "Brooklyn, N. Y., out of any money in the Treasury not otherwise appropriated, she being the heir at law of."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Page 1, line 8, after the word "commission," insert the words "out of any money in the Treasury not otherwise appropriated."

The question was taken, and the amendment was agreed to.

Mr. AUSTIN. Mr. Speaker, I move to strike out the last word. Mr. Speaker, I think in the Sixty-first or the Sixty-second Congress I submitted a suggestion to the members of the Committee on Claims. I wish now to renew my suggestion made some seven or eight years ago in the interest of justice.

Here are 10 pages on the Private Calendar, and practically all of them private claims against the Government of the United States. Not a single one of them can be considered to-night if there is one solitary objection. It is utterly impossible for a bill to which a single objection is made to be considered and passed upon during this session of Congress. If you will examine these bills, you will find in any number of instances a statement that the bill passed the House in the Sixty-third Congress, in the Sixty-second Congress, in the Sixty-first Congress, and all the way back, but failed to pass the Senate, and hence did not become a law. I picked up a report in one case here of a claim which originated 52 years ago and is still unsettled.

There are a number where they have been 18 years, 15 and 14 years, and I have no doubt in a number of instances claims have passed here, so they are without their day in court to settle and determine for all time the question as to whether the Government of the United States should pay an honest obligation.

There is no citizen of the 100,000,000 of people who owe the Government of the United States who can shirk or escape the responsibility of payment to the Government—

Mr. GORDON. Will the gentleman yield?

Mr. AUSTIN. I will.

Mr. GORDON. Is it not invariably true of all these claims that they are not valid legal claims against the Government at all, but are obligations for the bounty of the Government?

Mr. AUSTIN. Oh, no.

Mr. GORDON. I submit if it is not true in general of these claims?

Mr. AUSTIN. Oh, no; oh, no. You take the members of the Committee on Claims of this House, every one of whom takes an oath before the Speaker here to honorably discharge their duties as Members of this House, to obey the Constitution and laws of the country. Those Members, a majority of them lawyers on the Committee on Claims, take these claims and go through them without prejudice and determine alone whether it is a just obligation against the Government, and after 16 of our colleagues, who stand as well in this House as the gentleman from Ohio or myself, come in here with the report, a written report, in each of these cases I will say to the gentleman from Ohio he does himself a great injustice in stating



that these cases are not founded upon justice, but rather charity or gratuity.

Mr. GORDON. If the gentleman will yield?

Mr. AUSTIN. Yes.

Mr. GORDON. I did not say anything about the claims being founded on justice. I said they had no legal effect against the Government. Let me call your attention to the sample of a bill that passed for \$29,000. I presume it is a legal proposition. There is not a single claim that could be collected in a suit of law. The Government is under no obligation to refund taxes that have been paid.

Mr. AUSTIN. If the Government of the United States improperly collects taxes it is just as much a highwayman if it retains the money as a robber who holds you up at night on the streets of Washington and takes your purse from you. The United States Government has no right to retain a cent from its humblest or greatest citizen if he is entitled to it under the law.

Mr. GORDON. It is not a claim against the Government; just the same.

Mr. AUSTIN. Now, Mr. Speaker, what I wish to do is to ask of and appeal to the members of this committee to formulate in the next Congress a law creating a commission outside of Congress which will have sole jurisdiction to pass upon these cases, dispose of them, and end this everlasting farce of attempting to pass private claims.

The SPEAKER pro tempore. The time of the gentleman from Tennessee has expired.

Mr. AUSTIN. Mr. Speaker, I ask unanimous consent for two minutes more.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

Mr. AUSTIN. We subject the members of the Committee on Claims at every session to spending day in and week in and out going over these claims, neglecting their other official duties, and they report them on the Private Calendar, and if by chance they get through this House they are killed in the Senate, and then we begin with the new Congress this everlasting grind and re-introduction of private bills, which have practically no chance in the world of ever being passed upon or settled.

Mr. MILLER of Delaware. Will the gentleman yield?

Mr. AUSTIN. If you will give me some more time.

Mr. MILLER of Delaware. Then I do not ask the gentleman to yield.

Mr. AUSTIN. Now, I say in all seriousness that you would save a great deal of time if you would create a commission outside of Congress to consider and settle these little claims of from \$15 up, over half a century old, and take them out of this everlasting grind, which means nothing except delay and expense and procrastination and disappointment to honest American citizens who are attempting to secure a settlement from the Government. [Applause.]

The SPEAKER pro tempore. Without objection, the pro forma amendment is withdrawn.

The question is on the engrossment and third reading of the bill.

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

HEIRS OF DAVID H. FISH.

The next business in order on the Private Calendar was the bill (H. R. 16003) for the relief of the heirs of David H. Fish, deceased.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

Mr. MILLER of Delaware. Will the gentleman withhold his objection for a moment?

Mr. MANN. Not for the gentleman from Delaware.

Mr. MILLER of Delaware. Is the gentleman aware that the Auditor for the Post Office Department shows that this man is owed the money?

Mr. MANN. I will reserve the objection for the gentleman to ask a question, and then I will answer him. I have a long report on the subject.

Mr. MILLER of Delaware. The Auditor—

Mr. MANN. I am aware of all the facts. We had it up once before.

Mr. MILLER of Delaware. Does not the gentleman think that the man's heirs are entitled to what is due from the Government, although it is an old claim?

Mr. MANN. Mr. Speaker, reserving the right to object, a lot of these claims date back to from 1861 to 1869. Some time ago we had a report from the auditor, showing that there was \$31,055.08 of these claims, all on the same footing. There are many pages in this report. The items are very small.

There are six pages. There must be on one of the full pages 30 or 40 claims. Now, I want to know if the gentleman from Delaware or anybody else thinks that we ought to have 500 separate bills considered by the Committee on Claims of the House and the Committee on Claims of the Senate, and then considered by the House and the Senate, in order to pay these claims, all standing on the same footing and being of equal merit? And if we pass this bill, which is for \$106.82, every Member of Congress who has one of these claims in his district will be negligent if he does not introduce a separate bill for the payment of it.

I do not say whether they ought to be paid or not. I do not know. But if the claims ought to be paid at all, then the Committee on Claims ought to report a general bill covering them all.

Take the mail carrier cases in the South, for example. We commenced to report those and paid them, one bill at a time, and we had on this calendar a week ago 30 bills of that character. Some time in the last session of Congress I suggested to the gentlemen that they could not pass any more of those bills. I objected to them. I insisted that if they ought to be paid they ought to be paid without forcing a man who had a claim for \$40 to hire a lawyer and have the lawyer solicit the attention of a Member of Congress. A bill was introduced, and the gentleman from Delaware [Mr. MILLER] did a great work in reference to that bill. He investigated the subject and helped to prepare the terms of the bill. The bill passed the House, and the other day it passed the Senate with an amendment, and the House agreed to the amendment. We struck all of those bills off the calendar. There were nearly as many of those as there are of these.

I am not going to sit here and allow one claim out of a thousand to be paid, where the claims are all known, where they are all alike, where they are all old, and all of equal merit, and have one paid out of the lot, simply because a Member of Congress introduces a bill. If they ought to be paid at all they all ought to be paid. If they are not all paid, none of them ought to be paid.

Mr. STEPHENS of Mississippi. I want to say, Mr. Speaker, that a bill for the payment of all these claims has been introduced and is now pending before the Committee on the Post Office and Post Roads for a report. It is the intention of the committee, as I understand, to report that bill as soon as it has opportunity.

Mr. MANN. If the bill comes before the House, I shall be glad to do my share to investigate it. If I think well of it I shall favor it.

Mr. STEPHENS of Mississippi. I will say to the gentleman that a report is now under consideration.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Illinois objects. The Clerk will report the next one.

CHARLES M. WAY.

The next business on the Private Calendar was the bill (H. R. 14754) for the relief of Charles M. Way.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read the bill, as follows:

*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 \$82.24 to Charles M. Way, of Fallon, Nev., late private in Company K, Eleventh Regiment United States Volunteer Cavalry, found and held to be due him by the Auditor for the War Department, for travel pay between San Francisco, Cal., and Brookings, S. Dak., a distance of 2,056 miles, at the rate of 4 cents per mile.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

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

The SPEAKER pro tempore. The Clerk will report the next one.

CHARLES A. CAREY.

The next business on the Private Calendar was the bill (H. R. 13754) for the relief of Charles A. Carey.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Charles A. Carey, of Lowell, Mass., the sum of \$132.57, out of any money in the Treasury not other-



wise appropriated, for loss of pay on account of injury sustained while in the performance of his duty as a letter carrier at Lowell, Mass., on the 11th day of February, in the year 1913.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

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

FRANCIS PATRICK REGAN.

The next business on the Private Calendar was the bill (H. R. 4931) authorizing the President to reinstate Francis Patrick Regan as a second lieutenant in the United States Army.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

The SPEAKER pro tempore. The gentleman from Illinois objects. The Clerk will report the next bill.

ANNIE E. WHITE AND HEIRS OF PATRICK WHITE.

The next business on the Private Calendar was the bill (H. R. 1579) for the relief of Annie E. White and the heirs of Patrick White, deceased.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

Mr. HAYDEN. Mr. Speaker, will the gentleman withhold his objection?

Mr. MANN. I will withhold it for a statement.

Mr. HAYDEN. This bill, Mr. Speaker, was carefully considered by the Committee on Claims in the last Congress and again favorably reported in this Congress. The claim as originally introduced was for \$20,000. The committee has reduced it to \$3,500. It is for the relief of Annie E. White, a widow, and she is sadly in need of this relief. Having reduced the sum to such a small amount, I hope the gentleman from Illinois will not object, and that the bill will be passed.

Mr. MANN. Mr. Speaker, just a word, to show how carefully this bill has been examined by the Committee on Claims. And I do not want to criticize the Committee on Claims, because I believe the present committee has probably done better work as a Committee on Claims than any similar committee since I have been a Member of Congress. That being true, I hope they will not take exception to what I am about to say.

The bill reads—

For the relief of Annie E. White and the heirs of Patrick White, deceased.

And no amendment to the title is recommended. It proposes to pay to Annie E. White, widow of Patrick White, deceased, or her heirs, a sum of money, not to the heirs of Patrick White. That shows that the committee either did not read the title or did not read the bill. But the committee in the last Congress reported on this bill, recommending that \$3,500 be paid. In this Congress they recommend that \$20,000 be paid, and that shows the "careful consideration" by the committee.

Mr. HAYDEN. The committee adopted the same report that was made in the last Congress, which recommended \$3,500.

Mr. MANN. Oh, I beg the gentleman's pardon. The committee did not report any amendment at all to the bill.

Mr. HAYDEN. They adopted the report of the last Congress, which made it \$3,500.

Mr. MANN. That is all right, to print the report, but they did not recommend any amendment to this bill. To tell you the truth, I think in the hurry of the matter the committee did not read the bill.

Mr. HAYDEN. I shall be very glad to move to amend it.

Mr. MANN. I think it ought to be carefully considered. I object. I objected before, when the amount was \$3,500.

The SPEAKER pro tempore. The gentleman from Illinois objects.

RICHARD DAELEY.

The next business on the Private Calendar was the bill (S. 809) authorizing the Secretary of the Interior to accept the application for land entry of Richard Daeley.

The clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to accept the application of Richard Daeley to enter lot 8, section 31, township 147 north, of range 30 west of the fifth principal meridian, Cass Lake, Minn., land district, containing 1½ acres, more or less, according to the Government survey thereof, as assignee of Evaline Gallagher, widow of Edward S. Gallagher, and to issue patent thereon to said Richard Daeley upon proof of his compliance with the requirements of the law and regulations issued thereunder relative to making soldiers' additional homestead entries.

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

GEORGE H. MORROW.

The next business on the Private Calendar was the bill (H. R. 8849) to reimburse George H. Morrow.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. I object.

WRECK OF REVENUE CUTTER "TAHOMA."

The next business on the Private Calendar was the bill (H. R. 8625) to reimburse the officers and enlisted men of the Revenue-Cutter Service and Public Health Service for losses sustained in the wreck of the revenue cutter *Tahoma*.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

LIGHTHOUSE TENDER "ARMERIA."

The next business on the Private Calendar was the bill (H. R. 16090) for the relief of the officers and crew of the lighthouse tender *Armeria*.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

JAMES T. PETTY AND OTHERS.

The next business on the Private Calendar was the bill (H. R. 9760) for the relief of James T. Petty, Charles W. Church, and others, executors of Charles B. Church, deceased; Jesse B. Wilson and George T. Dearing.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

ELIZABETH DAVIS.

The next business on the Private Calendar was the bill (S. 3617) for the relief of Elizabeth Davis.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Let the bill be read.

Mr. MAYS. I object.

Mr. SMITH of Idaho. I hope the gentleman from Utah will withhold his objection to this bill. It was reported from our committee unanimously, and it certainly has a great deal of merit.

Mr. MAYS. I will reserve the right to object.

Mr. SMITH of Idaho. The gentleman from Illinois has an amendment to offer, which I think will meet the objection of the gentleman from Utah.

Mr. MANN. Reserving the right to object, let the bill be read. It is a very short bill.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to issue patent to Elizabeth Davis for the east half of the northwest quarter, northeast quarter of the southwest quarter, and the northwest quarter of the southeast quarter, section 28, township 47 north, range 3 east of the Boise meridian, lying within the Coeur d'Alene National Forest, in the State of Idaho.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Reserving the right to object, as far as I am concerned I think I will not object to the consideration of the bill if the gentleman will agree to let this amendment remain in the bill when it goes back to the Senate:

Subject, however, to an easement across said land for roadway purposes and for any other purposes which the interests of the United States may require.

Mr. SMITH of Idaho. Mr. Speaker, I will accept the amendment offered by the gentleman.

Mr. MANN. And keep it in the bill?

Mr. SMITH of Idaho. Yes.

Mr. MAYS. The gentleman understands I have reserved the right to object.

The SPEAKER pro tempore. The gentleman from Utah reserves the right to object.

Mr. MAYS. The gentleman was in error when he said this bill passed the Public Lands Committee unanimously.

I think the object here is to secure \$5,000 instead of 160 acres of land. I think the report indicates that. If the gentleman from Idaho is willing to accept a further amendment that \$5,000 now in the Treasury of the United States shall not pass with this title, I will withdraw the objection. If this is a homestead that these people want, I am perfectly willing to withdraw the objection.

Mr. MANN. Four thousand dollars—not \$5,000.

Mr. MAYS. In some places it is stated to be \$4,000 and in some five.

Mr. SMITH of Idaho. Mr. Speaker, the money is not in the Federal Treasury as the gentleman states. It is simply



withheld in trust until the question of title to this land is determined. The facts show that this woman went on this land nearly 14 years ago, 3 years before the land was surveyed. After the land was surveyed and she could initiate her entry, she did so within four or five days after the plat was filed. In addition to establishing a residence upon the land, which was burned over on three different occasions, she complied with the commutation law and lived on the land for a sufficient length of time to be able to purchase it under that law at \$2.50 an acre. She did purchase it under the law and paid her \$400, so that she has really complied not only with the homestead law, but also with the commutation law. If the timber had not been injured by fire to such an extent that it had to be marketed under the general law, the probabilities are that no objection would have been raised by the department at all. As I say, the forest fire swept over this woman's entry three different times, and on two occasions her home was destroyed, which she immediately rebuilt and endeavored to comply with the law.

Mr. MAYS. Mr. Speaker, the report indicates that she lived on this land in one year for 11 days, and in another year she lived 39 days there. The reports of the Secretary of Agriculture plainly show it is simply a speculation in timber; that she never intended to homestead or secure a home there. Since 1910 she has not been on the land, but has been living in Chicago with her husband, a traveling salesman.

Mr. SMITH of Idaho. That may be true, but she had already complied with the homestead law, and also with the commutation law, and after having complied with the law she is not expected to live on her entry.

Mr. MAYS. Mr. Speaker, I object.

KATE CANNIFF.

The next business on the Private Calendar was the bill (S. 798) for the relief of Kate Canniff.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, I object.

CHARLES L. SCHROEDER.

The next business on the Private Calendar was the bill (H. R. 15797) for the relief of Charles L. Schroeder.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, I object.

HORACE M. BLUNT.

The next business on the Private Calendar was the bill (H. R. 5020) for the reimbursement of Horace M. Blunt for the loss of a horse while hired by the United States Geological Survey.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, I object.

ROBERT T. LEGGE.

The next business on the Private Calendar was the bill (H. R. 2205) for the relief of Robert T. Legge.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, I object.

Mr. RAKER. Mr. Speaker, will the gentleman withhold his objection?

Mr. MANN. Mr. Speaker, I reserve the right to object.

Mr. RAKER. Mr. Speaker, this claim was heretofore fully considered by the Committee on Claims and passed in the Sixty-third Congress by the unanimous consent of the House. The matter has been gone over fully again by the committee, with possibly a third of it composed of new members. They have made a unanimous report on the bill, and the records show in this case that had it not been for this doctor's assistance, his work, and his medicine and his attention, this man would unquestionably have died. Other claims not exactly upon all fours, but of the same general character, have passed this House. It is conceded that practically none of these claims has a legal status against the Government, for if they had they would have been paid. We are here before the Congress asking equity judgment of the Members of the House, in a case where real, genuine legitimate service has been rendered, for which the man ought to be paid.

Mr. GORDON. Service rendered to whom?

Mr. RAKER. Service rendered to a Government official in the discharge of his duties, and if the service had not been rendered, the official would undoubtedly have died.

Mr. GORDON. Does that create any claim against the Government?

Mr. RAKER. It is like all of the other claims here. There are no legal claims against the Government, but here is a Government official, employed just as in the case of many other claims, and not a single one of these claims, and I have been watching them with keen interest, has had any legal status

against the Government. My distinguished friend did not rise to his feet when a dozen banks and insurance companies obtained \$30,000 out of the Treasury, when there was no legal claim, but here is something to be paid for the saving of a man's life.

Mr. AUSTIN. When did this occur?

Mr. RAKER. About five or six years ago. This has been before Congress for some time, has passed the House, and went over to the Senate and was reported favorably, but the Congress adjourned and it could not be paid.

Mr. AUSTIN. How old is the claim?

Mr. RAKER. The claim is five years old.

Mr. AUSTIN. Well, the gentleman will perhaps in half a century get it through.

Mr. RAKER. I just wanted to answer the gentleman from Ohio [Mr. GORDON].

Mr. AUSTIN. I hope the gentleman will be here to see it pass, but he will have to wait at least 50 years.

Mr. RAKER. Why, no; the same kind and character of claims have passed here to-night. The same kind and character of claims passed here the last time this committee met. The only difference is that this man did not die. If he had died I suppose five years afterwards his widow might have been given something; but here is a man on his job giving care, assistance, and attention, as the testimony shows here, and by virtue of his aid by going out in the snow and taking care of this Government official he saved his life.

Mr. AUSTIN. I suggest the gentleman write him and tell him that he can get it after—

Mr. RAKER. Mr. Speaker, I ask that I may proceed for three minutes. In further answer to the remarks, now there seems to be some objection made for this character of work and in the other cases where a man has lost his property or a man has lost his life—

Mr. MANN rose.

Mr. RAKER. I yield to the gentleman from Illinois.

Mr. MANN. Mr. Speaker, as I recollect, first, the gentleman says that this bill is reported unanimously by the Committee on Claims. I have noticed a gentleman who makes his report on bills says the committee unanimously reported it. That is not the case. The Committee on Claims probably has not had a meeting with all the members there during this Congress. The committee reports it without any minority views, but that is not reporting it unanimously. This committee reported, and the committee on which the gentleman serves when it says it reported it unanimously is not stating the fact correctly, because the committee has not made a unanimous report at all. Now, as to this bill, here was a man working for the Government who had been drinking though it says he was not drunk. He was riding on top of a wagon with three or four other men and fell off and broke his leg. He says he was not drunk. He says he had been drinking. He was taken to a lumber company's hospital which was the proper place for him to go. Now, the Government is under no obligation to pay the doctor's bill, and therefore I object.

Mr. RAKER. Hold on just a minute. Mr. Speaker, my time has not expired.

Mr. MANN. I will reserve the right to object.

Mr. RAKER. Just a moment. I want two minutes more.

The SPEAKER pro tempore. The gentleman asks unanimous consent to proceed for two minutes. Is there objection?

Mr. DYER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. DYER. What time do we adjourn under the order?

The SPEAKER pro tempore. At 10.30.

Mr. MILLER of Delaware. Mr. Speaker, I demand the regular order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California that he proceed for two minutes?

Mr. MILLER of Delaware. Mr. Speaker, the regular order was demanded. I have asked for the regular order.

Mr. RAKER. Mr. Speaker, on the question of the suggestion made by the gentleman from Illinois: The man here testifies positively, as well as witnesses, that he had not been drinking.

Mr. MANN. Oh, no.

Mr. RAKER. It is in the testimony. There is a report from some official that he had made some statement, or heard some statement on the outside, but I do not want that to go in the Record and remain here uncontradicted by the testimony of men who knew the facts and the conditions.

The SPEAKER pro tempore. The time of the gentleman has expired.



JAMES DIAMOND.

The next business in order on the Private Calendar was the bill (H. R. 2210) for the relief of James Diamond for horse lost while hired by the United States Forest Service.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, I object.

REFERENCE TO COURT OF CLAIMS.

The next business in order on the Private Calendar was House resolution 305, as follows:

*Resolved*, That the bill (H. R. 12204) to authorize the Secretary of the Treasury to audit and adjust certain claims of the city of New York, with the accompanying papers, be, and the same is hereby, referred to the Court of Claims for the finding of facts and conclusions of law.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, I object.

JOHN P. FITZGERALD.

The next business in order on the Private Calendar was the bill (S. 1378) to amend the military record of John P. Fitzgerald.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I reserve the right to object.

Mr. LANGLEY. Mr. Speaker, I would ask to have the bill reported.

The bill was reported.

Mr. MANN. Mr. Speaker, I object.

WILLIAM HAROLD KEHOE.

The next business in order on the Private Calendar was the bill (S. 6279) for the relief of William Harold Kehoe.

The SPEAKER pro tempore (Mr. CONY in the chair). Is there objection?

Mr. STAFFORD. I object.

Mr. FIELDS. Will the gentleman withhold his objection?

Mr. STAFFORD. I will withhold it.

Mr. FIELDS. Mr. Speaker, this is a bill to place upon the retired list a cadet who served more than two years—in fact, two years and three months—at West Point. While serving there he was thrown from a horse, and during his illness as a result of that injury he contracted tubercular trouble, and is now at Fort Bayard, N. Mex. He is now able to do the work of a draftsman, and the War Department is awaiting the action of Congress. Of course, if he does not get able to be returned to the academy right away he will be dropped from the rolls.

It is the ambition of this young man's life to get into the military service. He so informs me, and so does his father, who was a Member of this House in the Fifty-seventh and Fifty-eighth Congresses. And Congress has laid a precedent for this kind of legislation. On March 4, 1909, a bill of similar character was passed, when the gentleman from Wisconsin [Mr. STAFFORD] was a Member of the House, and on March 4, 1913, another bill of similar character was passed. In view of the fact that this young man is anxious to be where he can be restored to military service as soon as he becomes able, I sincerely trust that the gentleman from Wisconsin will withhold his objection. The Government has expended something like \$5,000, or probably \$6,000 by now, on this man, and it looks to me as if it would be the part of good business, as he is now and has been all the time able to do the work of a draftsman, to place him upon the retired list, where he can be returned, which he desires to be, as he positively stated to me and as his father positively states to me, as soon as he is able.

Mr. MANN. I would like to ask the gentleman a question whether he thinks we ought to pass a general law providing that any boy who goes to West Point or Annapolis and who fails for physical reasons ought to be placed on the retired list?

Mr. FIELDS. Well, this man was thrown from a horse—

Mr. MANN. I know the case. I am an expert on tuberculosis. I have a son—the only son I have—who has had tuberculosis nearly all his life, and who has been down at the same place where Mr. Kehoe has been; and I have studied tuberculosis for 20 years. There is nothing to it as far as being thrown from a horse causing tuberculosis is concerned. But whenever a boy gets injured at West Point or at Annapolis are we to place him on the retired list for life? I would like to put my boy where the Government might support him for the rest of his life if I did not have the means to do it myself, but which, fortunately, I have. But I do not see any reason from the mere fact that somebody gets tuberculosis that that means the Government should place him on the retired list of the Army or the Navy.

It is a sad occurrence. Any such boy has my profound sympathy. He will never get to the Army. Of course, it may

not be wise to tell him that, because tuberculosis is one of those hopeful diseases where whoever has it usually thinks he is shortly going to get well, but very rarely does get well. But what is the distinction between this kind of a case and any other case? There are hundreds of thousands of young men in this country who have tuberculosis, many of them hoping earnestly for an opportunity to go West and even secure employment, which is not a good thing for tuberculosis, so far as the employment is concerned.

Now, this young man has been given leave to go to the Army sanatorium. I got my boy into the Army sanatorium at one time. He may go there again some time. He has been there several times for short periods. Now, we can do that for other boys. Is the mere fact that we have given this boy a preference by sending him to West Point—a thing that he wanted—a reason why we should now give him another preference over all the other boys in the country who happen to have tuberculosis?

Mr. FIELDS. I am basing my contention on the hope that he will be able to return to the service.

Mr. MANN. Of course, there is nothing to that. He will never return to the Army.

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

Mr. STAFFORD. I object.

MR. J. RICARDO DE BORJA.

The next business in order on the Private Calendar was House joint resolution 265, authorizing the Secretary of War to receive for instruction at the United States Military Academy at West Point, Mr. J. Ricardo de Borja, a citizen of Ecuador.

Mr. MANN. Has not that been disposed of? Does somebody from the Committee on Military Affairs know? I shall not object.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read the resolution, as follows:

*Resolved*, etc., That the Secretary of War be, and he hereby is, authorized to permit Mr. J. Ricardo de Borja, a citizen of Ecuador, to receive instruction at the United States Military Academy at West Point: *Provided*, That no expense shall be caused to the United States thereby, and that the said J. Ricardo de Borja 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 J. Ricardo de Borja 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 or conduct, and so recommended by the academic board: *And provided further*, That in the case of the said J. Ricardo de Borja the provisions of sections 1320 and 1321 of the Revised Statutes shall be suspended.

Mr. MILLER of Delaware. Mr. Speaker, the gentleman from Illinois [Mr. MANN] asked if this resolution had not been considered before. I have before me the CONGRESSIONAL RECORD of August 11, 1916, which was the last day of the last session on which bills on the Private Calendar were considered. It shows that the gentleman from Illinois asked if this bill had not been taken care of by a Senate amendment on the Army bill, and another gentleman from Illinois [Mr. MCKENZIE] stated—

That is my recollection of it, that it is taken care of on the military appropriation bill.

Mr. MANN. I am not sure, but I think it was taken care of last year.

Mr. MILLER of Delaware. Well, we have a member of the Committee on Military Affairs stating that it had been taken care of.

Mr. MANN. It would be an easy matter for the librarian there to look at the RECORD.

Mr. MILLER of Delaware. I ask unanimous consent, Mr. Speaker, that the resolution be passed over for the present.

The SPEAKER pro tempore. Without objection, that will be done.

There was no objection.

JOHN P. FITZGERALD.

Mr. FIELDS. Mr. Speaker, I ask unanimous consent to return to Calendar No. 365. The bill is Senate bill No. 1378, to amend the military record of John P. Fitzgerald.

The SPEAKER pro tempore. Without objection, that will be done.

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read the title of the bill, as follows:

A bill (S. 1378) to amend the military record of John P. Fitzgerald



Mr. **FIELDS**. Mr. Speaker, this is a case to amend a military record, or to issue a discharge to a soldier under his proper name.

This man wanted to enlist in the Army before he was 17 years of age and his father opposed it. He walked from his home in Indiana to some point in Michigan, if I remember the testimony correctly, and enlisted under the name of "Porter," and served out his enlistment and received an honorable discharge. He is now drawing a pension under that honorable discharge, and he desires to have this record corrected in order that he may use his correct name.

Mr. **MANN**. Mr. Speaker, I objected to the bill a moment ago, first, because there was nothing in the report that indicated a good reason for passing the bill; and, second, because there was no report on it from the War Department as to what the facts were. The gentleman from Kentucky [Mr. **FIELDS**] says the only purpose of it is to give the man a discharge under his true name. I have no objection if the man is already drawing a pension.

The **SPEAKER** pro tempore. Is the objection withdrawn?

Mr. **MANN**. I do not object.

The **SPEAKER** pro tempore. The Clerk will report the bill.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of War be, and he is hereby, authorized and directed to amend the military record of John P. Fitzgerald, who enlisted and served under the assumed name of Joshua Porter in Company K, Seventh Regiment, and Company C, First Regiment, Michigan Volunteer Cavalry, from March 9, 1865, to March 10, 1866, and to issue to him an honorable discharge in his true name of John P. Fitzgerald.

The **SPEAKER** pro tempore. The question is on the third reading of the Senate bill.

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

JACOB B. MOORE.

The next business on the Private Calendar was the bill (H. R. 14679) for the relief of Jacob B. Moore.

The title of the bill was read.

The **SPEAKER** pro tempore. Is there objection?

Mr. **MANN**. Reserving the right to object, is not this in the Indian bill as a Senate amendment?

Mr. **CARTER** of Oklahoma. No, sir; it is not.

Mr. **MANN**. There is something like that in the Indian bill as a Senate amendment, I understand.

Mr. **CARTER** of Oklahoma. There is nothing for J. B. Moore in the Indian bill.

Mr. **MANN**. I thought there was.

The **SPEAKER** pro tempore. The Clerk will report the bill.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the sum of \$242.60 is hereby appropriated, out of any money in the possession of the United States belonging to the Chickasaw Tribe of Indians not otherwise appropriated, to reimburse Jacob B. Moore, of Ardmore, Oklahoma, for probate expenses incurred and paid by him in the performance of his duty as attorney for the Chickasaws under a contract between him and Douglas H. Johnston, governor of the Chickasaw Nation, approved by the President of the United States December 1, 1913.

With a committee amendment, as follows:

Strike out in line 3 "\$242.60" and insert in lieu thereof "\$392.60."

The **SPEAKER** pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The **SPEAKER** pro tempore. The question is on the engrossment and third reading of the bill as amended.

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

ADELAIDE L. GIBBS.

The next business on the private calendar was the bill (H. R. 16116) for the relief of the widow of Robert M. Gibbs.

The Clerk read the title of the bill.

The **SPEAKER** pro tempore. Is there objection?

There was no objection.

Mr. **COX**. Mr. Speaker, I move to strike out the last word, for the purpose of making a brief statement. When this bill was up last summer I objected to it, upon the ground that there was no report from the Treasury Department showing that the Government was in any way liable or responsible for the death of this man, as I construed the report from the Treasury Department. I objected further that there was no medical evidence showing that the disease which this man contracted while in the line of duty was the direct and immediate cause of his death. Since then Mr. **PATTEN** has asked the Treasury Department for a complete report on this bill. He handed it to me the other day. I tried to get it this evening, but it was in my secretary's desk and I could not get it. This report, in my

opinion, fixes the liability upon the Government. I think it is a just and meritorious claim, and that it ought to go through.

The **SPEAKER** pro tempore. The Clerk will report the bill.

The bill was read as follows:

Whereas Robert M. Gibbs, late assistant weigher in the United States customhouse at New York City, contracted anthrax while performing his duty as assistant weigher in the handling of raw hide, wool, and so forth, for examination, and in which work he had been engaged since 1908, and in which work he was engaged when he contracted the disease of anthrax of which he died at the Red Cross Hospital, New York City, on the 29th day of July, 1915: Therefore

*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, to the widow of Robert M. Gibbs, deceased, the sum of \$2,880, being the amount of salary for two years.

With the following committee amendment:

Strike out all after the enacting clause and insert the following:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Adelaide L. Gibbs, widow of Robert M. Gibbs, out of any money in the Treasury not otherwise appropriated, the sum of \$1,440, this amount being the equivalent of one year's salary which was being paid the said Robert M. Gibbs at the time of his death."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

By unanimous consent the title was amended to read: "A bill for the relief of Adelaide L. Gibbs, widow of Robert M. Gibbs."

FRED E. JACKSON.

The next business on the Private Calendar was the bill (H. R. 4517) for the relief of Fred E. Jackson.

The Clerk read the title of the bill.

The **SPEAKER** pro tempore. Is there objection?

Mr. **MANN**. I object.

J. RICARDO DE BORJA.

Mr. **MILLER** of Delaware. Mr. Speaker, in connection with Calendar No. 367 (H. J. Res. 265), authorizing the Secretary of War to receive for instruction at the United States Military Academy at West Point Mr. J. Ricardo de Borja, a citizen of Ecuador, I beg to inform the House that this legislation was included in the last Army appropriation bill, and therefore I move to lay the bill on the table.

The **SPEAKER** pro tempore. Without objection, House joint resolution 265 will be laid on the table.

There was no objection.

ANDREW M. DUNLOP.

The next business on the Private Calendar was the bill (H. R. 2204) for the relief of Andrew M. Dunlop.

The Clerk read the title of the bill.

The **SPEAKER** pro tempore. Is there objection?

Mr. **MANN**. I object.

Mr. **BURNETT**. Mr. Speaker, a parliamentary inquiry. Was the bill immediately preceding this one (H. R. 4517) acted on? Mr. **LANGLEY**. Yes; that was objected to.

Mr. **RAKER**. Will the gentleman from Illinois withhold his objection to the consideration of this bill (H. R. 2204)?

Mr. **MANN**. I reserve the right to object.

Mr. **RAKER**. I have just been reading a bill that was just passed here (H. R. 16116). The difference between that claim and this one is that one man was acting as a weigher and contracted a disease and died. The other was acting on the Panama Canal and, from the report of all the officers there, contracted a deadly disease and was sent home to die; but Dr. Chamberlain's brother, a physician in Mississippi, saved his life. All that is asked now is that he be given one year's compensation for the contracting of the disease, which has disabled him from really earning a livelihood for himself and his family since.

Mr. **MANN**. Mr. Speaker, if the gentleman will yield—

Mr. **RAKER**. I will yield.

Mr. **MANN**. In one case we granted a year's pay on account of the death of a man.

Mr. **RAKER**. Yes.

Mr. **MANN**. In the other case it is proposed to reimburse the man for the loss of time, his medical, hospital, and other expenses paid out by him. That is not the policy of the Government. Whether it might properly be I do not undertake to say, but it can not be fixed by one or two private bills. It is not the policy of the Government to tell men that the Government will pay their medical, hospital, or other expenses. The Government provides hospitals at Panama and a great many other places, and when men are entitled to it they go into the hospitals free.

The Government does not undertake to pay the expenses of a man who gets ill while in the Government service. Perhaps we ought to do it, but that is not the policy.



Mr. RAKER. In this case the committee has reduced the amount to one year's pay.

Mr. MANN. The gentleman provided in the bill when he first introduced it that it was to pay for medical, hospital, and other expenses paid out by him while suffering from and as the result of an attack of Chagres fever. There are thousands of men who have gone to Panama who have had Chagres fever, both while down there and after they came back, many of them who went into the Army. Personal experiences amount to nothing, of course; but I have a brother who went into the Spanish War and who never has been well since. I sent him to a hospital, and the Government did not pay the bill, and I did not ask the Government to pay the bill. The Government has refused to pay such things all along. Half of the First Illinois Infantry after they came home went to the hospital and the Government has not paid them.

Mr. RAKER. This man has been incapacitated ever since he left the service.

Mr. MANN. I am not undertaking to pass upon that.

Mr. RAKER. And has been unable to provide for his wife and family.

Mr. MURRAY. Mr. Speaker, I demand the regular order.

Mr. RAKER. Oh, I have my five minutes, and I do not think the gentleman can take me off the floor. Personally I know that the wife is working to make a livelihood because of this man's sickness contracted in the service of the Government. Had he died, of course there would have been \$1,500 paid to him.

The SPEAKER pro tempore. The time of the gentleman from California has expired. The gentleman from Illinois objects, and the Clerk will report the next bill.

J. B. PATTERSON.

The next business on the Private Calendar was the bill (H. R. 14345) to reimburse J. B. Patterson, postmaster of Lacon, Morgan County, Ala., for certain postage stamps stolen.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to J. B. Patterson, postmaster of Lacon, Morgan County, Ala., out of any moneys in the Treasury of the United States not otherwise appropriated, the sum of \$126.16, the same to be in payment of certain postage stamps taken from the post office of Lacon, Morgan County, Ala., February 26, 1915, by unknown persons.

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

ALBERT SIDNEY JOHNSTON.

The next business on the Private Calendar was the bill (S. 5441) for the relief of the heirs of Albert Sidney Johnston.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, I object.

GEORGE WELTY.

The next business on the Private Calendar was H. Res. 318, referring the bill (H. R. 16951) for the relief of George Welty to the Court of Claims.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

GEORGE F. REID.

The next business on the Private Calendar was the bill (H. R. 2212) to correct the military record of George F. Reid and to pay his widow, Isabella Reid, a pension.

The SPEAKER pro tempore. Is there objection?

Mr. RAKER. Mr. Speaker, I ask to amend this bill by striking out all of line 1, after the word "Interior," and lines 2 and 3.

Mr. MANN. Mr. Speaker, how did the gentleman ever come to introduce a bill which was to pay a pension and refer it to the Committee on Military Affairs? I have a curiosity to know.

Mr. RAKER. That just slipped in there in some way by mistake.

Mr. MANN. The gentleman is very smart about the way he handles himself in the House. How did he come to introduce the bill?

Mr. RAKER. I am telling the gentleman.

Mr. MANN. And combine what he knew to be the jurisdiction of two committees, and send a pension bill to the Committee on Military Affairs? Was it ignorance or design?

Mr. RAKER. I want to say to the gentleman that it was neither ignorance nor design, and the gentleman, I think, when he stated that, knows that it was not design.

Mr. MANN. I did not use the word "design" in a wicked sense, but I want to know whether he did it intentionally or ignorantly.

Mr. RAKER. It is one of those things that in introducing bills was done by a slip, forgetting to strike it out after it was put on by the typewriter.

Mr. FIELDS. Probably it was the clerk's fault.

Mr. MANN. The gentleman combined in two bills what would be certain to make it subject to a point of order when it was introduced in the House.

Mr. RAKER. The bill was drawn and, undoubtedly through a mistake in some way in dictating, that was left on the bill and was not stricken off.

Mr. MANN. What is the gentleman's amendment?

Mr. RAKER. My amendment is to strike out all after the word "Interior" in line 1 on page 2, and all of lines 2 and 3.

Mr. LANGLEY. Mr. Speaker, the question of whether the bill is objected to has not yet been put to the House.

Mr. MANN. The gentleman is stating this for information. I would like to have him again state what his amendment is, so that I may follow it.

Mr. RAKER. I want to strike out more than that.

Mr. LANGLEY. Why not let it go over?

Mr. RAKER. But I want to strike out, commencing with the word "and" in line 11, page 1, all the rest of that line and all of lines 1, 2, and 3 on page 2. That would just correct his military record.

Mr. MANN. All right.

Mr. LANGLEY. Mr. Speaker, I want to reserve the right to object. I want to know if this is a desertion case.

Mr. FIELDS. Yes.

Mr. RAKER. The record has been in a shape showing that it is not a desertion; in fact, from the record, the man was home and sick—

Mr. MANN. He deserted; it is a desertion case.

Mr. LANGLEY. I have several cases like that when men were at home sick and were not really deserters.

Mr. MANN. I can assure the gentleman from Kentucky that he has had more passed than any other man in the House, as he is a most diligent man.

Mr. LANGLEY. The gentleman from Illinois is usually very accurate in most instances, but he missed it in this case, because I have not had in 10 years a single one passed.

Mr. MANN. I am surprised, because the gentleman from Kentucky is extremely active on behalf of his constituents.

Mr. LANGLEY. I thank the gentleman for that statement, but I have spent a great deal of time in trying to get some of these desertion cases through this Committee on Military Affairs.

Mr. MANN. I will undertake to say the gentleman has not spent half as much time as the gentleman from California, besides—

Mr. LANGLEY. The gentleman from California does not do anything else.

Mr. MANN. Oh, he does lots of other things. I want to say to the gentleman from Kentucky it is considered one of the prerogatives of the membership of the Committee on Military Affairs that a member of that committee occasionally introduces a bill to remove the charge of desertion and gets it passed, and when outsiders are given this privilege it is by favor and not by right.

Mr. LANGLEY. I had a suspicion there was something of that kind or something wrong somewhere, and I am glad to have the statement from such an experienced source.

Mr. FIELDS. Mr. Speaker, I want to say to the gentleman from Kentucky, first, that I have been a member of the Committee on Military Affairs for six years and a goodly portion of that time as a member of the subcommittee on desertions, and I have secured the passage of only two bills, and they were much more meritorious than the bill of my colleague to which he refers.

Mr. LANGLEY. That is a mere matter of opinion.

Mr. FIELDS. I want to say, Mr. Speaker, in answer to the gentleman from Illinois, the committee does not attempt to play favorites in these matters, but they try to pass upon the merits of each case before them.

Mr. LANGLEY. If my colleague will yield, what I am trying to get at is how he works it to get a bill through at all.

Mr. BURNETT. Mr. Speaker, I hope the gentleman will not conduct a kindergarten here when other people are waiting to try to get their bills passed.

Mr. LANGLEY. I want to know the length of service of this soldier; I am sincere about this; I want to know how long he served and why you are proposing to remove the charge of desertion from his record.

Mr. FIELDS. This man was only out of the service two days, and during the two days he was out he was charged with desertion. He returned on his own accord and served out his



time and received an honorable discharge. But the charge of desertion apparently was against him on the war records, and was not corrected, and therefore it stands as a charge of desertion.

Mr. LANGLEY. He returned voluntarily?

Mr. FIELDS. He returned voluntarily after having been two days out of the service, and then he remained and was mustered out.

Mr. LANGLEY. How much time did he serve altogether?

Mr. FIELDS. He served his entire enlistment, from 1865 to July 27, 1866.

Mr. STAFFORD. Mr. Speaker, reserving the right to object, does that grant him an entire service from April, 1865, to the close of the war, or after the war was concluded, a pensionable status because he served 90 days during the Civil War?

Mr. FIELDS. Yes; he served 90 days.

Mr. STAFFORD. When is it considered that the Civil War ended?

Mr. FIELDS. The gentleman is familiar with that.

Mr. LANGLEY. I think it has been officially determined it was July 15, 1865. Anyway, it was in July, 1865, with the exception of certain restricted areas where war conditions still existed.

Mr. FIELDS. This man was mustered out and received an honorable discharge, but because he was away from his command for two days, from December 31 to January 1, he was charged with desertion, and it was only an oversight in not correcting his record.

Mr. LANGLEY. Will the gentleman pardon me? If he received an honorable discharge and was absent only two days, and voluntarily returned, that would not prevent his widow from getting a pension under existing law if he served 90 days during the Civil War.

Mr. FIELDS. I have the report here—

Mr. LANGLEY. There must be something else wrong about it or this legislation would not be needed.

Mr. FIELDS. The records of the War Department show that he was absent only two days and was mustered out with his company and received an honorable discharge. At the Pension Bureau the charge of desertion, I understand, still stands against him on the record, and they refuse to pension him.

Mr. LANGLEY. I am frank to say that I never heard of a case where there was an absence of only two days and where the soldier voluntarily returned and was honorably discharged that the War Department refused to remove the charge of desertion.

Mr. FIELDS. I never heard of it, and that is why I think it ought to be corrected.

Mr. LANGLEY. I will not object.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill. The Clerk read as follows:

*Be it enacted, etc., That in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, George F. Reid shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Company D, Battalion —, Third Regiment California Volunteer Infantry, and as a private of Company C, Battalion —, Third Regiment California Volunteer Infantry, and that his widow, Isabella Reid, be placed on the pension roll of the Secretary of the Interior, and that she be paid a pension at the rate of \$30 per month: Provided, That no pension shall accrue prior to the passage of this act.*

Mr. RAKER. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The gentleman from California offers an amendment which the Clerk will report.

The Clerk read as follows:

Amend, on page 1, line 11, after the word "Infantry," by striking out the following language:

"And that his widow, Isabella Reid, be placed on the pension roll of the Secretary of the Interior, and that she be paid a pension at the rate of \$30 per month."

Mr. MANN. And strike out the proviso.

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

The question was taken, and the amendment was agreed to.

Mr. RAKER. I ask that the title be amended accordingly.

The SPEAKER pro tempore. That will be done after the bill is passed. The question is on the engrossment and third reading of the bill.

Mr. MANN. It is not to correct a military record. This is a bill for the relief of George F. Reid.

Mr. LANGLEY. The gentleman is entirely correct about that. You can not change the record of the War Department by an act of Congress. You can change the effect of it.

Mr. MANN. There are a couple of blank places in here. I do not know whether the bill will be any good unless you fill them up here or hereafter.

Mr. RAKER. He served twice.

Mr. MANN. The number of the battalion is not stated in either place. The gentleman better have that put in in the Senate.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the amended bill.

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

The title was amended so as to read: "A bill for the relief of George F. Reid."

LEONORE M. SORSBY.

The next business in order on the Private Calendar was the bill (H. R. 4544) for the relief of Leonore M. Sorsby.

The SPEAKER pro tempore. Is there objection?

Mr. MANN and Mr. COX objected.

BENJAMIN B. BUFFINGTON.

The next business in order on the Private Calendar was the bill (H. R. 5182) requiring the Secretary of War to issue an honorable discharge to Benjamin R. Buffington.

The SPEAKER pro tempore. Is there objection?

Mr. LANGLEY. Reserving the right to object, I would like to have some brief statement of that case. What I am trying to get at, if the gentleman will pardon me, is whether you are passing any cases that are not more meritorious than a number that I am so anxious to get through that committee, and I have been unable to get through.

Mr. FIELDS. I will say to my colleague—

Mr. MANN. It is a pure matter of favor. What is the use?

Mr. FIELDS. There is much more merit in this case than any that I have seen so far.

Mr. LANGLEY. I have been good to the members of that committee individually, I am sure, and I can not understand why they do not want to favor me.

Mr. FIELDS. Does the gentleman want an explanation?

Mr. LANGLEY. A brief one.

Mr. FIELDS. This man enlisted in 1861. He was captured and placed in prison. After his release from prison he returned to parole at Camp Parole, Md., and on the motion of his father, inasmuch as he was a minor, he was honorably discharged from the service.

He reenlisted again and was transferred from one place to another, and finally to a point in South Carolina. When he arrived there he found his regiment was in North Carolina. It was not possible for him to reach his regiment, and he returned home when he could get there.

Mr. LANGLEY. Now, Mr. Speaker, let me state to the gentleman right there: In the mountains of eastern Kentucky and Tennessee and that section of country generally during the Civil War, in that border territory, we had hundreds of soldiers who were situated just as this soldier was, according to the gentleman's statement. They made repeated attempts, many of them did, according to testimony that I have read in many of these cases, to get back to their commands, but they could not do it. They could not get word to their commanders so that they would know why they were absent. Frequently they were cut off by the enemy, and they were charged with desertion. The conditions existing there during a portion of the war were worse than in any other section of the Union, and you people of the North and West have no conception of it, and that is why you are so hard on these so-called desertion cases.

This unjust charge still stands. The case of mine to which the gentleman referred a moment ago was that of an old fellow who went home. He says his commanding officer gave him permission to go. He had served over two and one-half years and reenlisted as a veteran volunteer. He was taken sick after he got home. He could not get back to his command. We have established these facts by a dozen witnesses, and yet I have tried for nine years without success to get action on this case.

Mr. FIELDS. Mr. Speaker, I want to say to my colleague and to the membership of the House that there is a good deal of complaint because the Committee on Military Affairs does not report out desertion cases. I know there are many meritorious claims for the correction of military records. But gentlemen must realize how impossible it is for the Committee on Military Affairs to reach all these cases.

At the beginning of this Congress I asked the members of the subcommittee to join me in an effort to clean up these bills, and the subcommittee on desertions has written up about 200 cases. Many of them have been reported unfavorably, while many of



them have been reported favorably. But the membership of the House knows that the Committee on Military Affairs has been one of the busiest committees of the House during this Congress. We have had three or four sittings during this Congress on cases of desertion. The committee is busy all the time, and it is not because we do not want to consider claims, but it is because we have not the time to reach them; and I trust that my colleague will not feel that he is discriminated against. There are probably 250 Members of the House who have bills of that kind introduced, many of them being claims of much merit, but it has not been possible for the Committee on Claims to reach all of them.

Mr. LANGLEY. Is it going to be possible for me to get one or two or three of these cases that I have spoken to the gentleman about? I am perfectly sincere in this, and I do not want to delay the work here to-night. But I have several old soldiers in my district who are entitled to relief.

Mr. NEELY. Mr. Speaker, I ask for the regular order.

The SPEAKER pro tempore (Mr. FOSTER). The regular order is demanded.

Mr. AUSTIN. Mr. Speaker, I move to strike out the last word.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of War be, and he is hereby, authorized and directed to issue to Benjamin R. Buffington, who enlisted as a private in the Twenty-fifth Regiment Ohio Volunteer Infantry, at St. Clairsville, Ohio, October 27, 1863, and was mustered into service December 1, 1863, but who, being absent from the regiment when it was mustered out, June 18, 1866, has never been regularly discharged from the service, nor marked as a deserter, an honorable discharge from the above service as of the date of the muster out of the regiment, June 18, 1866.

The SPEAKER pro tempore. The gentleman from Tennessee moves to strike out the last word.

Mr. AUSTIN. Mr. Speaker, I wish to indorse what my colleague from Kentucky [Mr. LANGLEY] has said in reference to these so-called desertion cases. East Tennessee furnished 31,000 soldiers to the Union Army. Many of them served in that immediate section of the country. When they were sick or wounded or disabled, many of the men in our east Tennessee regiments, which were not thoroughly and well equipped with hospital service, were granted permission to go home, where they could be nursed and cared for. When they got well perhaps the regiments to which they belonged had left the State, or were in Kentucky, and a large number of our very best citizens have been unable for fifty-odd years to get the American Congress to consider and pass upon this question and remove from them and their reputation and their children a cloud and a reflection upon their honor.

Now, I have had some of these bills pending before the Committee on Military Affairs for eight years. I am becoming impatient. Some of these men have actually passed away. Recognizing the statement made by the gentleman here, which was made then to me, that on account of the annual appropriation bill they could not take up these bills, I offered a bill in the Sixty-first Congress to create a commission composed of The Adjutant General, the Surgeon General, and the Secretary of War, to pass upon these cases. Not a thing has been done with that bill. No action has been taken on my cases. I shall be in the next Congress if I live, and I serve notice here and now that I shall object to every one of these bills introduced by a member of the Military Affairs Committee, when absolutely no action has been taken on the bills that I have introduced.

Mr. FIELDS. Very few of these bills are from members of the Military Affairs Committee.

Mr. LANGLEY. One of these old soldiers to whom I referred a moment ago is now blind. According to what his comrades say, he was the sixth man to scale the heights of Lookout Mountain on that memorable morning when our flag was placed upon its summit. Do not tell me that that sort of a soldier is justly charged with desertion. I have furnished 12 or 15 affidavits stating that he was unable to get back to his command, although he tried to do so. He served two years and seven months. I have had that case pending before the Military Affairs Committee of the various Congresses for nine years, and it has been reported two or three times by a subcommittee, but either they could not get a quorum of the full committee or something or other always happened to block my bill.

Mr. FIELDS. Other members have filed claims, too, supported by a great deal of testimony. But I want to say to the gentleman from Tennessee [Mr. AUSTIN] that if he will take the pains to read the reports on these bills, he will see that the charge that the bills are from the Committee on Military Affairs is without foundation. There has not been a bill passed to-night or the preceding night that was from a member of the Military Affairs Committee.

Mr. MANN. The last night we were here we had three of them in succession introduced by members of the Committee on Military Affairs and reported by the gentleman—

Mr. LANGLEY. I did not make that charge. I did not know it.

Mr. AUSTIN. In view of the statement of the gentleman from Illinois I ask the gentleman from Kentucky to take back the statement he made a few minutes ago.

Mr. FIELDS. Who introduced them?

Mr. MANN. I do not remember. We were all commenting upon it at the time. They were meritorious bills.

Mr. AUSTIN. I do not question that they were meritorious bills.

Mr. FIELDS. As I remember, there was only one bill from a member of the subcommittee, the gentleman from Illinois [Mr. McKENZIE], and the bills were objected to.

Mr. MANN. There were three in succession. I am not going to name them. What is the use.

The SPEAKER pro tempore (Mr. FOSTER). Is there objection to the present consideration of this bill?

There was no objection.

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

Mr. MILLER of Delaware. Mr. Speaker, I ask unanimous consent for one minute to make a statement.

The SPEAKER pro tempore. The gentleman from Delaware asks unanimous consent for one minute. Is there objection?

There was no objection.

Mr. MILLER of Delaware. I want to state that so far we have considered 108 measures to-night, 14 of which we have passed. Every one of these measures has been considered heretofore at one time or another, when the Private Calendar was up for consideration. I understand that we are going to have one other evening for the Private Calendar. I want to serve notice that I for one am going to object unless we can start considering that calendar at the place where we leave off to-night.

Mr. MANN. And I am going to object unless we proceed now.

Mr. AUSTIN. I want to submit a request for unanimous consent that we continue this session until midnight.

Mr. MANN. That can not be done.

The SPEAKER pro tempore. That can not be done under the previous order of the House.

Mr. LANGLEY. I wish we could do that. We might consider some of our bills.

#### CHOCTAW AND CHICKASAW INDIANS.

The next business on the Private Calendar was the bill (S. 5427) referring certain claims against the Choctaw and Chickasaw Nations of Indians to the Court of Claims.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

#### CHIEF JUSTICE SETH SHEPARD.

The next business on the Private Calendar was the bill (H. R. 17331) to permit Seth Shepard, chief justice of the Court of Appeals of the District of Columbia, to retire.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

#### ALFRED REBSAMEN.

The next business on the Private Calendar was the bill (H. R. 5690) to correct the military record of Alfred Rebsamen.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The bill was read, as follows:

*Be it enacted, etc.*, That in the administration of the pension laws Alfred Rebsamen, late of Company A, Fifty-ninth Regiment Illinois Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of said company and regiment on the 8th day of December, 1865: *Provided*, That no pension shall accrue prior to the passage of this act.

With the following committee amendment:

Page 1, line 9, after the word "pension," insert the words "pay, bounty, or allowance."

The committee amendment was agreed to.

Mr. AUSTIN. Mr. Speaker, I would like to ask the gentleman from Kentucky [Mr. FIELDS] if this bill was reported from his committee, introduced by a member of his committee?

Mr. FIELDS. No; the gentleman from Kansas [Mr. TAGGART] introduced the bill. He is not a member of the committee.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.



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

DAVID KIRCH.

The next business on the Private Calendar was the bill (H. R. 10255) for the relief of David Kirch.

The SPEAKER pro tempore. Is there objection?  
There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.  
The Clerk read the bill, as follows:

*Be it enacted, etc.*, That in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, David Kirch, now a resident of Naperville, Ill., shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private in Company B, Ninety-eighth Regiment Pennsylvania Volunteer Infantry, on the 28th day of January, 1865: *Provided*, That no pension shall accrue prior to the passage of this act.

Mr. MANN. Mr. Speaker, I move to amend by inserting, after the word "pension" in line 11, the words "pay, bounty, or other allowance."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

After the word "pension" in line 11 insert the words "pay, bounty, or other allowance."

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

The amendment was agreed to.

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

WILLIAM A. PERSONS.

The next business on the Private Calendar was the bill (H. R. 15233) for the relief of William A. Persons.

The SPEAKER pro tempore. Is there objection?  
There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, William A. Persons shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Company I, Second Regiment Wisconsin Volunteer Cavalry: *Provided*, That no pension shall accrue prior to the passage of this act.

Mr. MANN. Mr. Speaker, I move to amend by inserting after the word "pension," in line 9, the words "pay, bounty, or other allowance."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Insert after the word "pension," in line 9, the words "pay, bounty, or other allowance."

Mr. LANGLEY. Mr. Speaker, I want to ask the members of the committee if that is not the usual form in which the committee has heretofore reported bills?

Mr. FIELDS. Yes, it is. I did not report the bill. This was an oversight on the part of whoever wrote up the bill.

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

The amendment was agreed to.

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

JAMES S. RISHER.

The next business on the Private Calendar was the bill (H. R. 15644) for the relief of James S. Risher.

The SPEAKER pro tempore. Is there objection?  
There was no objection.

The clerk read the bill as follows:

*Be it enacted, etc.*, That in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, James S. Risher, late of Company F, First Battalion, and Company E, Second Battalion, Eighteenth Regiment United States Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as of Company F, First Battalion, and Company E, Second Battalion, Eighteenth Regiment United States Infantry: *Provided*, That no pension shall accrue prior to the passage of this act.

Mr. MANN. Mr. Speaker, I offer the same amendment to this bill, to insert the words "pay, bounty, or other allowance" after the word "pension" in line 12.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

After the word "pension," in line 12, insert the words "pay, bounty, or other allowance."

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

The amendment was agreed to.  
The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

HAYS GASKILL.

The next business on the Private Calendar was the bill (H. R. 5948) for the relief of Hays Gaskill.

The SPEAKER pro tempore. Is there objection?  
There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers, Hays Gaskill, who was a member of Battery A, Fourth Regiment United States Artillery, under General Order No. 154, Adjutant General's Orders, 1862, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of said battery on the muster out of the same.

Mr. MANN. Mr. Speaker, I move to amend by inserting at the end of line 11 the proviso:

*Provided*, That no pension, pay, bounty, or other allowance shall accrue prior to the passage of this act.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

At the end of line 11, insert:

*Provided*, That no pension, pay, bounty, or other allowance shall accrue prior to the passage of this act.

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

The amendment was agreed to.

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

CLARENCE H. KNIGHT.

The next business on the Private Calendar was the bill (H. R. 17415) to authorize the President to appoint Clarence H. Knight a captain in the line of the Army.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, I object.

MARSHALL M. POOL.

The next business in order on the Private Calendar was the bill (H. R. 5412) to establish the military record of Marshall M. Pool.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. HAYDEN. Mr. Speaker, I would like to ask the gentleman from Illinois if he expects this man to obtain a pension if this bill passes?

Mr. MANN. I really did not hear the gentleman.

Mr. HAYDEN. Does the gentleman from Illinois expect a pension to be granted to Mr. Pool if this bill is passed?

Mr. MANN. I do not know—

Mr. HAYDEN. Because I understand a pension can only be granted for an "honorable" discharge, and this provides for an "honorary" discharge.

Mr. MANN. If the matter comes before the House, I shall ask to amend it by inserting—

Mr. HAYDEN. The gentleman from Illinois is usually so accurate about such matters, I was wondering about this.

Mr. MANN. I am so careful that I have a note of it. It is an error in the reported print of the bill. In the original bill it was printed correctly, but this is an error in the print of the reported bill.

Mr. LANGLEY. I see the title reads "A bill to establish the military record of Marshall M. Pool." That would seem to indicate that he has no military record.

Mr. MANN. It is to correct it.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

*Be it enacted, etc.*, That the Secretary of War be, and he is hereby, authorized and directed to cause the name of Marshall M. Pool to be entered on the muster roll of the United States Army as captain of Illinois Volunteers under date of August 25, 1864, and to issue to said Marshall M. Pool an honorary discharge as captain of Illinois Volunteers and as aid-de-camp on the staff of Bvt. Maj. Gen. James H. Wilson, under date of April 23, 1865.

Mr. MANN. Mr. Speaker, I move to amend in line 8 by striking out the word "honorary" and inserting the word "honorable."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Line 8, page 1, strike out the word "honorary" and insert the word "honorable."

The question was taken, and the amendment was agreed to.



Mr. MANN. Mr. Speaker, I move to amend by adding at the end of line 11 the usual proviso that has been added to these bills.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

At the end of line 11 insert, "Provided, That no back pay, pension, bounty, or other emoluments shall accrue prior to the passage of this act."

The question was taken, and the amendment was agreed to. The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

#### HATCHIE COON HUNTING AND FISHING CLUB.

The next business in order on the Private Calendar was the bill (H. R. 241) to relinquish, release, and quitclaim to the trustees of the Hatchie Coon Hunting and Fishing Club title to certain lands in Poinsett County, Ark.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I notice this bill was introduced on December 6, 1915, and referred to the Committee on Public Lands. On August 18, 1916, Mr. TILLMAN, from the Committee on Military Affairs, reported the bill, and that on August 25, 1916, Mr. TILLMAN, from the Committee on the Judiciary, submitted the following supplemental report. I would like to inquire whether the Committee on Military Affairs and the Committee on the Judiciary, both having reported on the bill, it would be advisable for the Committee on Public Lands, to which the bill was referred, to make a report?

Mr. TILLMAN. Mr. Speaker, it is very patent to everybody it is an error. The report was made by Mr. TILLMAN from the Committee on Public Lands, and it should read that way, because the Committee on Public Lands alone had jurisdiction of the bill, and the bill was reported favorably by the Committee on Public Lands, and I was requested to make the report.

Mr. MANN. Well, I submit the hour of 10.30 has arrived.

Mr. TILLMAN. Mr. Speaker, I would ask the gentleman, unless the gentleman is going to object—

Mr. MANN. I really think we should let it go over.

The SPEAKER pro tempore. The hour of 10.30 having arrived, under the rule the House will stand adjourned until tomorrow at 11 o'clock a. m.

Accordingly (at 10 o'clock and 30 minutes) the House adjourned, under its previous order, to meet to-morrow, Tuesday, February 13, 1917, at 11 o'clock a. m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, submitting a tentative draft of amendment to section 3744 of the Revised Statutes of the United States (H. Doc. No. 2048); to the Committee on Military Affairs and ordered to be printed.

2. A letter from the Secretary of War, submitting a tentative draft of a provision for consideration in connection with the Army appropriation bill (H. Doc. No. 2049); to the Committee on Military Affairs and ordered to be printed.

3. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Interior submitting estimates of appropriations for salaries, mechanical, labor, and char and watch forces, and for equipment and operation of the new Interior Department Building (H. Doc. No. 2050); to the Committee on Appropriations and ordered to be printed.

4. A letter from the Secretary of the Treasury, relative to an estimate of appropriation for intercoastal communications (H. Doc. No. 1927, pt. 2); to the Committee on Appropriations and ordered to be printed.

5. A letter from the Secretary of the Navy, relative to an estimate of appropriation for intercoastal communication (H. Doc. No. 1927, pt. 3); to the Committee on Appropriations and ordered to be printed.

6. A letter from the Secretary of War, submitting a tentative proviso for consideration in connection with H. R. 20828 to regulate the conduct of vessels in the ports and waters of the United States (H. Doc. No. 2051); to the Committee on the Judiciary and ordered to be printed.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions and memorials were introduced and severally referred as follows:

By Mr. CLARK of Missouri: A bill (H. R. 20871) providing for the raising of the Government dyke opposite Clarksville, Mo.; to the Committee on Rivers and Harbors.

By Mr. DENT: A bill (H. R. 20872) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1918, and for other purposes; to the Committee of the Whole House on the State of the Union.

By Mr. BURKE: A bill (H. R. 20873) granting the consent of Congress to the city of Fort Atkinson, in Jefferson County, Wis., for the construction of a bridge across the Rock River; to the Committee on Interstate and Foreign Commerce.

By Mr. WEBB: Resolution (H. Res. 500) providing for the consideration of H. R. 5788; to the Committee on Rules.

By Mr. ALLEN: Resolution (H. Res. 501) providing for the payment of additional salary to the present enrolling clerk of the House; to the Committee on Accounts.

By Mr. SMITH of Idaho: Joint resolution (H. J. Res. 369) authorizing and directing the Secretary of the Navy to collect and preserve discarded flags and emblems of the United States; to the Committee on Military Affairs.

By Mr. HAWLEY: Memorial of the Legislative Assembly of the State of Oregon, favoring removal of citizenship disqualifications for American woman citizens who marry unnaturalized foreigners; to the Committee on the Judiciary.

Also, memorial of the Legislative Assembly of the State of Oregon, favoring return of certain lands in Upper Klamath Lake, formerly ceded to the United States but not used for the purposes named in the act of cession or for any other purpose by the United States; to the Committee on the Public Lands.

By Mr. McARTHUR: Memorial of the State of Oregon, favoring the ceding back to the State of Oregon by the United States the right to use all or any part of the bed of "Lower" or "Little" Klamath Lake for the storage of water; to the Committee on the Public Lands.

Also, memorial of the State of Oregon, favoring the granting to each individual voter, irrespective of sex or marriage, in States adopting the equal-suffrage amendment, equal qualifications; to the Committee on the Judiciary.

By Mr. SULLOWAY: Memorial adopted by the Legislature of the State of New Hampshire, upholding the President of the United States in his recent submarine policy; to the Committee on Foreign Affairs.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AUSTIN: A bill (H. R. 20874) granting an increase of pension to William M. Pace; to the Committee on Invalid Pensions.

By Mr. CANDLER of Mississippi: A bill (H. R. 20875) for the relief of Julius Buxbaum and granting him a medal of honor; to the Committee on Military Affairs.

By Mr. CARY: A bill (H. R. 20876) granting a pension to Mrs. Frank Schultz; to the Committee on Pensions.

By Mr. CASEY: A bill (H. R. 20877) granting an increase of pension to Samuel R. Laphy; to the Committee on Invalid Pensions.

By Mr. DENISON: A bill (H. R. 20878) granting a pension to Synthia M. Hale; to the Committee on Pensions.

By Mr. DILL: A bill (H. R. 20879) granting a pension to Arthur Rose; to the Committee on Pensions.

By Mr. DYER: A bill (H. R. 20880) granting an increase of pension to Sarah J. Thomas; to the Committee on Invalid Pensions.

By Mr. GREEN of Iowa: A bill (H. R. 20881) granting an increase of pension to John Wilson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20882) for the relief of the Kimball Bros. Co., of Council Bluffs, Iowa; to the Committee on Claims.

By Mr. HAMILTON of Michigan: A bill (H. R. 20883) granting an increase of pension to Anliza Griffin; to the Committee on Invalid Pensions.

By Mr. HAUGEN: A bill (H. R. 20884) granting an increase of pension to James H. Kabrick; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 20885) granting a pension to Jennie C. Rogers; to the Committee on Invalid Pensions.

By Mr. HENSLEY: A bill (H. R. 20886) for the relief of John B. Gooch; to the Committee on Military Affairs.

By Mr. LINTHICUM: A bill (H. R. 20887) granting a pension to Thomas Heffernan; to the Committee on Pensions.

By Mr. OLNEY: A bill (H. R. 20888) for the relief of Mary F. Keenan; to the Committee on Claims.

By Mr. PRATT: A bill (H. R. 20889) granting an increase of pension to Nicholas Durnin; to the Committee on Invalid Pensions.



By Mr. RUSSELL of Missouri: A bill (H. R. 20890) granting an increase of pension to A. H. McCormick; to the Committee on Pensions.

By Mr. WINGO: A bill (H. R. 20891) granting an increase of pension to Robert C. Abel; to the Committee on 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 the employees of the Post Office Department in Los Angeles, Cal., favoring an increase in salaries for post-office clerks and carriers; to the Committee on the Post Office and Post Roads.

Also (by request), memorial of the City Council of Revere, Mass., indorsing the action of the President of these United States in his negotiations and dealings with the belligerent countries; to the Committee on Foreign Affairs.

Also (by request), memorial of a special committee of the St. Louis Chamber of Commerce, opposing House bill 17606, amending the Federal reserve bank act; to the Committee on Banking and Currency.

By Mr. ADAMSON: Telegram of Hon. G. Gunby Jordon, of Columbus, Ga., protesting against the passage of the Smith-Webb judgeship bill; to the Committee on the Judiciary.

Also, petition of members of the bar of Atlanta and Columbus, Ga., against the passage of the Smith-Webb judgeship bill; to the Committee on the Judiciary.

By Mr. BRUCKNER: Petition of the Bell-Ed Embroidery Co., George P. B. Clarke, H. A. Caesar & Co., Walter Emmerich & Co., Loose-Wiles Co., L. F. Robertson & Sons, Abe Stein & Co., and I. Unterberg & Co., all of New York City, protesting against House bill 20573, proposed tax on business profits; to the Committee on Ways and Means.

Also, petition of New York State Forestry Association, favoring appropriation for fighting pine blister rust; to the Committee on Agriculture.

Also, petition of W. F. Bartel, Donald Campbell, W. P. Cobb, H. M. Dodd, Mrs. E. Elliott, E. B. Lord, Andrew Meloy, J. M. Motley, G. N. Nicoll, H. F. Opa, and Cornelia Prime, all of New York City, favoring House bill 20080, migratory-bird bill; to the Committee on Foreign Affairs.

Also, petition of Hyman Gross, of New York City, against passage of House bill 19350, which regulates radio communication; to the Committee on the Merchant Marine and Fisheries.

Also, petition of citizens of New York City, against passage of House bill 18986 and Senate bill 4429, to exclude certain literature from the mails; to the Committee on the Post Office and Post Roads.

By Mr. CAREW: Memorial of Chamber of Commerce of State of New York, in favor of protecting American lives and property through the world, and in favor of any taxation necessary to provide for such protection; to the Committee on Appropriations.

By Mr. CLARK of Florida: Petition of 175 citizens and 35 members of Epworth League, of Kendrick, and 30 members of Sunday school of Martin, Fla., favoring national prohibition; to the Committee on the Judiciary.

By Mr. CURRY: Petition of the Sacramento Chamber of Commerce, protesting against the proposed excess-profit tax in the revenue bill; to the Committee on Ways and Means.

Also, petition of the Sacramento Jobbers' Association, protesting against the excess-profit tax in the revenue bill; to the Committee on Ways and Means.

By Mr. DALE of New York: Petition of S. C. Mead, secretary, the Merchants' Association of New York, opposing the amendment to the Federal reserve act proposed in House bill 17606; to the Committee on Banking and Currency.

Also, petition of Mary Ellis, Buffalo, N. Y., favoring migratory-bird treaty act, House bill 20080; to the Committee on Foreign Affairs.

Also, petition of H. A. Sessions, chief probation officer, Fresno, Cal., favoring Senate bill 1092 and House bill 42, to establish a probation system in the United States courts; to the Committee on the Judiciary.

Also, petition of Ralph Peters, president of the Long Island Railroad Co., favoring migratory-bird treaty act; to the Committee on Foreign Affairs.

Also, petition of James H. S. Bates, consulting engineer, New York City, favoring universal military training; to the Committee on Military Affairs.

Also, petition of Mrs. Louise F. Austin, Buffalo, N. Y., favoring migratory-bird treaty act, House bill 20080; to the Committee on Foreign Affairs.

Also, petition of Colgate & Co., New York, favoring the daylight saving bills, House bills 19431 and 20499; to the Committee on Interstate and Foreign Commerce.

By Mr. DUNN: Petition of Otto Schindler and others, of Rochester, N. Y., protesting against involving the United States in war against any European country; to the Committee on Foreign Affairs.

Also, petition of citizens of Rochester, N. Y., asking for passage of national prohibition amendment; to the Committee on the Judiciary.

By Mr. EAGAN: Memorial of Hoboken (N. J.) Board of Trade, favoring 2-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of Henry C. Maine, against prohibition in the District of Columbia; to the Committee on the District of Columbia.

Also, petitions of sundry citizens of the State of New Jersey, favoring passage of House bill 20080, migratory-bird treaty act; to the Committee on Foreign Affairs.

By Mr. ESCH: Papers in support of House bill 20665, granting an increase of pension to Jesse Mather; to the Committee on Invalid Pensions.

By Mr. FULLER: Petition of the Personal Liberty League of Maryland, against all prohibition legislation; to the Committee on the Judiciary.

Also, memorial adopted at a mass meeting at Newark, N. J., February 10, 1917, opposing any declaration of war unless first submitted to a vote of the people; to the Committee on Foreign Affairs.

Also, petition of Dr. Edmund von Mach, opposing declaration of war; to the Committee on Foreign Affairs.

Also, petition of Mary E. McDowell, of the University of Chicago Settlement, for a woman's division in the Department of Labor; to the Committee on Labor.

Also, petition of D. Clarence Gibboney, president of the Law and Order Society of Philadelphia, opposing prohibition in the District of Columbia; to the Committee on the District of Columbia.

By Mr. GALLIVAN: Memorial of the employees of the Post Office Department in Los Angeles, Cal., favoring an increase in salaries for post-office clerks and carriers; to the Committee on the Post Office and Post Roads.

Also, petition of Robert S. Wallace, secretary Fitchburg Military Training School, favoring universal compulsory military service; to the Committee on Military Affairs.

Also, petition of members of the Massachusetts branch of the League to Enforce Peace, relative to the adoption of the league's proposals by the United States; to the Committee on Foreign Affairs.

By Mr. HOLLINGSWORTH: Papers to accompany House bill 20791, granting an increase of pension to George W. Pitner; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 5168, to increase pension of Mary E. Glaspy; to the Committee on Invalid Pensions.

By Mr. HOUSTON: Memorial of church organization in Tennessee, favoring national prohibition amendment; to the Committee on the Judiciary.

By Mr. LINTHICUM: Petition of sundry citizens of Baltimore, Md., protesting against the excess tax in the revenue bill; to the Committee on Ways and Means.

Also, petition of Dr. O. H. Duker, Baltimore, Md., protesting against a declaration of war unless the question of war should be submitted to a referendum; to the Committee on Foreign Affairs.

Also, petition of W. Howard Matther, Baltimore, Md., favoring migratory-bird treaty act; to the Committee on Foreign Affairs.

Also, memorial of employees of the Post Office Department in Los Angeles, Cal., favoring an increase in salaries of post-office clerks and carriers; to the Committee on the Post Office and Post Roads.

Also, petition of Mrs. J. C. Fleming, Gambrills, Md., favoring the migratory-bird treaty act; to the Committee on Foreign Affairs.

By Mr. McARTHUR: Petition of J. Backs and citizens of Portland, Oreg., protesting against a declaration of war by the United States; to the Committee on Foreign Affairs.

Also, petition of 153 citizens of Multnomah County, Oreg., favoring a Christian amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. MEEKER: Petition of Equal Rights Association of Kentucky, favoring woman-suffrage amendment; to the Committee on the Judiciary.



Also, petitions of Butler Bros., Famous-Barr Co., Shapleigh Hardware Co., Merchants Exchange, and St. Louis Chamber of Commerce, all of St. Louis, Mo., protesting against House bill 17606 to amend the Federal reserve bank act; to the Committee on Banking and Currency.

By Mr. MORIN: Petition of Mr. Elliott H. Goodwin, general secretary of the Chamber of Commerce of the United States with reference to proposed tax on excess profits; to the Committee on Ways and Means.

Also, petition of Business Men's National Service League, Mr. A. Wakeman, secretary, of New York City, urging immediate passage of a bill for universal military training; to the Committee on Military Affairs.

By Mr. MOTT: Petitions of Watertown (N. Y.) Bird Club and Canastota (N. Y.) Bird Club, favoring passage of House bill 20080, migratory-bird treaty act; to the Committee on Foreign Affairs.

Also, petition of Oswego Branch, No. 190, National Association of Letter Carriers, of Oswego, N. Y., favoring House bill 17806; to the Committee on the Post Office and Post Roads.

By Mr. NORTH: Petition of J. L. Laughry and 95 other citizens of Marion Center, Pa., favoring national constitutional prohibition; to the Committee on the Judiciary.

Also, petition of J. P. Jones, president, and Lyman A. Inman, secretary, public meeting at Summerville, Pa., and William Earl Davis, president, and Rev. John C. Lincoln, secretary, public meeting, at East Brady, Pa., praying for the enactment of legislation abolishing polygamy in the United States or any place subject to their jurisdiction; to the Committee on the Judiciary.

By Mr. OLNEY: Petition of members of the Massachusetts Branch of the League to Enforce Peace, relative to the adoption of the league's proposals by the United States; to the Committee on Foreign Affairs.

Mr. SNYDER: Petition of sundry residents of New York Mills, N. Y., for national prohibition; to the Committee on the Judiciary.

By Mr. TINKHAM: Memorial adopted at a mass meeting held at the Krueger Auditorium, Newark, N. J., February 10, 1917, opposing a declaration of war unless first submitted to a vote of the people; to the Committee on Foreign Affairs.

Also, petition of Hugh P. McNally, of Elm Hill, Roxbury, Mass., opposing a declaration of war; to the Committee on Foreign Affairs.

Also, petition of Henry L. Pelkins, secretary Boston Turn Verein, of Boston, Mass., protesting against a declaration of war; to the Committee on Foreign Affairs.

Also, petition of Lucien Price, of Boston, Mass., protesting against a declaration of war; to the Committee on Foreign Affairs.

By Mr. WATSON of Pennsylvania: Petition of Edgar Louden and 24 members of the Liberty Bell Bird Club, of Center Square, Montgomery County, Pa., favoring passage of House bill 20080, migratory-bird treaty act; to the Committee on Foreign Affairs.

By Mr. YOUNG of North Dakota: Petition signed by O. F. Bryant and 40 citizens of Napoleon, N. Dak., urging that the question of war should be submitted to a referendum; to the Committee on Foreign Affairs.