

By Mr. VARE: Memorial of Equal Franchise Society, of Philadelphia, Pa., favoring suffrage amendment; to the Committee on the Judiciary.

By Mr. VOLSTEAD: Petition of farmers of the State of Minnesota, relative to advance in the price of sisal fiber; to the Committee on Agriculture.

By Mr. WICKERSHAM: Petition of citizens of Ketchikan, Alaska, praying for the passage of Alaska halibut amendment to the House revenue bill; to the Committee on Ways and Means.

SENATE.

TUESDAY, February 20, 1917.

The Senate met at 10.30 o'clock a. m.

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

Almighty God, we lift our hearts in humble, fervent prayer that we may have the Divine light upon our pathway this day. In the journey to which we at this time commit ourselves may we have the accompanying inspiration and light of the Divine presence. We have found that when we have exhausted all the resources of our human life still there are unsolved problems before us. There are questions pertaining to the eternal and the changeless and the absolute that must be solved only by the inspiration that Thou canst give to Thy servants who commit themselves to Thy will. Do Thou look upon us this morning and endue us with heavenly wisdom, that we may discharge the duties of this day in Thy sight and accomplish all Thy perfect will in us. For Christ's sake. Amen.

Mr. BRANDEGEE. Mr. President, I rise to a question of order.

Mr. TOWNSEND. I was going to suggest the absence of a quorum.

Mr. BRANDEGEE. I do not think that can be done when I am raising another question of order.

Mr. TOWNSEND. Very well; I do not care to insist on it.

Mr. BRANDEGEE. If the Chair will look at page 4014 of the RECORD, at the bottom of the second column, it appears that last night the Presiding Officer announced that "35 Senators have answered to their names. There is not a quorum present." Thereupon, on the first column of the next page, it appears that Mr. REED moved "that the Sergeant at Arms be directed to request the attendance of absent Senators. The motion was agreed to."

A little further down Mr. FLETCHER said:

Mr. President, I know that no business is in order. I think we ought to procure the attendance of absent Senators, and we ought to proceed with the business of the Senate.

Whereupon Mr. KENYON said:

Mr. President, I make the point of order that no business is in order. The PRESIDING OFFICER. The point of order is sustained. No business is in order.

Mr. KENYON (at 7 o'clock and 25 minutes p. m.). I move that the Senate adjourn.

Later on:

Mr. KENYON. I withdraw the motion, but I shall renew it in a little while.

Mr. OVERMAN. I move that when the Senate adjourns it adjourn to meet at half past 10 o'clock to-morrow morning.

The Chair will bear in mind there was no quorum present. The standing order of the Senate is that the Senate shall adjourn to meet at 11 o'clock. No other hour could be fixed for meeting in the absence of a quorum. Nothing was in order except to procure a quorum or to adjourn. I make the point of order that the Senate can not come in session until 11 o'clock.

Mr. OVERMAN. The Senator is right. I agree to it.

The VICE PRESIDENT. The Chair sustains the point of order.

Thereupon the Senate (at 10 o'clock and 35 minutes a. m.) dissolved to reassemble at 11 o'clock a. m.

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

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

We thank Thee, Almighty God, that Thou dost continually stir up within us an aspiration after the highest and the best. Thou hast taught us in Thy Word what is the chief good, and that we are to attain it by doing justly, loving mercy, and by walking humbly with God. We pray that the path of this day may contain within itself the effort on the part of each one of us to attain unto this highest good, that we in our outward lives may do justly, that in our inward spirit we may love mercy, and that in our upward life we may walk humbly with God. We ask for Christ's sake. Amen.

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

The VICE PRESIDENT. The Secretary will call the roll.

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

Beckham	Husting	Newlands	Sterling
Borah	Johnson, Me.	Norris	Stone
Brady	Johnson, S. Dak.	Overman	Thomas
Brandeggee	Jones	Page	Thompson
Bryan	Kenyon	Pittman	Townsend
Catron	Kern	Poindexter	Underwood
Chamberlain	La Follette	Pomerene	Vardaman
Colt	Lane	Ransdell	Wadsworth
Cummins	Lee, Tenn.	Robinson	Walsh
Curtis	Lee, Md.	Shafroth	Warren
Fernald	Lodge	Sheppard	Watson
Fletcher	McCumber	Sherman	Weeks
Gronna	McLean	Simmons	Williams
Hardwick	Martine, N. J.	Smith, Md.	Works
Hollis	Nelson	Smoot	

Mr. CURTIS. I desire to announce the unavoidable absence of the Senator from New Hampshire [Mr. GALLINGER]. He is paired with the Senator from New York [Mr. O'GORMAN]. I will let this announcement stand for the day.

Mr. VARDAMAN. I desire to announce the unavoidable absence of the Senator from Tennessee [Mr. SHIELDS] on account of illness.

Mr. CURTIS. I desire to announce the absence of the Senator from Ohio [Mr. HARDING] on account of illness. This announcement may stand for the day.

Mr. MARTINE of New Jersey. I rise to announce the absence of the senior Senator from Oklahoma [Mr. GORE] and the junior Senator from Illinois [Mr. LEWIS], both on account of illness. I ask that this announcement may stand for the day.

Mr. LEA of Tennessee. I have been requested to announce that the senior Senator from Kentucky [Mr. JAMES] is detained on official business.

Mr. WALSH. I have been requested to announce that the Senator from Delaware [Mr. SAULSBURY] is detained from the Senate on account of illness.

Mr. OVERMAN. I desire to announce that the Senator from Texas [Mr. CULBERSON], the Senator from Missouri [Mr. REED], the Senator from Georgia [Mr. SMITH], and the Senator from Vermont [Mr. DILLINGHAM] are absent on official business of the Senate.

Mr. SMOOT. I desire to announce the unavoidable absence of my colleague [Mr. SUTHERLAND].

The VICE PRESIDENT. Fifty-nine Senators have answered to the roll call. There is a quorum present. The Secretary will read the proceedings of the preceding session.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. BRANDEGEE and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives by E. T. Taylor, jr., one of its clerks, announced that the House had passed the following bills:

S. 1068. An act relating to desert-land entries;
S. 1697. An act to declare Ollala Slough in Lincoln County, Oreg., nonnavigable;

S. 2543. An act for the relief of the State of Kentucky;
S. 6654. An act to validate a patent to certain lands heretofore issued to the State of Florida; to allow the said State to claim certain other lands, and for other purposes;

S. 7796. An act authorizing the Secretary of the Interior to sell and convey to the Great Northern Railway Co. certain lands in the State of Montana for division terminal yards and other railway purposes, and for other purposes;

S. 8044. An act providing for the extension of time for the reclamation of certain lands in the State of Oregon under the Carey Act; and

S. 8079. An act to amend the first and seventh paragraphs of section 4414 of the Revised Statutes of the United States as amended by the act of April 9, 1906.

The message also announced that the House had passed the bill (S. 40) to authorize agricultural entries on surplus coal lands in Indian reservations, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the bill (S. 1792) for the relief of settlers on unsurveyed railroad lands, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (S. 7644) to create a new division of the northern judicial district of Texas, and to provide for terms of court at Wichita Falls, Tex., and for a clerk for said court, and for other purposes,

with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the bill (S. 5450) to amend section 108, chapter 5, of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (S. 5612) providing additional time for the payment of purchase money under homestead entries of lands within the former Fort Peck Indian Reservation, Mont., with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the bill (S. 5716) to establish the Mount McKinley National Park, in the Territory of Alaska, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the joint resolution (S. J. Res. 50) authorizing the Secretary of the Interior to sell the coal deposits in and under certain public lands to the Republic Coal Co., a corporation, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House further insists upon its amendments to 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, disagreed to by the Senate, agrees to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. ADAMSON, Mr. SIMS, and Mr. ESCH managers at the further conference on the part of the House.

The message also announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 5788. An act to create two additional associate justices of the Supreme Court of the District of Columbia;

H. R. 10110. An act to increase the salary of the United States district attorney for the district of Rhode Island;

H. R. 11706. An act to amend an act entitled "An act to prevent the disclosure of national-defense secrets," approved March 3, 1911;

H. R. 13166. An act authorizing the Commissioner of Indian Affairs to transfer fractional block 6, of Naylor's addition, Forest Grove, Oreg., to the United States of America, for the use of the Bureau of Entomology, Department of Agriculture;

H. R. 17646. An act to amend section 6 of an act to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes, approved March 14, 1900, as amended by the act of March 4, 1907, by the act of March 2, 1911, and by the act of June 12, 1916;

H. R. 18825. An act to amend an act entitled "An act making appropriations to supply deficiencies in appropriations for the fiscal year 1915 and for prior years, and for other purposes";

H. R. 18826. An act to relieve the owners of mining claims who have been mustered into the service of the United States as officers or enlisted men of the Organized Militia or National Guard from performing assessment work during the term of such service;

H. R. 18894. An act to amend the public-building act approved March 4, 1913, authorizing the acquisition of a suitable site for a public building at Pittston, Pa.;

H. R. 19233. An act to increase the salary of the United States marshal for the western district of Michigan;

H. R. 19771. An act to renew patent No. 24917;

H. R. 20228. An act to renew patent No. 25909;

H. R. 20414. An act for the establishment of a probation system in the United States courts, except in the District of Columbia;

H. R. 20755. An act to provide a temporary government for the West Indian Islands acquired by the United States from Denmark by the convention entered into between said countries on the 4th day of August, 1916, and ratified by the Senate of the United States on the 7th day of September, 1916, and for other purposes; and

H. J. Res. 334. Joint resolution authorizing the President to appoint delegates to attend the Tenth International Congress of the World's Purity Federation, to be held in the city of Louisville, State of Kentucky, November 8 to 14, 1917.

PRISON-MADE GOODS.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a further report relative to the extent to which prisoners, paupers,

or detained persons are utilized in the production and manufacture of articles sold in the commerce of various countries, which was referred to the Committee on Printing and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT. The Chair has received a communication from the speaker of the House of Delegates of Porto Rico, which will be printed in the RECORD and referred to the Committee on Pacific Islands and Porto Rico.

The communication is as follows:

[Cablegram.]

SAN JUAN, P. R., February 17, 1917.

To the PRESIDENT OF THE UNITED STATES, UNITED STATES SENATE, HOUSE OF REPRESENTATIVES, CHIEF OF THE BUREAU OF INSULAR AFFAIRS, WAR DEPARTMENT, Washington:

Consistent with repeated previous petitions, house of delegates today unanimously passed resolution praying Congress to transfer to Supreme Court of Porto Rico jurisdiction of Federal court or to restrict the same in accordance with original section 42 of House bill 9533, to authorize proceedings in said court both in Spanish and English, and to insert section 35, Foraker Act, without part relative to Federal court instead of section 44. Full text of resolution by mail.

JOSE DE DIEGO, Speaker.

Mr. NEWLANDS. I ask unanimous consent that the bill (H. R. 308) to amend the act to regulate commerce as amended, and for other purposes—

Mr. LODGE. I object at this stage until the routine business is concluded.

Mr. NEWLANDS. That the act proposing to enlarge the membership of the Interstate Commerce Commission be taken up—

The VICE PRESIDENT. There is objection.

Mr. LODGE. I ask for the regular order. I think we ought to be allowed to dispose of our routine business.

Mr. NEWLANDS. It seems to me the Senator might well let me conclude my remarks before making the objection.

Mr. LODGE. It is because I want to save time; that is all.

Mr. NEWLANDS. Yes; but there is an orderly and courteous way of proceeding.

Mr. LODGE. I present resolutions adopted at a town meeting of citizens of Yarmouth, Mass., in support of the President's action in severing relations with Germany. I ask that the resolutions be printed in the RECORD and referred to the Committee on Foreign Relations.

There being no objection, the resolutions were referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

YARMOUTHPORT, MASS., February 18, 1917.

HON. HENRY CABOT LODGE,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I beg to advise you that at the annual town meeting of Yarmouth held on February 13 the following resolutions were unanimously adopted:

"Resolved, That we, citizens of the town of Yarmouth, Mass., in town meeting assembled, indorse the action of the President of the United States of America in severing diplomatic relations with Germany.

"Resolved, That we, loyal citizens of the old town of Yarmouth, pledge to our President our undivided support in any course necessary to protect our flag and our citizens and maintain the rights of our country"

THOMAS C. THACHER,
Former Congressman, Chairman of Committee.
WILLIAM M. STETSON,
Representative in Massachusetts House of Representatives.
T. W. SWIFT.

With my best wishes,
Faithfully, yours,

THOMAS C. THACHER.

Mr. LODGE. I present resolutions adopted at a meeting of the electrical, civil, and mechanical engineers of New England, held in Boston, Mass., pledging their support to the Government in the maintenance of American rights. I ask that the resolutions may be printed in the RECORD and referred to the Committee on Foreign Relations.

There being no objection, the resolutions were referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

WENTWORTH INSTITUTE,
Boston, February 14, 1917.

HON. HENRY CABOT LODGE,
United States Senate, Washington, D. C.

DEAR SIR: I am instructed to transmit to you the following resolutions which were passed at a professional gathering of 453 engineers from all parts of New England without a dissenting vote:

"In view of the grave crisis which our country is now facing and in recognition of the stand recently taken by the President of the United States for the protection of American rights and American lives on the sea—

"Do it resolved, That we, the members of the convention of New England electrical, civil, and mechanical engineers, held jointly in Boston Wednesday, February 7, 1917, first do pledge ourselves to the support of the President and Congress in the hope that our rights may be obtained by peaceful means; and second, that we pledge ourselves likewise to the utmost of our powers and our service, in case our country is forced into war, as the only means of maintaining all our rights, freedom, and safety the world over.

"Be it further resolved, That a copy of these resolutions be sent to the President at the White House in Washington and to every Senator and Representative from New England."

Yours, very respectfully,

ARTHUR L. WILLISTON,
Chairman of the Boston Section of the
American Society of Mechanical Engineers.

Mr. LODGE presented a petition of the Board of Trade of Springfield, Mass., praying for an amendment to the Panama Canal act to permit the continued operation of steamships by the New York, New Haven & Hartford Railroad Co., which was referred to the Committee on Interstate Commerce.

Mr. McCUMBER presented petitions of sundry citizens of Hebron and Fordville, in the State of North Dakota, praying that the question of war be submitted to a referendum of the people, which were referred to the Committee on Foreign Relations.

He also presented a petition of the Commercial Club of Larimore, N. Dak., praying for the enactment of legislation to provide for a system of national highways, which was referred to the Committee on Agriculture and Forestry.

Mr. WARREN. I present a petition in the form of a memorial of the Legislature of Wyoming. It happens to bear no signatures, but the letter which accompanied it vouches for it. It relates to a matter concerning which I introduced a bill a short time ago. I ask that it be printed in the RECORD.

The memorial was referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

Senate enrolled joint memorial 2.

Be it resolved by the Senate of the State of Wyoming (the House of Representatives concurring), That the Congress of the United States be memorialized as follows:

Whereas there are large areas of lands in Wyoming which are suitable for and susceptible to irrigation, there being also a sufficient water supply, if carefully conserved and economically used, to properly reclaim this entire area, and since it is of the highest public advantage, both to the Nation and State, to reclaim and colonize these potentially fertile lands as rapidly as possible; and

Whereas to-day in Wyoming we have hundreds of thousands of acres of unoccupied lands which are commanded by completed irrigation systems, and since failure to successfully settle these lands has emphasized the necessity of considering the great human problem involved; and

Whereas a study of this problem has led to the following conclusions:

(a) That we can not bring successful settlement to these lands under our present system and policies.

(b) That in settling these lands we must look chiefly to the men of small means, who must depend mainly on frugality and industry, and that such settlers working unaided and alone can not hope to succeed.

(c) That since there is no enacted legislation, either Federal or State, which will aid the new settler in the arduous, costly task of transforming raw, sagebrush land into an irrigated farm, there is urgent need of immediate and appropriate legislation both by Congress and our State legislature.

(d) That the plan of State-aided settlement must include a permanent, revolving fund, to be invested, under capable and careful control, in the first essential improvements of raw land and in loans to qualified settlers for such improvements, necessary materials and equipment, the money so invested to be repaid by the settlers, with a low rate of interest, on the long-time amortized plan. In addition, there should be oversight and direction in irrigation and cultivation and help in cooperative purchase of implements and live stock, in order to prevent costly mistakes and promote the spirit of agricultural cooperation and of community rather than individual action.

(e) That Wyoming at this time has no source of revenue from which the necessary fund for this work can be derived: Now, therefore, be it

Resolved, That the Congress of the United States be earnestly urged to take early and favorable action which will provide a permanent fund to be held in trust by the State of Wyoming and invested in State-aided settlement of our irrigable lands; and that as a means of providing this fund we suggest the advantages and necessity of setting aside 2,000,000 acres of public lands, to be selected, appraised, and sold by a board consisting of Federal and State authorities, the proceeds to be invested by the State in loans to qualified settlers on irrigable lands and to have as security a first lien on the lands and improvements; and that the fund so provided and used shall, together with accrued interest, be returned to the Federal Government after it has served its purpose in this great work; and be it further

Resolved, That a certified copy of this memorial be sent to each of the Members of the congressional delegation from the State in Congress, the Secretary of the Interior, and the Commissioner of the General Land Office, with the request that they employ their best efforts to secure favorable action from Congress along the lines indicated.

Mr. KIRBY. I present a memorial adopted by the Legislature of the State of Arkansas, which I ask may be printed in the RECORD.

There being no objection, the memorial was ordered to be printed in the RECORD, as follows:

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

Your memorialists, the senate and house of representatives of the State of Arkansas in legislature assembled, being the forty-first regular session, most respectfully petition as follows: That—

Whereas the importance of prompt and accurate record of births, deaths, and communicable diseases is now recognized by all civilized countries as of direct benefit to the Nation; and

Whereas the reporting of these births, deaths, and communicable diseases is now required by Federal and State laws, and it being for the general welfare of the public, your memorialists believe that this expense, in so far as postage is involved, should be borne by the public; and

Whereas the education of the people by means of printed matter pertaining to the preservation of health is conducive to the general public welfare: Therefore

We petition the Congress of the United States to authorize the franking of all reports of births, deaths, and communicable diseases to the proper officer, and all printed matter of an educational character issued by the State Board of Health to the people of the State in which such matter is issued.

Mr. CHAMBERLAIN presented a petition of sundry citizens of Joseph, Ore., praying that the United States remain at peace, which was referred to the Committee on Foreign Relations.

He also presented a memorial of sundry citizens of Whiteson, Ore., remonstrating against the United States becoming engaged in the European war, which was referred to the Committee on Foreign Relations.

Mr. WADSWORTH presented petitions of sundry citizens of New York, praying for the adoption of an amendment to the Constitution to prohibit polygamy, which were referred to the Committee on the Judiciary.

Mr. WEEKS presented petitions of sundry citizens of Massachusetts, praying for national prohibition, which were ordered to lie on the table.

Mr. NELSON presented a petition of the St. Paul (Minn.) Association, praying for the passage of the so-called Webb bill relating to the export trade, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Morris, Minn., approving the course of the President in the handling of international affairs, which was referred to the Committee on Foreign Relations.

Mr. HUSTING. I present a petition from E. B. Wolcott Post, No. 1, Grand Army of the Republic, Department of Wisconsin, which I ask may be printed in the RECORD.

There being no objection, the petition was ordered to be printed in the RECORD, as follows:

E. B. Wolcott Post, No. 1, Grand Army of the Republic, Department of Wisconsin, in this solemn hour of America's peril, recalls with pride the prompt, uncompromising support tendered the President of the United States and the National Government by the State of Wisconsin in the black days of the Civil War. The splendid patriotism exhibited, and the glorious record made by the State in that great conflict, constitute its proudest history.

Our fighting days are over and we love peace, but when the honor of America and the lives and rights of our people are assailed by foreign foes and domestic traitors our national existence demands the unqualified and unflinching loyalty of all citizens. We stand for one country and one flag.

Mr. WATSON presented a memorial of District No. 11, United Mine Workers of America, of Terre Haute, Ind., remonstrating against the United States becoming engaged in the European war, which was referred to the Committee on Foreign Relations.

Mr. PHELAN presented a petition of the Master Painters and Decorators' Association of the State of California, praying for the enactment of legislation to provide for the standardization of paints, oils, and turpentine, which was ordered to lie on the table.

Mr. MARTINE of New Jersey presented a petition of sundry citizens of Salem, N. J., praying for the enactment of legislation to found the Government on Christianity, which was referred to the Committee on the Judiciary.

OIL-LEASING BILL.

Mr. WORKS. It is quite evident now that the oil-leasing bill will not be reached for consideration during the present session. There is a very general misunderstanding of the facts relating to some of the provisions of the bill. I have here a statement by ex-Gov. Thorne, of Kentucky, in the form of a letter to the chairman of the Naval Committee, intended to correct some of the mistaken statements which have gone out. It is very brief, and I ask that it be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

WASHINGTON, D. C., January 25, 1917.

Senator BENJAMIN R. TILLMAN,
Chairman Committee on Naval Affairs, United States Senate.

DEAR SIR: In order to prevent, so far as possible, a gross injustice from being done, and perhaps an irreparable wrong from being committed by a misstatement of facts upon a vital question, I beg to call your attention to the following with the hope that such steps as you and your committee may deem advisable may be taken in the premises.

It appears at page 71 of the printed record of "Hearing before the Committee on Naval Affairs, United States Senate, Sixty-fourth Congress, second session, on the so-called relief provisions of the leasing bill relative to the California Naval Petroleum Reserve," said hearings having been held before your committee January 17, 1917, that in response to an inquiry from Senator PITTMAN, Mr. Justice, of the Department of Justice, made the following statement:

"Senator PITTMAN. Do you approve the decision in the Obispo case?"
 "Mr. JUSTICE I certainly do. I invite your attention to the fact that the commissioner, who found the same as the judge, found that these locators—that these McCutcheons were fraudulent locators and claimants, and also found they had not diligently worked on that section. He found the facts as to diligence as I have stated.

"Now, then, I invite your attention to the two decisions reported in the Federal Reporter by Judge Bledsoe, two opinions, one on a motion for injunction and one on final hearing. He discusses the facts most elaborately, and then, if you would be better satisfied with the Land Commissioner, his decision is full, and the Assistant Secretary sat with him and approved his findings."

It will be noted that the Obispo Co. was claiming under and through the McCutcheons, referred to by Mr. Justice, when he says:

"I invite your attention to the fact that the commissioner, who found the same as the judge, found that these locators—that these McCutcheons were fraudulent locators and claimants."

There were two decisions by the Interior Department on this question, first, July 28, 1914, and the second, April 21, 1915.

In the opinion of Commissioner Tallman, when sitting with the Assistant Secretary, as referred to by Mr. Justice, the following language is used:

"July 28, 1914, your office recommended that the charges be dismissed, that the said amended application for patent be accepted and filed, and that patent to the land be issued." (44 Land Decisions, 423.)

A little further on in the same opinion the following language is used:

"It must be and is therefore held that this case does not fall within the protection accorded by the proviso to the aforesaid act of June 25, 1910, as amended.

"The material facts with reference to the several so-called locations have been fully set forth, but a review thereof and the expression of any conclusion herefrom are deemed unnecessary, as the original and amended applications must be rejected for the reasons above stated." (44 Land Decisions, 437.)

Thus it is seen that the two decisions rendered by the Interior Department the first recommended that patent be issued and the second denied the application not on the ground of fraud but because the case did not fall within the protection accorded by the act of June 25, 1910, as amended, which related to the diligent prosecution of the work at the time of withdrawal.

A more glaring misstatement of fact by Mr. Justice appears from an examination of the decisions of the judges to which he refers. There have been three decisions by judges of Federal district courts—one by Judge Dooling and two by Judge Bledsoe. The decision by Judge Dooling and the first decision by Judge Bledsoe were preliminary hearings on the question of an application by Mr. Justice for receivership. The last decision by Judge Bledsoe was on the merits of the case.

In his preliminary opinion, rendered July 12, 1915 (234 Fed. Rep., 702), Judge Bledsoe used the following language:

"The facts involved in the McCutcheon case are very succinctly stated by Judge Dooling in his opinion filed at the time of the denial of the motion for a receivership, reported in Two hundred and seventeenth Federal Reporter, at page 650, and it is unnecessary therefore to reiterate them here or to refer to them save merely for purposes of explaining my ruling herein. It is apparent from Judge Dooling's decision that request was made of him for the appointment of a receiver upon two grounds: First, the alleged fraud on the part of the locators of the lands in question in the making of the location which was sought to be made the basis for the patent, and, second, because of the nondiscovery of oil upon the premises previous to the promulgation of the withdrawal order of 1909. Judge Dooling refused to grant the application upon either of the grounds urged."

It will be noted that the application refused by Judge Dooling was the application for the appointment of a receiver.

"With respect to the other question involved and considered by Judge Dooling, to wit, that of fraud, I am constrained to agree with him that at this time and in the advance of a trial upon the merits, that issue is not so free from doubt as to justify this court upon that ground in taking the property of the defendants out of their possession and giving it over into the hands of an officer of the court."

In his final decision on the merits of the case, Judge Bledsoe used the following language:

"A determination of the basic and controlling features of this case, then, depends upon an answer to the two questions: Was the Lone Star location valid and devoid of fraudulent intent? If so, did its beneficiaries actually, through the efforts of themselves or their agents, effect a 'discovery' of oil or gas thereon prior to September 27, 1909?"

"With respect to the first question I can come to no conclusion other than that it should receive an affirmative answer." (Manuscript decision, pp. 9 and 10.)

"It may be that there was the fraudulent intent that an individual, or what is more colorable, that the 'McCutcheon Bros.' should be the sole and real beneficiary of the Lone Star location, but there is no proof that this was the fact and no circumstances adduced from which the court could rationally and in the exercise of the reasonable discretion confided to it deduce the inference that such fraudulent intent in fact existed." (Manuscript decision, p. 10.)

"In substance, the parties directly interested, the McCutcheons, were at all times relying upon and proceeding from an entirely valid and bona fide transaction and muniment of title, to wit, the Lone Star location of 1900. Their rights, therefore, and the rights of those deriving title from them, will have to be measured under the assumption that at all times within the domain of this controversy they had made and were relying upon a bona fide location of the mining ground in dispute." (Manuscript decision, p. 12.)

Thus it is seen that in the decision of Judge Dooling on the preliminary hearing for the appointment of a receiver he point-blank decided that the McCutcheons were not guilty of fraud in the location, and that this decision was referred to and sustained by Judge Bledsoe in the preliminary hearing of the case before him for the appointment of a receiver, and, in the final decision of the case by Judge Bledsoe upon its merits, he held that the McCutcheons and those holding under them had to be considered upon "the assumption that at all times within the domain of this controversy they had made and were relying upon a bona fide location of the mining ground in dispute."

Respectfully,

WM. P. THORNE.

REPORTS OF COMMITTEES.

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

H. R. 2743. An act for the relief of the widow of Joseph C. Akin (Rept. No. 1078); and

H. R. 16116. An act for the relief of Adelaide L. Gibbs, widow of Robert M. Gibbs (Rept. No. 1077).

Mr. BRYAN, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

H. R. 3253. An act for the relief of Hudson Bros., of Norfolk, Va. (Rept. No. 1081);

H. R. 11661. An act for the relief of Catherine Burns, widow of Patrick Burns (Rept. No. 1080);

H. R. 14754. An act for the relief of Charles M. Way (Rept. No. 1079);

H. R. 15109. An act for the relief of Catherine A. Fox (Rept. No. 1098); and

H. R. 13754. An act for the relief of Charles A. Carey (Rept. No. 1099).

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

S. 7989. A bill for the relief of Horace P. Hulett (Rept. No. 1084); and

S. 7990. A bill for the relief of R. S. Van Tassel (Rept. No. 1083).

He also, from the same committee, to which was referred the bill (S. 8250) to establish the Grand Canyon National Park, in the State of Arizona, reported it with amendments and submitted a report (No. 1082) thereon.

Mr. LANE, from the Committee on Indian Affairs, to which was referred the bill (S. 6014) authorizing the Secretary of the Interior to withdraw from the Treasury a certain sum of the permanent fund of the Chippewas of Minnesota, now on deposit therein, to their credit, reported it with amendments and submitted a report (No. 1088) thereon.

Mr. JOHNSON of South Dakota, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

S. 7841. A bill for the relief of the heirs of Harry Davenport, deceased (Rept. No. 1093); and

H. R. 10869. An act to authorize the payment of certain amounts for damages sustained by prairie fire on the Rosebud Indian Reservation in South Dakota (Rept. No. 1092).

Mr. WADSWORTH, from the Committee on Claims, to which was referred the bill (S. 5999) for the relief of Watson B. Dickerman, administrator of the estate of Charles Backman, deceased, reported it without amendment and submitted a report (No. 1094) thereon.

Mr. GRONNA, from the Committee on Claims, to which was referred the bill (S. 7602) for the relief of Mary C. Mayers, reported it without amendment and submitted a report (No. 1097) thereon.

Mr. JOHNSON of Maine, from the Committee on Claims, to which was referred the bill (S. 3529) to refund to John B. Keating customs tax erroneously and illegally collected, reported it without amendment and submitted a report (No. 1095) thereon.

He also, from the same committee, to which was referred the bill (S. 3777) for the relief of W. H. Presleigh, reported it with an amendment and submitted a report (No. 1096) thereon.

AMERICAN NATIONAL RED CROSS.

Mr. BRANDEGEE. From the Committee on the Judiciary I report back favorably without amendment the bill (H. R. 14426) to amend section 6 of the act entitled "An act to incorporate the American National Red Cross," approved January 5, 1905. I ask unanimous consent for the present consideration of the bill. It is recommended by the Secretary of War. It simply changes the date of the fiscal year of the American National Red Cross Association so as to make it correspond with the fiscal year of the Government, that the reports of the association may be submitted to Congress with the other Government reports.

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

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

Mr. BRANDEGEE. I should like to have the report of the House committee printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

[House of Representatives, Report No. 589, 64th Cong., 1st sess.]

AMERICAN NATIONAL RED CROSS.

April 24, 1916, committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. WEBB, from the Committee on the Judiciary, submitted the following report, to accompany H. R. 14426:

The Committee on the Judiciary, having had under consideration the bill (H. R. 14426) to amend section 6 of the act entitled "An act to incorporate the American National Red Cross," approved January 5, 1905, report the same back to the House with the recommendation that the bill do pass.

Section 6 of the existing law reads as follows:

"SEC. 6. That the said American National Red Cross shall on the 1st day of January of each year make and transmit to the Secretary of War a report of its proceedings for the preceding year, including a full, complete, and itemized report of receipts and expenditures of whatever kind, which report shall be duly audited by the War Department, and a copy of said report shall be transmitted to Congress by the War Department."

The bill reported requires the report to be made on the 1st day of July of each year of its proceedings for the fiscal year ending June 30 next preceding.

The bill as reported was recommended by the Secretary of War in his communication to the House on January 25, 1916, in the following language:

WAR DEPARTMENT,
Washington, January 25, 1916.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: I have the honor to submit the draft of a bill to amend section 6 of the act to incorporate the American National Red Cross, approved January 5, 1905 (33 Stat., 599), so as to make the fiscal year of the Red Cross correspond to that of the Government instead of to the calendar year. The proposed amendment would allow the annual report of the proceedings, receipts, and expenditures of the Red Cross to be transmitted to Congress at the beginning of the session instead of later on in the session as under existing law. It is therefore recommended to the favorable consideration of Congress.

Very respectfully,

LINDLEY M. GARRISON,
Secretary of War.

The following letter from Hon. Arthur Murray, acting chairman of the American National Red Cross, dated April 10, 1916, fully sets forth the reasons for the proposed legislation:

THE AMERICAN RED CROSS,
Washington, D. C., April 10, 1916.

Hon. EDWIN Y. WEBB,
Chairman House Committee on Judiciary, Washington, D. C.

MY DEAR MR. WEBB: In accordance with your suggestion of to-day, I write to invite your attention to House Document No. 674 (copy inclosed), entitled "To amend section 6 of the act to incorporate the American National Red Cross."

As will be seen from an examination of the document referred to, it is simply a copy of a letter from the Secretary of War, transmitting, with a recommendation for the favorable consideration of Congress, a "draft of a bill to amend section 6 of the act to incorporate the American National Red Cross, approved January 5, 1905."

As to the object of the proposed amendment under section 6 of the act of January 5, 1905 (copy inclosed), the American National Red Cross is required to transmit to the Secretary of War on the 1st day of January of each year a report of its proceedings for the preceding (calendar) year, which report is required to be audited by the War Department and a copy transmitted to Congress. In actual practice for years past it has been found impossible to submit this required report to the Secretary of War until a month or so after the 1st day of January, and then as a month or more is required by the War Department to audit it, it results that instead of the report being submitted to Congress near the opening of a session, as apparently contemplated by the act, it usually reaches Congress about the end of a session. If section 6 is amended as proposed, it is believed that the required report can be audited by the War Department and a copy transmitted regularly to Congress at the opening instead of the end of a session.

So far as known, there is no objection of any kind to the proposed amendment. Its passage will undoubtedly be of benefit both to the American Red Cross and to the War Department, and it is believed that it would be desirable for Congress to have the required report submitted for its consideration at the beginning rather than as now, at the end of a session.

Hoping that this explanation of the needs of the proposed amendment will be sufficient to secure the passage of the bill relating to it, I am,

Yours, sincerely,

ARTHUR MURRAY,
Acting Chairman.

ST. FRANCIS RIVER BRIDGE.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 18534) to authorize the construction, maintenance, and operation of a bridge across the St. Francis River at or near Parkin, Ark., and I submit a report (No. 1086) thereon. I ask for the immediate consideration of the bill.

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

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

MISSISSIPPI RIVER BRIDGE.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 18720) permitting the building of a railroad bridge across the Mississippi River at Bemidji, in the State of Minnesota, and I submit a report (No. 1087) thereon. I ask for the immediate consideration of the bill.

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

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

ROCK RIVER BRIDGE.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably with amendments the bill (S. 8227) 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, and I submit a report (No. 1085) thereon. I ask for the immediate consideration of the bill.

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

The amendments were, on page 1, line 10, before the word "act," to strike out the word "an" and insert the word "the"; after the word "act" to strike out the words "of Congress"; and, on page 2, line 2, to strike out the word "sixteen" and insert the word "six," so as to make the bill read:

Be it enacted, etc., That the consent of Congress is hereby granted to the city of Fort Atkinson, in Jefferson County, in the State of Wisconsin, and to its successors and assigns, to construct, maintain, and operate a bridge, and approaches thereto, across the Rock River in said city at a point suitable to the interests of navigation and at a point where Main Street approaches said river in the County of Jefferson, State of Wisconsin, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

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

The amendments were agreed to.

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

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

HENRY E. DOSKER.

Mr. SMITH of South Carolina. From the Committee on Immigration I report back favorably without amendment the joint resolution (S. J. Res. 215) to grant citizenship to Henry E. Dosker, and I ask unanimous consent for its immediate consideration.

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

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

Whereas Henry E. Dosker, of Louisville, Ky., has constantly been under the jurisdiction of the United States and a resident therein since the age of 18 years; and

Whereas the said Henry E. Dosker, when he became of age, went to the Federal court at Grand Rapids, Mich., and was informed by the clerk of said court that he had become a citizen of the United States by reason of the naturalization papers taken out by his father; and

Whereas the said Henry E. Dosker, since that time, for 41 years, has been exercising the privileges of American citizenship under the impression that no naturalization papers were required to be taken out by him; and

Whereas it now appears that the information given him by the clerk of the Federal court at Grand Rapids, Mich., was incorrect and that he is not a citizen of the United States nor of any other Government: Therefore be it

Resolved, etc., That Henry E. Dosker be, and he is hereby, unconditionally admitted to the character and privileges of a citizen of the United States.

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

The preamble was agreed to.

PENSIONS AND INCREASE OF PENSIONS.

Mr. JOHNSON of Maine. From the Committee on Pensions I report back favorably with amendments the bill (H. R. 20827) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War and to widows of such soldiers and sailors, and I submit a report (No. 1091) thereon.

The VICE PRESIDENT. Without objection, the bill is before the Senate as in Committee of the Whole, and the amendments of the committee will be stated.

The amendments were:

On page 2, to strike out lines 1, 2, 3, and 4, as follows:

The name of Charles A. Holmes, late of Company H, Ninth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of \$12 per month.

On page 5, to strike out lines 1, 2, and 3, as follows:

The name of Charles A. Vanatta, late of Company M, First Regiment Colorado Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

On page 6, line 4, after the name "John," strike out the initial "P." and insert the initial "F.," so as to read:

The name of John F. Burrow, jr., late of United States Navy, War with Spain, and pay him a pension at the rate of \$8 per month.

On page 6, line 17, after the name "Daniel," to strike out the initial "F." and insert in lieu thereof the initial "T.," so as to read:

The name of Daniel T. French, late of Fifteenth Battery, United States Field Artillery, War with Spain, and pay him a pension at the rate of \$12 per month.

On page 8, to strike out lines 20, 21, 22, and 23, as follows:

The name of Thomas Whitson, late captain Company L, Fourth Regiment Pennsylvania Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

On page 8, in line 24, after the word "late," to strike out the words "a member," so as to read:

The name of George R. Weight, late of Company B, Fifth Regiment Missouri Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$17 per month in lieu of that he is now receiving.

On page 11, to strike out lines 5, 6, and 7, as follows:

The name of Harry W. Feldman, late of the United States Navy, Regular Establishment, and pay him a pension at the rate of \$12 per month.

On page 11, in line 19, after the name "Smith," to insert the word "late," so as to read:

The name of Frank A. Smith, late of detachment of Engineers, United States Military Academy, United States Army, Regular Establishment, and pay him a pension at the rate of \$12 per month.

On page 12, to strike out lines 4, 5, and 6, as follows:

The name of Orin Marshall, late of Company A, First Regiment Kentucky Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

On Page 13, in line 4, before the word "Marine," to insert the words "United States," so as to read:

The name of Marie G. Harding, widow of Arthur E. Harding, late captain, United States Marine Corps, United States Navy, Regular Establishment, and pay her a pension at the rate of \$20 per month.

On page 13, strike out lines 17, 18, and 19, as follows:

The name of Louis S. Harris, late of Battery A, Third Regiment United States Artillery, War with Spain, and pay him a pension at the rate of \$12 per month.

On page 13, to strike out lines 20, 21, and 22, as follows:

The name of Richard Thrash, late of Troop A, Second Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of \$12 per month.

On page 15, to strike out lines 8, 9, 10, and 11, as follows:

The name of Fred Angelo, late of Troop C, Thirteenth Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of \$12 per month in lieu of that he is now receiving.

On page 15, to strike out lines 19, 20, 21, and 22, as follows:

The name of Lily D. Murphy, widow of Frank T. Murphy, late of Battery K, Third Regiment United States Artillery, Regular Establishment, and pay her a pension at the rate of \$12 per month.

On page 15, to strike out lines 23, 24, and 25, as follows:

The name of Charles V. Grogan, late of the United States Navy, War with Spain, and pay him a pension at the rate of \$12 per month.

On page 16, to strike out lines 1, 2, 3, 4, and 5, as follows:

The name of Robert J. Clement, dependent father of Ira C. Clement, late of Company G, First Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

On page 17, to strike out lines 8, 9, 10, and 11, as follows:

The name of George W. Paul, late of Company D, Second Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$17 per month.

On page 17, to strike out lines 12, 13, and 14, as follows:

The name of Frank L. Schaarman, alias Frank L. Sherman, late of the United States Navy, Regular Establishment, and pay him a pension at the rate of \$24 per month.

On page 17, to strike out lines 15, 16, 17, 18, and 19, as follows:

The name of George Parliament, late of Company C, Second Regiment Louisiana Volunteer Infantry, and Company G, Thirty-ninth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

On page 18, to strike out lines 14, 15, and 16, as follows:

The name of Otto H. Staron, late of the United States Navy, Regular Establishment, and pay him a pension at the rate of \$12 per month.

The amendments were agreed to.

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

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. JOHNSON of Maine. I move that the Senate insist upon its amendments and request a conference with the House on the bill and amendments, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Presiding Officer appointed Mr. JOHNSON of Maine, Mr. HUGHES, and Mr. SMOOR conferees on the part of the Senate.

Mr. JOHNSON of Maine. From the Committee on Pensions I submit a report (No. 1089) accompanied by a bill (S. 8295)

granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors. I ask unanimous consent for the present consideration of the bill.

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

It proposes to place on the pension rolls the following-named persons at the rate herein specified:

Eliza J. Sparrow	\$20
Lizzie B. Wellman	20
Sarah J. Wheatley	20
Harriet C. Squire	20
Ellen C. Messenger	20
Lillian A. Loomis	20
Helena E. Clark	20
Flora L. Cummings	20
Rowena M. Calkins	20
Julia E. Booth	20
Mary A. Birge	20
Alice P. B. Kenyon	20
Mary A. Hughes	20
Ruth A. Ingraham	20
Mary B. Johnson	20
Benjamin F. Clark	50
Kate M. King	20
Jacob S. Fritz	30
Samuel P. Shaffer	36
Mille M. Ball	20
Uriah Ruch	30
Abraham T. Casey	36
Alfred Quackenbush	30
Cerelle Shattuck	30
Jennie M. Chapman	20
James K. Clear	40
Ella M. Dailey	20
Charles Cain	40
Isaac J. C. Guy	30
Arthur Ward	40
George Hinds	30
Annie Humphreys	20
Dyer B. McConnell	40
James E. Sipes	36
Mary E. Button	20
Ada Roberts	20
Adelaide F. Thomas	20
Elden B. Maddocks	30
Henry C. Sargent	30
William D. Collins	30
Eugene H. Otis	36
Daniel Killigan	50
George W. Smith	30
Albania D. Thornburgh	30
George H. Wilkins	40
George H. Fernald	30
Marian Robinson	20
William A. Millard	24
Marcellus Hoben	36
James H. Hines	50
Timothy Stone	36
John W. Hall	30
Asa T. Worcester	40
Hiram Haynes	30
Frederick Nientzenhelzer	30
Thomas J. Leathers	50
John G. McKay	40
Henry E. Flanders	30
John J. Ashline	30
Edward T. Jackson	36
Alfred T. Rand	24
David Russel	50
Hiram H. Titterington	30
Benjamin F. Byers	40
Thomas R. Luckhardt	40
Joseph Grubb	36
Daniel McNutt	50
Mary E. Campbell	20
Jabez R. Bowen	40
Grace M. Copeland	12
Margaret Downey	20
Horace Griggs	30
Sarah M. Law	20
Ellen Manchester	20
Mary E. Newbury	20
Timothy Quinn	36
Frank S. Shaffer	36
Edward D. Woodmansee	36
Charles A. Mudgett	36
Lillian S. Hawkes	20
Joseph McKenney, jr.	40
Carlton J. Beaman	30
John S. Raymond	30
Theodore B. Magle	30
James H. Waugh	30
Frank Goodwin	30
William H. Clark	40
Thomas D. Scott	50
Addie M. Higgins	20
Ezra F. McIntire	40
Walter M. Edes	12
Marcellus E. Hart	30
James M. Gwinn	30
Waddy Hoover	36
John F. Anderson	50
Dorr H. Mayne	50
William H. Lasher	36
Roscoe G. Tibbetts	40
Simon Hasselback	36
Catherine Crane Patrick	20
Isalah W. Deemer	56
Charles Richards	36

Edward E. Gould	50
George H. Clark	30
Joseph Artley	24
Jacob M. Westfall	30
May E. McCoy	20
Lucretia Whitt	20
Mary E. A. Winans	20
Oliver W. Davis	30
David E. Dodge	30
Timothy S. Heald	40
Charles Fisk	30
Thomas A. Stevens	40
Stephen B. Packard	40
Michael Shelint	40
Leroy S. Griswold	40
Robert H. M. Donnelly	40
Michael Callahan	30
Henry S. Shisby	40
Dennis W. Riordan	36
John H. Wells	50
Lewis Seymour	38
Robert Johnston	38
Samuel E. Palmer	36
Sarah Baker	20
Mollie Thompson	20
Anna Alexander	20
Robert S. Bowman	38
George W. Moore	50
John S. Adams	38
Caleb Akers	50
Harrison White	50
Ella Taylor	24
Francis A. Ricketts	50
Henry Smith	50
Francis M. Blankinship	30
Jeremiah Coombs	36
John W. Robertson	40
Minatree Turner	50
George S. Robinson	40
William M. Helvy	40
Augusta Lambert	12
Elizabeth Roberts	20
Francis E. Derby	40

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

Mr. JOHNSON of Maine. From the Committee on Pensions I submit a report (No. 1090), accompanied by a bill (S. 8296) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors. I ask unanimous consent for the present consideration of the bill.

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

It proposes to place on the pension rolls the following-named persons at the rate herein specified:

Louis Hagenbucher	50
Percy A. Farrar	17
Edward Robinson	17
Mattie S. M. Hope	12
M. E. Sasser	17
Hans C. Neilsen	12
Carl J. Nelson	12
Robert L. Zell	17
Clark E. Messenger	6
Edward Harris	20
John H. Elder	17
Elner Bjarnson	17
Meda Mathey	40
Leonard Kempenar	20
Byron W. Jacks	40
Abel H. Hall	17
Harry F. Roddy	20
William A. Bowens	17
Della B. Lydecker	50
Ethel M. Rohards	20
Arabelle G. Walker	50
Lotta K. Boyd	24
William E. Puett	12
George P. Cross	20
George Moir	17
Herbert G. Hoots	17
Alada Thurston Paddock Mills	50
Ferdinand Klawitter	30
Frank Burrow	12
John A. West	30
Joseph J. Meyers	20
Kathrina E. T. Vreeland	50
Robert A. Imrie	17
William F. Core	17
Ernest Wesche, Jr.	12
Mary L. Pritchett	17
Elizabeth S. Naylor	17
Aurelia H. Gibson	40
Emily A. Baldrige Cavender	20
Johanna E. Waalkes	12

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

BILLS INTRODUCED.

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

By Mr. WADSWORTH:

A bill (S. 8281) to carry out the findings of the Court of Claims in the case of Arthur E. Colgate, administrator of the

estate of Clinton G. Colgate, deceased; to the Committee on Claims.

By Mr. SMOOT:

A bill (S. 8282) to change the name of the Mukuntuweap National Monument in the State of Utah to Little Zion National Park; to the Committee on Public Lands.

By Mr. THOMAS:

A bill (S. 8283) for the relief of Samuel W. Morrison; to the Committee on Claims.

By Mr. CURTIS:

A bill (S. 8284) granting a pension to Mary C. Thompson (with accompanying papers);

A bill (S. 8285) granting an increase of pension to James K. P. Wilson (with accompanying papers); and

A bill (S. 8286) granting an increase of pension to William B. Gray (with accompanying papers); to the Committee on Pensions.

By Mr. HUSTING:

A bill (S. 8287) to establish aids to navigation at Fond du Lac Harbor, Wis.; to the Committee on Commerce.

A bill (S. 8288) granting an increase of pension to Emily E. Fowler; and

A bill (S. 8289) granting an increase of pension to Ferdinand Fetter; to the Committee on Pensions.

By Mr. WATSON:

A bill (S. 8290) granting an increase of pension to Maberry M. Lacey, and

A bill (S. 8291) granting an increase of pension to John A. Markley; to the Committee on Pensions.

By Mr. UNDERWOOD:

A bill (S. 8292) to authorize sale of certain land in Alabama to the heirs at law of Thomas Tumlin, deceased; to the Committee on Public Lands.

By Mr. MARTINE of New Jersey (for Mr. CHILTON):

A bill (S. 8293) granting an increase of pension to Mary Ella Walton; to the Committee on Pensions.

By Mr. WADSWORTH:

A bill (S. 8294) for the retirement of employees in the classified civil service; to the Committee on Civil Service and Retrenchment.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. CURTIS submitted an amendment proposing to appropriate \$20,000 for the repair, rebuilding, and completion of the road on the Fort Riley Military Reservation in the State of Kansas, intended to be proposed by him to the sundry civil appropriation bill (H. R. 20967), which was referred to the Committee on Appropriations and ordered to be printed.

Mr. JONES submitted an amendment proposing to appropriate \$125,000 for eight or more launches for the Coast and Geodetic Survey, including their equipment, intended to be proposed by him to the sundry civil appropriation bill (H. R. 20967), which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate \$708,000 for two new vessels for the Coast and Geodetic Survey, including their equipment, etc., intended to be proposed by him to the sundry civil appropriation bill (H. R. 20967), which was referred to the Committee on Appropriations and ordered to be printed.

THE REVENUE.

Mr. NORRIS submitted an amendment intended to be proposed by him to the bill (H. R. 20573) to provide revenue to defray the expenses of the increased appropriations for the Army and Navy and the extension of fortifications, and for other purposes, which was ordered to lie on the table and be printed.

MARGARET N. BAUSKETT.

Mr. BRYAN submitted the following resolution (S. Res. 369), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay from the miscellaneous items of the contingent fund of the Senate to Margaret N. Bauskett, widow of William T. Bauskett, late clerk to the Committee on Claims of the United States Senate, a sum equal to six months' salary at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

REPORT ON MILK STANDARDS.

Mr. WADSWORTH submitted the following resolution (S. Res. 368), which was referred to the Committee on Printing:

Resolved, That the third report of the Commission on Milk Standards, appointed by the New York milk committee, as printed in volume 32, No. 7, of the Public Health Reports, dated February 16, 1917, be printed as a Senate document, and that 100,000 additional copies be printed for the use of the Senate document room.

INDIAN APPROPRIATIONS.

Mr. CLAPP. For the senior Senator from Arizona [Mr. ASHURST] I submit a conference report on the Indian appropriation bill, which I ask may lie on the table and be printed in the RECORD.

The report is as follows:

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, 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, 3, 4, 6, 7, 8, 13, 14, 20, 21, 26, 27, 28, 29, 30, 31, 33, 34, 36, 38, 39, 55, 58, 62, 65, 66, 73, 74, 76, 82, 88, 96, 100, 103, 106, and 112.

That the House recede from its disagreement to the amendments of the Senate numbered 15, 17, 18, 23, 25, 37, 40, 41, 43, 44, 45, 47, 52, 53, 54, 56, 57, 59, 61, 64, 67, 68, 69, 70, 71, 72, 75, 77, 78, 79, 81, 83, 86, 89, 91, 94, 97, 98, 99, 101, 102, 104, 105, 107, 108, and 109, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following: "Provided further, That \$5,000 of the above amount shall be used for an investigation and report on the merits of the claim of the Indians of the Warm Springs Reservation in Oregon to additional land arising from alleged erroneous surveys of the north and west boundaries of their reservation as defined in the treaty concluded June 25, 1855 (12 Stat. L., 963), and the Secretary of the Interior is hereby authorized to make such survey or resurveys as may be necessary to complete said investigation and report"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following: "Provided, That automobiles or any other vehicles or conveyances used in introducing, or attempting to introduce, intoxicants into the Indian country, or where the introduction is prohibited by treaty or Federal statute, whether used by the owner thereof or other person, shall be subject to the seizure, libel, and forfeiture provided in section 2140 of the Revised Statutes of the United States"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$1,600,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following:

"For construction, lease, purchase, repair, and improvement of school and agency buildings, including the purchase of necessary lands and the installation, repair, and improvement of heating, lighting, power, and sewerage and water systems in connection therewith, \$400,000: *Provided*, That of this amount \$300 may be expended for the purchase of a perpetual water right and right of way across the lands of private individuals, for the purpose of running a pipe line from a certain spring or springs located near the Sisseton Indian Agency buildings, South Dakota, to said buildings, the purchase of such water right to include sufficient land for the construction of a small cement reservoir near such spring or springs for the purpose of storing the water so acquired: *Provided further*, That not to exceed \$500 of the amount herein appropriated may be used for the acquisition on behalf of the United States, by purchase or otherwise, of land for a site for the Mesquakie Day School, Sac and Fox, Iowa: *Provided further*, That the Secretary of the Interior is authorized to allow employees in the Indian Service who are furnished quarters necessary heat and light for such quarters without charge, such heat and light to be paid for out of the fund chargeable with the cost of heating and lighting other buildings at the same place: *And provided further*, That the amount so expended for agency purposes shall not be included in the maximum amounts for compensation of employees prescribed by section 1, act of August 24, 1912."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following: "Provided further, That where practicable the

transportation and expenses so paid shall be refunded and shall be returned to the appropriation from which paid"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following: "\$475,000, of which sum not less than \$75,000 shall be used for the employment of additional field matrons"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In line 1 of said amendment strike out the figures "\$10,000" and insert in lieu thereof "\$8,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$400,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of the sum proposed in line 1 of said amendment insert "\$75,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: Strike out all of said amendment numbered 24 and the following language appearing in lines 10 to 14, inclusive, on page 13 of the bill:

"That from and after the passage of this act the Secretary of the Interior shall have the power to authorize any superintendent, clerk, or other employee in the Indian field service to administer oaths and take acknowledgments in connection with matters pertaining to their official duties."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: In line 4 of the amendment proposed, after the word "Interior," strike out the period, insert a comma, and add the following: "reimbursable to the United States from any funds now or hereafter placed in the Treasury to the credit of the Navajo Indians in Arizona, to remain a charge and lien upon the lands and funds of said tribe of Indians until paid"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$20,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following:

"IOWA.

"SEC. 6. The Secretary of the Interior is hereby authorized, in his discretion, to pay to the enrolled members of the Sac and Fox of the Mississippi Tribe of Indians of the State of Iowa, entitled under existing law to share in the funds of said tribe, or to their lawful heirs, the sum of \$10,334.96, together with the interest which has or may hereafter accrue thereon, remaining in the Treasury of the United States to the credit of the Sac and Fox of the Mississippi Tribe of Indians of the State of Iowa, from the sum of \$42,893.25 transferred to the credit of those Indians under the provisions of the act of June 10, 1896, said sum of \$10,334.96 to be apportioned per capita among the enrolled members of said tribe."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: In line 6 of the amendment strike out the following: "for setting out trees, \$500;" and in line 7 of the amendment strike out the figures "\$75,175" and in lieu thereof insert the figures "\$74,675"; and the Senate agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 48 and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: In line 4 of the amendment strike out word "on," after the word "bridge," and insert the following: "across the Mississippi River on the"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: In line 5 of the amendment, after the word "been," strike out the words "omitted erroneously from the rolls," and in lieu thereof insert the following: "heretofore er-

roneously stricken from the rolls and reinstated prior to the passage of this act"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: After the word "Washington," in lines 21 and 22 of the amendment, insert the following: "and other Chippewa Indians visiting said city"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: In lines 3 and 4 of the amendment strike out the following: "for the purchase of additional land, \$41,600; in all, \$129,920," and insert the following: "in all, \$88,320"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment as follows: In line 1 of the amendment strike out the figures "\$52,100" and in lieu thereof insert the figures "\$50,430"; and in line 4 of the amendment strike out the figures "\$89,100" and in lieu thereof insert "\$97,430"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following:

"That the Secretary of the Interior be, and he is hereby, authorized to pay to the enrolled members of the Choctaw and Chickasaw Tribes of Indians of Oklahoma entitled under existing law to share in the funds of said tribes, or to their lawful heirs, out of any moneys belonging to said tribes in the United States Treasury or deposited in any bank or held by any official under the jurisdiction of the Secretary of the Interior, not to exceed \$100 per capita, said payment to be made under such rules and regulations as the Secretary of the Interior may prescribe: *Provided*, That in cases where such enrolled members, or their heirs, are Indians who by reason of their degree of Indian blood belong to the restricted class, the Secretary of the Interior may, in his discretion, withhold such payments and use the same for the benefit of such restricted Indians: *Provided further*, That the money paid to the enrolled members as provided herein shall be exempt from any lien for attorneys' fees or other debt contracted prior to the passage of this act: *Provided further*, That the Secretary of the Interior is hereby authorized to use not to exceed \$8,000 out of the Chickasaw and Choctaw tribal funds for the expenses and the compensation of all necessary employees for the distribution of the said per capita payments."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following:

"That the sum of \$5,000, to be immediately available, be, and the same is hereby appropriated, out of any funds of the Chickasaw Nation, not otherwise appropriated, to reimburse Douglas H. Johnston, Governor of the Chickasaw Nation, for extra expenses incurred in the performance of his duty as chief executive of the Chickasaw Nation and principal chief of the Chickasaw Tribe of Indians during the period covered between the years 1907 and 1912, and the Secretary of the Interior is hereby authorized and directed to make such payment from the funds of said nation."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following:

"Hereafter no allotments of land shall be made to members of the Creek Nation: *Provided*, That upon the approval of this act the Secretary of the Interior shall, in lieu of an allotment, pay out of any funds in the Treasury of the United States, to the credit of the Creek Nation, the sum of \$800 each, to Lula Butler, Quenton Garrett, Jack Elton Wilson, and David Bowlegs who have not received an allotment or money in lieu of an allotment: *Provided further*, That if it shall be found that any of said parties have received a partial allotment the Secretary of the Interior shall pay to such party or parties a sum sufficient to equalize such partial allotment up to the sum of \$800."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with an amendment as follows: In line 7 of the amendment strike out the following: "\$40,000; in all, \$162,200," and insert "\$30,000; in all \$152,200"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment as follows: In line 12 of the amendment, after the word "prescribe," strike out the period, insert a colon, and add the following: "*Provided*, That the application of this provision shall not interfere with any rights guaranteed by treaty to any allotted Umatilla Indian or Indians"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 92, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"Sec. 21. For support and education of 365 Indian pupils at the Indian school at Flandreau, S. Dak., and for pay of superintendent, \$62,955; for general repairs and improvements, \$8,000; for new barn, \$3,000; in all, \$73,955."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 93, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following: "in all, \$53,750."

On page 40, line 1, of the bill, after the figures "\$43,750," insert the following: "of which amount not exceeding \$900 may be expended for the purchase of two new busses"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following:

"For acquiring, constructing, or enlargement and equipment of school buildings on the following reservations: Crow Creek, Pine Ridge, Rosebud, Standing Rock, Yankton, Sisseton, Lower Brule, and Cheyenne River, \$300,000, of which sum not to exceed \$50,000 shall be used for the construction and equipment of new school buildings at Fort Yates, N. Dak. And it is hereby declared to be the settled policy of the Government to hereafter make no appropriation whatever out of the Treasury of the United States for education of Indian children in any sectarian school."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following:

"Sec. 26. That until the meeting of the Sixty-fifth Congress, those members of the Committee on Indian Affairs of the House of Representatives, not less than five in number, who are Members elect to the Sixty-fifth Congress, are authorized to conduct hearings and investigate the conduct of the Indian Service, at Washington, District of Columbia, and elsewhere, and the sum of \$15,000, or so much thereof as may be necessary, to be immediately available and remain available until expended, is hereby appropriated for expenses incident thereto. The said committee is hereby authorized and empowered to examine into the conduct and management of the Bureau of Indian Affairs and all its branches and agencies, their organization and administration, to examine all books, documents, and papers in the said Bureau of Indian Affairs, its branches or agencies, relating to the administration of the business of said bureau, and shall have and is hereby granted authority to subpoena witnesses, compel their attendance, administer oaths, and to demand any and all books, documents, and papers of whatever nature relating to the affairs of Indians as conducted by said bureau, its branches and agencies. Said committee is hereby authorized to employ such clerical and other assistance, including stenographers, as said committee may deem necessary in the proper prosecution of its work: *Provided*, That stenographers so employed shall not receive for their services exceeding \$1 per printed page."

And the Senate agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 111, and agree to the same.

HENRY F. ASHUEST,
H. L. MYERS,
MOSES E. CLAPP,

Managers on the part of the Senate.

JNO. H. STEPHENS,
C. D. CARTER,
P. D. NORTON,

Managers on the part of the House.

MOUNT M'KINLEY NATIONAL PARK.

The PRESIDING OFFICER (Mr. SHEPPARD in the chair) laid before the Senate the amendments of the House of Representa-

fives to the bill (S. 5716) to establish the Mount McKinley National Park, in the Territory of Alaska, which were, on page 2, to strike out lines 23 to 25, inclusive, and insert:

Sec. 4. Nothing in this act shall in any way modify or affect the mineral-land laws now applicable to the lands in the said park.

On page 4, line 8, after "park," to strike out all down to and including "park" in line 12, and insert:

Provided, That no appropriation for the maintenance of said park in excess of \$10,000 annually shall be made unless the same shall have first been expressly authorized by law.

Mr. PITTMAN. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

COURTS IN TEXAS.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 7644) to create a new division of the northern judicial district of Texas, and to provide for terms of court at Wichita Falls, Tex., and for a clerk for said court, and for other purposes, which was, on page 2, line 3, after "court," to insert:

Provided, That suitable accommodations for holding court at Wichita Falls shall be provided by the county or municipal authorities without expense to the United States.

Mr. CULBERSON. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

DISTRICT JUDGE FOR TEXAS.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 5450) to amend section 108, chapter 5, of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, which were, to strike out all after the enacting clause and insert:

That the President of the United States, by and with the advice and consent of the Senate, shall appoint an additional judge of the District Court of the United States for the Western District of Texas, who shall possess the same powers, perform the same duties, and receive the same compensation and allowance as the present judge of said district, and whose official place of residence shall be maintained at El Paso until otherwise provided by law.

And to amend the title so as to read: "An act to provide for an additional judge in the State of Texas."

Mr. CULBERSON. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

UNSURVEYED RAILROAD LANDS.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 1792) for the relief of settlers on unsurveyed railroad lands, which was, on page 2, line 6, after "lands," to insert "of approximately equal value."

Mr. POINDEXTER. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

COAL-LAND ENTRIES.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 40) to authorize agricultural entries on surplus coal lands in Indian reservations, which was, on page 4, line 7, after "reservation," to insert:

Provided, That the provisions of this act shall not apply to the lands of the Five Civilized Tribes of Indians in Oklahoma.

Mr. SMOOT. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

FORT PECK INDIAN RESERVATION.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 5612) providing additional time for the payment of purchase money under homestead entries of lands within the former Fort Peck Indian Reservation, Mont., which were, on page 1, line 8, to strike out "and so forth" and insert "and the sale and disposal of all the surplus lands after allotment"; on page 1, line 9, after "pay," to insert "one-half of any"; on page 2, line 4, to strike out "at or" and insert "annually"; on page 2, to strike out lines 11 to 16, inclusive; and on page 2, line 17, to strike out "Sec. 3." and insert "Sec. 2."

Mr. MYERS. I move that the Senate concur in the amendments of the House.

Mr. JONES. Mr. President, I should like to know what this bill is.

Mr. MYERS. It is Senate bill 5612, introduced by me. It proposes to grant a slight extension of time for homesteaders

on the Fort Peck Indian Reservation in Montana to make their payments.

Mr. JONES. What is the character of the amendments made by the House?

Mr. MYERS. The principal amendment adopted by the House, and the only one that amounts to anything, is to make the extension on one-half of the payments instead of on all of them, as passed by the Senate, and I am willing to accept that amendment.

Mr. JONES. How much time does the bill give?

Mr. MYERS. As the Senate passed the bill it provided that the time might be extended from five to eight years. That is not disturbed by the House action. The provisions of the bill are confined to the Fort Peck Indian Reservation, solely in the State of Montana. It is a local bill.

The PRESIDING OFFICER. The question is on the motion of the Senator from Montana to concur in the House amendments.

The motion was agreed to.

REPUBLIC COAL CO.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the joint resolution (S. J. Res. 50) authorizing the Secretary of the Interior to sell the coal deposits in and under certain public lands to the Republic Coal Co., a corporation.

Mr. MYERS. I move that the Senate disagree to the amendments of the House and request a conference with the House on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Presiding Officer appointed Mr. MYERS, Mr. THOMAS, and Mr. SMOOT conferees on the part of the Senate.

Mr. KENYON. Mr. President, I desire to make an inquiry of the Senator from Montana regarding this joint resolution. Is it the same measure granting certain lands to the Republic Coal Co. that was pending in the Senate a couple of years ago and in regard to which there was some controversy here?

Mr. MYERS. I think this is the joint resolution the Senator has in mind.

Mr. KENYON. When did it pass the Senate?

Mr. MYERS. A month ago, probably.

Mr. SMOOT. It was passed one evening, I will say to the Senator.

Mr. MYERS. When the calendar was called.

The PRESIDING OFFICER. The joint resolution was passed on June 3, 1916, the Chair will say to the Senator from Iowa.

Mr. KENYON. It was passed during a call of the calendar, I presume, for unobjected bills.

Mr. MYERS. It was passed much farther back than I thought, but it passed, as I recall, on a call of the calendar during the daytime. I do not think it was passed at night.

Mr. SMOOT. My recollection is it was passed in the evening.

Mr. KENYON. I should like to ask the Senator if this joint resolution as it is now constructed is different from what it was when the objection was made to it when originally considered in the Senate?

Mr. MYERS. There were so many objections raised and it has been pending so long, in both the Sixty-third and Sixty-fourth Congresses, that I can not answer that question intelligently.

Mr. KENYON. A number of amendments have been made to the joint resolution?

Mr. MYERS. It was amended in the Senate, and then still further amended in the other House.

Mr. JONES. Mr. President, I want to ask the Senator a question. Of course the amendments of the House were read hurriedly, but, as I understand, the House has practically changed the entire resolution. Is not that true?

Mr. MYERS. I would not say that, but the House has changed the joint resolution in a number of material respects.

Mr. JONES. As I understand, the Senate joint resolution provided for the sale of some of the public lands, or the coal under the public lands to this company, and the House has changed that to a leasing system.

Mr. MYERS. That is one of the changes the House has made.

Mr. JONES. That is the important change, is it not?

Mr. MYERS. That is probably the most important change; yes, sir.

Mr. JONES. And if the amendments made by the House shall be concurred in, then it will form a precedent for handling the public domain hereafter?

Mr. MYERS. I presume it would, but the amendments have not been adopted as yet.

Mr. JONES. I hope the Senate conferees will see that they are not adopted.

Mr. MYERS. I have done all that I could do. I moved that the Senate disagree to the amendments of the House, request a conference with the House, and that the Chair appoint the conferees on the part of the Senate. That motion was agreed to, and the conferees have been appointed.

Mr. JONES. I know that; but I desired to make to the conferees the suggestion I have made.

Mr. MYERS. So far as I am concerned, I have always favored the sale of the lands, and I am not in favor of the leasing provision.

Mr. KENYON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. KENYON. Would a motion at this time to concur in the House amendments be in order?

The PRESIDING OFFICER. It would.

Mr. MYERS. I raise the point of order that it would not be in order unless the Senate should reconsider the action that has already been taken. The Senate has taken positive action in the matter.

Mr. KENYON. I move, Mr. President, that the Senate concur in the House amendments.

Mr. MYERS. I raise the point of order that the motion is out of order.

The PRESIDING OFFICER. The Chair will state to the Senator from Iowa that he overlooked the fact for the moment that a motion to disagree to the amendments of the House had been made and carried, and that conferees had been appointed. Therefore a motion to reconsider will have to be made before the motion of the Senator from Iowa can be entertained.

Mr. KENYON. It was done in a hurry—I am not criticizing anyone—but it was done as such matters usually are done, without full knowledge on the part of the Senate, I think, as to what was taking place. I move to reconsider the vote by which the Senate disagreed to the amendments of the House of Representatives and appointed conferees.

Mr. MYERS. I should like to say to the Senator from Iowa that I—

Mr. SIMMONS. Mr. President, it is perfectly apparent, from the statements made to me by Senators, that this measure can not be acted upon without long discussion, and I object.

Mr. MYERS. I do not want any action on it except what has already been taken. I am not asking for any.

Mr. KENYON. As the parliamentary situation now stands, the matter, as I understand, goes over with my motion pending to concur in the House amendments.

The PRESIDING OFFICER. The Chair holds that the motion to reconsider is in order.

Mr. SMITH of South Carolina. If the Senator from Iowa will allow me—

Mr. SIMMONS. Mr. President, a parliamentary inquiry. Is that motion debatable?

The PRESIDING OFFICER. The motion is debatable.

Mr. SMITH of South Carolina. I just wanted to address this observation to the Senator from Iowa: This matter has gone to conference, as I understand. I know nothing about the merits of it. Of course, those who live in that section of the country are more familiar with its merits; but the Senator from Iowa will have his opportunity when the conference report is made in the Senate.

Mr. KENYON. I think not.

Mr. SMITH of South Carolina. Oh, certainly the Senator will.

Mr. KENYON. My motion is that the House amendments be concurred in.

Mr. SMITH of South Carolina. If the conferees bring in a report they will recommend an agreement. Then the Senator from Iowa will have an opportunity to inquire as to the nature of the agreement, and he can object to the conference report and defeat it if he has votes enough.

Mr. NORRIS. Mr. President, I want to submit to the Senator from Iowa that if he is anxious to have the Senate concur in the House amendments he ought to insist on his motion to reconsider the vote by which this bill was acted on and conferees were appointed, because if the conferees are appointed and the vote is not reconsidered and they make a report here, no matter what it may be, it will be the conference report that will be before the Senate, and it will not be in order at that time for him to make his motion to concur in the House amendments. If, however, a motion to reconsider is made and agreed to, then a motion to concur in the House amendments is in order, and if that motion prevails the bill is passed.

Mr. MYERS. Mr. President, I want to appeal to the Senator from Iowa to let this matter take its usual course. I can see no objection to it. Conferees have been appointed now. They will meet the conferees from the House. There are a number of material amendments in the bill—a number of amendments that are material to the nature of the bill. The conferees from the House will meet the conferees from the Senate. I think possibly in conference there may be some compromise arrived at that will be fairly satisfactory to both House and Senate. If so, then a report will be made to each body, and the Senator from Iowa will have his opportunity to hear the report of the conferees, and if it is not satisfactory to him in any particular he may oppose it and make his fight on it. Why not let the conferees see if they can get anything out of it that is satisfactory, and then, if not satisfactory, make his fight and let the matter take the usual course?

Mr. KENYON. Mr. President, I think I will follow the suggestion of the Senator from Montana. As this bill was originally presented to the Senate, I was opposed to it, and it seems to me that it was passed without any particular consideration; but the objections I have may have been fully covered by amendments. I am inclined to think the House amendments—

Mr. MYERS. If the Senator will pardon me, I will say that there have been a number of amendments made. If the Senator will pursue the course he kindly indicates he will, he will have ample time to study it. He can study the bill and the amendments and the conference report, and see if he is satisfied in every respect.

Mr. KENYON. I will follow the suggestion of the Senator from Montana.

The PRESIDING OFFICER. The motion to concur in the amendments of the House is withdrawn.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on the Judiciary:

H. R. 5788. An act to create two additional associate justices of the Supreme Court of the District of Columbia;

H. R. 10110. An act to increase the salary of the United States district attorney for the district of Rhode Island;

H. R. 11706. An act to amend an act entitled "An act to prevent the disclosure of national-defense secrets," approved March 3, 1911;

H. R. 19233. An act to increase the salary of the United States marshal for the western district of Michigan; and

H. R. 20414. An act for the establishment of a probation system in the United States courts except in the District of Columbia.

The following bill and joint resolution were each read twice by their titles and referred to the Committee on Foreign Relations:

H. R. 20755. An act to provide a temporary government for the West Indian Islands acquired by the United States from Denmark by the convention entered into between said countries on the 4th day of August, 1916, and ratified by the Senate of the United States on the 7th day of September, 1916, and for other purposes; and

H. J. Res. 334. Joint resolution authorizing the President to appoint delegates to attend the Tenth International Congress of the World's Purity Federation, to be held in the city of Louisville, State of Kentucky, November 8 to 14, 1917.

The following bills were each read twice by their titles and referred to the Committee on Patents:

H. R. 19771. An act to renew patent No. 24917; and

H. R. 20228. An act to renew patent No. 25909.

H. R. 18894. An act to amend the public-building act approved March 4, 1913, authorizing the acquisition of a suitable site for a public building at Pittston, Pa., was read twice by its title and referred to the Committee on Public Buildings and Grounds.

H. R. 17646. An act to amend section 6 of an act to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes, approved March 14, 1900, as amended by the act of March 4, 1907, by the act of March 2, 1911, and by the act of June 12, 1916, was read twice by its title and referred to the Committee on Banking and Currency.

H. R. 13166. An act authorizing the Commissioner of Indian Affairs to transfer fractional block 6, of Naylor's addition, Forest Grove, Oreg., to the United States of America, for the use of the Bureau of Entomology, Department of Agriculture, was read twice by its title and referred to the Committee on Indian Affairs.

H. R. 18825. An act to amend an act entitled "An act making appropriations to supply deficiencies in appropriations for the fiscal year 1915 and for prior years, and for other purposes," was

read twice by its title and referred to the Committee on Appropriations.

H. R. 18826. An act to relieve the owners of mining claims who have been mustered into the service of the United States as officers or enlisted men of the Organized Militia or National Guard from performing assessment work during the term of such service, was read twice by its title and referred to the Committee on Mines and Mining.

OFFENSES AGAINST THE GOVERNMENT.

The VICE PRESIDENT. Is there further morning business? If not, the morning business is closed.

Mr. OVERMAN. I move that the Senate proceed to the consideration of Senate bill 8148.

The motion was agreed to, and the Senate resumed the consideration of the bill (S. 8148) to define and punish espionage.

The VICE PRESIDENT. The Chair understands that the question is on the passage of the bill, and the yeas and nays have been ordered. The Secretary will call the roll.

Mr. NORRIS. The question is debatable, is it not?

The VICE PRESIDENT. It is not. The roll was once called.

Mr. NORRIS. There was no quorum, I understand.

The VICE PRESIDENT. That is true, but the roll call has been begun, and it is not debatable.

The Secretary proceeded to call the roll.

Mr. SIMMONS (when his name was called). I transfer my pair with the junior Senator from Minnesota [Mr. CLAPP] to the Senator from Oklahoma [Mr. GORE] and vote "yea."

Mr. UNDERWOOD (when his name was called). I have a general pair with the junior Senator from Ohio [Mr. HARDING], who is detained at home on account of sickness. He has, however, informed me, through his secretary, that, if he were present, he would vote for the bill, and asked me to announce that fact. As, if he were present, the Senator from Ohio would vote in the same way that I shall vote, I will vote. I vote "yea."

Mr. VARDAMAN (when the name of Mr. SHIELDS was called). I wish to announce the absence of the Senator from Tennessee [Mr. SHIELDS] on account of illness.

Mr. WALSH (when Mr. SAULSBURY'S name was called). The Senator from Delaware [Mr. SAULSBURY] is absent on account of illness. The Senator from West Virginia [Mr. CHILTON] is also absent on account of illness in his family.

The roll call was concluded.

Mr. BECKHAM. I transfer my pair with the senior Senator from Delaware [Mr. DU PONT] to the Senator from Illinois [Mr. LEWIS] and vote "yea."

Mr. CHAMBERLAIN. I transfer my general pair with the junior Senator from Pennsylvania [Mr. OLIVER] to the senior Senator from Alabama [Mr. BANKHEAD] and vote "yea."

Mr. COLT (after having voted in the affirmative). I have a general pair with the junior Senator from Delaware [Mr. SAULSBURY], but, as I understand, if present, he would vote the same way that I have voted. I shall allow my vote to stand.

Mr. FALL. I am paired with the senior Senator from West Virginia [Mr. CHILTON]. The Senator from West Virginia, if present, would vote as I intend to vote. I therefore vote. I vote "yea."

Mr. CURTIS. I desire to announce the unavoidable absence and pairs of the following Senators:

The Senator from New Hampshire [Mr. GALLINGER] with the Senator from New York [Mr. O'GORMAN]; and

The Senator from West Virginia [Mr. GOFF] with the Senator from South Carolina [Mr. TILLMAN].

Mr. McCUMBER (after having voted in the affirmative). I desire to inquire whether the senior Senator from Colorado [Mr. THOMAS] has voted?

The VICE PRESIDENT. He has not.

Mr. McCUMBER. I have a pair with that Senator, but I transfer that pair to the junior Senator from Utah [Mr. SUTHERLAND] and will allow my vote to stand.

Mr. STERLING (after having voted in the affirmative). I desire to inquire if the Senator from South Carolina [Mr. SMITH] has voted?

The VICE PRESIDENT. He has not voted.

Mr. STERLING. I have a pair with that Senator, but I understand that if present he would vote the same way as I have voted. I will therefore allow my vote to stand.

Mr. CATRON. Understanding that my pair, the Senator from Oklahoma [Mr. OWEN], would vote the same way as I shall vote, I vote "yea."

Mr. WEEKS (after having voted in the affirmative). Has the senior Senator from Kentucky [Mr. JAMES] voted?

The VICE PRESIDENT. He has not voted.

Mr. WEEKS. I have a pair with that Senator, and therefore withdraw my vote.

Mr. POMERENE. I have been requested to announce the unavoidable absence of the senior Senator from New York [Mr. O'GORMAN] and to state that he is paired with the senior Senator from New Hampshire [Mr. GALLINGER].

Mr. WEEKS. I am informed that my pair, the Senator from Kentucky [Mr. JAMES], if present, would vote as I have voted. I will therefore allow my vote to stand as originally cast.

Mr. WILLIAMS. I desire to transfer my pair with the Senator from Pennsylvania [Mr. PENROSE] to the Senator from Arizona [Mr. SMITH]. I vote "yea."

Mr. STONE (after having voted in the affirmative). I transfer my pair with the Senator from Wyoming [Mr. CLARK] to the Senator from Louisiana [Mr. BROUSSARD], and I will permit my vote to stand.

The result was announced—yeas 60, nays 10, as follows:

YEAS—60.

Ashurst	Hollis	Nelson	Smith, Md.
Beckham	Husting	Newlands	Smith, Mich.
Brady	Johnson, Me.	Overman	Smoot
Brandegee	Johnson, S. Dak.	Page	Sterling
Bryan	Jones	Pittman	Stone
Catron	Kern	Poindexter	Swanson
Chamberlain	Kirby	Pomerene	Thompson
Colt	Lea, Tenn.	Ransdell	Townsend
Culberson	Lippitt	Reed	Underwood
Curtis	Lodge	Robinson	Wadsworth
Dillingham	McCumber	Shafroth	Walsh
Fall	McLean	Sheppard	Warren
Fernald	Martin, Va.	Sherman	Watson
Fletcher	Martine, N. J.	Simmons	Weeks
Hardwick	Myers	Smith, Ga.	Williams

NAYS—10.

Borah	Kenyon	Lee, Md.	Works
Cummins	La Follette	Norris	
Gronna	Lane	Vardaman	

NOT VOTING—26.

Bankhead	Goff	O'Gorman	Smith, Ariz.
Broussard	Gore	Oliver	Smith, S. C.
Chilton	Harding	Owen	Sutherland
Clapp	Hitchcock	Penrose	Thomas
Clark	Hughes	Phelan	Tillman
du Pont	James	Saulsbury	
Gallinger	Lewis	Shields	

So the bill was passed.

On motion of Mr. OVERMAN, the title was amended so as to read: "A bill to punish espionage and acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, and better to enforce the criminal laws of the United States, and for other purposes."

Mr. OVERMAN. Mr. President, I ask unanimous consent that the 13 bills now upon the calendar which are covered by the bill which has just been passed, from Order of Business 907 to Order of Business 920, both inclusive, with the exception of Order of Business 912, which is the bill just passed, may be taken from the calendar and indefinitely postponed.

The VICE PRESIDENT. In the absence of objection, it will be so ordered.

The titles of the bills indefinitely postponed are as follows:

A bill (S. 6813) to prohibit and punish the willful making of untrue statements under oath to influence the acts or conduct of a foreign Government, or to defeat any measure of the Government of the United States in a dispute or controversy with any foreign nation;

A bill (S. 6816) to prevent and punish the impersonation of officials of foreign Governments duly accredited to the Government of the United States;

A bill (S. 6793) to prevent and punish willful injury or attempted injury to, or conspiracy to injure, any vessel engaged in foreign commerce, or the cargo or persons on board thereof, by fire, explosion, or otherwise;

A bill (S. 6795) to authorize the collector of customs, or other officer duly empowered by the President, during time of war between foreign nations, to inspect private vessels within the jurisdiction of the United States for the purpose of detecting any use or attempted use of such vessel in violation of the law of nations or of the treaties or statute law of the United States, and for other purposes;

A bill (S. 6797) to regulate and safeguard the issuance of passports, and to prevent and punish the fraudulent obtaining, transfer, use, alteration, or forgery thereof;

A bill (S. 6794) to empower the President to better enforce and maintain the neutrality of the United States;

A bill (S. 6796) to require sworn statements, in addition to the manifests and clearances required by existing law, by masters of all vessels leaving the jurisdiction of the United States, and by all owners and shippers of cargoes thereon, during a war in which the United States are a neutral nation, and for other purposes;

A bill (S. 6798) to prohibit and punish the fraudulent use, application, or counterfeiting of the seal of any executive department or Government commission;

A bill (S. 6799) to amend section 13 of the act "To codify, revise, and amend the penal laws of the United States," approved March 4, 1909;

A bill (S. 6811) to authorize the seizure, detention, and condemnation of arms and munitions of war in course of exportation or designed to be exported or used in violation of the laws of the United States, together with the vessels or vehicles in which the same are contained;

A bill (S. 6812) to regulate and restrain the conduct and movements of interned soldiers and sailors of belligerent nations, and for other purposes;

A bill (S. 6815) to prevent and punish conspiracy to injure or destroy property situated within and belonging to a foreign Government with which the United States are at peace, or of any subdivision or municipality thereof; and

A bill (S. 6819) to provide for the issuance of search warrants and the seizure and detention of property thereunder, and for other purposes.

GOVERNMENT OF PORTO RICO.

Mr. SHAFROTH. Mr. President, I have an arrangement now, I believe, with everybody who has objected with relation to the Porto Rican bill. I think the passage of the bill can now be completed in a few moments. I therefore move that the bill (H. R. 9533) to provide a civil government for Porto Rico, and for other purposes, be considered by the Senate at this time.

The VICE PRESIDENT. The question is on the motion of the Senator from Colorado to proceed to the consideration of what is known as the Porto Rican bill.

Mr. POMERENE. Mr. President, was there not at least an informal understanding on yesterday that at the close of the morning business we should take up the interstate commerce bill?

Mr. SHAFROTH. I do not think it will take a moment to complete the consideration of the Porto Rican bill.

Mr. POMERENE. I have heard that statement made repeatedly in connection with that bill.

Mr. SHAFROTH. That may be; but if Senators will not continue the debate on the bill it may be speedily completed.

Mr. POMERENE. There are some Senators here who have inconvenienced themselves to be present particularly to take up the interstate commerce bill, and I do not feel, in view of the understanding we had yesterday, that the Senator from Colorado is justified in making his request.

Mr. SHAFROTH. I have been trying to get the Porto Rican bill disposed of for months instead of simply on yesterday.

Mr. POMERENE. I realize that.

The VICE PRESIDENT. This is not a debatable question. It is easy to vote it up or vote it down. The motion to take up a bill before the expiration of the morning hour is not debatable. The question is on the motion of the Senator from Colorado to proceed to the consideration of the bill named by him.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9533) to provide a civil government for Porto Rico, and for other purposes.

Mr. SHAFROTH. I move, as a substitute for section 35, the amendment which I send to the desk, which, I think, meets the approval of all Senators who have objected to that section.

The VICE PRESIDENT. The amendment, in the nature of a substitute, will be stated.

The SECRETARY. In lieu of section 35 as now found in the bill it is proposed to insert the following:

That at the first election held pursuant to this act the qualified electors shall be those having the qualifications of voters under the present law; thereafter voters shall be citizens of the United States, 21 years of age and over, and have such additional qualifications as may be prescribed by the Legislature of Porto Rico: *Provided*, That no property qualification shall ever be imposed upon or required of any voter.

Mr. SMOOT. Mr. President, I desire to ask the Senator having the bill in charge if the amendment has been submitted to the Senator from Wisconsin [Mr. LA FOLLETTE]?

Mr. SHAFROTH. It has, and it meets with his approval.

Mr. SMOOT. And he does not intend to offer the amendment that he offered to the bill when it was last under consideration?

Mr. SHAFROTH. No, sir; he does not.

Mr. MARTINE of New Jersey. Mr. President, may I ask the Senator whether there remains in the bill the qualification as to the payment of \$3 in taxes?

Mr. SHAFROTH. That has been eliminated entirely. Question, Mr. President.

Mr. WADSWORTH. Mr. President, I desire to ask the Senator from Colorado if he is clearly of the opinion that this amendment would provide woman suffrage in Porto Rico?

Mr. SHAFROTH. No; it is not intended to force woman suffrage. The bill could not possibly get through Congress in the remaining 10 days of this session if it were complicated with that question.

Mr. WADSWORTH. Will the Legislature of Porto Rico, under this amendment, have power to prescribe qualifications in such a way as to confine the franchise to male voters?

Mr. SHAFROTH. It can prescribe whatever additional qualifications it may see fit, under the restrictions imposed by this provision. The only qualification required under this provision as it now stands is citizenship and that the voter must be 21 years of age or over. Question, Mr. President.

The VICE PRESIDENT. The question is—

Mr. JONES. Mr. President, I desire to ask the Senator whether he thinks that the Legislature of Porto Rico can deny to some of its citizens the right to vote under this provision?

Mr. SHAFROTH. Well, Mr. President, that is for them to determine. They have that power under this amendment.

Mr. JONES. Does the Senator think that under this provision the Legislature of Porto Rico can deny some of its citizens the right to vote on account of their sex?

Mr. SHAFROTH. That will be a qualification that can be determined by act of the legislature in connection with this provision.

Mr. JONES. I desire to understand the purpose of this amendment and the effect of it. It says, does it not—I have only just now heard it read—that all citizens of the United States, having a certain other qualification as to age, shall have the right to vote?

Mr. SHAFROTH. It says that voters shall be of a certain age, and that other qualifications may be prescribed by the Legislature of Porto Rico.

Mr. JONES. Yes; but the legislature can not deprive citizens because of their sex of the right to vote, can it?

Mr. SHAFROTH. The legislature may prescribe that a person shall live for a certain length of time in Porto Rico; they can require that questions of bonded indebtedness shall be voted upon by taxpayers, and can make other qualifications.

Mr. JONES. But can they say that because of their sex persons shall not have the right to vote?

Mr. SHAFROTH. It seems to me that that is in their power under the authority given.

Mr. JONES. Well, I doubt if it ought to be adopted, then.

Mr. SHAFROTH. I appeal to the Senator to let the bill be passed.

Mr. KENYON. Question!

Mr. JONES. We are legislating here for a million and a half of people, and we can not legislate simply by saying, "Oh, let it go through." That is not the way to legislate for human beings. There may be grave doubts about the capacity of the Porto Rican women to exercise the franchise. There is doubt as to the capacity of the men. I am satisfied that the Porto Rican women are just as capable as the Porto Rican men. If one is ignorant, so is the other; if one is inexperienced, so is the other; if one can govern, so can the other; if one sex is competent, so is the other.

Mr. SHAFROTH. The Legislature of Porto Rico will only have the power that is given to every State legislature and that has been given to every legislature under a Territorial form of government, and there has been no abuse of the powers thus granted.

Mr. JONES. I am not so sure about that. I should like to hear the amendment read again.

The VICE PRESIDENT. The Secretary will again read the amendment.

The SECRETARY. In lieu of section 35 as now found in the bill it is proposed to insert the following:

That at the first election held pursuant to this act the qualified electors shall be those having the qualifications of voters under the present law; thereafter voters shall be citizens of the United States, 21 years of age or over, and have such additional qualifications as may be prescribed.

Mr. JONES. I will make no objection to the amendment, Mr. President.

Mr. SHAFROTH. Question!

Mr. VARDAMAN. Mr. President, the Senator from Colorado has not kept his promise. He said that he would finish this bill in three minutes. I move now that the Senate proceed to the consideration of what is known as the flood-control bill.

Mr. SHAFROTH. We have reached the point where we can vote right now, if the Senator will just let us do so. Question, Mr. President!

The VICE PRESIDENT. The question is on the amendment—

Mr. MARTINE of New Jersey. Mr. President, one moment. I should like to ask what are the qualifications under the present law? We may be voting for a cat in a bag. [Laughter.]

Mr. SHAFROTH. The qualifications under the present law are citizenship in Porto Rico and 21 years of age. That is all.

Mr. MARTINE of New Jersey. Are there no other qualifications than those?

Mr. SHAFROTH. No; I think not.

Mr. MARTINE of New Jersey. Well, that is very indefinite—"I think not."

Mr. SHAFROTH. That is the law.

Mr. MARTINE of New Jersey. I read in a newspaper quite recently an article wherein it was stated that this bill proposes to grant the right of suffrage to the women of Porto Rico. If that is the case, I shall not knowingly vote for the measure, for I am unqualifiedly opposed to woman suffrage. I think it would be a detriment to the Commonwealth, and I believe it would be a misfortune and disaster for the women. If I believed that it would elevate women and enhance the well-being of our Nation, I would advocate it; but the contrary, to my mind, is true.

Mr. SHAFROTH. I will state to the Senator that under the present law women do not vote, and consequently the bill confers no particular privilege upon them except that it gives the Legislature of Porto Rico the right to determine such questions, just as the acts of Congress do which create Territories.

Mr. MARTINE of New Jersey. Let me ask whether the prohibition provision is included in the bill?

Mr. SHAFROTH. The prohibition provision is something that was settled the last time the bill was under consideration, and a referendum is provided to the people of Porto Rico. Question, Mr. President.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Colorado in the nature of a substitute for section 35 as now in the bill.

Mr. VARDAMAN. Mr. President, I withdraw the motion I made a few moments ago. I see the Senator from Colorado is about ready to jump.

Mr. SHAFROTH. Question, Mr. President.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Colorado.

The amendment was agreed to.

The amendments were ordered to be engrossed, and the bill read a third time.

The bill was read the third time.

The VICE PRESIDENT. The question is, Shall the bill pass? The bill was passed.

Mr. SHAFROTH. I move that the Senate request a conference with the House on the bill and amendments, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. SHAFROTH, Mr. KERN, and Mr. POINDEXTER conferees on the part of the Senate.

INTERSTATE COMMERCE COMMISSION.

Mr. NEWLANDS. I move that the Senate proceed to the consideration of the bill for the enlargement of the Interstate Commerce Commission, H. R. 308.

The VICE PRESIDENT. The question is on the motion of the Senator from Nevada.

Mr. VARDAMAN. Mr. President—

The VICE PRESIDENT. The question is not debatable until 1 o'clock.

Mr. VARDAMAN. Is it amendable?

The VICE PRESIDENT. It is not amendable.

Mr. VARDAMAN. I call for the yeas and nays on the motion. The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BECKHAM (when his name was called). Making the same transfer as on the last roll call, I vote "yea."

Mr. COLT (when his name was called). In the absence of my pair, the junior Senator from Delaware [Mr. SAULSBURY], I withhold my vote.

Mr. SIMMONS (when his name was called). Making the same transfer as announced on the former roll call, I vote "yea."

Mr. STONE (when his name was called). I transfer my pair with the senior Senator from Wyoming [Mr. CLARK] to the junior Senator from Louisiana [Mr. BROUSSARD] and vote "yea."

Mr. UNDERWOOD (when his name was called). I have a general pair with the junior Senator from Ohio [Mr. HARDING], who is confined to his home by sickness. I do not know how he

would vote on this matter and therefore withhold my vote. If he were present, I would vote "yea."

The roll call was concluded.

Mr. LODGE. I have a general pair with the senior Senator from Georgia [Mr. SMITH]. Understanding that he would vote as I am about to vote, I vote "yea."

Mr. CATRON. I have been informed that my pair, the junior Senator from Oklahoma [Mr. OWEN], would vote as I would vote. I therefore vote "yea."

Mr. CHAMBERLAIN. I transfer my general pair with the junior Senator from Pennsylvania [Mr. OLIVER] to the junior Senator from New Jersey [Mr. HUGHES] and vote "yea."

The result was announced—yeas 50, nays 9, as follows:

YEAS—50.

Ashurst	Hardwick	Myers	Sterling
Bankhead	Hollis	Newlands	Stone
Beckham	Husting	Page	Swanson
Brady	James	Pittman	Thomas
Brandegee	Johnson, S. Dak.	Poindexter	Thompson
Bryan	Jones	Pomerene	Townsend
Catron	Kern	Robinson	Wadsworth
Chamberlain	Lea, Tenn.	Shafroth	Walsh
Curtis	Lippitt	Sheppard	Warren
Dillingham	Lodge	Sherman	Watson
Fall	McLean	Simmons	Weeks
Fernald	Martin, Va.	Smith, S. C.	
Fletcher	Martine, N. J.	Smoot	

NAYS—9.

Cummins	Kirby	Lane	Norris
Gronna	La Follette	Nelson	Vardaman
Kenyon			

NOT VOTING—37.

Borah	Gore	Overman	Smith, Md.
Broussard	Harding	Owen	Smith, Mich.
Chilton	Hitchcock	Penrose	Sutherland
Clapp	Hughes	Phelan	Tillman
Clark	Johnson, Me.	Ransdell	Underwood
Colt	Lee, Md.	Reed	Williams
Culberson	Lewis	Saulsbury	Works
du Pont	McCumber	Shields	
Gallinger	O'Gorman	Smith, Ariz.	
Goff	Oliver	Smith, Ga.	

So the motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 308) to amend the act to regulate commerce, as amended, and for other purposes.

The Secretary read the bill, as follows:

Be it enacted, etc., That section 24 of an act entitled "An act to regulate commerce," approved February 4, 1887, as amended, be further amended to read as follows:

"SEC. 24. That the Interstate Commerce Commission is hereby enlarged so as to consist of nine members, with terms of seven years, and each shall receive \$10,000 compensation annually. The qualifications of the members and the manner of the payment of their salaries shall be as already provided by law. Such enlargement of the commission shall be accomplished through appointment by the President, by and with the advice and consent of the Senate, of two additional Interstate Commerce Commissioners, one for a term expiring December 31, 1921, and one for a term expiring December 31, 1922. The terms of the present commissioners, or of any successor appointed to fill a vacancy caused by the death or resignation of any of the present commissioners, shall expire as heretofore provided by law. Their successors and the successors of the additional commissioners herein provided for shall be appointed for the full term of seven years, except that any person appointed to fill a vacancy shall be appointed only for the unexpired term of the commissioner whom he shall succeed. Not more than five commissioners shall be appointed from the same political party."

SEC. 2. That section 17 of said act, as amended, be further amended to read as follows:

"SEC. 17. That the commission may conduct its proceedings in such manner as will best conduce to the proper dispatch of business and to the ends of justice. The commission shall have an official seal, which shall be judicially noticed. Any member of the commission may administer oaths and affirmations and sign subpoenas. A majority of the commission shall constitute a quorum for the transaction of business, except as may be otherwise herein provided, but no commissioner shall participate in any hearing or proceeding in which he has any pecuniary interest. The commission may from time to time make or amend such general rules or orders as may be requisite for the order and regulation of proceedings before it, or before any division of the commission, including forms of notices and the service thereof, which shall conform, as nearly as may be, to those in use in the courts of the United States. Any party may appear before the commission or any division thereof and be heard in person or by attorney. Every vote and official act of the commission, or of any division thereof, shall be entered of record, and its proceedings shall be public upon the request of any party interested.

"The commission is hereby authorized by its order to divide the members thereof into as many divisions as it may deem necessary, which may be changed from time to time. Such divisions shall be denominated, respectively, division 1, division 2, etc. Any commissioner may be assigned to and may serve upon such division or divisions as the commission may direct, and the senior in service of the commissioners constituting any of said divisions shall act as chairman thereof. In case of vacancy in any division, or of absence or inability to serve thereon of any commissioner thereto assigned, the chairman of the commission, or any commissioner designated by him for that purpose, may temporarily serve on said division until the commission shall otherwise order.

"The commission may by order direct that any of its work, business, or functions arising under this act, or under any act amendatory thereof, or supplemental thereto, or under any amendment which may be made to any of said acts, or under any other act or joint resolution which

has been or may hereafter be approved, or in respect of any matter which has been or may be referred to the commission by Congress, or by either branch thereof, be assigned or referred to any of said divisions for action thereon, and may by order at any time amend, modify, supplement, or rescind any such direction. All such orders shall take effect forthwith and remain in effect until otherwise ordered by the commission.

"In conformity with and subject to the order or orders of the commission in the premises, each division so constituted shall have power and authority by a majority thereof to hear and determine, order, certify, report, or otherwise act as to any of said work, business, or functions so assigned or referred to it for action by the commission, and in respect thereof the division shall have all the jurisdiction and powers now or then conferred by law upon the commission, and be subject to the same duties and obligations. Any order, decision, or report made or other action taken by any of said divisions in respect of any matters so assigned or referred to it shall have the same force and effect, and may be made, evidenced, and enforced in the same manner, as if made or taken by the commission as a whole. The secretary and seal of the commission shall be the secretary and seal of each division thereof.

"The salary of the secretary of the commission shall be \$7,500 per annum.

"Nothing in this section contained, or done pursuant thereto, shall be deemed to divest the commission of any of its powers."

Sec. 3. So much of section 18 of the act to regulate commerce as fixes the salary of the secretary of the commission is hereby repealed.

Mr. CUMMINS. Mr. President, I do not want to precede my friend the chairman of the committee if he cares to discuss the bill at this time.

Mr. NEWLANDS. Mr. President, I do not care to discuss it at this time. I assume that the necessity of passing the bill is well known to the Senate, and I do not wish to consume time.

Mr. CUMMINS. Mr. President, I have no doubt that the Interstate Commerce Commission ought to be reorganized. Unquestionably it has more work to do than it can possibly do as it is organized at the present time. I had hoped that the reorganization of the commission would be postponed until the report of the joint committee of the House and Senate, raised to consider this special subject, had come in; but I do not intend to lay a straw in the way of the consideration and the disposition of this bill. I have two or three objections to it which I hope can be removed by proper amendments.

The bill contemplates the addition of two members. We would then have a commission of nine members. I have no objection to a commission of nine members. I think there ought to be a commission of 15 members or more. What is proposed here will be very temporary and very inadequate to meet the real situation, and I have no doubt that the joint committee of the two Houses of Congress will ask for a very much larger commission than is here proposed—at least, I hope it will so report—and for a division of that commission so that proceedings for the purpose of securing relief against unreasonable rates and unfair practices may be instituted and carried forward with less inconvenience and less expense than now attend such proceedings.

Mr. POMERENE. Mr. President—

Mr. CUMMINS. I yield to the Senator from Ohio.

Mr. POMERENE. From the study I have given this measure, I am disposed to think that the commission ought to be larger than nine; but the situation is such that I feel that any relief at this time would be of very great value to the country. Why may we not increase the membership of the commission to nine now? And later, if after the joint committee has concluded its deliberations it should conclude to increase the number to 15, that can be done by Congress quite as well. Meanwhile, we will be getting some relief.

There are many questions, such as car shortage and distribution of cars, that are coming before the commission now, and are of the utmost importance to the people of the country. I say nothing of the many other classes of questions which are coming up; but I feel that we could best serve the country by granting this increase at the present time under the terms of this bill.

Mr. CUMMINS. What I suggested was purely preliminary, for I do not bottom my objection to the bill before us on any such ground. I was merely expressing my hope, which I have held for some time, that when we did begin the reorganization of the commission it might be one that would give the relief sought. I doubt very much whether the mere increase of the commission by two members will afford any real relief compatible with the sound principles which should control a body of that sort.

I point out why I think the bill is inadequate. I quote:

The commission is hereby authorized by its order to divide the members thereof into as many divisions as it may deem necessary, which may be changed from time to time. Such divisions shall be denominated, respectively, division 1, division 2, etc.

It will be observed that the commission may divide itself into nine divisions if it is thought desirable by the commission to do so. In that event we will have nine commissions composed of

one member each. Bearing that in mind, I call the attention of the Senate to the power of each one of these divisions. I quote from page 5 of the bill:

Any order, decision, or report made or other action taken by any of said divisions in respect of any matters so assigned or referred to it shall have the same force and effect, and may be made, evidenced, and enforced in the same manner as if made or taken by the commission as a whole.

Under the law as it is proposed it will be possible, it may be probable—I do not know what the exigencies of the commission may lead it to do—to divide it into nine divisions. The decision of each man, of each division, will be final. It is unreviewable. I mean unreviewable as a matter of right, and whatever power the Interstate Commerce Commission as a whole has had up to this time may be exercised by the single man if the commission is thus divided. It is more likely it will divide itself into divisions of two, leaving one possibly with three. That is the most likely thing; but it is impossible for any of us just at this date to state just how the commission may think it necessary to distribute itself over the work which it has in hand.

Mr. President, I am wholly opposed to any such situation. The Interstate Commerce Commission performs a work more important to the people of this country than any other tribunal which we have constituted, not excepting the Supreme Court of the United States. Its decisions affect more people and they affect them more vitally than the decisions of any other body—I mean of administrative or judicial or quasi-judicial character—which has been created under our laws. I can not give my assent to the proposal that one commissioner or even two commissioners and in some cases three commissioners shall have the jurisdiction which has heretofore been exercised by the seven commissioners.

Mr. KENYON. Mr. President—

Mr. CUMMINS. I yield to my colleague.

Mr. KENYON. I should like to ask the Senator at this point, suppose the commission is divided into three groups or three divisions. Each one has full power, as I understand the bill, to make binding orders. Suppose the division that is in the West has a question before it and the division in the East has exactly the same question and they decide the question in exactly opposite ways. Is there any provision here for any review of that by the commission? Is there anything to bring about uniformity of decisions on important questions through the different divisions?

Mr. CUMMINS. I am not able to find any such provision.

Mr. KENYON. I have been unable to find it, and that is why I asked the question.

Mr. CUMMINS. Whatever uniformity is desirable could only be secured through informal or extra-official action. There is no provision for an appeal from any division to the full commission. There is no review provided for as I read the bill.

It has been said that we ought to increase the commission on account of the great importance of certain phases of the regulation problems it has before it. I agree as to the importance of those phases of the work. Allow me to call your mind for a moment to one aspect of the work the commission is now or will shortly be engaged in doing. The valuation of the railroad property of this country. Are you willing to give to one man or to two men or even to three men the final jurisdiction to declare what the railway valuation shall be? When it is engaged in that work it is engaged in doing something that will affect this country for all time to come, and to me it is intolerable to even suggest that the commission should have the power to delegate that work and to delegate the authority to one, two, or even three men to make a decision upon the work in a matter which involves railway property said to be of the value of more than \$20,000,000,000. A very little divergence from the true principle which ought to prevail in any investigation of that character might impose, for all the years to come, tremendous burdens upon the people. When we passed the act which relates to the valuation of common-carrier property we supposed we were going to have the judgment of seven eminent men upon that somewhat new and difficult problem. We are now asked to pass a bill which may remit us to the judgment of one man upon it.

I discussed not long ago the tendencies of at least one man upon this commission, and I do not believe the people of the country would accept it with much toleration if, in the division of the commission, it should happen that those who hold these views should be charged with the work of determining the value of the railway property freed from any influence on the part of their associates. It may be that these things have been in the minds of those who have proposed the bill, but having so

great confidence in them I must think that they have not considered them.

Again, the work of the commission is of a character three-fourths of which—

Mr. McLEAN. Mr. President—

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

Mr. McLEAN. The Senator is a member of the Committee on Interstate Commerce. I should like to ask him if he presented these views to the committee.

Mr. CUMMINS. I did not. I was not present when this bill was reported. I did not know it was to be reported, although I do not charge the least want of good faith. It was perfectly understood that I did not favor the reorganization of the commission at this time. The Senator from Nevada had introduced a bill which is the exact duplicate of this, which was pending before the committee, and at some time, in a perfectly proper way of course, the present bill was taken up and reported just as it passed the House.

Mr. McLEAN. The Senator does not know whether the committee considered the propriety of an amendment allowing an appeal on such an important question as he suggests.

Mr. CUMMINS. I do not know, and I intend the Senate shall have an opportunity of considering some amendment of that character. I was about to remark—

Mr. WATSON. Mr. President—

Mr. CUMMINS. I yield to the Senator from Indiana.

Mr. WATSON. The Senator is perhaps more familiar with the Interstate Commerce Commission and its business than any other Senator. Therefore I ask for information. I want to find out what course he has to suggest and what policy he would adopt in reference to relieving the congestion of business before the commission.

Mr. CUMMINS. I believe we ought to have divisional or regional commissioners, either three or five of them, sitting in various parts of the country, who could be approached by those who feel themselves aggrieved, who could take jurisdiction of complaints and hear them and decide them without requiring all the shippers of the country or others who may be dissatisfied with rates or practices to come to Washington and here remain over a long period of time in order to obtain a hearing and a decision. I believe there ought to be in Washington a commission of five or seven members with jurisdiction to hear appeals in certain cases from the divisional or regional commission, but not in all cases. In a general way, I am sure that will give the Senator from Indiana my idea of the reorganization which ought to take place, but we, of course, can not do that on this bill.

I was about to refer to another phase of the work of the commission which is vastly important, namely, those hearings which relate to the reasonableness of rates and to alleged discriminations. One might think that constitutes a large part of the work of the commission. I do not think so. I think there is a great deal of the work of the commission that could be done by one man. It could be done by a board of examiners, which the commission already has the authority to create. There are thousands of things which are of no great difficulty, such as the application of the safety-appliance laws and other things of that character, and the consideration of claims for reparation where an overcharge has been established but where there must be a computation and evidence heard that would show the amount the railway company ought to restore to the shipper. All these things take a vast amount of time, and I do not wonder that the commission is overwhelmed with work of this kind, a large part of which it ought not to do at all. But when a question involving the reasonableness of a rate comes before the commission it presents an entirely different matter. Then the commission is called upon to decide as between shippers, usually in a very large territory and affecting a very large interest.

Mr. STERLING. Mr. President—

The PRESIDING OFFICER (Mr. LEA of Tennessee in the chair). Does the Senator from Iowa yield to the Senator from South Dakota?

Mr. CUMMINS. I yield.

Mr. STERLING. I appreciate what the Senator says and the objection that he makes. It seems to me that under the provisions of the bill we shall have an Interstate Commerce Commission of three members instead of nine members, because the three constituting a division may decide the most important cases that ever could come before the commission. It has occurred to me that the orders of a division might be made subject to the approval of the full commission. I should like to call the Senator's attention to an amendment, just as a suggestion. In line 24, page 4, after the word "shall," insert "subject to the approval of any final order or decision made or rendered by the full commission"; then, on the following page, change the phraseology, so as to carry out the same idea, after the word

"shall," in line 4, on that page, insert "subject to the approval by the commission as aforesaid."

Mr. CUMMINS. I have not reached my proposals for amendment yet.

Mr. STERLING. The Senator may have some language different, but it occurred to me that that might possibly be suggestive.

Mr. CUMMINS. The suggestion which instantly arises in my mind is this: At whose suggestion would the approval of the full commission be sought?

Mr. STERLING. The law itself would provide for that.

Mr. CUMMINS. Then would any shipper or any railroad company have the right to demand a hearing by the full commission?

Mr. STERLING. No; I would provide that in any final order or decision the approval of the full commission must be had.

Mr. CUMMINS. Must be had. That is going a little further than I want to go, because that would practically defeat the object of the bill which is to exempt in a large part of the work the necessity of the full commission becoming familiar with the case.

Mr. STERLING. I did not think that it would possibly defeat the purposes of the bill. There would be a good many cases perhaps in which the approval of the entire commission would be more or less formal. If, however, it were the consideration of a great rate case, then the entire commission would act, perhaps, after more deliberation; but it would be the work of the entire commission in the end. I do not think there would be any practical difficulty.

Mr. CUMMINS. Mr. President, I would have no objection to the proposal of the Senator from South Dakota [Mr. STERLING], and it may be that is required. I am sure that something of that kind is required to be added to the bill.

I again refer to the different kinds of work done by the commission. A great deal of it is rather formal, and ought to be done by a few men, possibly by one man; but when you come to the question of rates, no one man or no two men ought to have the authority to decide, especially if the full commission is not to pass upon the question.

I propose to offer this amendment—and unfortunately I have not reduced it to writing, but if the Secretary will take it down, I will propose it. In offering it I suggest that I intend to offer some amendment along the line of the thought of the Senator from South Dakota, or to stand for the one he has proposed, for that I think is essential. I propose to add to line 8 on page 5 the following:

In all proceedings relating to the reasonableness of rates or to alleged discriminations, not less than three members shall sit in the hearing and participate in the decision; and in all hearings relating to the valuation of railway property under the act entitled "An act to amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, and all acts amendatory thereof, by providing for a valuation of the several classes of property of carriers subject thereto, and securing information concerning their stocks, bonds, and other securities," approved March 1, 1913, not less than seven members shall sit in the hearings and participate in the decision.

Mr. NEWLANDS. Is that with reference to the valuation?

Mr. CUMMINS. It is.

Mr. WATSON. Does the Senator contemplate that, when three of the commission shall sit as a court to determine the reasonableness of a rate, there shall be the right of appeal to the full commission?

Mr. CUMMINS. I do; that is, I hope that may be so; at least, I want to get a tribunal composed of three to pass on rate questions.

Mr. KIRBY. Mr. President—

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Arkansas?

Mr. CUMMINS. I yield to the Senator.

Mr. KIRBY. Does not the Senator from Iowa think that the amendment which he first proposed is already within the provisions and scope of the bill? My experience on the Supreme Court bench of Arkansas, with five members, was that where a majority was required to decide any question it was impracticable to work with less than three men. This whole matter, as I understand, is subject to the order of the commission itself—the entire membership. The Senator will observe that, in lines 18 and 19, on page 4, the commission is divided into divisions, and that then each division is subject to the power of the commission. I believe that it is better to leave this in the hands of the commission, because as to all those matters that are of importance, which the Senator is now suggesting, I feel confident the entire commission will sit, and there will be the judgment of, at least, a majority of the commission on all great questions. If it is left in the power of the commission to make its own rules, I believe it will be better for expediting its business;

that the power be not restricted—that is, my experience has caused me to come to that conclusion. I submit it to the Senator in the consideration of the question for whatever weight it may be entitled to.

Mr. CUMMINS. Mr. President, I suppose the commission would have the power to make no division of less than nine members, and in that way it could retain all the power that it now has; but the language cited by the Senator from Arkansas [Mr. KIRBY] I think hardly bears the construction which he puts upon it. I will read it. It is as follows:

In conformity with and subject to the order or orders of the commission in the premises, each division so constituted shall have power and authority by a majority thereof to hear and determine, order, certify, report, or otherwise act as to any of said work, business, or functions so assigned or referred to it for action by the commission—

That regulates the power of the commission in assigning the work. Then the bill proceeds to say:

And in respect thereto—

That is, the work that has been assigned to it by the commission, whether it is a division of one, two, three, four, five, or no matter what the number may be—

the division shall have all the jurisdiction and powers now or then conferred by law upon the commission and be subject to the same duties and obligations. Any order, decision, or report made or other action taken by any of said divisions in respect of any matters so assigned or referred to it shall have the same force and effect and may be made, evidenced, and enforced in the same manner as if made or taken by the commission as a whole.

Those words are entirely inconsistent with the reservation of power upon the part of the full commission respecting the orders of the division.

Mr. President, I have submitted my amendment, and I ask the Secretary to state it as he has taken it down, in order to be sure that it is right.

The PRESIDING OFFICER. The Secretary will state the amendment proposed by the Senator from Iowa.

The SECRETARY. On page 5, after line 8, it is proposed to insert:

In all proceedings relating to the reasonableness of rates or to alleged discriminations not less than three members shall sit in the hearing and participate in the decision; and in all hearings relating to the valuation of railway property under the act entitled "An act to amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, and all acts amendatory thereof by providing for a valuation of the several classes of property of carriers subject thereto and securing information concerning their stocks, bonds, and other securities," approved March 1, 1913, not less than seven members shall sit in the hearings and participate in the decision.

Mr. NEWLANDS. Mr. President, I have no objection at all to the first amendment which the Senator presents as to a membership of not less than three, but, on the contrary, I quite approve of that. As to the membership of seven in connection with railway valuation, I would have no objection to that, except for the fear that that would absorb so large a proportion of the time of the commission as to prevent them from attending to their other duties.

As I understand, the hearings regarding valuation have just commenced. They will be of enormous proportions. I judge, from the issues presented, the protests made, and the briefs filed. What I fear is that if we require that seven of the nine members of the commission shall apply themselves to that subject there will be no time for the commission to attend to its other business. Can not the Senator suggest some method of appeal to the entire commission regarding that matter which would suit his view?

Mr. WATSON. Mr. President—

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). Does the Senator from Nevada yield to the Senator from Indiana?

Mr. NEWLANDS. I do.

Mr. WATSON. Does not the Senator think that in a matter so important as the determining of the reasonableness of a rate or in a matter so important as the subject of valuation there should be the right of appeal to the full commission, or that the full commission, at least, should be asked to pass upon and either approve or disapprove the findings of the lesser number, consisting of three commissioners in this instance?

Mr. NEWLANDS. I have not the slightest doubt that the commission will so arrange its rules and regulations as to keep control of these cases, if it deems it necessary. The Senator will observe on page 4, lines 13, 14, and 15, down to line 17, the provision is made that the commission "may by order at any time amend, modify, supplement, or rescind any such direction. All such orders shall take effect forthwith and remain in effect until otherwise ordered by the commission."

Mr. WATSON. That is quite true; but the Senator will also observe—

Mr. NEWLANDS. And I imagine the good judgment of the commission will probably be a better guide for the action of the commission through rules, and so forth, than any hard and

fast rule which we might adopt here in the hurry of legislation.

Mr. WATSON. But let me call the attention of the Senator from Nevada to lines 23 and 24, on page 4, which read:

And in respect thereof the division shall have all the jurisdiction and powers now or then conferred by law upon the commission.

That is the clause of which I am making particular complaint.

Mr. TOWNSEND. Mr. President—

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

Mr. TOWNSEND. I do not care to interrupt the Senator. I thought he had yielded the floor.

Mr. NEWLANDS. I wish to ask the Senator from Iowa whether he would not be willing to reduce the number from seven to five? In that event I would be disposed to accept the amendment, with the understanding that it will be considered in conference. The Senator will doubtless be one of the conferees.

Mr. CUMMINS. I hope the Senator from Nevada will not ask me to do that. It is by far the most important work ever put upon the commission; it is infinitely difficult, as well as overwhelmingly important. The Senator from Nevada, I think, has an erroneous idea with regard to the way in which the work is done.

The commission created what is known as a committee on valuation. Judge Prouty resigned from the commission in order to become the head of the committee on valuation. The committee on valuation is the employee of the commission. It takes all the testimony. No member of the commission is present or required to be present at the taking of the testimony. The committee on valuation hears, in the first instance, the arguments of the railways upon the one side or those who may be interested upon the other. The committee on valuation then reports to the commission. It is in the nature of an appeal. It is only a hearing that is required to be had, and I had very great difficulty in bringing myself to suggest that even a less number than the whole commission should pass on matters of valuation.

Mr. NEWLANDS. Well, Mr. President, I recognize the importance of the question the Senator has raised, and I will state that I have no objection to the amendment going in the bill. It will be considered in conference and the Senator will be one of the conferees. I am as anxious as is the Senator, of course, to have this whole commission reorganized in such a way as to properly guard the interests of the public. I accept the amendment.

Mr. TOWNSEND obtained the floor.

Mr. KIRBY. Mr. President, I desire to object to that amendment.

The PRESIDING OFFICER. The Senator from Michigan has the floor.

Mr. TOWNSEND. Mr. President, I do not want to say anything to delay the action of the Senate on this matter, for I think it is one of the most vital things that has been brought or will be brought before the Senate. I think there is a very serious misunderstanding, however, on the part of some of the Senators in reference to this subject. I can see no reason why the matter of valuation of railroads should be treated differently from any other matter pending before the commission. Personally I regard this valuation subject as the least important thing with which the Interstate Commerce Commission has to deal.

The majority of the commission act upon all matters that come before it, but this proposition of the Senator from Iowa is to make seven members sit in all hearings. I am sure that the conferees in considering it will see the point of it and reject it, and therefore I do not care to occupy the time of the Senate in discussing it.

All of these questions decided by the commission are subject to a practical appeal, in a measure; they are all subject to a rehearing. The present interstate-commerce law provides for a rehearing on all matters, and this bill is but an extension of the existing law. So that any person interested can ask for a rehearing, and it will be determined by the commission, the entire commission or a majority of them. The question is then finally settled.

We had this up before the committee and held extensive hearings upon it, at which appeared some of the commissioners. Mr. Commissioner Clark was present and explained the whole situation, and I desire to say a word in reference to his testimony on this important subject, as it makes it clear to me, as I think it will do to other Senators:

The Senator from Rhode Island [Mr. LIPPITT], a member of the committee, in examining Mr. Clark, asked this question:

Mr. Clark, under this bill, the decisions of the subdivisions are final, are they; there is no appeal to the full commission?

Commissioner CLARK. Oh, I do not understand that to be so. I undertook to explain a while ago that in subdividing under that authority of that kind the purpose of the commission would be to delegate to certain subdivisions the handling and disposition of certain particular matters but retaining for the commission all the time the right to bring any matter, either on appeal or by initiative of the commission itself, before the full commission.

Senator LIPPITT. Would a dissatisfied individual have the right to appeal from a decision?

Commissioner CLARK. He would have the right to petition for a rehearing and have that considered by the whole commission.

Mr. WATSON. Now, Mr. President—

Mr. TOWNSEND. Let me finish this testimony, and then I will yield to the Senator.

Mr. WATSON. Very well.

Mr. TOWNSEND. I continue the quotation:

Senator LIPPITT. He would have the right to petition but not the right to make an appeal and have it necessarily granted?

Commissioner CLARK. I think it would be futile to confer upon him the absolute right to have the rehearing before the full commission if he were dissatisfied with the decision of the subdivision in the first instance.

Senator SMITH of South Carolina. The full commission would at least pass upon whether his appeal had good grounds?

Commissioner CLARK. If he filed an appeal for rehearing before the full commission it would be handled in principle just as petitions for rehearing are now handled. They are analyzed in the light of the report of the commission, and if he alleges any error in fact the record is gone over to ascertain whether that allegation is well founded, and then the entire commission determines whether or not a rehearing is justified and ought to be granted. We do grant a good many and we deny a good many. We act on them only after there has been a very careful scrutiny of every allegation in the petition.

Senator LIPPITT. Of course the bill says in respect thereof the division shall have all the jurisdiction and powers now conferred upon the commission, so that would give the decision of the subdivision the full effect of a decision by the full commission?

Commissioner CLARK. Yes; the real idea underlying that was to authorize a subcommittee to enter an order for the commission.

That is the whole idea of passing this act to amend the present interstate-commerce law.

Mr. WATSON. And yet he goes on to say that the right of appeal, or the right of approval, would lie to the entire commission.

Mr. TOWNSEND. Yes.

Mr. WATSON. That is the substance of his testimony all the way through.

Mr. TOWNSEND. Yes.

Mr. WATSON. Now, of course, they have not hitherto made these divisions of the commission. How does he happen to give testimony of that kind?

Mr. TOWNSEND. Heretofore they have been obliged to rely upon subordinates. It has been an absolute human impossibility for the commission to hear these cases personally. They have had to rely upon their subordinates. Each one of the commission now is delegated to consider certain particular branches of the business; but of course he confers with his associates, and a determination is had by a majority where there is a disputed question. Many matters are governed fully by precedents and general consent is accorded by the whole commission.

Mr. WATSON. I quite fully concur as to the necessity of action, but I was trying to get at this point: He is simply one man stating what might be the custom or might be the practice of the commission—that they might grant the right of appeal from a commission of three to the full body. What is the objection to simply stating that in this bill and making it mandatory that the right of approval shall rest on the final commission, or the right of appeal shall lie to the full commission?

Mr. TOWNSEND. Well, I understand that the chairman of the committee has accepted the amendment. I am not going to make any objection to it, because I think when six members of the two Houses get down together in conference, and go over this matter, they will see the unwisdom of it. They will see that possibly if it is adopted and enforced to the letter it will practically nullify the object which we are seeking to accomplish through the passage of this bill.

Mr. CUMMINS. Mr. President, possibly a word is due from me, in view of the rather remarkable statement made by the Senator from Michigan, which is to the effect that my amendment is not only useless but foolish.

I may be wrong, of course, but I have studied this bill with a good deal of care; and I assert that there will be no power on the part of the commission after this bill is passed to review the action of one of the divisions which is authorized in the bill. The commission acts when it assigns to the division the work, or the branch of the work, which it is to do, and it can abrogate that assignment at any time it likes; but after the division acts there is no right of review, and the commission could not order a review, in my opinion.

Of course at the present time there are no divisions of the commission. One man may do the preliminary work, and either

formally or informally his work is brought before the commission, or a majority of the commission, and the order is entered by that majority.

I have not offered the amendment simply to feel the pleasure of offering an amendment.

Mr. KIRBY. Mr. President, I shall object to the acceptance of this amendment, if it is within the province of a Member of the Senate to do that.

I do not know by whom this bill was drawn, but it was evidently well considered. This commission has all the work that it can possibly do, and more. I have read, in a cursory way, the report here. We have recognized the necessity by providing for the appointment of two other men.

The commission is given plenary power by this law to make such rules and regulations as are necessary for expediting its business. I read from page 3:

The commission may from time to time make or amend such general rules or orders as may be requisite for the order and regulation of proceedings before it, or before any division of the commission, including forms of notices and the service thereof, which shall conform, as nearly as may be, to those in use in the courts of the United States.

It has plenary power to make divisions of its members.

Reading from line 16:

The commission is hereby authorized by its order to divide the members thereof into as many divisions as it may deem necessary.

The divisions can not be made except by order of the entire commission. The bill further provides that the decision by a division must be by a majority thereof, necessarily meaning that there shall be at least three members. Now:

The commission may by order direct that any of its work, business, or functions arising under this act, or under any act amendatory thereof, be assigned or referred to any of said divisions for action thereon, and may by order at any time amend, modify, supplement, or rescind any such direction.

There is plenary power to make rules. There is plenary power to divide the commission into divisions. Here is plenary power by the full commission to amend, modify, supplement, or rescind any direction given to any division.

Now, lines 18 and 19:

In conformity with and subject to the order or orders of the commission in the premises—

In the premises—what premises? Of this bill? No; in the premises of the matter about which the order made by it giving the direction to the division or dividing the commission into divisions—

each division so constituted shall have power and authority by a majority thereof to hear and determine, order, certify, report, or otherwise act as to any of said work, business, or functions—

What? How? By order of the commission, and not otherwise.

I do not know how good a lawyer the Senator may be. I understand he is a great lawyer; but I say this bill is well drawn, and I say that the power is given here as I have stated. The ordinary, reasonable construction of this language indicates it, and it was evidently drawn by somebody who is familiar with the practice down there and familiar with the needs of this commission.

If you are going to provide that upon any rehearing all of this commission must act, you will fix it so that the commission may never in the world get through its business.

In the supreme court of my State there are five judges, and in nearly every case that is decided by the supreme court there is a motion for a rehearing. Especially is this true if the decision is by a divided court, one or two justices dissenting. Under that amendment, if you provide here that there shall be a rehearing at which all the members shall sit, you will require this commission to spend half its time in going over cases for rehearing.

The commission is given plenary power to make rules and regulations. It can not be divided into divisions except by order of the entire commission. It has the power to amend, supplement, modify, or rescind any such direction at any time, and it has the power in the first instance; and there is no jurisdiction given to any division until the entire commission grants the jurisdiction. That is exactly what this bill means.

I dislike to differ from other lawyers in the Senate; but this is so plain, it seems to me, that there is not room for controversy about the meaning of it. I have no doubt but that the commission are fully advised of the provisions of this bill, and most probably approved them before they came in here. They know their needs, and they know the condition. They know their business, and are given power to make rules to direct their work or business by order, to modify, amend, supplement, or rescind any such direction; and no jurisdiction is given to any division but by the order of the whole commission.

The amendment ought not to be adopted; and I object to its being accepted, at least.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Iowa [Mr. CUMMINS].

Mr. KIRBY. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. LEA of Tennessee. I suggest the absence of a quorum.

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

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

Bankhead	Hollis	Martine, N. J.	Smith, Ga.
Beckham	Hughes	Nelson	Smith, Md.
Borah	Husting	Newlands	Smith, S. C.
Brandeggee	Johnson, S. Dak.	Norris	Smoot
Catron	Jones	Overman	Sterling
Chamberlain	Kenyon	Page	Stone
Colt	Kern	Penrose	Thomas
Culberson	Kirby	Phelan	Thompson
Cummins	La Follette	Poindexter	Townsend
Curtis	Lee, Tenn.	Pomerene	Vardaman
Dillingham	Lee, Md.	Robinson	Wadsworth
Fall	Lippitt	Shafroth	Warren
Fernald	McCumber	Sheppard	Watson
Fletcher	McLean	Sherman	Williams
Hitchcock	Martin, Va.	Simmons	

Mr. LEA of Tennessee. I have been requested to announce the necessary absence of the senior Senator from Kentucky [Mr. JAMES].

Mr. VARDAMAN. I wish to announce the unavoidable absence of the junior Senator from Tennessee [Mr. SHIELDS], on account of illness.

Mr. OVERMAN. I desire to announce that the junior Senator from Montana [Mr. WALSH] and the junior Senator from Missouri [Mr. REED] are detained on public business.

The PRESIDING OFFICER. Fifty-nine Senators have responded to their names. A quorum is present. The question is on the amendment offered by the Senator from Iowa [Mr. CUMMINS].

Mr. NORRIS. Let it be stated.

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. On page 5, after line 8, it is proposed to insert the following:

In all proceedings relating to the reasonableness of rates or to alleged discriminations not less than three members shall sit in the hearing and participate in the decision; and in all hearings relating to the valuation of railway property under the act entitled "An act to amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, and all acts amendatory thereof, by providing for a valuation of the several classes of property of carriers subject thereto and securing information concerning their stocks, bonds, and other securities," approved March 1, 1913, not less than seven members shall sit in the hearing and participate in the decision.

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

Mr. LA FOLLETTE. Let us have the yeas and nays.

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

Mr. CHAMBERLAIN (when his name was called). I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. In his absence I withhold my vote.

Mr. COLT (when his name was called). I have a general pair with the junior Senator from Delaware [Mr. SAULSBURY]. I transfer that pair to the Senator from Utah [Mr. SUTHERLAND] and vote "yea."

Mr. FALL (when his name was called). I have a general pair with the Senator from West Virginia [Mr. CHILTON]. In his absence I refrain from voting.

Mr. SIMMONS (when his name was called). I transfer my pair as on the former vote and vote "yea."

The roll call was concluded.

Mr. CHAMBERLAIN. I transfer my pair with the Senator from Pennsylvania [Mr. OLIVER] to the junior Senator from Louisiana [Mr. BROUSSARD] and vote "yea."

Mr. O'GORMAN. I have a general pair with the senior Senator from New Hampshire [Mr. GALLINGER], which I transfer to the junior Senator from Illinois [Mr. LEWIS] and vote "yea."

The result was announced—yeas 60, nays 5, as follows:

YEAS—60.

Ashurst	du Pont	La Follette	Norris
Bankhead	Fletcher	Lane	O'Gorman
Beckham	Hardwick	Lee, Md.	Overman
Borah	Hitchcock	Lippitt	Penrose
Brandeggee	Hughes	Lodge	Pomerene
Chamberlain	Husting	McCumber	Ransdell
Clark	James	McLean	Reed
Colt	Johnson, S. Dak.	Martin, Va.	Sheppard
Cummins	Jones	Martine, N. J.	Sherman
Curtis	Kenyon	Nelson	Simmons
Dillingham	Kern	Newlands	Smith, Ga.

Smith, Mich.	Stone	Tillman	Warren
Smith, S. C.	Swanson	Vardaman	Watson
Smoot	Thomas	Wadsworth	Weeks
Sterling	Thompson	Walsh	Williams

NAYS—5.

Hollis	Robinson	Shafroth	Townsend
Kirby			

NOT VOTING—31.

Brady	Fernald	Lewis	Saulsbury
Broussard	Gallinger	Myers	Shields
Bryan	Goff	Oliver	Smith, Ariz.
Catron	Gore	Owen	Smith, Md.
Chilton	Gronna	Page	Sutherland
Clapp	Harding	Phelan	Underwood
Culberson	Johnson, Me.	Pittman	Works
Fall	Lea, Tenn.	Poindexter	

So Mr. CUMMINS's amendment was agreed to.

THE REVENUE.

Mr. SIMMONS. I ask the Senate to proceed to the consideration of the bill (H. R. 20573) to provide increased revenue to defray the expenses of the increased appropriations for the Army and Navy and the extensions of fortifications, and for other purposes.

The PRESIDING OFFICER. Is there objection?

Mr. NEWLANDS. I will ask the Senator whether it can not be arranged that the pending bill can be proceeded with to a conclusion after this bill is made the order?

Mr. SIMMONS. After the Senate has made it the order I will discuss that with the Senator from Nevada.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 20573) to provide increased revenue to defray the expenses of the increased appropriations for the Army and Navy and the extensions of fortifications, and for other purposes, which had been reported from the Committee on Finance with amendments.

Mr. PENROSE. Will the Senator from North Carolina permit me? I desire to submit a resolution relating to the pending measure which I should like to have read, printed, and lie on the table. It is a short resolution.

The PRESIDING OFFICER. Without objection, it will be read.

Mr. SIMMONS. I wish to ask the Senator from Pennsylvania if he will not be content to state the general purport of the resolution without having it read?

Mr. PENROSE. It will not take a minute to have the resolution read.

Mr. SIMMONS. Very well, I will not object.

The PRESIDING OFFICER. The resolution will be read.

The Secretary read the resolution (S. Res. 367), as follows:

Resolved, That H. R. 20573 be recommitted to the Committee on Finance with instructions to amend the bill so as to raise an equitable portion of the required revenue from a protective tariff "sufficient to protect adequately American industry and American labor, and to be so adjusted as to prevent undue exactions by monopolies or trusts"; and

With further instructions to the Committee on Finance to give special attention to securing the industrial independence of the United States, to the end that "our industries can be so organized that they will become not only a commercial bulwark but a powerful aid to national defense"; and

That the bill be further amended so as to require the tariff commission to report the difference in wages and the cost of production between foreign countries and the United States.

The PRESIDING OFFICER. The Chair understood the Senator from Pennsylvania to request that the resolution should lie on the table.

Mr. PENROSE. I asked to have the resolution read, which has been done, and now I will withhold it until I have an opportunity to address the Senate upon it. Let it lie on the table and be printed.

The PRESIDING OFFICER. That course will be pursued.

Mr. SIMMONS. Mr. President, if I can have order—

The PRESIDING OFFICER. Order, Senators.

Mr. SIMMONS. In response to the inquiry of the Senator from Nevada a few moments ago, I desire to state that if I could have any assurance that the bill which he has in charge—

Mr. PENROSE. Mr. President, no one can hear the Senator on this side.

The PRESIDING OFFICER. Order, Senators.

Mr. SIMMONS. I was stating, in response to the inquiry of the Senator from Nevada made a few moments ago, that if I can have any assurance that the bill which he has had before the Senate this morning will be disposed of in a reasonable time, say, in half an hour, I would not object to going on with that measure and let the revenue bill be laid aside for that length of time.

Mr. NORRIS. Mr. President—

Mr. NEWLANDS. I hope to dispose of it within that time, but I am not informed as to whether any further amendments

are to be offered to the bill. I should like to inquire whether there are any.

Mr. NORRIS. I rose for the purpose of giving some information.

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

Mr. SIMMONS. I yield.

Mr. NORRIS. I wish to say to the Senator from North Carolina that I do not believe the bill can be disposed of in half an hour. I think there will be considerable debate on it. I do not object to the consideration of the bill. I am only giving that information because I feel it my duty to do so, since the inquiry was made by the Senator from North Carolina. I think it will take considerable time—a few hours at least.

Mr. SIMMONS. Mr. President, another Senator said to me this morning that considerable time will be taken in the discussion in addition to that which has already been consumed. Under the circumstances I feel that I can not yield to the wishes of the Senator from Nevada, much as I should like to do so.

Mr. STERLING. Mr. President—

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from South Dakota?

Mr. SIMMONS. I yield to the Senator.

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

The PRESIDING OFFICER. Does the Senator desire to have it read?

Mr. STERLING. I desire to have it read.

The PRESIDING OFFICER. It will be read, without objection.

The SECRETARY. On page 4, line 24, after the word "shall"—

The PRESIDING OFFICER. The Secretary informs the Chair that there is no such word in the line.

Mr. BRANDEGEE. To which bill is the Senator offering the amendment?

Mr. STERLING. House bill 308, the bill we have been considering, and which I understand is the bill before the Senate at the present time.

The PRESIDING OFFICER. The Chair will inform the Senator that that bill was displaced.

Mr. STERLING. I thought that was the measure before the Senate now. The Senator from Nevada was insisting on going on with the bill.

The PRESIDING OFFICER. House bill 20573, the revenue bill, is before the Senate.

Mr. NEWLANDS. I wish to ask the Senator from North Carolina whether he will yield to me to make a motion that House bill 308, regarding the enlargement of the Interstate Commerce Commission, be made the special order for 8 o'clock this evening?

Mr. SIMMONS. Mr. President, I can not yield to the Senator for that purpose.

The PRESIDING OFFICER. The Senator from North Carolina declines to yield for that purpose.

Mr. SIMMONS. I hope to go on with the revenue bill to-night.

Mr. STERLING. Mr. President—

The PRESIDING OFFICER. Will the Senator from North Carolina yield to the Senator from South Dakota?

Mr. SIMMONS. I yield.

Mr. STERLING. I ask the Senator from North Carolina if he will yield and permit me to offer this amendment that it may be printed and lie on the table?

Mr. SIMMONS. I have no objection to yielding. I hope the Senator will not ask that it be read.

Mr. STERLING. I will not.

Mr. LEA of Tennessee. I ask the Senator to yield to me that I may offer an amendment and have it printed and lie on the table.

Mr. SIMMONS. I have no objection.

The PRESIDING OFFICER. Without objection, the amendments will lie on the table and be printed.

Mr. LEA of Tennessee. It is an amendment to House bill 308.

Mr. NEWLANDS. I will ask the Senator from North Carolina whether he will yield to me to make a motion to make House bill 308 the special order for Thursday evening at 8 o'clock?

The PRESIDING OFFICER. Will the Senator from North Carolina yield for that purpose?

Mr. SIMMONS. As I stated, I desire to continue the consideration of this bill until it is finished, and I shall ask for night sessions until we have finished the bill. I hope we may finish the bill before the time mentioned by the Senator from Nevada, but that is not at all certain. I ask the Senator to withhold his

motion now. It may be that we will be able to accommodate him by some compromise arrangement.

The PRESIDING OFFICER. The Senator from North Carolina declines to yield for that purpose.

Mr. SIMMONS. Mr. President, before beginning the statement I desire to make I wish to give notice to the Senate that I shall insist upon night sessions until this bill has been finally disposed of.

Mr. STONE. Let me understand the request of the Senator.

Mr. SIMMONS. I am not going to make a motion now.

Mr. PENROSE. Mr. President, I insist on Senators addressing the Senate so that the minority may hear what is going on. I rise to a question of privilege. The minority have been totally ignored in the preparation of this bill, and colloquies have been conducted by the majority Members in an inaudible tone, the minority sitting here utterly unable to hear the conversation of majority Members.

The PRESIDING OFFICER. The Chair appeals to the Senate to be in order.

Mr. PENROSE. We are entitled to hear what is going on.

Mr. SIMMONS. I am exceedingly sorry the Senator from Pennsylvania has so much difficulty about hearing. I believe that a majority practically of Senators have heard substantially what I have said. The Senator from Missouri [Mr. STONE] simply asked me a question in a low tone of voice which was probably not heard. I answered the Senator by saying that I had made no motion, but merely notified the Senate that I would ask to have the bill considered continuously and for that purpose I would ask for night sessions.

Mr. STONE. In this connection I desire to say that, while I am in entire sympathy with what the Senator from North Carolina has said, I will ask at an early date this week that the bill providing for a government for the Danish West India Islands may be disposed of. I am sure it will not take longer time than to read it and vote upon it. I shall have to insist that my friend from North Carolina will make a gap, a little time somewhere soon, so that that bill may be taken up. It is simply out of the question that those islands should be taken over as they will be very soon and leave thirty-odd thousand people upon the islands without any government at all.

Mr. SIMMONS. I shall do everything I can to assist the Senator from Missouri in passing the bill he has in charge. It is an important measure and one that ought to be acted upon.

Mr. NORRIS. Mr. President—

The PRESIDING OFFICER. Will the Senator from North Carolina yield to the Senator from Nebraska?

Mr. SIMMONS. I do.

Mr. NORRIS. In order that Senators may know about meeting here, I wish to ask the Senator in connection with the statement that he is going to have the Senate hold night sessions, does he intend to take a recess for dinner or are we going to be held in continuous session until some hour in the evening?

Mr. SIMMONS. I think we ought to follow the usual custom, especially at the beginning of the consideration of the bill, and take a recess for a couple of hours.

Mr. NORRIS. Some time about 6 o'clock?

Mr. SIMMONS. From about 6 o'clock until 8 o'clock.

Mr. CURTIS. Mr. President—

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Kansas?

Mr. SIMMONS. I do.

Mr. CURTIS. I desire to ask the Senator if it is his purpose to ask for anything more than debate at night sessions, or does he expect that the Senate shall vote upon amendments?

Mr. SIMMONS. I assume that we shall have, first, general debate, and then we will begin the consideration of amendments. I think we will not want to take up the amendments for some little time.

Mr. BRANDEGEE. Mr. President—

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Connecticut?

Mr. SIMMONS. I do.

Mr. BRANDEGEE. In line with the remarks of the Senator from Nebraska [Mr. NORRIS], could the Senator now make a suggestion about the time we will take a recess this afternoon and what time we will convene this evening and how long we will sit?

Mr. SIMMONS. I have just stated that I thought we would follow the usual custom and take a recess from 6 o'clock until 8 o'clock.

Mr. BRANDEGEE. And then sit until 11 o'clock?

Mr. SIMMONS. I think probably that would be a good hour. I do not desire at this stage to suggest any particular hour.

Mr. BRANDEGEE. Very well.

Mr. PENROSE. Mr. President—
The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Pennsylvania?

Mr. SIMMONS. I do.

Mr. PENROSE. I should like to inquire of the chairman of the committee whether it is his purpose now to address the Senate on the bill?

Mr. SIMMONS. Yes; it is my purpose to make an explanation of it.

Mr. PENROSE. Could we not approach the subject with greater lucidity and fuller information if the bill was first read?

Mr. SIMMONS. I think that is unnecessary, and I hope the Senator will not insist upon it.

Mr. PENROSE. The direct-tax bill was read last summer. It seems to me in a measure of such importance and great moment it is only decent and orderly to have the bill read.

Mr. BRANDEGEE. And appear in the RECORD.

Mr. PENROSE. And it ought to be in the RECORD.

Mr. SIMMONS. Will the Senator pardon me? The Senator is the ranking member of the minority, and if the Senator makes the request that the bill be read before I make my statement I shall not make any objection.

Mr. PENROSE. I certainly think that before debating the measure or perhaps voting on it it would be well to see what we are discussing. The reading can only be waived by unanimous consent. People all over the United States, the business interests, are bitterly opposed to this measure, and for us to quietly sit here and have this discussion go on without having the bill read is a gross violation of the proprieties. I ask that the bill be read.

Mr. SIMMONS. I did not, of course, yield to the Senator for a speech, and I think the statement that in proceeding to the consideration of the bill that an initial statement as to its general scope and purpose without having the bill read is a gross impropriety is a gratuitous statement. On the contrary, we all know that that is the constant practice of the Senate with reference to the most important bills that come before the Senate. A request is constantly made that the formal reading of a bill be dispensed with, and that we proceed to its consideration. But, as I said, if the ranking member of the minority, the Senator from Pennsylvania, desires to have the bill read, I shall interpose no objection.

The PRESIDING OFFICER. Does the Senator from Pennsylvania make the request?

Mr. BRANDEGEE. Mr. President, when the Senate votes to proceed to the consideration of a bill the next thing in order is to have it read. The reading is only dispensed with by unanimous consent when a Senator moving to proceed to its consideration asks unanimous consent that the formal reading of the bill be dispensed with. That request has not been preferred, and the regular order is to have the bill read.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Pennsylvania?

Mr. SIMMONS. I have not begun to discuss the bill, but before I began to explain it I was going to make that request. I had not reached that stage.

Mr. BRANDEGEE. If the Senator should make the request, I would object to it. I demand the reading of the bill.

The PRESIDING OFFICER. The Chair believes that the reading of the bill is in order, and the Secretary will read it.

The Secretary read the bill, as follows:

Be it enacted, etc.,

TITLE I.—SPECIAL PREPAREDNESS FUND.

SECTION 1. That the receipts from the tax imposed by Title II and one-third of the receipts from the tax imposed by Title III of this act shall constitute a separate fund in the Treasury to be used only for the expenditures incurred under the act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1917, and for other purposes," approved August 29, 1916; the act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1917, and for other purposes," approved August 29, 1916; and the act entitled "An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes," approved July 6, 1916, or any other act or acts subsequent thereto making appropriations for Army, Navy, or fortification purposes. In addition to such receipts from the taxes imposed under Titles II and III of this act, there shall be credited annually, beginning with the fiscal year ending June 30, 1918, to such separate fund, the sum of \$175,000,000, such sum being the estimated additional revenue to be derived under the act entitled "An act to increase the revenue, and for other purposes," approved September 8, 1916, in excess of the revenue to be derived under then existing laws: *Provided*, That the Secretary of the Treasury may use such fund for other purposes, but such fund shall be reimbursed for any portion thereof so used.

TITLE II.—EXCESS PROFITS TAX.

Sec. 200. That when used in this title—
The term "corporation" includes joint-stock companies or associations, and insurance companies;
The term "United States" means only the States, the Territories of Alaska and Hawaii, and the District of Columbia; and

The term "taxable year" means the 12 months ending December 31, except in the case of a corporation or partnership allowed to fix its own fiscal year, in which case it means such fiscal year. The first taxable year shall be the year ending December 31, 1917.

Sec. 201. That in addition to the taxes under existing laws there shall be levied, assessed, collected, and paid for each taxable year upon the net income of every corporation and partnership organized, authorized, or existing under the laws of the United States, or of any State, Territory, or District thereof, no matter how created or organized, excepting income derived from the business of life, health, and accident insurance combined in one policy issued on the weekly premium payment plan, a tax of 8 per cent of the amount by which such net income exceeds the sum of (a) \$5,000 and (b) 8 per cent of the actual capital invested.

Every foreign corporation and partnership, including corporations and partnerships of the Philippine Islands and Porto Rico, shall pay for each taxable year a like tax upon the amount by which its net income received from all sources within the United States exceeds the sum of (a) 8 per cent of the actual capital invested and used or employed in the business in the United States, and (b) that proportion of \$5,000 which the entire actual capital invested and used or employed in the business in the United States bears to the entire actual capital invested; and in case no such capital is used or employed in the business in the United States the tax shall be imposed upon that portion of such net income which is in excess of the sum of (a) 8 per cent of that proportion of the entire actual capital invested and used or employed in the business which the net income from sources within the United States bears to the entire net income, and (b) that proportion of \$5,000 which the net income from sources within the United States bears to the entire net income.

Sec. 202. That for the purpose of this title actual capital invested means (1) actual cash paid in, (2) the actual cash value at the time of payment of assets other than cash paid in, and (3) paid in or earned surplus and undivided profits used or employed in the business, but does not include money or other property borrowed by the corporation or partnership.

Sec. 203. That the tax herein imposed upon corporations and partnerships shall be computed upon the basis of the net income shown by their income-tax returns under Title I of the act entitled "An act to increase the revenue, and for other purposes," approved September 8, 1916, or under this title, and shall be assessed and collected at the same time and in the same manner as the income tax due under Title I of such act of September 8, 1916: *Provided*, That for the purpose of this title a partnership shall have the same privilege with reference to fixing its fiscal year as is accorded corporations under section 13 (a) of Title I of such act of September 8, 1916: *And provided further*, That where a corporation or partnership makes return prior to March 1, 1918, covering its own fiscal year and includes therein any income received during the calendar year ending December 31, 1916, the tax herein imposed shall be that proportion of the tax based upon such full fiscal year which the time from January 1, 1917, to the end of such fiscal year bears to the full fiscal year.

Sec. 204. That corporations exempt from tax under the provisions of section 11 of Title I of the act approved September 8, 1916, and partnerships carrying on or doing the same business shall be exempt from the provisions of this title, and the tax imposed by this title shall not attach to incomes of partnerships derived from agriculture or from personal services.

Sec. 205. That every corporation having a net income of \$5,000 or more for the taxable year making a return under Title I of such act of September 8, 1916, shall for the purposes of this title include in such return a detailed statement of the actual capital invested.

Every partnership having a net income of \$5,000 or more for the taxable year shall render a correct return of the income of the partnership for the taxable year, setting forth specifically the actual capital invested and the gross income for such year and the deductions hereinafter allowed. Such returns shall be rendered at the same time and in the same manner and form as is prescribed for income-tax returns under Title I of such act of September 8, 1916. In computing net income of a partnership for the purposes of this title there shall be allowed like deductions as are allowed to individuals in sections 5 (a) and 6 (a) of such act of September 8, 1916.

Sec. 206. That all administrative, special, and general provisions of law, including the laws in relation to the assessment, remission, collection, and refund of internal-revenue taxes not heretofore specifically repealed and not inconsistent with the provisions of this title are hereby extended and made applicable to all the provisions of this title and to the tax herein imposed, and all provisions of Title I of such act of September 8, 1916, relating to returns and payment of the tax therein imposed, including penalties, are hereby made applicable to the tax required by this title.

Sec. 207. That the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall make all necessary regulations for carrying out the provisions of this title, and may require any corporation or partnership subject to the provisions of this title to furnish him with such facts, data, and information as in his judgment are necessary to collect the tax provided for in this title.

TITLE III.—ESTATE TAX.

Sec. 300. That section 201, Title II, of the act entitled "An act to increase the revenue, and for other purposes," approved September 8, 1916, be, and the same is hereby, amended to read as follows:

"Sec. 201. That a tax (hereinafter in this title referred to as the tax), equal to the following percentages of the value of the net estate, to be determined as provided in section 203, is hereby imposed upon the transfer of the net estate of every decedent dying after the passage of this act, whether a resident or nonresident of the United States:

"One and one-half per centum of the amount of such net estate not in excess of \$50,000;

"Three per cent of the amount by which such net estate exceeds \$50,000 and does not exceed \$150,000;

"Four and one-half per cent of the amount by which such net estate exceeds \$150,000 and does not exceed \$250,000;

"Six per cent of the amount by which such net estate exceeds \$250,000 and does not exceed \$450,000;

"Seven and one-half per cent of the amount by which such net estate exceeds \$450,000 and does not exceed \$1,000,000;

"Nine per cent of the amount by which such net estate exceeds \$1,000,000 and does not exceed \$2,000,000;

"Ten and one-half per cent of the amount by which such net estate exceeds \$2,000,000 and does not exceed \$5,000,000;

"Twelve per cent of the amount by which such net estate exceeds \$3,000,000 and does not exceed \$4,000,000;
 "Thirteen and one-half per cent of the amount by which such net estate exceeds \$4,000,000 and does not exceed \$5,000,000; and
 "Fifteen per cent of the amount by which such net estate exceeds \$5,000,000."

Sec. 301. That the tax on the transfer of the net estate of decedents dying between September 8, 1916, and the passage of this act shall be computed at the rates originally prescribed in the act approved September 8, 1916.

TITLE IV.—MISCELLANEOUS.

Sec. 400. That the Secretary of the Treasury is hereby authorized to borrow on the credit of the United States from time to time such sums as in his judgment may be required to meet public expenditures on account of the Mexican situation, the construction of the armor-plate plant, the construction of the Alaskan Railway, and the purchase of the Danish West Indies, or to reimburse the Treasury for such expenditures, and to prepare and issue therefor bonds of the United States not exceeding in the aggregate \$100,000,000, in such form as he may prescribe, bearing interest payable quarterly at a rate not exceeding 3 per cent per annum; and such bonds shall be payable, principal and interest, in United States gold coin of the present standard of value, and both principal and interest shall be exempt from all taxes or duties of the United States as well as from taxation in any form by or under State, municipal, or local authority, and shall not be receivable by the Treasurer of the United States as security for the issue of circulating notes to national banks: *Provided*, That such bonds may be disposed of by the Secretary of the Treasury at not less than par, under such regulations as he may prescribe, giving all citizens of the United States an equal opportunity therefor, but no commissions shall be allowed or paid thereon; and a sum not exceeding one-tenth of 1 per cent of the amount of the bonds herein authorized is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay the expenses of preparing, advertising, and issuing the same: *And provided further*, That in addition to such issue of bonds, the Secretary of the Treasury may prepare and issue for the purposes specified in this section any portion of the bonds of the United States now available for issue under authority of section 39 of the act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909: *And provided further*, That the issue of bonds under authority of this act and any Panama Canal bonds hereafter issued under authority of section 39 of the act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, shall be made redeemable and payable at such times within 50 years after the date of their issue as the Secretary of the Treasury, in his discretion, may deem advisable.

CERTIFICATES OF INDEBTEDNESS.

Sec. 401. That section 32 of an act entitled "An act providing ways and means to meet war expenditures, and for other purposes," approved June 13, 1898, as amended by section 40 of an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, be, and the same is hereby, amended to read as follows:

"Sec. 32. That the Secretary of the Treasury is authorized to borrow, from time to time, at a rate of interest not exceeding 3 per cent per annum, such sum or sums as, in his judgment, may be necessary to meet public expenditures, and to issue therefor certificates of indebtedness in such form and in such denominations as he may prescribe; and each certificate so issued shall be payable, with the interest accrued thereon, at such time, not exceeding one year from the date of its issue, as the Secretary of the Treasury may prescribe: *Provided*, That the sum of such certificates outstanding shall at no time exceed \$300,000,000, and the provisions of existing law respecting counterfeiting and other fraudulent practices are hereby extended to the bonds and certificates of indebtedness authorized by this act."

RETURNS OF DIVIDENDS.

Sec. 402. That Title I of the act entitled "An act to increase the revenue, and for other purposes," approved September 8, 1916, be amended by adding to Part III a new section, as follows:

"Sec. 26. Every corporation, joint-stock company or association, or insurance company subject to the tax herein imposed, when required by the Commissioner of Internal Revenue, shall render a correct return, duly verified under oath, of its payments of dividends, whether made in cash or its equivalent or in stock, including the names and addresses of stockholders and the number of shares owned by each, in such form and manner as may be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury."

AMENDMENT OF BANKRUPTCY LAW.

During the reading of the revenue bill,

Mr. O'GORMAN. Mr. President, out of order, I desire to report from the Committee on the Judiciary the bill (H. R. 12195) to amend section 17 of the United States bankruptcy law of July 1, 1898, and amendments thereto of February 5, 1903. The bill proposes an amendment to the bankruptcy law by which a bankrupt may not be relieved from his liabilities under any judgment rendered against him in a breach of promise action accompanied by seduction. The bill has the unanimous support of the committee, and I ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New York for the present consideration of the bill?

Mr. JONES. Mr. President, the bill should first be read before consent is given for its consideration.

The PRESIDING OFFICER. The Secretary will read the bill.

The SECRETARY. A bill (H. R. 12195) to amend section 17 of the United States bankruptcy law of July 1, 1898, and amendments thereto, of February 5, 1903.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. JONES. The bill has not yet been read.

The PRESIDING OFFICER. Does the Senator from Washington desire to have the bill read at length?

Mr. JONES. Yes.

The PRESIDING OFFICER. The Secretary will read the bill. The Secretary proceeded to read the bill.

Mr. SIMMONS. Mr. President, I do not understand what permission the Senator from New York has received for the consideration of the bill.

Mr. THOMAS. He had unanimous consent.

Mr. O'GORMAN. The consideration of the bill will not take a moment. I followed the precedent which was set by my friend the Senator from Alabama [Mr. UNDERWOOD].

Mr. SIMMONS. No; the Senator from Alabama simply asked to introduce a bill; and I thought that was all the Senator from New York desired to do.

Mr. O'GORMAN. This bill will only take half a minute. There is no objection to it.

Mr. SIMMONS. I shall not yield any further for such a purpose. I misunderstood the request of the Senator from New York.

The PRESIDING OFFICER. The Chair put the request for unanimous consent.

The Secretary resumed the reading of the bill.

Mr. JONES. The Chair does not understand that the Senate has yet given unanimous consent for the consideration of the measure?

The PRESIDING OFFICER. No; the Secretary is simply reading the bill.

Mr. JONES. I ask that the bill may be read before unanimous consent is given for its consideration.

The PRESIDING OFFICER. The Secretary will resume the reading of the bill.

The Secretary resumed and concluded the reading of the bill, which is as follows:

Be it enacted, etc., That section 17 of an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, as amended February 5, 1903, be amended so as hereafter to read as follows:

"Sec. 17. Debts not affected by a discharge: A discharge in bankruptcy shall release a bankrupt from all of his provable debts, except such as (1) are due as a tax levied by the United States, the State, county, district, or municipality in which he resides; (2) are liabilities for obtaining property by false pretenses or false representations, or for willful and malicious injuries to the person or property of another, or for alimony due or to become due, or for maintenance or support of wife or child, or for seduction of an unmarried female, or for breach of promise of marriage accompanied by seduction, or for criminal conversation; (3) have not been duly scheduled in time for proof and allowance, with the name of the creditor if known to the bankrupt, unless such creditor had notice or actual knowledge of the proceedings in bankruptcy; or (4) were created by his fraud, embezzlement, misappropriation, or defalcation while acting as an officer or in any fiduciary capacity."

The PRESIDING OFFICER. If objection is made to the consideration of the bill, it will be placed on the calendar.

Mr. BRANDEGEE. I ask unanimous consent that the Senator from New York may have leave to withdraw the report.

Mr. O'GORMAN. I will withdraw the report if objection is going to be made to the consideration of the bill; but I think it would only take a minute of the time of the Senate to act upon it.

Mr. SIMMONS. The Senator may proceed with the bill. I will withdraw my objection to its consideration.

The PRESIDING OFFICER. Is there objection to withdrawing the report?

Mr. BRANDEGEE. The Senator from North Carolina has withdrawn his objection to the consideration of the bill.

The PRESIDING OFFICER. Does the Senator from North Carolina withdraw his objection to the consideration of the bill?

Mr. SIMMONS. If it will only take one minute, I will withdraw my objection.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. SIMMONS. I shall not object, if it does not lead to any debate.

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

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

THE REVENUE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 20573) to provide increased revenue to defray the expenses of the increased appropriations for the Army and Navy and the extensions of fortifications, and for other purposes.

The PRESIDING OFFICER (Mr. SHEPPARD in the chair). The reading of the bill has been concluded.

Mr. SIMMONS obtained the floor.

Mr. KENYON. Mr. President, if the Senator from North Carolina is going to discuss the bill, I think there should be a quorum present; and I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

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

Ashurst	Gronna	Overman	Smith, S. C.
Beckham	Hardwick	Page	Smoot
Borah	Hughes	Penrose	Sterling
Brady	Husting	Pittman	Stone
Brandegee	James	Poindexter	Thomas
Catron	Johnson, Mr.	Pomerene	Thompson
Chamberlain	Jones	Ransdell	Townsend
Clapp	Kenyon	Reed	Underwood
Clark	Len, Tenn.	Shaftroth	Vardaman
Calherson	Lewis	Sheppard	Wadsworth
Cummins	Martine, N. J.	Sherman	Watson
Fernald	Myers	Simmons	Weeks
Fletcher	Norris	Smith, Ga.	

The PRESIDING OFFICER. Fifty-one Senators having answered to their names, a quorum of the Senate is present.

Mr. SIMMONS. Mr. President, I shall content myself with a brief statement—at least, I hope it will be brief—of the general scope and purposes of this bill and an explanation of the amendments which have been made to it by the Committee on Finance.

The estimated expenditures for the years 1917 and 1918 for the Army, the Navy, and fortifications exceed the expenditures for the last normal year—that is, the year before we entered upon this program of preparedness—by the enormous sum of \$860,000,000. That is, an average increase in expenditures during these two years on account of this program for these purposes of \$430,000,000. The appropriations, adding to the normal expenditures of the Government these enormous sums of money, were made in response to a popular sentiment, which found expression in Congress by a vote in both Houses approaching the point of unanimity. They have since been approved by the people of the country in the general election which followed their enactment. They are for the purpose of preparing the country for defense, not only against invasion, but for defense in case its rights are disregarded and violated, either upon sea or land.

In these circumstances the House, in framing this bill, decided that the Government should set aside a special fund for the payment of these increased expenses. In pursuance of that there is written in the bill a provision that all the additional revenues accruing to the Government from the adoption of this bill, estimated to amount in the aggregate to about \$248,000,000, and all of the additional revenues accruing to the Government from the so-called emergency act of September, 1916, estimated to amount to about \$175,000,000, making together \$423,000,000 as the total amount that will accrue to the Government from all of our so-called emergency legislation—for the emergency legislation of the previous Congress, at least that part of it which did not expire by limitation or was not repealed, was brought forward in the revenue act of 1916—should be segregated from the balance of the funds in the Treasury, and set apart as a fund to be applied to the payment of the expenses incident to the Army, the Navy, and fortifications. It is true that there is a provision that in cases of emergency the Secretary of the Treasury may use this fund temporarily for other purposes; this is accompanied, however, with the requirement that so much of it as is so used shall be reimbursed from the general fund in the Treasury so as to keep this preparedness fund intact.

But for these extraordinary expenses during the present fiscal year and the fiscal year 1918, there would be sufficient revenues from the current receipts of the Government to pay ordinary expenses.

To illustrate: In the fiscal year 1917 the additional expenditures on account of the Army, Navy, and fortifications were estimated at \$329,000,000, including the expenses of the Mexican situation. To meet that we expended from the receipts to be received from the last emergency bill \$175,000,000. We did not then make any provision for the Mexican situation. It was stated in the report of the committee upon that bill that it was not the purpose to provide therein for the Mexican situation, but that it was the expectation that those expenses would be financed by the issuance of Panama Canal bonds.

The Secretary has not issued those bonds, but has paid the entire expenses up to this time from funds in the Treasury, and will so continue to do until the end of the fiscal year. As a result of the payment of these expenses in that way, an estimated excess of disbursements over receipts for the year will exist on the 30th day of June, 1917, of \$157,000,000. We have in this bill authorized the Secretary—we did not authorize him before because we thought he already had the authority, but in this bill

we give him express authority—to issue enough of these bonds to cover this expenditure, estimated to amount, by the end of this fiscal year, to \$162,000,000, so that when those bonds are sold and the money received therefrom is covered into the Treasury it is apparent that it will pay off and discharge the estimated deficit of \$157,000,000 so expended, and add about \$5,000,000 to the Treasury balance.

It is estimated that the expenditures on account of the Army and Navy and fortifications for the fiscal year 1918 will reach \$530,000,000, or a little over \$200,000,000 more than the estimated expenditures for these purposes during the present fiscal year. This amount will exceed the amount that we propose to set aside for preparedness, the amount to be realized from all the emergency-revenue bills—to wit, the one at present under consideration and the one of 1916—by about \$107,000,000. The estimated excess of disbursements over receipts for the year 1918 is \$366,000,000. At least, that was the estimate at the time the report upon the House bill was made. There have been some deficiency estimates made since then which will run it up somewhat, but according to that estimate the deficiency will be \$366,000,000. So that it is apparent from this statement that but for these extraordinary expenditures imposed upon us as the result of this program to which the country has so heartily agreed, and which it has so strongly indorsed, there would be in the Treasury, exclusive of the total amount which will accrue from this bill and from the emergency act of 1916, ample funds to meet the expenses of the Government.

Mr. WATSON. Mr. President—

The PRESIDING OFFICER (Mr. LEA of Tennessee in the chair). Does the Senator from North Carolina yield to the Senator from Indiana?

Mr. SIMMONS. Yes.

Mr. WATSON. Will it interfere with the Senator if I ask him to state at this point how much revenue was raised under the special act of September 8, 1916, and what became of that revenue? I am asking for my own information.

Mr. SIMMONS. I just stated to the Senate that for the year 1917 that amount was estimated at about \$175,000,000, and it is to be used, of course, to defray this additional expense. Probably I did not catch the Senator's question. I will ask him to repeat it.

Mr. WATSON. The question was, How much revenue was produced by, or raised under, the provisions of the act of September 8, 1916, and what disposition was made of that revenue?

Mr. SIMMONS. I stated that the amount was estimated to be \$175,000,000.

Mr. WATSON. All told?

Mr. SIMMONS. Yes; under that act. That is a little less than we estimated at the time of the passage of the act, but that is the amount it is now estimated, in the light of further experience, it will yield.

Mr. WATSON. And the revenue produced then was practically the same as estimated?

Mr. SIMMONS. No; it will not be quite as much as was estimated at the time the bill passed.

Mr. WATSON. And that special tax was levied at that time for Army and Navy preparedness, was it not?

Mr. SIMMONS. Yes; and I stated a few minutes ago that after that amount is applied to that purpose we will lack \$157,000,000, or about that, of paying off and discharging the increased appropriations for that year for Army, Navy, and fortifications. That additional amount was to be paid out of bonds. The bonds have never been issued, but the amount has been or will be paid out of the current revenues of the Government; and we are now proposing in this bill to authorize the Secretary of the Treasury to sell Panama Canal bonds and reimburse the Treasury for that \$162,000,000 spent or to be spent during the current fiscal year on account of the Mexican situation. When that is done, and that fund goes into the Treasury for the purpose of reimbursing it, it will wipe out the estimated deficit for the year 1917, and leave a small surplus.

Mr. PENROSE. Mr. President, will the Senator yield to me? If the Senator objects to an inquiry, I will wait until he gets through.

Mr. SIMMONS. I will state to the Senator that I would greatly appreciate it if he would let me go on and conclude my remarks.

Mr. PENROSE. I understood, in conversation with the Senator in the rear of the Chamber a little while ago, that he expected inquiries, and was willing that they should be made.

Mr. SIMMONS. I think if I should yield to interruptions it would take a very long time for me to conclude. It is not my purpose to engage in any partisan discussion. I simply want

to explain the bill; and while, of course, I shall not object to interruptions, I should like it better if I were permitted to proceed.

Mr. PENROSE. I hope the Senator will not suspect me of rising to address an inquiry to him because I wanted to get into a partisan discussion.

Mr. SIMMONS. No; I certainly would absolve the Senator from Pennsylvania of any purpose in that direction.

Mr. PENROSE. I think the Senator would not suspect me of that.

Mr. SIMMONS. Now, Mr. President, the bill has two general provisions imposing taxes. One is in reference to inheritance taxes. The proposition is simply to increase the rates of the present law 50 per cent. The second provision imposing taxes is that which relates to taxes upon excess profits. Speaking generally, this provision imposes upon corporations and co-partnerships a tax of 8 per cent upon their net profits in excess of \$5,000 plus 8 per cent of their invested capital. In estimating the net income for the purposes of this tax the bill provides that the return made under the income-tax law in that year shall be accepted as the basis of assessing the tax against that income. That makes, of course, the application of that part of the law very easy.

But there is another side to the problem, and that is one which grows out of the exemption of 8 per cent. In order to ascertain what that exemption is it is necessary to fix a basis for calculating it. The bill fixes that basis by taking the capital actually invested in the business. To make it clear what is meant by those general terms, the bill undertakes to define the meaning of the words "capital actually invested in the business." It defines those terms to mean, first, "actual cash paid in"; second, as amended by the committee, "actual cash value of assets other than cash at the time such assets were transferred to the corporation or partnership"; and, third, "paid-in or earned surplus and undivided profits used or employed in the business; but does not include money or other property borrowed by the corporation or partnership, whether evidenced by bonds or otherwise."

The chief controversy made by the representatives of the corporations who appeared before your committee in opposition to this tax was with reference to the language in subdivision 2 of section 202. Some of them insisted that the correct rule would be the cash value of the property at the time of the return of income for taxation, instead of at the time the property was turned over as a part of the assets of the corporation. Of course, it is to their interest to increase the amount of the exemption, and they insisted that the basis of such exemption should be the value at the time of the return, the effect of which clearly would be to give them the benefit of the unearned increment, of good will, and so forth.

Your committee adopted the basis recommended by it because they thought it would place every taxpayer upon the same basis. That is, it would allow to each taxpayer an amount estimated in cash equal to the actual investment in the business. This puts every taxpayer upon a standard of parity in estimating the invested capital. It is contended that the rule, the exemption, and the tax imposed is arbitrary. That may be. Most taxation is imposed upon lines that are more or less arbitrary. The Government needs a certain amount of money; it must be raised by taxation. It has the right to determine the way in which it shall be raised. It should be fair as between the class upon which it is imposed. Subject to that qualification, the standard may be arbitrary, and frequently is, and yet be just. When we allow an 8 per cent exemption, that is an arbitrary amount. We might have made it 6; we might have made it 10; but we had in view the purpose of the legislation, and in exercising this arbitrary right we fixed it at 8 per cent based upon the theory that 8 per cent is a good profit in any business.

In presenting the rate of the tax we arbitrarily placed it at 8 per cent. We might have fixed it at 10. There were suggestions that we make it that much. In some countries of Europe it is 10, in some 25, in some as high as 60 per cent. There is no certain criterion in respect to that. It is a matter that must be arbitrarily settled by the taxing power.

The same is true as to the time of valuation of property transferred to the business. It is competent for the Government to provide that the valuation should be at the time of the transfer or at the time of the return for taxation. This question may justly be settled upon consideration of the amount of tax which is to be realized and fairness and equity between the class upon which the tax is to be imposed.

Your committee decided, in the circumstances, that the interest of the Government and equality between the taxpayers required that the exemption should be based upon the cash

value of the property at the time of investment instead of at the time of return for taxation.

It is clear if you make the valuation at the time of the return, inequalities between taxpayers would arise which do not exist under the rule adopted. The rule adopted secures equality as between the taxpayers with reference in the exemption. Every taxpayer will get an exemption upon the same basis, namely, the amount he actually invested, measured in cash at the time it was invested.

If we should adopt the other basis and take the valuation at the time of the return, the unearned increment of property, and the earning capacity of the concern would be capitalized annually and be reflected in each return for taxation.

The unearned increment of real property would be very great in a place like New York, while it would be very small in many prosperous but smaller places.

The earning capacity, which is reflected in the market value of the property, depends largely upon the nature of the business, upon good will, trade-marks, patents, and so forth. At the present time the earning capacity of certain concerns, like the powder factories, is very great, while for other concerns it is very small.

Under the basis as recommended, the standard for measuring the capital invested is a fixed and unchangeable one; under the basis as suggested, the standard would be a varying one, changing with every season and with every change in conditions.

Your committee believes that with the amendment proposed to section 202 of the House bill the definition therein made of actual capital invested will furnish a just and equitable basis of computation as between the taxpayer, and will secure to the Government the income sought to be derived from this source without making it necessary to increase the tax beyond 8 per cent upon net profits.

Another objection urged to the bill as it came from the House was on account of the exemption allowed in that bill in favor of partnerships engaged in agriculture. It was claimed that if partnerships engaged in other business were taxed, they should be taxed when engaged in agriculture.

Again while the House bill exempted partnerships it did not exempt corporations engaged in agriculture. This likewise was objected to and it was contended that if partnerships engaged in agriculture were exempted corporations likewise engaged should be exempted.

On the other hand, it was contended that to exempt either corporations or partnerships so engaged, would be a discrimination against those in other business. It was contended that in certain sections of the country both corporations and partnerships, owning immense tracts of land, supplied with great capital, engaged in the production of food animals, growing cotton, sugar, wheat, and general farm products, making tremendous profits, in some cases equal to that of many of our great industrial corporations, would be relieved of all taxes.

After consideration of these and other suggestions to the same general import, your committee decided to recommend an amendment to the House bill making both partnerships and corporations engaged in agriculture, subject to the tax imposed upon other combinations.

Your committee continued the exemption under section 204 of the House bill as it applied to incomes derived from personal service with the amendment that it should apply to corporations as well as partnerships, and only when that income is derived exclusively from personal service.

I think that reasonably meets the objection made on that score.

It was also objected, and probably the objection was urged more strenuously than any other, that the exemption of individuals from this tax is unduly and unjustly discriminative against corporations and co-partnerships. Upon its face this proposition would appear to be sound, and, speaking broadly and generally, it probably would be but for the fact that the income tax imposed upon individuals is far greater than that imposed upon corporations, while partnerships pay no tax under that law. The corporation pays an income tax of only 2 per cent. It starts at 2 per cent and it ends at 2 per cent; it does not increase. On the other hand, the individual pays an income tax of 2 per cent upon his entire net income, plus a graduated surtax upon all income above \$20,000, reaching by the time his income has risen to the \$2,000,000 mark a flat 13 per cent, in addition to the normal tax of 2 per cent. If an individual receives an income from a corporation which has paid the 2 per cent tax and his income exceeds \$20,000, that excess also is subject to this graduated tax.

If you apply the income-tax law to the individual, and then apply the same law to the corporations, adding the excess-profit tax, you will find that the amount actually paid by the

individual is very little less than that which would be paid by the corporation, the one subject to the excess profits tax and the other not. And the same is true as between the individual and a partnership. If, on the other hand, you add an excess profits tax to the income tax of the individual you will find, as I have found from certain calculations made me by the Actuary of the Treasury Department, that the result will be a gross discrimination against the individual, and that he would pay a larger sum than would the corporations or partnerships.

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

Mr. SIMMONS. Yes.

Mr. POMERENE. Does the Senator mean by that, adding the excess profits tax to the supertax as applied to individuals.

Mr. SIMMONS. I mean if you apply the excess profits tax to the individual as well as to a corporation.

Mr. POMERENE. And also the supertax?

Mr. SIMMONS. Oh, certainly.

Mr. President, I wish to put in the RECORD as a part of my statement a computation made by the Actuary of the Treasury at my request. It is a comparison of the total amount of taxes to be paid to the Government from the net profits of a certain business when conducted as a corporation, a copartnership, or as an individual, said taxes to include all Federal taxes to be paid by the concern or by the members of the same out of profits derived therefrom. It includes all the taxes that are to be paid.

For this purpose he used the same capital, the same net income, as to the corporation, copartnership, and individual. He took a corporation with an assumed actual invested capital of \$1,000,000, with an assumed net income of \$200,000. The corporation excise tax of 50 cents on each \$1,000 of market value of capital, assumed to be \$1,500,000, will amount to \$750. The income tax is 2 per cent, or \$3,985. We have as the result, net income of \$195,265; under the provision of the excess profits tax there is exempt in the case of corporations \$5,000, and 8 per cent of capital invested, \$80,000, making the total exempt profits \$85,000, leaving as excess profits \$110,265. A tax of 8 per cent of this amount, that is the excess profits tax, will be \$8,821. This leaves as the net excess profits \$101,443, and the exempt profits \$85,000. Total profits for division among stockholders, after paying all these taxes upon a net income of \$200,000, will be \$186,443. The shareholders will pay no additional income tax upon their dividends, because the share of each would be less than \$20,000. Total taxes, corporation excise, \$750; corporation income, \$3,985; excess profits, \$8,821; total, \$13,556.

He made the same calculations with reference to a copartnership. The total profits in that case exempt from taxation he found would be \$190,800. He divided this between the five partners in order to ascertain the amount of his individual income tax. The share of each partner will be \$38,160. Income tax, normal, 2 per cent on \$34,160 will be \$683.20. Additional tax 1 per cent on excess over \$20,000, will be \$181.60; total, \$864.80; making the total individual income tax of the five partners \$4,324. The net result of that calculation shows that a copartnership would pay \$13,524, a difference of only about \$30 from a corporation.

Now, take the individual with the same capital and profits. On \$196,000 he will pay 2 per cent, an additional 1 per cent on \$20,000, an additional 2 per cent on \$20,000, an additional 3 per cent on \$20,000, an additional 4 per cent on \$20,000, an additional 5 per cent on \$50,000, and an additional 6 per cent on \$50,000, which makes a total income tax that the individual would pay of \$11,420. That is, his total income tax would be about \$2,000 less than the total tax that would have to be paid from the profits of the same business when conducted as a corporation or as a copartnership, including the excess tax.

If you charge the excess profits tax against the individual you have this result: Exempt profits, \$5,000, plus 8 per cent, capital invested, \$80,000, or a total exempt profit of \$85,000; taken from the net profit after deducting the income tax, \$11,420, which would leave as excess profits, \$103,580. Impose the 8 per cent tax on this and you have \$8,286 as the excess profits tax. The total tax the individual would pay under those circumstances is \$11,400 income tax and \$8,286 excess profits tax, a total of \$19,706, as against \$13,524 by a partnership and \$13,556 by a corporation. So that it is perfectly clear that under the provisions of our income-tax law, if you impose this excess profits tax upon individuals as well as upon corporations and copartnerships, you will bring about a gross inequality, an inequality amounting to something over \$6,000 against the individual taxpayer upon a net income accruing to each of \$200,000.

Mr. President, there was more or less vigorous opposition—

Mr. HARDWICK. Before the Senator from North Carolina leaves that branch of the discussion, will he explain to me why

it was that copartnerships, as well as corporations, were made subject to this tax? Do not the individuals composing a copartnership have the same income tax to pay which other individuals do; and why were copartnerships put on a parity with corporations? If the Senator can tell me just in a word, I should be glad. It may be that he has already made the explanation.

Mr. SIMMONS. Copartnerships do very largely the same character of business as corporations, although they do not issue stock. As I have demonstrated, I think, from these figures, the application of this law to copartnerships would not result in any discrimination between them and corporations; that is to say, the profits of a copartnership would have to pay the same tax as the profits of a corporation, and not any more than those of the corporation.

Mr. HARDWICK. But if the argument be applied fairly and squarely, then the individual who is engaged in business with a corporation on one side of him and a copartnership on the other would have to pay the same tax.

Mr. SIMMONS. The corporation only has to pay the excess profits tax on the profits of that corporation. A copartnership consisting of five copartners, taking that as an illustration, as I do, would divide up the income, and they would divide it up exactly as the income of a corporation is divided up between the stockholders of that corporation. Suppose we have a corporation with five stockholders. They divide up at the end of the year the net profits. Each individual stockholder of that corporation must pay an income tax upon his share of the profits, just as each individual partner in a copartnership must pay the income tax upon his dividends, so to speak. One is a dividend; the other is a division of profits; but they are in principle identically the same thing. They represent the net profits of the operations of that concern. It does not make any difference whether it is a corporation or a copartnership they receive the profits, one in the shape of dividends, the other on shares; but, as I said, it is the same thing in principle. After they have received the profits they are both subject to identically the same requirements. With reference to the income-tax law, they are identical, except that as to the individual he would be entitled to exemptions of the income tax paid by the corporation.

Mr. HARDWICK. Let us see whether that is exactly accurate or not. The individuals who compose—

Mr. SIMMONS. I might call the attention of the Senator to another fact, which is very important in this connection, which was about to escape me, and that is the fact that a copartnership, as such, does not pay any income tax at all.

Mr. HARDWICK. But the individual members of the copartnership pay it on their profits?

Mr. SIMMONS. The individual members of the partnership pay on their profits, just as the individual stockholder pays on his profits.

Mr. HARDWICK. Let us see, then, whether or not the Senator has arrived at a just conclusion about this matter. Here is one man engaged, we will say, in the dry-goods business, for the purpose of this illustration—just one. He pays an income tax, and nothing more, to the Government, so far as this proposition is concerned. Here are two men who are engaged in a copartnership—Smith & Jones. Next door, we will say, is Mr. Brown, the first man I spoke of. Brown pays the individual income tax; Smith and Jones, each one, would have to pay an individual income tax, and yet you are going to charge the copartnership another tax, although each one of them will get half of the profits. I do not see why that is.

Mr. SIMMONS. They do not pay like the corporation. The corporation pays a flat income tax of 2 per cent upon its entire profits.

Mr. HARDWICK. Yes.

Mr. SIMMONS. But the copartnership does not pay any income tax upon its net profits at all. The 2 per cent income tax which the corporation has to pay, and which the copartnership does not have to pay, I should say, upon the general average, would make up the difference created by the income tax.

Mr. HARDWICK. It must be my own failure to comprehend exactly what the Senator is trying to explain, but I find this trouble about the proposition, and I have from the beginning of the consideration of this question: I can see how you put the copartnership in in order to equalize it with the corporation, but now let us take the other horn of the dilemma for just a moment. Here are two individuals, we will say, engaged in business—Mr. Smith and Mr. Jones. They are partners, and they are selling dry goods or any other commodity. Right next door to them, perhaps, there is a man named Brown, who is running a business and has no partner. Smith and Jones, each one, must under the Federal law pay, if he makes enough money, his income tax, just as Brown next door who has no partner pays his income tax. Why, then, do you charge Smith & Jones

this copartnership tax when you do not charge Brown anything on his business as a business tax? That is the point I can not understand.

Mr. SIMMONS. I think the figures which I have given to the Senator will explain that. This tax is not a business tax but an income tax, based not on business but upon income or profits.

Mr. HARDWICK. They do not elucidate that point in the slightest particular.

Mr. SIMMONS. I think they do.

Mr. HARDWICK. They do not.

Mr. SIMMONS. Of course, Mr. President, it is utterly impossible to make absolute equality in these cases.

Mr. HARDWICK. But the Senator's figures do not even apply to the question I have suggested.

Mr. SIMMONS. But my figures show that a copartnership, which is a corporation with the single solitary exception that it is not incorporated, conducts business upon the same general principles as does a corporation.

Mr. HARDWICK. Undoubtedly; but if the Senator will pardon me—and I want to get entirely clear upon that point and not get away from it—the Senator's figures would apply to the comparison between a partnership and a corporation, and they do show that there is substantial equality between a partnership and a corporation, but the question to which I am now directing my inquiry—because I want information on the subject—is how you are going to make the same sort of showing with reference to the individual who is engaged in business on his own account and the two individuals who are engaged in business as a copartnership?

Mr. SIMMONS. I can not answer the Senator from Georgia differently from what I have already done.

Mr. HARDWICK. Then the Senator has not answered the question.

Mr. SIMMONS. I have answered the Senator that under the present circumstances the individual pays a graduated tax as high as 15 per cent on incomes in excess of \$2,000,000; the corporation has to pay a flat tax of 2 per cent, while partnerships pay no income tax at all.

Mr. HARDWICK. Now, if the Senator will pardon me, I am not willing for that sort of an answer to stand. I am going to get this thing straight, if I can. That is not true about either the individual or the partnership. It is true as to the corporation, which pays, as I understand, the 2 per cent tax.

Mr. SIMMONS. The copartnership pays no income tax.

Mr. HARDWICK. I know; but its members do. Both Smith and Jones, who constitute the copartnership, pay.

Mr. SIMMONS. The copartnership members; yes.

Mr. HARDWICK. Just like an individual does.

Mr. SIMMONS. The members pay no income tax, as distinguished from a corporation, until the profits are divided. If an individual receives an income from a corporation, that individual receives that income after it has paid the income tax. If a member of a copartnership receives it, he receives it after it has paid an income tax. They both receive it under the same conditions. The individual will not be subject to this income tax upon the dividends which he receives upon his stock in a corporation or upon his stock in a copartnership in any different way from the way in which the members of the copartnership will be liable for that tax. If the individual has a part of his money invested in a corporation, when the dividends therefrom comes to him, if his total income amounts to more than \$20,000, the excess over the \$20,000 becomes at once subject to the graduated income tax under the provisions of the present law.

As I have already shown, in the case of the business conducted as a corporation, partnership, or as an individual, the imposition of this excess profits tax upon the individual would be a decided discrimination. In the case instanced this would amount to a tax upon the individual of nearly 50 per cent more than the total tax paid from the profits of the partnership. The principal reason for this is the additional income tax payable by the individual. In general, it may be said that the reason for not applying this tax to individuals is, in addition to the above, that the exemptions allowed to individuals will be duplicated to each member of a partnership in his individual capacity; also the nonimposition of any income tax upon partnerships as such. It is evident that the following deductions and exemptions allowed to individuals are multiplied by the number of partners, when the individual partners pay their income tax upon their receipts from the profits of the business:

All interest paid on indebtedness during the year.

All taxes paid during the year.

Losses actually sustained during the year in transactions not connected with the trade or business.

Debts found to be worthless during the year.

The \$4,000 exemption of income allowed married individuals.

I will here insert the table I have been quoting from:

Comparison of the total amount of tax to be paid to the Government from the net profits of a certain business when conducted as a corporation, a partnership, or an individual, said taxes to include all Federal taxes to be paid by the concern, or by members of the same, out of profits derived therefrom.

CORPORATION WITH 10 STOCKHOLDERS.		
Capital invested	\$1,000,000.00	
Income, net	200,000.00	
Corporation excise tax, 50 cents per \$1,000 upon \$1,500,000	750.00	
Income tax at 2 per cent	3,985.00	
Net income	195,263.00	
Excess-profit tax:		
Exempt profits (cash)	5,000.00	
8 per cent of capital invested	80,000.00	
Total exempt profits	85,000.00	
Excess profits	110,263.00	
Tax at 8 per cent	8,821.20	
Total profits to be divided:		
Excess profits	101,443.80	
Exempt profits	85,000.00	
Total	186,443.80	
Share of each stockholder	18,644.38	
Personal income tax: No personal income tax.		
Total taxes:		
Corporation excise	750.00	
Corporation income	3,985.00	
Excess profit	8,821.20	
Total	13,556.20	
PARTNERSHIP.		
Capital invested	\$1,000,000.00	
Net profits	200,000.00	
Number of partners, 5.		
Excess-profit tax:		
Exempt profits (cash)	5,000.00	
8 per cent capital invested	80,000.00	
Total excess profits	115,000.00	
Tax at 8 per cent	9,200.00	
Profits for division:		
Excess	105,800.00	
Exempt	85,000.00	
Total	190,800.00	
Share of each partner	38,160.00	
Income tax:		
Normal, 2 per cent on \$34,160	683.20	
Additional, 1 per cent on excess over \$20,000	181.60	
Total	864.80	
Income tax of all partners	4,324.00	
Total taxes:		
Excess profit	9,200.00	
Income	4,324.00	
Total	13,524.00	
INDIVIDUAL.		
Capital invested	\$1,000,000.00	
Profits	200,000.00	
Income tax:		
Normal, 2 per cent on \$196,000	\$3,920	
Additional, 1 per cent on \$20,000	200	
Additional, 2 per cent on \$20,000	400	
Additional, 3 per cent on \$20,000	600	
Additional, 4 per cent on \$20,000	800	
Additional, 5 per cent on \$50,000	2,500	
Additional, 6 per cent on \$50,000	3,000	
Total	11,420.00	
Net profits	188,580.00	
Excess-profits' tax:		
Exempt profits	5,000	
8 per cent capital invested	80,000	
Total	85,000.00	
Excess profits	103,580.00	
Tax at 8 per cent	8,286.40	
Total tax:		
Income	11,420.00	
Excess profits	8,286.40	
Total (with excess-profits' tax)	19,706.40	
Total (without excess-profits' tax)	11,420.00	
RESUME.		
	Amount.	Per cent.
Corporation	13,556	6.77
Partnership	13,524	6.76
Individual	19,706	9.85
Individual (without excess profits)	11,420	5.71

Mr. McCUMBER. Mr. President, right here may I ask the Senator a question so that I may understand the matter? I understand under this proposed law there is first an exemption of \$5,000, both as to partnerships and corporations, and then there is allowed a further exemption of 8 per cent on the capital stock.

Mr. SIMMONS. Yes; the 8 per cent being based upon the actual capital invested, however, and not upon capital stock.

Mr. McCUMBER. If there is nothing more than that earned by the corporation or by the partnership, it pays nothing, but it pays 8 per cent on all above that, and then when the individual, either as a partner or as a stockholder, receives his dividend or his proportion from the partnership, he will be charged again another 2 per cent and an additional tax, according to the amount involved?

Mr. SIMMONS. If the income is received from a corporation, he would pay only the additional tax on the excess of his income over \$20,000. In case his income is received from a partnership he would pay the normal income tax and the additional tax also. The reason for this difference is that the corporation has already paid an income tax of 2 per cent upon the amount returned as dividends to the individual, while the partnerships have paid no income tax upon their profits.

Mr. McCUMBER. He does not have to pay unless his income exceeds \$20,000? Is the Senator sure about that under this bill?

Mr. SIMMONS. What is the question?

Mr. McCUMBER. That the person who draws the dividends from a corporation or draws his share of the partnership profits is not taxed at all unless his income exceeds \$20,000. I do not so understand the bill.

Mr. SIMMONS. The Senator is getting copartnerships and corporations somewhat confused. The copartnership pays no income tax at all.

Mr. McCUMBER. It does not under this bill?

Mr. SIMMONS. No; not an income tax, but an excess profits tax.

Mr. McCUMBER. I understand that, but that is upon its income.

Mr. SIMMONS. It pays no income tax, though.

Mr. McCUMBER. But it does pay a tax on profits in excess of \$5,000 and also in excess of 8 per cent profit on the capital invested.

Mr. SIMMONS. Yes.

Mr. McCUMBER. That is paid by the copartnership?

Mr. SIMMONS. That is paid by the copartnership.

Mr. McCUMBER. Then, if the individual partner draws anything, he is also taxed on whatever he draws as a charge against the individual. Is not that correct?

Mr. SIMMONS. He is taxed under the income-tax law?

Mr. McCUMBER. Yes.

Mr. SIMMONS. If his income, as I understand, exceeds \$20,000.

Mr. McCUMBER. No; is he not taxed if his income exceeds \$4,000?

Mr. SIMMONS. The Senator is correct; my answer was inadvertent. Four thousand dollars, I should have said, or \$3,000, if his exemption is that low.

Mr. McCUMBER. His exemption is \$3,000 if he is single, and \$4,000 if he is a married man. Then there is a double taxation there clearly upon the same funds, for there is first a tax upon the excess profits of the partnership and then another tax of equal amount against the individual in excess of the exemption of \$3,000 or \$4,000, whatever it may be.

Mr. SIMMONS. Yes; but does not the Senator see that the same thing applies to the stockholder who gets his dividends from a corporation; that is, to the individual who invests his money in a corporation?

Mr. McCUMBER. I presume that under this bill probably that is true; but as I understand, under the old law, if his income did not exceed \$20,000, there was no additional tax charged.

Mr. SIMMONS. The Senator probably did not understand me. If an individual invests a part of his money in a corporation, takes stock in that corporation, and the corporation makes a net earning, that earning is divided among the stockholders and the individual gets his part of it. That has paid a flat income tax of 2 per cent.

Mr. McCUMBER. That is paid at the source.

Mr. SIMMONS. No; that is the corporation income tax. That has already been paid, and after that is paid the fund is divided and the individual who invests his money in the corporation stock gets his part of those proceeds; but the minute it comes into his hands it is subject to the income tax.

Mr. McCUMBER. And to a surtax, if his income exceeds a certain amount.

Mr. SIMMONS. If it exceeds \$20,000.

Mr. McCUMBER. If it exceeds \$20,000, it is then subject to the surtax.

Mr. SIMMONS. He must pay the surtax, that is true, whether he gets his income from a copartnership, from a corporation, or otherwise.

Mr. McCUMBER. I am not stating that there is a distinction at all in that respect.

Mr. SIMMONS. Now, Mr. President, there was considerable opposition made to the bill on the part of the munition manufacturers. They insisted that they were already paying quite a considerable tax, and the imposition of this additional tax upon them was a discrimination, an unjust imposition upon their business. The answer to that, whether it be satisfactory or not—and every individual must make his own answer to a question of that sort—the answer to that, which was made and urged with force, I think, was that if there is any discrimination against the manufacturer of munitions it is not made by this bill. It was made in the present law. The Congress decided in 1916, when it passed the present emergency revenue law, to make a discrimination against these manufacturers, and they fixed the amount of the discrimination at 12½ per cent. That has not been disturbed. We do not add to that discrimination in this bill, because, with reference to the excess profits tax, they are taxed as every other manufacturer is taxed. We simply continue the discrimination, and we say, "subject to the discrimination," if you please to call it so, "made by the prior Congress, we impose this tax upon you as we impose it upon every other corporation."

I do not think that we have levied any tax in this country in many years, certainly not since I have been in Congress, that was more universally demanded by the people than the 12½ per cent flat profit tax that we imposed upon this class of corporations in 1916. It was practically universally demanded. The demand was based upon the justice of the situation. They were making admittedly enormous profits out of the very situation that had called forth the action resulting in imposing upon the shoulders of the people of this country heavy additional taxation, and they are still making them. We have not changed that situation at all; we continue that; but we find that it is necessary to levy additional taxes to pay this very identical expense—that of placing this country in a state of preparedness to meet, if need be, the aggressions of some of those out of whom the munition manufacturers have been and are making these abnormal profits. Why should they not bear the same part of this additional taxation that other corporations are made to bear? There is certainly more justice in this additional levy against them, or as much justice, as in the original levy.

But again, Mr. President, in 1916 when we were about to levy this tax against the munitions manufacturers they came here, not to complain so vigorously against the tax, for they admitted they were making the enormous profits about which the country had heard; they admitted that they were receiving enormous orders from abroad day by day; but the thing of which they complained most severely in connection with the tax was the fact that we made it retroactive; we made it apply to all contracts and to all sales made during the taxable year before the enactment of the legislation as well as after the enactment of the legislation. They said that was unjust. What reason did they give for saying that it was unjust? They said, "If you let this apply only to future sales and contracts we can protect ourselves in the contracts by passing the tax on to the purchaser. We did not anticipate and could not anticipate this legislation. We have made provisions in our contracts for many contingencies, but we have not made provision in any of those contracts for passing on this tax." They had made provision for passing on other taxes, States taxes and municipal taxes, but they had not in those contracts made provision permitting them to pass on this tax, and, therefore, they said, "We have a real cause of grievance against you when you propose to impose this tax upon contracts we have already made, and which we are now billing. What does that mean, Mr. President? That means that while a tax which would ordinarily be called a heavy tax was imposed upon them in 1916, they had a means, which they had already employed as to other taxes, of making their foreign customers pay that tax."

Mr. VARDAMAN. Mr. President, if the Senator will allow me—

Mr. SIMMONS. If we shall add this additional tax it will be just as easy for them probably to pass that on as to pass the other taxes on.

Mr. VARDAMAN. I was about to suggest to the Senator that it would be interesting to the American people to know how able these people are to pay this tax and that information would be furnished by the Senator putting in the Record, if he has it convenient, the profits that they are making on the capital stock of their companies. I understand their profits amount to 200 to 300 per cent.

Mr. SIMMONS. Unfortunately, I have not the figures at hand. If the Senator will supply them to me I will be very glad to see that they go into the Record.

Mr. President, the next objection came from the insurance companies. While all these companies, both old-line and mutual companies, objected to this tax in a general way, the chief objection came from the so-called mutual companies, companies doing insurance on the mutual plan. The general objection, though, made and stressed by both lines of insurance went to the very root and fundamentals of the imposition of the tax. They insisted that a war tax, as they characterized it, should not be imposed upon insurance. In 1916 they came and made a fight against the imposition of the income tax upon insurance companies. They insisted broadly then, as they do now, that insurance was a class of business that stood on its merits separate and apart from the other business of the country and

should be treated upon a different basis and was entitled to higher and more preferential consideration because of the humanitarian and benevolent elements that enter into it. They said, "Our policyholders are making sacrifices and indulging in all sorts of self-denial in order to leave something to those who come after them, and when men make such sacrifices, the usufruct of which is to take place after their death, they are entitled to special consideration by the Federal Government, and income taxes or other war taxes ought not to be imposed."

In 1913, and again last year, under the influence of their persuasive appeal, in the goodness of our hearts we made exemptions, I think in some instances rather remarkable exemptions, in favor of these companies. We did not altogether let them out. When they found that we were going to tax them, they asked for first one exemption and then another, and we granted to them practically every exemption that they asked for. The result, Mr. President, was that the insurance companies have paid relatively a mighty small income tax. I have here in my hand the returns from 20 of the largest insurance companies in this country, including some of the old-line companies and some mutual companies, just as they come in the order of their magnitude:

Statement of income, etc., of 20 leading life insurance companies for the calendar year 1915.

	Premium income.	Income from investments.	Total income.	Expense of operation.	Policy losses paid.	Taxes paid.	Other disbursements.	Total disbursements.	Actual net income.	Net income on which tax was paid.
1.....	\$21,739,704.18	\$5,471,156.88	\$27,210,861.06	\$4,361,110.75	\$15,808,988.94	\$768,702.51	\$4,196,293.56	\$25,135,095.76	\$2,075,765.30	\$178,406.29
2.....	7,030,584.67	1,341,736.10	8,372,320.77	1,235,534.54	4,548,171.69	111,488.80	54,282.12	5,749,477.15	2,622,843.62	315,399.76
3.....	6,612,723.05	3,472,314.96	10,085,038.01	1,258,950.96	6,447,937.76	312,048.86	156,650.02	8,175,587.60	1,909,450.41	714,934.05
4.....	52,021,853.47	25,243,604.41	77,265,457.88	9,199,195.91	46,381,483.26	1,201,040.69	359,490.81	57,141,210.67	20,124,247.21	3,588,052.51
5.....	5,476,599.55	2,523,759.88	8,000,359.43	1,309,464.19	4,032,553.11	129,708.71	81,394.07	6,453,420.08	1,546,909.35	692,818.11
6.....	26,694,540.60	5,438,280.29	32,132,820.89	7,258,047.80	12,856,370.61	334,587.90	233,984.52	20,682,990.83	11,439,830.06	1,790,808.67
7.....	10,745,317.61	3,896,541.17	14,641,858.78	2,153,379.66	6,365,866.34	264,421.11	120,810.18	8,904,477.19	5,737,381.59	171,468.98
8.....	111,290,321.52	24,443,457.95	135,733,779.47	27,830,610.62	40,499,418.19	1,912,325.19	14,690,356.02	84,932,710.02	50,801,069.45	4,946,953.04
9.....	23,704,542.68	7,700,819.93	31,405,362.61	3,754,340.01	14,307,902.50	620,522.95	100,939.68	18,783,705.14	12,621,657.47	1,854,732.76
10.....	52,782,699.98	27,391,679.62	80,174,379.60	9,074,652.29	51,425,764.37	1,197,588.04	2,382,433.56	64,080,338.26	16,094,041.34	659,306.23
11.....	6,652,132.65	2,204,122.90	8,856,255.55	1,286,496.40	5,534,896.85	201,839.94	86,641.08	7,109,874.27	1,746,381.28	.....
12.....	8,576,971.86	2,814,842.77	11,391,814.63	1,724,517.22	5,212,324.61	221,053.87	262,068.04	7,519,963.74	3,871,850.89	.....
13.....	84,751,481.11	36,493,514.43	121,244,995.54	6,553,652.91	59,689,250.84	1,386,617.34	6,311,710.06	73,938,231.15	47,305,764.39	11,833,882.38
14.....	40,592,926.37	15,963,002.60	56,555,928.97	6,819,726.97	29,747,686.00	1,236,152.34	1,805,068.02	39,608,632.35	16,947,296.64	.....
15.....	21,205,719.70	7,102,717.84	28,308,437.54	4,376,392.68	14,059,274.30	445,297.54	41,036.79	18,922,001.31	9,386,436.23	1,360,503.26
16.....	5,505,614.35	1,843,556.68	7,349,171.03	1,185,399.31	4,000,099.91	185,288.35	42,561.09	5,413,318.66	1,935,852.37	301,060.13
17.....	93,457,320.63	18,002,492.38	111,459,813.31	24,259,953.90	35,345,615.60	2,569,845.02	640,965.14	62,819,379.66	48,670,433.65	20,521.04
18.....	5,675,145.59	2,006,142.02	7,681,287.61	1,145,573.20	4,030,114.93	111,279.15	83,491.71	5,370,458.99	2,310,828.62	262,404.90
19.....	26,767,067.93	4,355,732.20	31,122,800.13	5,128,932.79	14,400,989.47	775,061.69	4,023,380.12	24,328,364.07	6,774,433.06	1,511,224.49
20.....	12,690,793.89	6,592,659.85	19,283,453.74	2,960,939.28	10,087,270.94	357,590.19	442,300.55	13,848,100.96	5,435,352.78	753,165.28
	623,994,031.09	204,282,134.86	828,276,166.55	122,876,740.29	385,582,280.22	14,342,460.19	36,115,857.14	558,917,337.84	269,358,828.71	30,464,641.88

The gross income of those 20 companies during the year 1915, I believe, was \$828,000,000. After taking out all expenses of operation, losses paid to policyholders, taxes, and other disbursements incident to the business, the total disbursements amounted to \$558,000,000, leaving an actual net income of \$269,000,000.

We were so liberal in allowing exemptions to them that of that \$269,000,000 returned as net income they returned only \$30,000,000 subject to tax under the income-tax law, because, as I said, we exempted nearly everything. Only \$30,000,000 of that \$270,000,000 returned as net income was on account of these exemptions liable to an income tax and actually paid an income tax. The total tax paid by those 20 great companies, with a net income of \$270,000,000, in the year 1915 was only \$304,000!

I might say right here, in passing, that this bill exempts everything that we exempted under the income-tax law. We carry into this bill the exemptions allowed in that law. What are those exemptions?

In the first place, we exempt the whole legal reserve fund that they are required, under the law, to set apart. That is one of their big funds. We exempt the money that they return to their policyholders in the way of excess premiums. We exempt, in short, every dollar of the income of the mutual companies—and they are the chief complainants, as I said—that they return to their policyholders. In addition to that, we exempt them from taxation on a certain element of their securities—and they are the largest purchasers of this element—that is, governmental bonds, State bonds, and municipal bonds. We let them take out their total expenses, including overhead charges of all kinds, salaries, taxes of every kind to the Federal Government, States, counties, and municipalities, all their losses, and tax them only upon the balance.

Now, they make two objections to this tax. They say that they have no actual invested capital and make no profits. They say, "We make no profits, because we return all our money to our stockholders." Well, if they make no profits,

if they do, in fact, return all of their receipts not required to meet expenses to their policyholders, of course they have no net income upon which to levy the tax and would not have to pay any tax; but their statement is misleading. There are some fraternal associations, some few cooperative associations, to which this statement does not apply; but practically all the great mutual companies, which are gradually covering the whole field of insurance and absorbing the great old-line companies—for the old-line companies are mutualizing so rapidly that there are but few of them left—do have a fund that stands in place of invested capital. Sometimes they build that fund up until it is pyramided and topheavy. In the case of one company, they have built it up until it amounts now to over \$43,000,000, and they are adding to it every year. They do have a fund that they neither set apart as a part of their legal reserve to guarantee death losses nor to pay returned premiums or current losses; a fund that, when it is set aside, may at some time in the indefinite future be distributed among the policyholders, just as the funds of any corporation will ultimately be distributed among its stockholders when it goes out of business or winds up its affairs; but it is a fund that stands there permanently, and out of it they pay expenses; out of it they make investments. It is their operating fund. It is the fund set apart to do all the business that the corporation does in addition to the payment of losses. It is actually used in their business.

That fund, as I said, in the case of one great company, has reached \$43,000,000. If they do not add to that fund, if they are content that this great surplus they have piled up and that they are not sharing with their policyholders shall not be enlarged, it will not be taxed. The only tax that this bill imposes is upon the sum that the insurance company annually adds to that great surplus.

To illustrate, the Mutual Benefit Co. of New Jersey, according to the testimony, had a gross income in 1915 of \$38,000,000. That company had what is known in the reports as a surplus—

unassigned profits, they call it sometimes, but it is known in the reports as a surplus—of \$9,000,000 in 1915, already accumulated. Its income in that year was \$38,000,000. They paid out in current losses and returned to policyholders, I think, \$21,000,000. They paid in taxes something around \$700,000, and \$4,200,000 for other expenses. When they had paid all of these expenses out of their premiums for that year they carried to their legal reserve the amount that they were required to add on account of increased liabilities, and after they had paid all of this they had \$1,500,000 as net income upon which to pay income tax. If they had returned that \$1,500,000 to their stockholders as an excess levy—because it was an excess levy—they would not have had to pay any tax that was based on their profits; but instead of returning it to their policyholders they added it to the \$9,000,000 surplus, already big enough for any legitimate purposes of a mutual company.

If any mutual insurance company will do business upon the mutual plan and be what it holds itself out to the public as being, a mutual company, give its stockholders the benefit of what they pay in, if they need an operating fund build it up, but when they have built it up sufficiently stop, as some of them have, and after that time, instead of adding their profits to their surplus fund, give the policyholders the benefit of it in the reduction of their premiums, they will not have to pay any tax. In other words, Mr. President, if they pay any tax under this bill they do it not because they are forced to do it but because they are unwilling to give their policyholders the full benefit of their plan.

Mr. CLAPP. Mr. President—

Mr. SIMMONS. Pardon me; just one minute. Let me finish this statement.

Mr. CLAPP. Certainly.

Mr. SIMMONS. I think, Mr. President, they will not relatively have to pay much tax, as I will show a little further along—no heavy tax. I think if this law will have the effect of making them return this profit to their policyholders instead of using it to swell an already sufficient surplus, it will serve a good purpose in the interest of the policyholders. It may force these companies from now on to do at least a larger measure of justice toward their policyholders than they have done in the past. It may tend at least to stop the piling up of these great surpluses in the treasuries of these companies.

Mr. VARDAMAN. Mr. President, is there any provision in this bill to prevent them from passing that to the policyholders, if they want to, and thereby escaping taxation?

Mr. SIMMONS. None in the world.

Mr. CLAPP. Mr. President, I have followed the Senator's remarks with a great deal of interest, and they are certainly illuminating. I simply want to ask a question, perhaps to accentuate and confirm my own view of the conclusion he reaches. I will ask him if this tax that is proposed would in any manner trench upon, reduce, or impair the rights and interests of the policyholders in this mutual company?

Mr. SIMMONS. I think it would in no way have that effect. On the other hand, I think it would force these companies to distribute among the policyholders a fund which they are now carrying to a surplus which already is sufficiently large and in many instances too large.

Mr. President, I have here the estimated tax to be paid by insurance companies, based upon the various insurance companies' reports of business transacted during the calendar year

ending December 31, 1915, as shown by the 1916 New York life insurance reports. That is, this table takes the actual returns of 34 corporations made under the New York law, and on the basis of those returns estimates the amount of excess profits tax they will have to pay under this act. Just let me call the attention of Senators to a few of them; and let me say, in passing, that it appears from this table that nearly one-half of these companies will not pay a single dollar of the proposed excess profits tax. A large part of them are not paying a single dollar under the present income-tax law.

One of them, and one of the largest of them, was represented before the committee by a very distinguished lawyer acting as their counsel, and he made a vigorous protest against this bill. I refer to the Northwestern Mutual Life Insurance Co. I believe it is a Wisconsin corporation. He made a vigorous protest against this bill. He complained of the income tax that his company was having to pay; and he complained that his company, if this bill was passed, would have to pay an enormous tax, one that would be oppressive to its policyholders. He insisted, as others had, that insurance companies should not be taxed, especially these mutual companies, at all; they ought to be exempt. Before he finished, however, he admitted that his company alone—doing a business that he said, because of its character, the United States Government ought not to tax at all—was paying now in the way of State, county, and municipal taxes in the several communities in which it was doing business, or paid last year, \$1,100,000; and yet he thought that it was wrong for the Government to tax it at all. All of these companies whose report I read a little while ago, all of those 20 largest companies, while they paid the Government last year, and complained about it, a tax of only \$304,000, according to their own return paid to the States, counties, and municipalities in which they are doing business a tax of \$14,342,000.

Mr. CLAPP. Mr. President, as I understand, these companies are required in most States to keep a certain amount on deposit with the States in which they do business, are they not?

Mr. SIMMONS. Yes. That is their legal reserve.

Mr. CLAPP. Would or would not that be affected by the proposed tax?

Mr. SIMMONS. Absolutely not—their legal reserves are exempt under the income-tax law and under the pending bill.

What I was going to say about this distinguished counsel that came here to represent this company, protesting against the tax it is paying now and the tax it would pay under this bill, was this: When I turned to the report I have just presented to the Senate, and examined it, after reading his testimony before the committee, I discovered that in the year 1915, about which he was talking, his company, though it is a mutual company, with a surplus, according to its return, of \$14,988,000, will not pay one single dollar under this tax, because the deductions to which it would be entitled—the \$5,000 and the 8 per cent upon its \$15,000,000, in round numbers, of surplus—absorb its net profits, and leave nothing for the act to operate upon.

Mr. President, without reading this report, I wish to incorporate it in my remarks as a part of them.

The PRESIDING OFFICER (Mr. THOMAS in the chair). In the absence of objection, it will be so ordered.

The matter referred to is as follows:

THE EXCESS PROFITS TAX UPON INSURANCE COMPANIES.

The estimated tax to be paid by insurance companies is based upon the various insurance companies' reports of business transacted during the calendar year ended December 31, 1915, as shown by the 1916 New York life insurance report.

Insurance companies' statements of business transacted during the year ended Dec. 31, 1915, and estimated tax under the excess-profits tax provisions.

Company.	Capital.	Surplus.	Total capital and surplus.	Net taxable income 1914 under income tax.	Deductions under excess-profits tax.	Taxable income under excess-profits tax.	Estimated tax to be paid under excess-profits tax.	Policyholders.	Tax per policyholder (cents).
The Equitable Life Assurance Society of the United States.....	\$100,000	\$10,066,675	\$10,166,675	\$447,574	\$827,285	None.	None.	\$653,207	None.
Farmers and Traders Life Insurance Co.....	200,000	54,979	254,979	None.	25,398	None.	None.	823	None.
The Germania Life Insurance Co.....	200,000	1,789,128	1,989,128	522,067	174,571	\$347,496	\$27,800	79,753	35
Home Life Insurance Co.....	125,000	1,953,283	2,078,283	None.	171,261	None.	None.	61,665	None.
The Manhattan Life Insurance Co.....	100,000	241,384	341,384	None.	32,311	None.	None.	33,612	None.
Metropolitan Life Insurance Co.....		25,263,690	25,263,690	1,512,674	2,055,349	None.	None.	15,832,835	None.
The Mutual Life Insurance Co. of New York.....		14,740,055	14,740,055	758,241	1,199,369	None.	None.	734,560	None.
New York Life Insurance Co.....		43,436,629	43,436,629	9,208,371	3,664,098	5,544,273	443,542	1,176,321	35
Niagara Life Insurance Co.....	150,000		150,000	None.	17,000	None.	None.	4,823	None.
Federal Life Insurance Co.....	100,000	151,113	251,113	15,251	25,394	None.	None.	21,991	None.
Security Mutual Life Insurance Co.....		225,552	225,552	50,044	24,045	25,999	2,080	31,427	7
United States Life Insurance Co. in the City of New York.....	264,000	139,498	403,498	84,377	38,967	45,410	3,633	14,443	25
Aetna Life Insurance Co.....	5,000,000	13,103,148	18,103,148	97,881	1,455,209	None.	None.	193,631	None.
Bankers Life Co.....		13,586,320	13,586,320	252,224	1,096,950	None.	None.	189,962	None.
Berkshire Life Insurance Co.....		1,212,939	1,212,939	None.	102,035	None.	None.	32,106	None.
The Colonial Life Insurance Co. of America.....	250,000	98,714	348,714	6,640	33,030	None.	None.	233,934	None.

Insurance companies' statements of business transacted during the year ended Dec. 31, 1915, and estimated tax under the excess profits tax provisions—Continued.

Company.	Capital.	Surplus.	Total capital and surplus.	Net taxable income 1914 under income tax.	Deductions under excess profits tax.	Taxable income under excess profits tax.	Estimated tax to be paid under excess profits tax.	Policyholders.	Tax per policyholder (cents).
The Columbian National Life Insurance Co.....	\$1,000,000	\$453,543	\$1,453,543	\$163,281	\$124,549	\$38,732	\$3,099	28,629	11
Connecticut General Life Insurance Co.....	400,000	1,404,211	1,804,211	331,893	160,775	171,118	13,689	45,994	30
Connecticut Mutual Life Insurance Co.....		4,423,627	4,423,627	675,333	372,397	302,936	24,235	100,411	24
The Fidelity Mutual Life Insurance Co.....		1,230,158	1,230,158	416,309	111,739	304,570	24,366	64,403	38
John Hancock Mutual Life Insurance Co.....		7,622,696	7,622,696	654,541	627,906	26,634	2,131	2,790,631	0.03
Massachusetts Mutual Life Insurance Co.....		6,308,281	6,308,281	1,912,678	547,916	1,364,762	109,181	165,452	66
The Mutual Benefit Life Insurance Co.....		9,725,636	9,725,636	1,539,168	813,834	725,334	55,027	314,763	18
The National Life Insurance Co.....		4,303,434	4,303,434	None.	349,275	None.	None.	101,122	None.
New England Mutual Life Insurance Co.....		5,118,800	5,118,800	83,718	416,178	None.	None.	128,438	None.
The Northwestern Mutual Life Insurance Co.....		14,988,685	14,988,685	257,869	1,209,252	None.	None.	548,762	None.
The Penn Mutual Life Insurance Co.....		7,630,652	7,630,652	974,591	634,944	339,647	27,172	237,603	11
Phoenix Mutual Life Insurance Co.....		1,603,039	1,603,039	362,757	140,498	222,259	17,781	88,269	6
Pittsburg Life & Trust Co.....	1,000,000	535,525	1,535,525	177,707	131,396	46,311	3,705	60,135	6
Provident Life & Trust Co. of Philadelphia.....	1,000,000	4,776,413	5,776,413	138,722	469,887	None.	None.	126,923	None.
The Prudential Insurance Co. of America.....	2,000,000	26,615,188	28,615,188	3,480,384	2,363,423	1,096,961	87,757	13,828,276	0.6
State Mutual Life Assurance Co. of Worcester.....		3,163,868	3,163,868	426,323	266,636	159,687	12,775	75,388	17
The Travelers Insurance Co.....	5,000,000	8,210,865	13,210,865	1,325,008	1,088,369	236,639	18,931	147,288	13
The Union Central Life Insurance Co.....	500,000	3,647,724	4,147,724	803,787	352,894	450,893	36,071	200,426	18
Union Mutual Life Insurance Co.....		1,327,649	1,327,649	185,488	114,922	70,566	5,645	43,052	13
Total.....	17,389,000	239,213,081	256,602,081	26,844,900	21,240,062	11,520,227	921,620	38,390,118	.....

Mr. SIMMONS. This table covers 34 insurance companies. As I said, more than half of them, I think, are mutual companies and many of them will not pay any tax. These companies had altogether a capital stock, in round numbers, of \$17,000,000; but these 34 companies returned to the State of New York under the head of surplus \$239,000,000, total capital and surplus \$256,000,000, net taxable income \$26,000,000, deductions under excess-profit tax \$21,000,000. So that these 34 companies, among the largest in the world, will return for taxation under this act only \$11,000,000 out of a total surplus of \$256,000,000, and the tax which they will pay under this bill to the United States Government will amount to the meager sum of \$921,000, not as much as one of them, the one to which I have referred to, the Northwestern Mutual—and that is not the largest—paid last year to the States, counties, and municipalities in which it does business.

Mr. President, some of these companies have claimed before the committee that this surplus, the additions to which we propose to tax, this surplus that we propose to have constitute the fund upon which the 8 per cent exemption is to be levied and ascertained, and the increase of which we propose to make the basis of net income, is in some way or other set apart and will go back to the policyholder upon the happening of some sort of indefinite contingency that may happen or may never happen. The truth about the business is, I think—and that is borne out by the brief filed by one of the largest of these companies and the statement of its attorney—that this surplus is maintained for the purpose of providing against what they call the fluctuations in the value of the securities which under the law they are required to deposit in the various States as legal reserve. They say those securities sometimes depreciate, and after they fall below a certain standard of value they are required to make good their depreciation by the deposit of other or additional securities, and that this surplus is kept for that purpose and for the purpose of making good losses in investments. Here is the statement made in a brief, I will call it—it seems to be in the nature of a brief—filed with the Finance Committee by the Northwestern Mutual Co.:

This is a protest against imposing an excess profit tax upon mutual life insurance companies, submitted by the Northwestern Mutual Life Insurance Co. They start out by saying:

We have no stockholders. Our funds belong to our policyholders. We collect from them from year to year a sum which, with interest additions, enables us to fulfill our contracts. We carry a comparatively small surplus to take care of the fluctuations in the market value of our securities and to make good losses in investments. Aside from this surplus, all other income is returned to the policyholders at one time or another.

It may be well to call attention in this connection to the fact that while some of the securities in the legal reserve may depreciate, others may appreciate, and while there may be losses in some investments, there may be compensating profits on others.

From the statement of this company and its attorney that I have just read, it appears that this surplus, which they sometimes call their contingent reserve, is not to be returned to the policyholders, but is kept for a specific purpose, to wit, to guarantee against depreciation of securities in their investment fund.

It may never be called upon for that purpose, and it could only be called upon for that purpose in case the depreciation of some of their securities was so great that it would not be made good by the interest on their investments and that the State should require them to make good their depreciation. It is not kept there idle, of course; it is kept employed. It is used in the operation of business. It is not returned to the policyholders. In the case of a mutual company the annual additions to this fund, Mr. President, is the only part of their profits upon which the tax imposed in this bill will operate.

Mr. CLAPP. I do not know whether the Senator would prefer to present the bill without interruption at this time or not.

Mr. SIMMONS. I am about through, I will say to the Senator.

Mr. CLAPP. Then I should like to ask the Senator—

Mr. SIMMONS. Will the Senator just let me finish reading this testimony?

Mr. CLAPP. Certainly.

Mr. SIMMONS. On the same line a distinguished lawyer, Mr. Barnes, speaking for one of these insurance companies, used this language to the committee:

Let me refer for a moment to this item of surplus. There is only one excuse, in my judgment, for mutual life insurance companies carrying a surplus account at all. We all do it and we do it, I think, for just one reason, and that is to take care of the fluctuations in the value of securities from time to time so that there will no time come when we have not enough property on hand to keep our reserve unimpaired. For instance, our company has an investment of \$100,000 in bonds and this goes up and down. There are times when the fluctuations were quite remarkable. We may meet losses from time to time, and so we carry a surplus which we think is large enough to cover those fluctuations and to cover any unusual losses that we may meet. It is an insurance fund to insure the stability and continuity of the reserve fund which we must carry for the benefit of our policyholders.

Mr. CLAPP. What company is that?

Mr. SIMMONS. The Northwestern Mutual Life.

Mr. CLAPP. That has answered the question I designed to ask the Senator.

Mr. POMERENE. Mr. President, the same reason which he assigns for exempting these companies from taxation would apply with equal force to the fluctuating values of raw material or stock which a manufacturing company carries.

Mr. SIMMONS. Of course. That is the purpose of this surplus. The declaration by one of the largest companies that came before the committee is to the effect that that is the only fund which is not returned to the policyholder at one time or another.

Does this bill do an injustice to the policyholders of mutual companies? I do not think it does. The only capital of a mutual company which it treats as invested capital is its surplus accumulated in previous years. If the annual addition to this fund is not in excess of \$5,000 plus 8 per cent, it pays no tax. These surpluses are, in the case of most companies, already sufficiently large for the purposes they are intended to serve. These annual additions serve apparently no good purpose except to swell an already sufficient fund. If there are profits that might be carried to this fund, they can as well be returned to the policyholder, and if returned to the policyholder, there will be no income upon which the tax imposed in this bill would operate.

So we impose a tax which can be avoided and will be avoided, if these companies treat their policyholders fairly, if they do not insist upon increasing from year to year by more than one-twelfth, an already overgrown fund.

Mr. President, I have already taken up in explaining the bill more time than I intended. The excess profits tax is not an oppressive tax. There may be those who would prefer some other way of raising this money than by this tax, but I do not believe the tax can be successfully assailed as unjust, unfair, unduly discriminatory, or as excessive taxation.

The bill lays no burden upon any industry in this country that is not making a clear net profit after meeting every actual and contingent obligation that it is liable for, until it makes, in addition, a profit of 8 per cent upon its actually invested capital and, in addition to that, \$5,000.

I am not going to discuss the question whether 8 per cent is a sufficient profit for a corporation or partnership to make upon its investment. It is not proposed to take from the taxpayer the excess over 8 per cent. Eight per cent is a good, ordinary business profit, and the Government demands no part of that. It only taxes the excess over that sum plus \$5,000.

We are confronted by a great national emergency. We are not at war, it is true, but we are in a situation almost as bad. We find ourselves unprepared for exigencies of the most portentous import that may overtake us at any moment, a situation that might involve the national safety, not to say the national life.

For 30 or 40 years we have been reposing in a false security, looking to physical conditions and barriers to protect us against aggression from the outside world. These barriers have been removed by the agencies of modern invention and science. We have been brought by the progress of the world into practical juxtaposition with all maritime countries. The distance that separates us by water has practically been eliminated. We have been brought into juxtaposition on one side with a warring continent, a continent aflame with war; on another side, with a continent a part of whose people have been said to be ambitious to control one of the great oceans of the world, to drive us out, and to monopolize the trade of that great ocean. Whether this is so or not, a great national emergency has arisen, full of dangers and possibilities not foreseen or anticipated, and for which we had not in advance adequately prepared, and which admonish us to take immediate and quick action involving large expenditures, to the end that we may be able to defend our country and enforce our rights upon land or sea against aggression or invasion.

The public sentiment of the country demands that as speedily as possible this condition shall be changed, that this great Nation, naturally the most powerful and the wealthiest and, with but few exceptions, having the largest population of any country in the world, will not remain in a position of helplessness; that it shall, with such speed as is possible, when backed by the wealth and the resources of the Nation, prepare itself adequately, both upon land and upon sea. For this purpose, and in response to this public demand, we are about to appropriate the great sum of \$530,000,000 for the next year in excess of the appropriation for these purposes in 1916, the year before this public awakening.

We say to these men, representing the corporate industries of the country, you are the people who led in this propaganda in favor of adequate preparedness. The only direct tax that corporations are now paying to the Federal Government is a small excise tax upon their capital and an income tax of 2 per cent upon their net income. Compared with enormous consumption taxes paid by the masses of the people, the tax they pay may be said to be a small tax, while their prosperity is exceptionally great under existing conditions. The total taxes which corporations other than manufacturers of munitions pay will under the present law not amount to much more than \$150,000,000 a year. The net income of corporations for the last taxable year, after paying all expenses, was \$5,700,000,000. The consumption taxes paid by the masses of the people amounts to many times that sum. This bill does not tax corporations unless they are prosperous, unless they are making a fine profit upon their investments, and then only taxes them one-twelfth of their profits in excess of a profit above the average made on ordinary investment.

Mr. President, the largest corporate investment of this country is that invested in railroads. Their business is that of selling transportation; they distribute the products of the people. The largest customers of the railroads in this country are the corporations. We have a law in this country which in effect says to the railroads you shall not charge for transportation, including the products of the factories of these great cor-

porations, a sum in excess of a reasonable profit. The courts have applied that law of Congress and of the States, because the States followed in the line of Congress in the matter of regulating railroad rates, and interpreted the purpose and intent of Congress with reference to this matter of rates.

Under the decisions of the courts, applying the laws of reasonable rates, which were made largely for the benefit of corporations, and made largely because of their demands—because it was they who led the fight against excessive railroad tariffs—under these decisions, interpreting the will of Congress as declared in the enactment, these railroad corporations, the largest investors in this country, in the performance of this great function, the distribution of the products of the industry of the country, are not permitted to make a rate predicated upon a profit of as much, certainly not more, than 8 per cent. I think there is no case in the books in which the court, in determining the reasonableness of a rate, have held that the roads were entitled to fix their rates on a higher basis of profit than 8 per cent.

Mr. LA FOLLETTE. Mr. President—
The PRESIDING OFFICER (Mr. ASHURST in the chair). Does the Senator from North Carolina yield to the Senator from Wisconsin?

Mr. SIMMONS. I do.
Mr. LA FOLLETTE. Of course, the Senator does not mean upon the actual investment in railroad property?

Mr. SIMMONS. I mean a profit upon their business.
Mr. HITCHCOCK. Mr. President, there are undoubtedly some railroad corporations that are paying dividends above 8 per cent, though there are not many; but a large portion of their capital is in bonds, which pay only 4 or 5 per cent. So the Senator is correct.

Mr. SIMMONS. I had reference to the standard of profits which the court establishes in determining the reasonableness of a rate charged by a railroad.

When we come to banks and individual capitalists, which are in most of the States hedged about by usury laws, they are not permitted to charge more than a certain per cent; sometimes 6 per cent; it may be under special contract 8 per cent upon money loaned; more than that is generally held to be usurious and illegal. A man who is compelled to pay a higher rate in my State and in most of the other States can bring suit and recover it. Yet when the Government, not proposing to confiscate a cent, not proposing a limitation upon profits at all, says to the great corporations of this country, "If you are making more than 8 per cent plus \$5,000 net profit, you shall contribute a reasonable part of that excess—one-twelfth of it—to pay the expenses of the Government," it is denounced as confiscation—that is the term some of them use—denounced as extortion, or, as one of them put it to me, "It is taking our profits away from us."

Why, Mr. President, the \$100,000 corporation—and that is an average-size corporation in my part of the country—has got to make 13 per cent profit before it will have to pay a single dollar in taxes under this bill. There are corporations of that size in my State and elsewhere in this country who are making as high as 33 per cent profit. Under this proposed act, what would such a corporation, making a net profit of 33 per cent, pay in the way of excess profits taxes? Taking out the 13 per cent, which represents the \$5,000 exemption, and the 8 per cent exemption, there would be \$20,000 left. The excess profits tax upon that would be \$1,600, leaving that company, after paying this tax, still a net income of over 31 per cent.

Mr. CLAPP. Would this bill impose a tax on an individual—and I am not asking the question out of any personal interest on my part, because it does not affect me—who loaned money out at interest in excess of 8 per cent? Would this bill tax that excess?

Mr. SIMMONS. No; of course an individual is not subject to this tax.

Mr. CLAPP. It would apply in the case of a corporation loaning money?

Mr. SIMMONS. Yes.

Mr. CLAPP. There are States in the Union where the legal rate of interest, I think, in the main is above 8 per cent; in a great many of the States it is 10 per cent; and if the current rate was above 8 per cent, of course it would simply carry that tax right over onto the borrower.

Mr. SIMMONS. Mr. President, I should not care to go into a question of that sort. There would be no tax charged against the corporation that happens to make over 8 per cent on its money, unless it made a profit after deducting \$5,000 and the 8 per cent provided in this bill. It does not make any difference whether the net income comes from usury or other sources, if

this net income was in excess of 8 per cent and \$5,000; they would pay the tax; otherwise they would not.

Mr. CLAPP. Where it is authorized by the State and local conditions are such that the rate of interest is above 8 per cent, in those cases I think the tax would simply be passed right over onto the borrower. I do not see any escape from that conclusion.

Mr. SIMMONS. If the tax was passed on to the borrower, the profits of the lending firm would be increased; and consequently his tax payable to the Government would be increased. The greater his profits the greater the tax to be paid.

Mr. McLEAN. Mr. President, I want to ask the Senator a question before he leaves the subject.

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Connecticut?

Mr. SIMMONS. I yield.

Mr. McLEAN. I want to ask the Senator if he has taken into consideration the possible effect of this 8 per cent excess profits tax on very small incomes which happen to be invested in a particular corporation? Take, for instance, the corporation which the Senator cited as his illustration, having a capital of a million dollars and paying 20 per cent. It seems to me that the tax of 8 per cent on the 12 per cent excess is a 1 per cent tax on the entire capital. A widow left, we will say, with 50 shares of stock in such a company, would pay a tax of \$50, or 5 per cent of her entire income.

Mr. SIMMONS. I do not know that I quite catch the meaning of the question the Senator has asked, but small corporations are rather favorably dealt with in this bill.

Mr. McLEAN. I am not speaking about that. I am speaking about the illustration which the Senator cited of a corporation with a capital of a million dollars. Of course, there the \$5,000 exemption would be a small matter.

Mr. SIMMONS. Yes; it would be a small matter.

Mr. McLEAN. It pays a 20 per cent dividend. Now, the excess profits tax would be 8 per cent of 12 per cent, or practically 1 per cent of the capital; so that the dividend of 20 per cent would be reduced to 19 per cent if it were charged over to the dividend, or 5 per cent of the income. Therefore, a woman, for instance, inheriting 50 shares of stock in such a corporation and having no other property would pay an income tax of a dollar a share, or \$50 upon her income of \$1,000. I ask the Senator if the committee took that into consideration?

Mr. SIMMONS. That particular case was not taken into consideration.

Mr. BRADY. Mr. President—

Mr. McLEAN. I think, if the Senator from Idaho will pardon me, that those cases will not be unusual.

Mr. SIMMONS. We can not frame a law that will not have some of the quicksands about which the books speak.

Mr. McLEAN. I think it would have been very easy to have framed this law to avoid that inequality and injustice.

Mr. SIMMONS. The Senator will have an opportunity to suggest such amendments as he desires.

Mr. McLEAN. I shall have an opportunity to suggest my remedy, but I doubt very much if it will be accepted.

Mr. SIMMONS. I will suggest to the Senate that I am not quite sure that I fully caught the meaning of his inquiry, but I will not bother him to repeat it.

Mr. BRADY. Mr. President, referring to the statement of the Senator from Connecticut, we must bear in mind that in the case he has mentioned the woman owning the stock would receive 8 per cent before the excess profit tax becomes operative, and in addition to the 8 per cent dividend, which ought to be a reasonable dividend on the stock, she would receive her proportion of the \$20,000, would she not?

Mr. SIMMONS. Yes.

Mr. SMITH of Georgia. She would get 19 per cent still.

Mr. McLEAN. But it would be a 5 per cent income tax on an income of \$1,000 in that company.

Mr. BRADY. But when she says that she has already received 8 per cent on her stock.

Mr. McLEAN. Yes; but such investments are very apt to have a market value that would not return more than 4 or 5 per cent on the investment. For instance, a stock paying 20 per cent ordinarily would have a market value of \$400 a share, and a very careful and conservative man might invest his accumulations, which might not be very large, in 50 shares of that stock and leave it to his wife as something that would be exceptionally safe. Now, it has been the policy of Congress up to date to exempt all incomes less than \$3,000 in any case, and it would seem to me to have been much better to have raised the additional sum needed by adding to the general income tax the amount required.

Mr. SMITH of Georgia. Mr. President—

Mr. McLEAN. Or, if the Senator from Georgia will pardon me, by resorting to that source to which all civilized nations resort, the customs duties.

Mr. SMITH of Georgia. I have no doubt we will discuss the question of adding to the customs duties before we get through, and I think we can easily show the Senator that that would be an impracticable way to raise revenue at this time. Of course, there is an element of inequality in nearly every system of taxation. It is extremely difficult not to leave some element of inequality. The percentage in the case the Senator gave would be 3 per cent on the income, and not 5—a little less than 3.

Mr. McLEAN. No.

Mr. SMITH of Georgia. Yes; the fixed tax is 2 per cent, and 8 per cent on 12 per cent is 0.96 of 1 per cent. That, added to the 2 per cent, is a little less than 3 per cent of the lady's income, in the illustration the Senator gave of the dividend of 20 per cent that ordinarily would have been paid.

Mr. McLEAN. If the dividend were reduced by 1 per cent, as it would have to be. I may be wrong, but I assume that a dollar is 5 per cent of \$20.

Mr. SMITH of Georgia. It is 3 per cent of the dividend. Two per cent is the fixed tax that the corporation pays, and 8 per cent of the surplus could not be but 0.96 more.

Mr. McLEAN. But that is nearly 1 per cent.

Mr. SMITH of Georgia. Which makes 3 per cent of the income paid in taxes.

Mr. McLEAN. The Senator may be right about that. I have not given it much consideration, but my impression is that the Senator is wrong.

Mr. SMITH of Georgia. I am undoubtedly right. It is a little less than a 3 per cent tax on the income that otherwise would go to the party. Now, our view of the matter is that where a corporation is making these very large dividends, in a great many instances, these very large incomes are incident to the situation that confronts the country at the present time. I can illustrate my view of that by a letter that I wrote to some constituents of mine in the cottonseed oil and in the cotton manufacturing business who for the past two years have been making quite handsome dividends. I happen to have a little stock in the companies myself.

Mr. McLEAN. Mr. President, if the Senator from Georgia will pardon me—

Mr. SMITH of Georgia. Let me finish, and then I will yield to the Senator. Their complaint was that up to the last few years they had been making but moderate dividends, and now as they were making quite good dividends they felt that it was hard to put an excess profits tax on them. My answer to them was very simple. I said: "The same condition that has given you an excess income has obliged the Government to have excess revenue, and you ought to be well satisfied, as we all ought to be, to contribute some of it." I understand that this is not the case everywhere, but where the capital of a corporation is producing more than 8 per cent I do think, in view of the present condition of the country and the number of organizations, some partnerships and some corporations, making vast profits, that 8 per cent on the surplus beyond 8 per cent is about as fair a way to reach the unusual prosperity incident to many of those institutions as could be adopted. Now, I yield to the Senator.

Mr. McLEAN. The illustration I stated was that of a person holding 50 shares of the character of stock to which I have referred. The income would be \$1,000 instead of \$2,000, and the tax would be \$50; that is, if the dividend were reduced from 20 to 19 per cent—1 per cent—\$50 would be the tax.

Mr. SMITH of Georgia. What was the amount of stock held?

Mr. McLEAN. The amount of stock was 50 shares in a corporation of a million dollars capital, paying 20 per cent. The income in that case would be a thousand dollars and the tax would be \$50.

Mr. SMITH of Georgia. The tax would be \$30. The tax could not be more than that if the profit the company was making was 20 per cent. Two per cent would be the charge for the fixed income tax, and 8 per cent of the 12 per cent surplus, about 8 per cent, would be 0.96 of 1 per cent.

Mr. McLEAN. I still think that \$50 is 5 per cent of \$1,000.

Mr. SMITH of Georgia. Well, I have not figured the \$50, but I know that 8 per cent of 12 per cent is 0.96 of 1 per cent.

Mr. PENROSE. Mr. President, I do not expect to discuss this bill at length this afternoon. The hour is late, and I am informed that it is the purpose of the majority to hold an executive session in a short time. I should, however, like to take this opportunity of stating that this bill, like the act of September 8, 1916, has gone through the usual course of consideration

in a secret Democratic caucus to which the public were not admitted. It was a usurpation of the legislative functions of the Senate by the majority. The yeas and nays were not published on the different questions involved. Hearings were held by subcommittees, on which the minority were not represented in any way, and were not even officially informed of the hearings or invited to participate in them. No opportunity was given to cross-examine the few people who appeared before these subcommittees, and the hearings were not even printed, as they should have been, currently from day to day, until the day after the bill had been reported to the Senate. The minority have been completely ignored and have had no opportunity to discuss with the majority the proper ways of raising revenue. Now the bill is reported to the Senate, and in the few days remaining of the session—the Congress expiring by limitation on March 4—it is obviously impossible for the minority to assume any responsibility or entertain any feeling of responsibility for revenue legislation to meet the growing deficit of the Treasury.

Notwithstanding the fact that the revenue measure passed in the last Congress was declared to be amply sufficient for the requirements of the Government and to meet the deficit in the revenues, the Government is again confronted with a deficit and with a necessity of passing another bill to raise additional revenue. The bill in the last Congress was most fully discussed for many weeks, and I predicted and other members of the minority predicted just what has happened. We declared then, as the RECORD will show, that the then revenue bill would not meet the requirements of the Government; that the Treasury was practically bankrupt, in the sense that the revenues did not balance the expenditures; that the deficit would grow; and that further taxes would be necessary. Notwithstanding the declaration made by the majority in the last Congress that the direct-tax law of that session would be amply sufficient, we are now confronted with another revenue bill imposing direct taxes, far more burdensome, in my opinion, than the taxes contained in any of the preceding measures of this character. I again make the prediction, and I make it with the greatest confidence, and I challenge contradiction, that this measure will fail as a revenue producer as the preceding ones have failed, and that the deficit will continue to grow until the deplorable mismanagement of the financial affairs of the country ceases.

The Republican minority in the Senate in the last Congress vigorously called attention to the fact that the revenue bills then under consideration would not be sufficient, and that for all practical purposes the Treasury was likely to continue in a bankrupt condition. To-day, Mr. President, there is a deficit of many million dollars disclosed in the daily reports of the Secretary of the Treasury. The deficit has gone on increasing, and again it is necessary to impose burdensome direct taxes, which will fall principally upon a section of the country.

The Republican minority, Mr. President, is not responsible for the extravagance which has brought about the deficit and, in my opinion, is not called upon to assume responsibility for revenue legislation to meet such a deficit. The minority will recommend that this bill be recommitted to the Finance Committee with instructions to reconsider the same and report, as soon as practicable, on a bill of sufficiently comprehensive character to safeguard American labor and industries, to provide sufficient revenue for the needs of the Government wisely and economically administered, to defray the expenses of necessary increases in the Army and Navy and for the extension of fortifications, and for other purposes of national defense and development, and to frame the bill along the lines of those fundamental principles which have guided the Congress in matters of revenue legislation, with few exceptions, since the First Congress of Washington's administration approved and adopted the first act. I quote—

For the support of the Government, for the discharge of the debts of the United States, and the encouragement and protection of manufacturers.

We earnestly call the attention of the Finance Committee and of the Senate to the fact that absolutely no provision is being made in this revenue bill, nor was provision made in any of the preceding revenue bills since the Democratic Party has been in power, to conserve and protect adequately the industrial and commercial interests of the country when they shall become exposed to the industrial and commercial invasion of European nations when the war in Europe draws to a close. We hold that protection to American industries is now of greater importance than ever before in the history of the country because of the many propositions advanced abroad by legislation and government aid to conserve, promote, and protect the industries of these foreign countries.

I am opposed to this measure, Mr. President, because it violates the established principles of national taxation; it is un-

American, unjust, discriminatory, and sectional. The encroachment by the Federal Government upon the field of taxation hitherto belonging exclusively to the States is already causing a vigorous protest.

I call attention in my remarks on the revenue bill in the last Congress in the following words to the inexpediency of having the Federal Government encroach upon the domain of State taxation:

"The States of the Union and the large municipalities therein all require large revenues for purposes not thought of a few years ago. Our municipalities are nearly all heavily in debt, and are in most cases restricted to a limited field of taxation. The municipal needs, however, are ever enlarging in a constantly increasing ratio, without any prospect of relief from debt or the securing of revenue to meet the demands necessary for projects in the interest of the health and well-being of the citizens. The States themselves and the cities therein are called upon to maintain elaborate boards of health, systems of sewage disposal, continually increasing requirements of educational and eleemosynary institutions, and, over and above all, to cite one instance of development to an extraordinary degree of magnitude in the last few years, the imperative demand for good roads has caused an expenditure running into a staggering amount of money in the aggregate from one end of the country to the other.

"Now the States are expressly excluded by the Constitution from levying duties or imposts, and are obliged to resort to the various well-known forms of State taxation of a direct character. The Federal Government, under the doctrines recently advanced that no taxes should be imposed upon articles of consumption and, apparently, that as little revenue as possible should be collected from imports, encroaches upon the field of direct taxation belonging to the States and abandons a source of revenue from the customhouse to which the Government has the exclusive right. This seems to me illogical in principle and unfair in practice. The ultimate effect necessarily following is that the State revenues will be greatly limited, if not impoverished, and the outlook for many of our municipalities from a financial point of view is not very hopeful."

Since that bill was under consideration, Mr. President, I know in my own State and in many other States the functions of State government have been enormously increased, and many millions of dollars of expenditure have been authorized. In Pennsylvania we have the workmen's compensation bureau, the elaborate department of labor and and factory inspection, and the irresistible demands for good roads which, even since last summer, have almost doubled the appropriations required by the legislature of that great State. In my opinion the time is rapidly approaching when we will witness a revolt from Maine to California against this tendency of Congress to tax inheritances and levy other forms of direct taxation to the deprivation and impoverishment of the great sovereign States with their growing needs and requirements.

I was greatly impressed with a notice which I saw in one of the Washington papers the other day on this point, and I will ask the Secretary to read it.

Mr. STONE. Mr. President—

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

Mr. PENROSE. Yes.

Mr. STONE. I wish to ask the Senator if he has reached a point where he will yield?

Mr. PENROSE. I should like to have this clipping read, and then I will yield to the Senator.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

A TAXATION CONFERENCE.

Encroachment by the Federal Government upon the field of taxation hitherto regarded as belonging exclusively to the States finally has caused a vigorous protest.

A movement for a national conference has been suggested by the California Legislature. A resolution adopted there recently urges the various legislatures to take steps to send delegates to a proposed taxation congress, that the Federal Senate and House of Representatives be urged to take similar action, and that the President be invited to send a representative.

Gov. Whitman, of New York, in a special message to the legislature, gives support to the California movement. Other States are likely to fall into line.

Certainly there is need for a national conference to define and segregate the proper sources of revenues for the States and the Nation. Taxes on real estate are about the only source of revenue left exclusively to the States as a result of the recent tendencies of Congress. Incomes, inheritances, corporations, personal property, and even business profits are now heavily taxed by the Government. These sources were formerly available to the States; but if the States and the Nation are to compete in the same field it will result in a dual form of taxation that will grow more and more obnoxious.

For the sake of simplicity in administration, if not in the name of equity, a clear understanding should be reached between the States and the National Government as to the field of taxation that should be reserved to each governmental agency.

Mr. STONE. Mr. President—

Mr. PENROSE. I yield to the Senator from Missouri.

Mr. STONE. I thank the Senator.

DANISH WEST INDIAN ISLANDS.

Mr. STONE. From the Committee on Foreign Relations I report back without amendment the bill (H. R. 20755) to provide a temporary government for the West Indian Islands acquired by the United States from Denmark by the convention entered into between said countries on the 4th day of August, 1916, and ratified by the Senate of the United States on the 7th day of September, 1916, and for other purposes. I should like to take up the bill. I will ask the Senator from North Carolina if he will agree to lay the revenue bill aside.

Mr. SIMMONS. The Senator from Missouri assures me he thinks it will take a very short time to pass this very important measure which ought to be acted upon. I will ask unanimous consent to temporarily lay the revenue bill aside.

The PRESIDING OFFICER. Is there objection to the request of the Senator from North Carolina? There being none, the Senator from Missouri is recognized.

Mr. STONE. I ask that the bill I have just reported may be laid before the Senate, and I ask unanimous consent for its present consideration.

Mr. RANDELL. Will the Senator from Missouri yield to me to make a request for unanimous consent? It will take but a moment.

Mr. STONE. The Senator can make his request, but I am very anxious to have this bill considered.

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Louisiana?

Mr. RANDELL. I will not detain the Senator, but I wish to ask unanimous consent for the Senate to consider the flood-control bill to-night at 8 o'clock. We are getting close to the end of the session. If we can not get the bill under consideration soon there will be no chance to pass it at this Congress. It is a measure of the greatest interest to a great many people of the country.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Louisiana?

Mr. SIMMONS. I can not consent to that.

The PRESIDING OFFICER. Does the Senator from North Carolina object?

Mr. SIMMONS. I object.

The PRESIDING OFFICER. Objection is made. Is there objection to the request of the Senator from Missouri?

Mr. UNDERWOOD. Mr. President—

Mr. STONE. I ask unanimous consent for the present consideration of the bill I have reported.

Mr. UNDERWOOD. I assume that the bill is all right, but before the request for unanimous consent is granted I think it ought to be read to the Senate so that we may understand what is in the bill.

Mr. STONE. I am asking unanimous consent for its present consideration.

Mr. UNDERWOOD. Before that is granted I think we should know what is in the bill.

Mr. STONE. Very well.

The PRESIDING OFFICER. The bill will be read.

The Secretary read the bill, as follows:

Be it enacted, etc., That all military, civil, and judicial powers necessary to govern the West Indian Islands acquired from Denmark shall be vested in such person or persons and shall be exercised in such manner as the President of the United States shall direct until Congress shall provide for the government of said islands.

SEC. 2. That on and after the passage of this act there shall be levied, collected, and paid upon all articles coming into the United States or its possessions, from the West Indian Islands ceded to the United States by Denmark, the rates of duty and internal-revenue taxes which are required to be levied, collected, and paid upon like articles imported from foreign countries: *Provided,* That all articles the growth or product of, or manufactured in such islands from materials the growth or product of such islands or of the United States, or of both, or which do not contain foreign materials to the value of more than 20 per cent of their total value, upon which no drawback of customs duties has been allowed therein, coming into the United States from such islands shall hereafter be admitted free of duty.

SEC. 3. That until Congress shall otherwise provide, all laws now imposing taxes in the West Indian Islands acquired from Denmark, including the customs laws and regulations, shall, in so far as compatible with the changed sovereignty, continue in effect, except that articles the growth, product, or manufacture of the United States shall be admitted therein free of duty: *Provided further,* That upon exportation of sugar to foreign countries or the shipment thereof to the United States or any of its possessions there shall be levied, collected, and paid thereon an export duty of \$8 per ton of 2,000 pounds in lieu of any export tax now required by law.

SEC. 4. That the duties and taxes collected in pursuance of this act shall not be covered into the general fund of the Treasury of the

United States, but shall be paid into the treasury of the said islands, to be used and expended for the government and benefit of said islands.

SEC. 5. That the sum of \$25,000,000 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to be paid in the city of Washington to the diplomatic representative or other agent of His Majesty the King of Denmark duly authorized to receive said money, in full consideration of the cession of the Danish West Indian Islands to the United States made by the convention between the United States of America and His Majesty the King of Denmark entered into August 4, 1916, and ratified by the Senate of the United States on the 17th day of January, 1917.

SEC. 6. That the sum of \$50,000 is hereby appropriated for the purpose of carrying this act into effect, to be paid out of any money in the Treasury not otherwise appropriated and to be applied under the direction of the President of the United States.

SEC. 7. That this act, with the exception of section 5, shall be in force and effect and become operative immediately upon the payment by the United States of said sum of \$25,000,000. The fact and date of such payment shall thereupon be made public by a proclamation issued by the President and published in the said Danish West Indian Islands and in the United States. Section 5 shall become immediately effective and the appropriation thereby provided for shall be immediately available.

Mr. UNDERWOOD. Mr. President, before consenting to the present consideration of the bill I should like to get some information from the chairman of the committee, if I can. I should like to know what are the exact terms of the cession of these islands to the United States. If the Senator has a copy of the treaty will he allow to be read a statement as to the terms and how we acquired these islands as a part of the United States, and what is their status?

Mr. STONE. They belong to the United States by purchase.

Mr. UNDERWOOD. I know, but are they a part of our colonial possessions, a part of our territory, or what is the status of the islands as fixed by the treaty?

Mr. STONE. It is a possession of the United States, a territorial possession acquired by the United States by cession from the former sovereign, the King of Denmark. The entire title and right and sovereignty were transferred to the United States by the terms of the treaty for which the United States is to pay the sum of \$25,000,000 within 90 days after the exchange of ratifications.

Mr. UNDERWOOD. I understand that portion of the treaty. I have read the treaty, and I do not want to delay the bill, but I desire to get that information, and until I get the information I will withhold my consent.

Mr. STONE. What is the exact point?

Mr. UNDERWOOD. I want to find out whether these islands come to the United States with the status that Alaska came when we purchased it from Russia or whether they come to us with the status Porto Rico came to us under the treaty with Spain.

Mr. STONE. I should say it was more analogous to the cession from Russia to the United States of what is now the Territory of Alaska.

Mr. LODGE. Will the Senator allow me?

Mr. UNDERWOOD. Yes.

Mr. LODGE. There was a debate in the Senate a great many years ago concerning Florida, then recently acquired by the United States from Spain. Mr. Calhoun, who was discussing it, said: "The Senator from Massachusetts," referring to Webster, "has declared that it is a part of the United States." Mr. Webster, from his seat, said, "Never." Calhoun said, "The Senator certainly said it belongs to the United States." Mr. Webster said, "That is a very different thing." The Danish Islands belong to the United States; they have been purchased.

There is no condition about statehood, no condition about territory, but the power is the power over Government property.

Mr. UNDERWOOD. The Senator from Massachusetts grasps my point of view.

Mr. LODGE. Perhaps not.

Mr. UNDERWOOD. I think he does. I want to know what is the status of the islands to-day under the cession. Are they a part of the territory of the United States, as Alaska was when we acquired it, and does the Constitution go there, or are they an insular possession, under the Porto Rican decision?

Mr. LODGE. The Constitution does not go there unless it goes automatically.

Mr. UNDERWOOD. That is true; it either goes automatically or goes there by legislation. We can send it there by legislation or it can go there automatically by the terms of the treaty.

Mr. LODGE. The treaty gives the islands to us as our absolute property.

Mr. UNDERWOOD. If it is our absolute property—

Mr. LODGE. Except such restrictions as are in the treaty which relate to Danish property rights and certain corporations.

Mr. UNDERWOOD. If that is so, the guaranties of the Federal Constitution have already gone there.

Mr. LODGE. I did not say that, because that is confined to a territory—

Mr. UNDERWOOD. I want to know the language of the treaty.

Mr. LODGE. This is not a territory, it is not—

Mr. UNDERWOOD. I want to know the conditions in the language of the treaty taking these islands over, where it places them, in so far as the Constitution of the United States is concerned.

Mr. LODGE. The relation is the same as in the treaty in relation to the Philippines and Porto Rico.

Mr. UNDERWOOD. Can the Senator from Massachusetts refer me to the part of the treaty which defines the status of these islands?

Mr. LODGE. The treaty of peace with Spain.

Mr. UNDERWOOD. I am talking about the Danish West India Islands. Do I understand the Senator to say that legally, so far as the Constitution of the United States is concerned, they occupy the status that Porto Rico does? Whatever status they do occupy is determined by a treaty. There is no other legislation or action. I do not want to delay the bill and ask that it go over until to-morrow, but—

Mr. LODGE. The treaty simply ceded the islands to us in consideration of \$25,000,000. Of course, it makes certain provisions that inhabitants may remove therefrom at will.

Mr. UNDERWOOD. Does it make any provision about the inhabitants becoming citizens of the United States?

Mr. LODGE. None.

Mr. BRANDEGEE. Will the Senator allow me?

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

Mr. UNDERWOOD. I yield.

Mr. BRANDEGEE. If it is a clear cession in consideration of \$25,000,000 paid, and there is nothing said in this act about extending the guaranties of the Constitution to the islands, I should think it would be clear the guaranties of the Constitution did not extend under the decision of the Supreme Court of the United States.

Mr. LODGE. The treaty provides that—

The civil rights and the political status of the inhabitants of the islands shall be determined by the Congress, subject to the stipulations contained in the present convention.

And there are no stipulations except these about certain property rights and certain corporations.

Mr. SMITH of Michigan. There is a citizenship proposition.

Mr. STONE. There is a citizenship proposition in the treaty, if that is what the Senator is speaking about.

Mr. UNDERWOOD. The point I had in mind, I will say to the Senator, is that this bill, possibly very properly, seeks to levy a tax on sugar coming from the Danish West India Islands into the United States for the support of those islands. That may be a proper handling of the question at this time, but as to whether it can be handled in that way, it seems to me, clearly depends upon the status of the islands. If they are a part of the United States, as is Alaska, clearly we can not pass a law that would fix a customs tax between this country and them. If they occupy the status of the Philippine Islands toward this country, I concede that under the Porto Rican decision you could pass such a law. Therefore I wished to obtain the information.

Mr. LODGE. Mr. President, the restriction of the Constitution in regard to export duties relates wholly and solely to the States; it applies to nothing else. The language is as explicit as it possibly can be.

Mr. UNDERWOOD. I am not sure about that.

Mr. LODGE. It is confined to the States explicitly.

Mr. UNDERWOOD. I think, though, if the Senator would examine some of the decisions with relation to the District of Columbia he would find that we could not levy an export tax upon goods made in the District of Columbia and exported. The District of Columbia is not a State.

Mr. LODGE. These islands are not organized as a Territory; they are not a Territory; they are not recognized as such; and they are not a State.

Mr. UNDERWOOD. Of course, outside of that, we can not levy a customs tax between a Territory to which the guaranties of the Federal Constitution apply and the territory of continental United States.

Mr. LODGE. The question of the Constitution extending automatically to those islands is, I think, an open question, but in the Philippines it was explicitly excepted, while in Porto Rico

it was not. Now, this export tax is made necessary by the fact that the only sources of revenue they have are imports, which come chiefly from the United States, and an export duty on sugar. We have obliged them to remove their import duties so far as we are concerned, and they would be left entirely without revenue if we did not continue the export duty. I do not understand that the Senator questions the expediency of it, and, as to the constitutional power, I do not think there is any doubt about that.

Mr. UNDERWOOD. I am not complaining of the course which has been adopted; it may be necessary to adopt such a course in the emergency which confronts us, but the question in my mind, and what I desired information about, was as to whether the committee having the bill in charge was prepared to state what was the status of these islands and as to whether or not we could, under the status fixed in the treaty, levy a customs tax between the islands and continental United States.

Mr. STONE. There is none levied by the bill.

Mr. UNDERWOOD. If I understood the reading of the bill correctly, there is a tax levied on all sugar going out of the Danish West India Islands to other countries.

Mr. STONE. There is an export tax on sugar.

Mr. UNDERWOOD. That is a customs tax—

Mr. STONE. Yes.

Mr. UNDERWOOD. Between those islands and this country. I do not think there is any question that we can not levy a customs tax or an export tax between Hawaii and continental United States under the Constitution, because it is a part—

Mr. STONE. Hawaii is a Territory of the United States.

Mr. UNDERWOOD. Because it is a Territory of the United States. Now, the question as to whether we can levy such a tax between the Danish West India Islands and continental United States is dependent entirely upon the status fixed for those islands in this treaty. That is the proposition that I am trying to get light on, as to what is their political status as defined in this treaty. Now, I am told that this treaty makes the citizens of the Danish West India Islands citizens of the United States. If that is true, and they are made citizens of the United States, they are entitled to all the guaranties of the Constitution of the United States; and if they are entitled to all the guaranties of the Constitution of the United States, because they live and reside in the Danish West India Islands, does not that bring the Danish West India Islands within the inhibition of the Constitution against levying export taxes or of levying customs taxes between the several States?

Mr. SMITH of Michigan. Mr. President—

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

Mr. UNDERWOOD. I do.

Mr. SMITH of Michigan. I would like to say to the Senator from Alabama that under the treaty the Danish citizens in those islands must renounce American citizenship, provided for in the treaty with Denmark, or they become ipso facto citizens of the United States. The treaty specifically says that "the civil rights and the political status of the inhabitants of the islands shall be determined by the Congress," subject only to the limitations of the treaty, which do not limit the question of citizenship.

Mr. UNDERWOOD. That may save the question. I had hoped, Mr. President, that the committee had investigated this subject and could give us some direct light upon it. I recognize the importance of the bill passing at an early date; and even if the tax should be subsequently decided to be unconstitutional, that portion of the bill which seeks to pay for the islands, if we live up to our contract, of course, ought to become a law. The only question is that if we pass this bill and there is doubt as to the status of those islands, and there is doubt as to whether or not we can properly levy this tax, we may find the citizens of those islands and the government of the islands in a very embarrassed condition.

It was only my purpose to try to ascertain those facts in withholding consent for the immediate consideration of the bill. I do not, however, desire, after calling the attention of those in charge of the bill to the matter I had in mind, to delay the passage of the bill further.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Missouri [Mr. STONE] for the present consideration of the bill?

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

Mr. STONE. I move to strike out all after the enacting clause of the bill as read and to insert in lieu thereof what I send to the desk.

The PRESIDING OFFICER. The Senator from Missouri proposes a substitute for the pending bill, which will be read.

The SECRETARY. It is proposed to strike out all after the enacting clause and insert the following:

That in so far as the same may be compatible with the changed sovereignty, all powers exercised in the Danish West India Islands on and prior to the 17th day of January, A. D. 1917, by and under the authority of the Government of Denmark, shall, until otherwise provided by the Congress, be exercised by the President of the United States. For the proper administration of the laws, rules, and regulations appertaining to said islands, until otherwise provided by Congress, the President is authorized to appoint a governor, by and with the advice and consent of the Senate, for the said islands, and to appoint such other officers as in his judgment may be necessary, giving official titles to, defining the duties of, and fixing the compensation to be received by such persons, respectively. The governor shall be the chief administrative officer of said islands, and such other administrative officers as the President may appoint as herein provided shall be subordinate to the governor and subject to his direction under such rules and regulations as the President may promulgate: *Provided*, That the President may assign an officer of the Army or Navy to serve as such governor and perform the duties appertaining to said office: *Provided further*, That in so far as compatible with the change of sovereignty over said islands and the proper government thereof, the President shall appoint resident citizens of said islands to civil offices. All military power in said islands shall be vested in the governor, subject to the direction of the President; and all civil powers necessary to the proper government of said islands shall be vested in the officials appointed by the President, or chosen in accordance with law; but all powers shall be exercised in accordance with law and the administrative rules and regulations prescribed by the President.

Sec. 2. That until Congress shall otherwise provide, in so far as compatible with the changed sovereignty and not in conflict with the provisions of this act, the laws regulating elections and the electoral franchise, and the other local laws, in force and effect in said islands on the 17th day of January, 1917, shall remain in force and effect in said islands, and the same shall be administered by the civil officials and through the local judicial tribunals established in said islands, respectively; and the orders, judgments, and decrees of said judicial tribunals shall be duly enforced. With the approval of the President, or under such rules and regulations as the President may prescribe, any of said laws may be repealed, altered, or amended by the colonial council having jurisdiction. The jurisdiction of the judicial tribunals of said islands shall extend to all judicial proceedings and controversies affecting the United States or to which any citizen thereof may be a party. In all cases arising in the said West India Islands and now reviewable by the courts of Denmark, writs of error and appeals shall be to the Circuit Court of Appeals for the Third Circuit, and, except as provided in sections 239 and 240 of the Judicial Code, the judgments, orders, and decrees of such court shall be final in all such cases. So far as the same may be applicable, and not inconsistent with the provisions of this act, the laws of the United States shall be extended over and be in force and effect in the said West India Islands.

Sec. 3. That on and after the passage of this act there shall be levied, collected, and paid upon all articles coming into the United States or its possessions from said West India Islands, the same rates of duty and internal-revenue taxes which are required to be levied, collected, and paid upon like articles imported from foreign countries: *Provided*, That all articles the growth, product, or manufacture of the said West India Islands coming into the United States or its possessions therefrom shall be admitted free of duty.

Sec. 4. That until Congress shall otherwise provide all laws now imposing taxes in the said West India Islands, including the customs laws and regulations, shall, in so far as compatible with the changed sovereignty and not otherwise herein provided, continue in force and effect, except that articles the growth, product, or manufacture of the United States shall be admitted there free of duty: *Provided*, That upon exportation of sugar to any foreign country, or the shipment thereof to the United States or any of its possessions, there shall be levied, collected, and paid thereon an export duty of \$8 per ton of 2,000 pounds irrespective of polariscope test, in lieu of any export tax now required by law.

Sec. 5. That the duties and taxes collected in pursuance of this act shall not be covered into the general fund of the Treasury of the United States, but shall be used and expended for the government and benefit of said islands under such rules and regulations as the President may prescribe.

Sec. 6. That for the purpose of taking over and occupying said islands and of carrying this act into effect and to meet any deficit in the revenues of the said islands resulting from the provisions of this act the sum of \$100,000 is hereby appropriated, to be paid out of any moneys in the Treasury not otherwise appropriated, and to be applied under the direction of the President of the United States.

Sec. 7. That this act shall be in force and effect and become operative from and after the date upon which the United States shall pay to Denmark the sum of \$25,000,000, as stipulated in the convention between said countries signed at New York on the 4th day of August, 1916, and the fact and date of such payment shall be made public by a proclamation issued by the President, which proclamation shall be published in one or more newspapers printed and circulated in said West India Islands, and be incorporated in the rules and regulations prescribed by the President, as provided for in section 1 of this act.

The amendment was agreed to.

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

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

The bill was read the third time and passed.

Mr. STONE. I move that the Senate adhere to its amendment to the bill, ask for a conference with the House of Representatives, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and Mr. STONE, Mr. HITCHCOCK, and Mr. LODGE were appointed as conferees on the part of the Senate.

EXECUTIVE SESSION.

Mr. O'GORMAN obtained the floor.

Mr. SIMMONS. Mr. President—

Mr. O'GORMAN. I yield to the Senator from North Carolina. Mr. SIMMONS. I move that the Senate proceed to the consideration of executive business. I understand there are some nominations which it is desired to act upon.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened.

RECESS.

Mr. SIMMONS. Mr. President, I will inquire of the Senator from Pennsylvania whether he desires to go on until 6 o'clock?

Mr. PENROSE. I do not think it is worth while.

Mr. SIMMONS. I move, then, that the Senate take a recess until 8 o'clock to-night.

The motion was agreed to; and (at 5 o'clock and 45 minutes p. m.) the Senate took a recess until 8 o'clock p. m.

EVENING SESSION.

The Senate reassembled at 8 o'clock p. m.

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

The PRESIDING OFFICER (Mr. ASHURST in the chair). The Secretary will call the roll.

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

Ashurst	Kirby	Reed	Smoot
Bryan	Lee, Md.	Robinson	Thomas
Chamberlain	Martin, Va.	Sheppard	Thompson
Clapp	Myers	Sherman	Vardaman
Fletcher	Overman	Simmons	
Jones	Penrose	Smith, Ga.	
Kenyon	Pittman	Smith, S. C.	

Mr. VARDAMAN. I wish to announce the unavoidable absence of the Senator from Tennessee [Mr. SHIELDS] on account of illness.

The PRESIDING OFFICER. Twenty-five Senators have answered to their names. A quorum of the Senate is not present. The Secretary will call the roll of absentees.

The Secretary called the names of the absent Senators.

Mr. LEA of Tennessee entered the Chamber and answered to his name.

The PRESIDING OFFICER. Twenty-six Senators have answered to their names. A quorum of the Senate is not present.

Mr. SIMMONS. I move that the Sergeant at Arms be directed to notify absent Senators to attend the session of the Senate.

Mr. KENYON. I should like to inquire if the Sergeant at Arms can be instructed to arrest Senators and bring them here?

Mr. SIMMONS. The first question in on the motion I made, if the Chair please.

The PRESIDING OFFICER. The Senator from North Carolina moves that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

Mr. LANE entered the Chamber and answered to his name.

Mr. CLAPP. It seems to me it is due to the senior Senator from Oklahoma [Mr. GORE] to state that he is dangerously ill, and has been so for some time. I think that ought to appear in the RECORD, if it has not already been stated.

Mr. VARDAMAN. I wish to state again that the Senator from Tennessee [Mr. SHIELDS] is absent on account of illness. He is confined to his room.

I am also advised that the junior Senator from Alabama [Mr. UNDERWOOD] is quite indisposed. I trust these Senators will be excused from the order.

The PRESIDING OFFICER. Is there objection to excusing the Senators who have been named? The Chair hears none.

Mr. SMOOT. I desire to announce the unavoidable absence of the Senator from Ohio [Mr. HARDING] on account of illness, and also the unavoidable absence of the senior Senator from New Hampshire [Mr. GALLINGER].

Mr. ROBINSON. I was requested to announce the absence of the junior Senator from Delaware [Mr. SAULSBURY] owing to illness. He has been absent from the Senate some two or three days, and his absence has been occasioned by illness. I ask that he be excused from the order.

The PRESIDING OFFICER. Without objection, the junior Senator from Delaware will be excused.

Mr. RANSELL and Mr. HUGHES entered the Chamber and answered to their names.

Mr. VARDAMAN (at 8 o'clock and 20 minutes p. m.). Mr. President, may I inquire the number of Senators who have responded to their names?

The PRESIDING OFFICER. Twenty-nine Senators have responded to their names, the Chair is informed.

Mr. SIMMONS. I ask that the Sergeant at Arms be directed to make a report as to what he has done to execute the order of the Senate.

The PRESIDING OFFICER. The Senator from North Carolina moves that the Sergeant at Arms be directed to report as to progress. The question is on that motion.

The motion was agreed to.

Mr. LEWIS and Mr. WADSWORTH entered the Chamber and answered to their names.

Mr. KENYON. Mr. President, I should like to inquire how many Senators have now answered to the roll call?

The PRESIDING OFFICER. The Chair is advised that 31 Senators have answered to their names.

Mr. BRANDEGEE, Mr. BECKHAM, Mr. POMERENE, and Mr. SHAFROTH entered the Chamber and answered to their names.

The PRESIDING OFFICER. The Sergeant at Arms has made to the Senate a report, which will be read by the Secretary.

The Secretary read as follows:

SENATE OF THE UNITED STATES,
SERGEANT AT ARMS,
February 20, 1917—8.25 p. m.

The PRESIDENT OF THE SENATE:

I beg to report on the following Senators:
Senator LIPPITT is reported "not in."
Senator LODGE is reported "not in."
Senator McCUMBER reported sick in bed.
Senator McLEAN reported as dining with Senator WARREN. Now trying to get in communication with Senator WARREN'S residence.
Senator BANKHEAD reported sick; gone to bed.
Senator BORAH reported as being on way to Senate.
Senator BRADY reported as being on way to Senate.
Senator C. D. CLARK reported out.
Senator NEWLANDS reported as being on way to Senate.
Senator JOHNSON of South Dakota reported as being on way to Senate.
Senator STERLING reported as being on way to Senate.
Senator KERN reported sick.
(8.35 p. m.) Senator WARREN'S residence reports not knowing where the Senator is dining.
Very truly, yours,

CHARLES P. HIGGINS,
By JOHN T. WAYLAND,
Assistant Sergeant at Arms.

Mr. SIMMONS (at 8.37 o'clock p. m.). Mr. President, I move the following order:

Ordered, That the Sergeant at Arms be directed to use all necessary means to compel the attendance of absent Senators.

The PRESIDING OFFICER. The Senator from North Carolina proposes the following order, which will be read.

The Secretary read as follows:

Ordered, That the Sergeant at Arms be directed to use all necessary means to compel the attendance of absent Senators.

The PRESIDING OFFICER. The question is on the adoption of the order submitted by the Senator from North Carolina.

The order was agreed to.

The PRESIDING OFFICER. With the exception of those Senators excused by reason of illness the order will be executed as to other absent Senators at once.

Mr. BROUSSARD entered the Chamber and answered to his name.

Mr. SMITH of South Carolina (at 8 o'clock and 39 minutes p. m.). I inquire how many Senators are now present?

The PRESIDING OFFICER. The Chair is informed that 36 Senators have answered to their names.

Mr. TOWNSEND and Mr. BRADY entered the Chamber and answered to their names.

After a little delay Mr. HUSTING, Mr. COLT, Mr. CATRON, Mr. JOHNSON of Maine, and Mr. LA FOLLETTE entered the Chamber and answered to their names.

Mr. SMITH of South Carolina (at 9 o'clock and 51 minutes p. m.). Mr. President, how many have we now?

The PRESIDING OFFICER. Forty-three.

Mr. MARTIN of Virginia. Mr. President, I desire to say that my colleague [Mr. SWANSON] is just out of a very severe and lengthy spell of sickness, and he did not feel well enough to come to the Senate to-night. While he is not ill, after a day's work he did not feel equal to the task of coming to-night, and he was warned by his physician not to tax himself much.

The PRESIDING OFFICER. Without objection, the Senator from Virginia will be excused from the order compelling other Senators, except those who are ill, to attend the session of the Senate.

At 9 o'clock and 15 minutes p. m. Mr. TILLMAN entered the Chamber and answered to his name.

Mr. TILLMAN. Mr. President, I wish to explain why I was not here when the Senate met. I have been hard at work all day on the naval appropriation bill and I feel very tired. I come down here at night at no time unless notified. If those

in charge of the revenue bill had notified me that they wanted me to stay, I would have been here; I would not have gone home at all.

Mr. SIMMONS. I wish to say to the Senator from South Carolina that I announced this morning that I would ask the Senate to consider the bill to-night.

Mr. TILLMAN. I was upstairs and did not hear it.

Mr. SIMMONS. I will see that the Senator is notified hereafter.

Mr. VARDAMAN. The Senator from South Carolina not being well, I think he should be excused from attending the session to-night.

Mr. TILLMAN. The Senator from South Carolina was notified over the telephone by the Sergeant at Arms that he was wanted in the Senate, and he asked me if I was sick. I told him I was very tired and would be glad to stay away, but that I would come if necessary to make a quorum and carry on the business of the Senate. They sent a taxicab after me with a young boy from Georgia acting as Assistant Sergeant at Arms, and we had a very pleasant ride down. Having come I will stay here until morning if it be necessary to break up this filibuster.

Mr. SMOOT. There is not any filibuster.

Mr. VARDAMAN. I will say that the Senator from South Carolina should not have been notified at all to come. He should be excused from attending all night sessions if he feels that to do so would tax his strength. I am very sure that no Member of the Senate would have the Senator from South Carolina imperil his health by attending these night sessions.

Mr. WATSON, Mr. CURTIS, Mr. CUMMINS, Mr. MARTINE of New Jersey, Mr. STONE, and Mr. HOLLIS entered the Chamber and answered to their names.

Mr. STONE. The Senator from New Hampshire [Mr. HOLLIS] and I were brought by the Sergeant at Arms to the Senate Chamber. I wish to apologize to the Senate for my absence. The Senate did right in using its authority to compel my attendance.

Mr. PENROSE. I move that the Senator's apology be accepted.

The PRESIDING OFFICER. The motion is out of order.

Mr. STONE. I hope the example will be followed in future.

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

Mr. SIMMONS. I ask that the unfinished business be proceeded with.

THE REVENUE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 20573) to provide increased revenue to defray the expenses of the increased appropriations of the Army and Navy and the extensions of fortifications, and for other purposes.

Mr. SHERMAN addressed the Senate. After having spoken for some time,

Mr. SMITH of Michigan. Mr. President—

The PRESIDING OFFICER (Mr. VARDAMAN in the chair). Will the Senator from Illinois yield to the Senator from Michigan?

Mr. SHERMAN. I yield for a question. I am extremely desirous not to lose the floor.

The PRESIDING OFFICER. The Senator will not lose the floor.

Mr. SMITH of Michigan. A parliamentary inquiry. The Senate is now operating under a call of the Senate?

The PRESIDING OFFICER. It is.

Mr. SMITH of Michigan. And the call has disclosed a quorum?

The PRESIDING OFFICER. It has.

Mr. SMITH of Michigan. Then I move that all further proceedings under the call be dispensed with.

Mr. SIMMONS. I have no objection to that.

The PRESIDING OFFICER. The question is on the motion of the Senator from Michigan.

The motion was agreed to.

The PRESIDING OFFICER. The Senator from Illinois will proceed.

Mr. SHERMAN resumed his speech, and after having spoken for some time,

Mr. TILLMAN. Mr. President—

The PRESIDING OFFICER (Mr. HUSTING in the chair). Does the Senator from Illinois yield to the Senator from South Carolina?

Mr. SHERMAN. I do, for a question.

Mr. TILLMAN. Will the Senator yield for a motion to take a recess?

Mr. SHERMAN. Yes, sir.

RECESS.

Mr. TILLMAN. I move that the Senate take a recess until 10.30 o'clock to-morrow morning.

The motion was agreed to; and (at 10 o'clock and 47 minutes p. m.) the Senate took a recess until to-morrow, Wednesday, February 21, 1917, at 10.30 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate February 20, 1917.

FEDERAL TRADE COMMISSION.

William B. Colver, of St. Paul, Minn., to be a member of the Federal Trade Commission, for a term expiring September 25, 1920, vice Edward N. Hurley, resigned.

John Franklin Fort, of New Jersey, to be a member of the Federal Trade Commission, for a term expiring September 25, 1917.

UNITED STATES DISTRICT JUDGE.

D. C. Westenhaver, of Cleveland, Ohio, to be United States district judge, Northern District of Ohio, vice John H. Clarke, appointed Associate Justice of the Supreme Court of the United States.

PROMOTIONS IN THE ARMY.

CAVALRY ARM.

First Lieut. Frederick T. Dickman, Seventh Cavalry, to be captain from July 7, 1916, vice Capt. Lawrence S. Carson, Twelfth Cavalry, detailed in the Quartermaster Corps.

First Lieut. Adna R. Chaffee, Cavalry, unassigned, to be captain from July 7, 1916, vice Capt. George F. Bailey, Second Cavalry, detailed in the Quartermaster Corps.

First Lieut. George W. De Armond, Fifteenth Cavalry, to be captain from July 7, 1916, vice Capt. William C. Gardenhire, Tenth Cavalry, detailed in the Quartermaster Corps.

First Lieut. John G. Quekemeyer, Seventh Cavalry, to be captain from July 10, 1916, vice Capt. Alfred E. Kennington, Tenth Cavalry, promoted.

First Lieut. Frank M. Andrews, Second Cavalry, to be captain from July 15, 1916, vice Capt. Herman A. Sievert, Seventh Cavalry, promoted.

First Lieut. Joseph C. King, Cavalry, unassigned, to be captain from July 17, 1916, vice Capt. Christian Briand, Twelfth Cavalry, who died July 16, 1916.

First Lieut. George L. Converse, jr., Fourth Cavalry, to be captain from July 21, 1916, vice Capt. Walter S. Grant, Third Cavalry, detailed in the Signal Corps.

First Lieut. Donald A. Robinson, Fifteenth Cavalry, to be captain from August 21, 1916, vice Capt. Thomas F. Ryan, Thirtieth Cavalry, retired from active service August 20, 1916.

First Lieut. Bruce L. Burch, Fifteenth Cavalry, to be captain from August 27, 1916, vice Capt. George E. Mitchell, Sixth Cavalry, promoted.

First Lieut. Edgar M. Whiting, Fourth Cavalry, to be captain from September 6, 1916, vice Capt. Pierce A. Murphy, First Cavalry, promoted.

First Lieut. Edward G. Elliott, Cavalry, unassigned, to be captain from September 13, 1916, vice Capt. Frederick T. Arnold, unassigned, promoted.

First Lieut. Wade H. Westmoreland, Eleventh Cavalry, to be captain from September 14, 1916, vice Capt. Leonard L. Deitrick, Seventh Cavalry, detailed in the Quartermaster Corps.

First Lieut. Guy H. Wyman, Eighth Cavalry, to be captain from September 21, 1916, vice Capt. William S. Valentine, Tenth Cavalry, promoted.

First Lieut. Verne R. Bell, Seventh Cavalry, to be captain from September 28, 1916, vice Capt. Thomas B. Esty, unassigned, retired from active service September 27, 1916.

First Lieut. Henry W. Baird, Ninth Cavalry, to be captain from October 6, 1916, vice Capt. Aubrey Lippincott, Fourth Cavalry, detailed in the Signal Corps.

First Lieut. Alexander H. Jones, Cavalry, unassigned, to be captain from November 15, 1916, vice Capt. Alexander B. Coxe, Second Cavalry, detailed in the General Staff Corps.

First Lieut. Charles L. Stevenson, Fourteenth Cavalry, to be captain from November 21, 1916, vice Capt. William L. Lowe, Tenth Cavalry, retired from active service November 20, 1916.

First Lieut. Frank K. Chapin, Seventh Cavalry, to be captain from December 3, 1916, vice Capt. Ralph Talbot, jr., Fifteenth Cavalry, detailed to the Quartermaster Corps.

First Lieut. Henry L. Watson, Seventeenth Cavalry, to be captain from December 25, 1916, vice Capt. James D. Tilford, unassigned, placed on detached officers' list.

First Lieut. Murray B. Rush, Cavalry, detached officers' list, to be captain from January 16, 1917, vice Capt. Samuel Van Leer, Seventh Cavalry, who resigned January 15, 1917.

First Lieut. Augustine W. Robins, Twelfth Cavalry, to be captain from January 23, 1917, vice Capt. Kyle Rucker, Fourteenth Cavalry, who resigned January 22, 1917.

Second Lieut. Daniel A. Connor, Seventeenth Cavalry, to be first lieutenant from November 2, 1916, vice First Lieut. Hugh S. Johnson, First Cavalry, promoted.

PROVISIONAL APPOINTMENTS, BY TRANSFER, IN THE ARMY.

Second Lieut. Leander R. Hathaway, Sixteenth Cavalry, to be second lieutenant of Infantry, with rank from November 30, 1916.

Second Lieut. Athael B. Ellis, Sixth Infantry, to be second lieutenant of Cavalry, with rank from November 30, 1916.

PROMOTIONS IN THE NAVY.

Capt. Harry S. Knapp to be a rear admiral in the Navy from the 13th day of August, 1916.

Capt. William L. Rodgers to be a rear admiral in the Navy from the 29th day of August, 1916.

Commander Louis R. de Steiger to be a captain in the Navy from the 10th day of August, 1916.

The following-named commanders to be captains in the Navy from the 29th day of August, 1916:

Louis A. Kaiser,
William C. Cole,
Carl T. Vogelgesang,
Charles B. McVay, jr.,
Julian L. Latimer, and
De Witt Blamer.

Commander John K. Robison to be a captain in the Navy from the 10th day of October, 1916.

Commander Henry H. Hough to be a captain in the Navy from the 1st day of January, 1917.

Lieut. Commander Earl P. Jessop to be a commander in the Navy from the 10th day of August, 1916.

The following-named lieutenant commanders to be commanders in the Navy from the 29th day of August, 1916:

Lyman A. Cotten,
William T. Tarrant,
Yancey S. Williams,
Charles P. Nelson,
Victor A. Kimberly,
Claude C. Bloch,
Edward C. Kalbfus,
Cyrus W. Cole, and
John W. Greenslade.

Lieut. Commander Harry L. Brinser to be a commander in the Navy from the 30th day of September, 1916.

Lieut. Commander James H. Tomb to be a commander in the Navy from the 1st day of January, 1917.

The following-named lieutenants to be lieutenant commanders in the Navy from the 29th day of August, 1916:

William Ancrum,
Benjamin K. Johnson,
Joseph V. Ogan,
Albert T. Church,
Logan Cresap,
John N. Ferguson,
Louis C. Farley,
Arthur C. Stott,
William S. McChintie,
Byron McCandless,
Roscoe C. MacFall, and
Robert L. Irvine.

The following-named lieutenants (junior grade) to be lieutenants in the Navy from the 29th day of August, 1916:

Riley F. McConnell, and
Edmund D. Almy.

Boatswain Dallas Wait to be an ensign in the Navy from the 9th day of February, 1917.

Capt. Seth Williams, assistant quartermaster, to be an assistant quartermaster in the Marine Corps, with the rank of major, from the 29th of August, 1916.

The following-named first lieutenants to be captains in the Marine Corps from the 29th day of August, 1916:

John L. Mayer, and
Benjamin A. Moeller.

HOUSE OF REPRESENTATIVES.

TUESDAY, February 20, 1917.

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

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

We bless Thee, our Father in Heaven, for that quality of soul which in times of stress or peril lifts men above the sordid and makes them heroes. Sanctify the proceedings of the hour to the public weal and help us to realize that we must work while it is yet day for the night cometh when no man can work; that we may go forward with patriotic zeal and unanimity of purpose as servants of the people. And all praise be Thine. In His Name, amen.

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

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed the following resolution, in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 32.

Resolved by the Senate (the House of Representatives concurring), That the expenses incurred by the committee appointed by the Vice President and the committee appointed by the Speaker of the House of Representatives in arranging for and attending the funeral of the late Admiral George Dewey, in the Rotunda of the Capitol at Washington, D. C., January 20, 1917, be paid in equal proportion from the contingent funds of the Senate and House of Representatives, upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate and the Committee on Accounts of the House of Representatives.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 8252. An act to authorize the change of name of the steamer *Charles L. Hutchinson to Fayette Brown*; and

S. 8228. An act authorizing the commissioners of the Red River bridge district to construct a bridge across the Red River at or near Index, Tex.

The message also announced that the Senate had passed with amendments bills of the following titles; had requested a conference with the House of Representatives; and had appointed Mr. JOHNSON of Maine, Mr. HUGHES, and Mr. SMOOT as the conferees on the part of the Senate:

H. R. 20451. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. R. 20496. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War and to widows of such soldiers and sailors.

The message also announced that the President had approved and signed bills of the following titles:

On February 17, 1917:

S. 5082. An act adding certain lands to the Missoula National Forest, Mont.;

S. 5632. An act for the relief of Aquila Nebeker;

S. 6595. An act to reimburse William Blair for losses and damages sustained by him by the negligent dipping of his cattle by the Bureau of Animal Industry, Department of Agriculture;

H. R. 455. An act to define the rights and privileges of the trustees of municipally owned interstate railways and construing the act to regulate commerce with reference thereto;

H. R. 11288. An act for the relief of S. S. Yoder;

H. R. 8669. An act authorizing the Secretary of the Interior to extend the lease of certain land in Stanley County, S. Dak., for a buffalo pasture; and

H. R. 17055. An act providing when patents shall issue to the purchaser or heirs on certain lands in the State of Oregon.

On February 19, 1917:

H. R. 10697. An act for the relief of S. Spencer Carr;

H. R. 14074. An act granting the consent of Congress to the village of Fox Lake, in the County of Lake, State of Illinois, to construct a bridge across both arms of the Fox River where it connects Pistakee Lake and Nippersink Lake, at a point suitable to the interests of navigation, in the county of Lake, State of Illinois;

H. R. 17602. An act granting the consent of Congress to the county commissioners of Polk County, Minn., and Grand Forks County, N. Dak., to construct a bridge across Red River of the North on the boundary line between said States;

H. R. 18550. An act granting the consent of Congress to the county of Montgomery, in the State of Tennessee, to construct a bridge across the Cumberland River;

H. R. 18551. An act granting the consent of Congress to the county of Montgomery, in the State of Tennessee, to construct a bridge across the Cumberland River;

H. R. 18725. An act granting the consent of Congress to Kratka Township, Pennington County, Minn., to construct a bridge across Red Lake River; and

H. R. 20574. An act granting the consent of Congress to the county commissioners of Decatur County, Ga., to reconstruct a bridge across the Flint River at Bainbridge, Ga.

SENATE BILL REFERRED.

Under clause 2 of 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. 8252. An act to authorize the change of name of the steamer *Charles L. Hutchinson to Fayette Brown*; to the Committee on the Merchant Marine and Fisheries.

AMENDMENT OF THE GENERAL DAM ACT.

Mr. ADAMSON. Mr. Speaker, I would like the Speaker to lay before the House Senate bill 3331 and have the House further insist on its amendment and grant a further conference with the Senate.

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

The Clerk read as follows:

A 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.

Mr. ADAMSON. I ask unanimous consent that the House further insist on its amendment and grant a further conference asked for; and I would like to state in a minute or two to the House the reason why I have concluded to ask that a further conference be granted.

Mr. SMITH of Minnesota. Mr. Speaker, reserving the right to object, do I understand the conferees have now concluded that they can agree?

Mr. ADAMSON. I stated that if the House would indulge me a minute or two I would state the reasons why I have concluded to ask the House to grant a further conference. If the gentleman will allow me to make that statement, I think he will be satisfied.

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

There was no objection.

Mr. ADAMSON. Mr. Speaker, as the House knows, the House made but one amendment to the Senate bill, which was a substitute.

The conferees met and took the substitute bill as the basis of the conference, we stating to the conferees that the House insisted on retaining the form as well as the substance. We found in three consecutive meetings, in which we went over the entire subject, that the Senate had about four objections to our substitute, on which they insisted with more or less determination. After three meetings, failing to agree, we set another meeting for the 22d of November. The House conferees came here, but the Senate conferees did not appear. One, we heard, was sick at home and another had a celebration on hand, and having accounted for two we did not inquire about the third. We adjourned the Joint Subcommittee on Transportation for two days for the purpose of enabling the House conferees to attend that conference. We attended, and the other side did not.

Nothing further was said about a conference until some time in January, when the Senate conferees asked for a meeting. We replied, "If you are ready to yield anything, we will have another meeting; if not, there is no use in wasting time on this, because the House insists on its amendment, and we will not betray the House." Finally, when it looked hopeless, we did meet and declared a general disagreement and reported it to the House. At that time an agreement appeared hopeless, because no concessions were in sight.

Since that time, however, conferences have been going on among members of the House and Senate conferees. Now, whether or not they are prepared to make some concessions, and if so how far, I do not know; but I am perfectly willing to go back and try, assuring the House that the rights of the House shall be protected.

The SPEAKER. The gentleman from Georgia asks unanimous consent that the House further insist on the amendments of the House and consent to a further conference requested by the Senate. Is there objection?

Mr. MANN. Reserving the right to object, this whole matter has been treated, up to within a recent period, wholly as a non-partisan proposition. The newspapers state that some very dis-

tinguished gentlemen on the Democratic side of the House and of the Senate have been called into conference with the President, to which, of course, I take no exception. No one on this side of the House has been consulted in reference to any such matters. Now, I do not know whether it is the intention—

Mr. SHERLEY. Mr. Speaker, if the gentleman will permit me—

Mr. MANN. In just a moment. I do not know whether or not it is the intention or expectation that the President—to use the term without offense, or meaning to be offensive at all—is to force the Democratic side of the House and the Senate into some compromise, leaving gentlemen on the Republican side who have been interested in the matter entirely out of consideration. Heretofore it has been treated only as a nonpartisan proposition. It seems to me that it ought to continue to be.

Now, I yield to the gentleman from Kentucky.

Mr. SHERLEY. Mr. Speaker, I simply desire to say this, which will be borne out by gentlemen on the Republican side: There have been a number of informal conferences between various gentlemen interested in this legislation, with the idea of seeing if a common basis could be found on which the Senate and the House might agree about legislation. Those negotiations have gone through various stages without anything final having been agreed upon. Every step of them—and I say that advisedly—has been brought to the knowledge of gentlemen on the Republican side of the House. There has been no intention on the part of anybody to undertake to take the House or any part of the House by surprise, and I am quite sure that nothing will be done, from the understanding that I have had with the gentleman from Georgia, which will take anybody by surprise; but that prior to any attempt at a final agreement there will be sufficient consultation to apprise everybody of the situation and to reserve to everybody his full rights in the matter.

Mr. MANN. Mr. Speaker, of course, I do not know what conferences have taken place involving gentlemen on this side of the House. I have taken a rather active part in connection with this dam legislation from the beginning. I have had no consultations with anybody in reference to the matter—

Mr. SHERLEY. Of course, the gentleman has not—

Mr. MANN. And I have not heard of any.

Mr. SHERLEY. The gentleman from Wisconsin [Mr. LENROOT] has had, and it was my understanding that the gentleman from Illinois [Mr. MANN] was cognizant of what was going on. There was no secrecy about it. The gentleman from Wisconsin—

Mr. ADAMSON. If all gentlemen will yield to me for a minute, I think I can clear up the situation.

Mr. SHERLEY. The gentleman from Wisconsin [Mr. LENROOT] and myself, undertaking informally to carry out what we believed to be the views of men on both sides of the House, have met a number of times. I then met informally a number of times with the Senator from Alabama [Mr. BANKHEAD], and the result of all those meetings has been conveyed in its entirety to the gentleman from Wisconsin [Mr. LENROOT], and I think he will bear witness to the accuracy of that statement.

Mr. MONDELL. Will the gentleman from Georgia [Mr. ADAMSON] yield to me to allow me to ask a question of the gentleman from Kentucky [Mr. SHERLEY]?

Mr. ADAMSON. I will do that, although I think I can straighten this out.

Mr. MONDELL. One of these bills relates entirely to water powers on the public lands.

Mr. ADAMSON. This has nothing to do with that.

Mr. MONDELL. I want to ask the gentleman from Kentucky whether anyone from a public-land State, on either side of the House, has been present in these conferences to which he refers?

Mr. SHERLEY. The conferences have dealt with the bill that relates to navigable waters, and not with the public lands. There were present at a number of conferences, and there have been kept informed, gentlemen who do come from public-land States, and are familiar with the legislation of the House on that particular phase of the matter.

Mr. MONDELL. I have inquired of a number of gentlemen from the public-land States who are tremendously interested, because the rights of their constituents are affected, and have asked them if they knew anything about these conferences, and they have all of them told me that they did not.

Mr. MILLER of Minnesota. I should like to ask the gentleman from Kentucky a question.

Mr. ADAMSON. If gentlemen will yield to me, I think I can compose matters.

Mr. MILLER of Minnesota. The gentleman from Wisconsin [Mr. Esch] is the ranking Republican member on the Interstate and Foreign Commerce Committee. Has he been consulted in these conferences?

Mr. SHERLEY. I have not talked with Mr. Esch, I will say to the gentleman—

Mr. MILLER of Minnesota. I should like to ask one more question.

Mr. SHERLEY. All right.

Mr. MILLER of Minnesota. The Foreign Affairs Committee of the House, of which I happen to be an humble member, has charge of some legislation of this character. The gentleman from Wisconsin [Mr. COOPER] is the ranking Republican member of that committee. Has he been consulted?

Mr. SHERLEY. I have not talked recently with Mr. COOPER.

Mr. MILLER of Minnesota. Now, one further question.

Mr. SHERLEY. Just wait a moment. I do not want to answer questions with an implication in them—

Mr. MILLER of Minnesota. The gentleman does not need to. He has plenty of time.

Mr. SHERLEY. All of these matters have been informal conferences, without any desire to take anybody by surprise, but simply with the desire, if possible, to adjust matters. On a bill of this kind it is impossible to talk with 20 people about every stage of it, when it is under informal discussion; but it was my understanding that the Republican Members were advised, and certainly the gentleman from Wisconsin [Mr. LENROOT] has been in full touch with the situation, and he will bear witness to the fact that there has been nothing done with the idea of having one side of the House alone control the matter.

Mr. MILLER of Minnesota. One further question. Does the gentleman think consulting with the gentleman from Wisconsin [Mr. LENROOT] is a consultation with the Republican side of the House?

Mr. SHERLEY. Oh, no; but I think it is a consultation with one of the best Republicans in the House.

Mr. MILLER of Minnesota. There is no question about that. I would like to ask a further question of the gentleman. As I understood him to state a moment ago, the bill pending relates to navigable streams of the United States?

Mr. SHERLEY. Yes.

Mr. MILLER of Minnesota. The gentleman from Wisconsin [Mr. LENROOT] is the ranking Republican member of the Committee on the Public Lands?

Mr. SHERLEY. Yes.

Mr. MILLER of Minnesota. Which committee, the gentleman intimated, was a committee that naturally would not have particular charge of this class of legislation. Does the gentleman think it is a consultation with the Republican Members who ought to be consulted on a matter of this kind, to consult with a gentleman who is on a committee that has nothing to do with the subject, and to leave out gentlemen Members who do have to do with it?

Mr. SHERLEY. Oh, well, there was no intention—

Mr. MILLER of Minnesota. I do not think there was any consultation at all except with one man.

Mr. SHERLEY. The gentleman can think what he pleases. I am not required to consult him or any other particular man.

Mr. MILLER of Minnesota. Nobody cares to have the gentleman consult me, but when the gentleman speaks of consulting the Republican side of the House, the statement he has made does not bear out the facts.

Mr. SHERLEY. I am willing to submit whether it does or not—

Mr. ADAMSON. Will the gentleman yield?

Mr. MANN. I yield to the gentleman from Georgia [Mr. ADAMSON].

Mr. ADAMSON. Mr. Speaker, I do not think all this has much to do with the case. The conferences that have been had with my knowledge have been directed entirely to finding out whether the Senate would yield anything or not. That is all. There was no partisanship. There has never been any on our committee. We respect Mr. Esch, the ranking Republican on that committee, as much as any Member, and this morning we reported out a very important bill in his name because we like him and there is no partisanship in it. As to consultations, they have been directed to two points. The two gentlemen with whom I have talked about them are the two men who have stood for the two propositions. It seems that the insurmountable difficulties were the question of a charge, which the gentleman from Kentucky [Mr. SHERLEY] was the author of, and the question whether we should remit the matter to the Secretary of War, which proposition the gentleman from Illinois [Mr. MANN] has always opposed. We brought in, in his name, the first general dam bill. We had a subcommittee of which he was chairman and I was a member of it. When that law was amended in 1910 we both fought the amendment because we thought the original bill was good enough. I would not allow

anything done on that question without conferring with him; so while we conferred with Mr. SHERLEY and Mr. LENROOT about the tax I have conferred with Mr. MANN, the only other Republican beside Mr. ESCH, with whom I have conferred about it. I want the House to understand now that I do not want any partisan bill here. I have conferred with Senator NELSON as much and as often as with Senator BANKHEAD. Gentlemen will understand that we think we have more sense, when we get into conference, than to bring back a conference report that the House would not adopt. I have not talked to the President any more than I did to the Republican President on commerce matters when the Republicans were in power. And after we get into conference I expect to confer with the gentleman from Illinois [Mr. MANN] as much as with anybody else.

Mr. MANN. Mr. Speaker, of course, I take no exception to the gentleman from Georgia talking with the President. I think it is a perfectly proper thing to do. When this bill went to conference in the first instance, without any vote in the House on any of the propositions except an informal unanimous-consent vote on the disagreement, there was an understanding that the conferees would not agree to certain Senate propositions without giving the House a chance to determine what its attitude would be on those propositions.

Now the conferees reported a disagreement. It has been intimated by certain distinguished gentlemen, not Members of this House but Members of another great legislative body, that the very purpose of reporting a disagreement and getting a new conference was to get rid of the obligations which were made when the bill first went to conference.

I attribute to the gentleman from Georgia the utmost of good faith. I do not question that for one moment, but admitting that entirely, I know what the influence of the Executive at times may be. The House and the Senate have been diametrically opposed on certain propositions relating to water-power development. The gentleman from Georgia said the Senate is willing to yield something; of course they are willing to yield something, but what we want to know really is whether they yield a pin and we give away the whole thing. I do not think that is the disposition of the gentleman from Georgia.

Mr. GARNER. May I ask the gentleman from Georgia a question?

Mr. ADAMSON. I know what the gentleman from Illinois refers to about the purpose of the disagreement. That statement was a pure piece of romance. The disagreement was made because it appeared absolutely hopeless to get an agreement, and since the disagreement the Senate has indicated a disposition to make concessions. If they do not make substantial concessions, they will get no agreement from me. I never have betrayed the House.

Mr. MANN. The gentleman from Georgia never has betrayed the House, but the gentleman's attitude and the attitude of the other House conferees on this bill has not been in conformity with the attitude of the House as expressed on several occasions. I have no desire, so far as I am concerned, to change conferees. I have the utmost faith in the conferees, but their personal opinion is not the same as the opinion expressed by the House heretofore.

Mr. ADAMSON. The gentleman refers to the charge question?

Mr. MANN. I refer to the whole question.

Mr. GARNER. Will the gentleman yield?

Mr. ADAMSON. Yes.

Mr. GARNER. Does the gentleman from Georgia go into the conference still considering the agreement made with the House heretofore as still in force and that it still holds?

Mr. ADAMSON. I will say that unless we go in with some latitude to talk, propose, and discuss things it is of no use to go into conference.

Mr. GARNER. There is no disposition to deprive the conferees of talking, hearing, and discussing every item.

Mr. ADAMSON. I have no disposition to bring in any report not in conformity with the wishes of the House.

Mr. GARNER. The gentleman will remember that we had a distinct understanding as to the views of the House; does the gentleman still believe that that is the view of the House?

Mr. ADAMSON. My understanding is that the Senate conferees propose to agree to the proposition which the gentleman has in mind.

Mr. GARNER. And the gentleman will give us a chance to vote on that?

Mr. ADAMSON. I shall not give away the amendment without the consent of the House.

Mr. SIMS. Mr. Speaker, reserving the right to object, I want to make a statement in view of what has just been said by the

gentleman from Illinois [Mr. MANN]. There has never been any general dam legislation or general bridge legislation that has not provided that in the erection of each bridge, even a highway bridge over a navigable stream, the consent of Congress by a specific bill for that particular project must be obtained. There has never been any general dam legislation that has not provided for the same condition. The House amendment to this bill provided that a special bill authorizing a dam shall be passed in each case. The House has not consented to yield to the contention of the Senate as provided in the Senate bill that only the Secretary of War shall be consulted. There is no part of our bill that I have stood for more firmly in conference and out than that we shall pass no general dam legislation that authorizes the Secretary of War to authorize these water-power dams to be constructed without the consent of Congress in each case. I contend that a special act in each and every case shall be passed by the Congress. There are 435 Members of this House to be consulted on each project, and with scrutiny of the 435 Members on each bill there is going to be no joker dam bills that will get through here. I am not impugning the motives or the wisdom, even by implication, of the present Secretary of War, or any Secretary of War in the past or in the future, but the office of Secretary of War is a political office. Sometimes the personnel changes two or three times during one administration. Therefore, I think it exceedingly important that Congress should retain jurisdiction on each project. As far as I am concerned, unless I am instructed by this House to yield on that particular feature of the House amendment to the Senate bill, there will be no yielding done on my part, and any insinuation that I am not in harmony with the action of the House is uncalled for and unwarranted by any action or any utterance of mine that has fallen from my lips in committee or in the House.

Mr. HUDDLESTON. Mr. Speaker, a parliamentary inquiry. What is the parliamentary status?

The SPEAKER. The parliamentary status is that this colloquy has been going on for 15 or 20 minutes, with nothing before the House.

Mr. HUDDLESTON. I call for the regular order.

Mr. ADAMSON. Mr. Speaker, I do not think the gentleman from Illinois insinuated—

The SPEAKER. The gentleman from Alabama demands the regular order.

Mr. ADAMSON. I would be glad to have the gentleman from Wisconsin [Mr. LENROOT] say a word.

Mr. DYER. Mr. Speaker, I ask unanimous consent that the gentleman from Wisconsin [Mr. LENROOT] have five minutes.

The SPEAKER. The gentleman from Missouri asks unanimous consent that the gentleman from Wisconsin may proceed for five minutes. Is there objection?

Mr. SMITH of Minnesota. Mr. Speaker, I will ask the Chair to recognize me for the purpose of making an objection to the request of the gentleman from Georgia or to reserve an objection. I would be glad to have the gentleman from Wisconsin [Mr. LENROOT] proceed for five minutes, but I want an opportunity to make an inquiry of the gentleman from Georgia.

The SPEAKER. The trouble is that the regular order has been demanded by a Member of the House.

Mr. HUDDLESTON. Mr. Speaker, I withdraw the demand for the regular order and reserve the right to object.

The SPEAKER. Is there objection to the request of the gentleman from Missouri that the gentleman from Wisconsin [Mr. LENROOT] have five minutes?

Mr. ADAMSON. Will not the gentleman permit me to conclude the remarks I was making about the gentleman from Illinois [Mr. MANN]? I was going to say that I do not think the gentleman—

The SPEAKER. The gentleman from Georgia has not the floor.

Mr. ADAMSON. I understood the gentleman from Wisconsin to consent.

The SPEAKER. The gentleman from Wisconsin has five minutes only, and the House has the rest.

Mr. ADAMSON. Will not the gentleman yield me just a moment?

Mr. LENROOT. I yield to the gentleman for half a minute.

Mr. ADAMSON. Mr. Speaker, the gentleman from Illinois [Mr. MANN] refers to the amendment about charging, which I always have opposed, because I do not believe it would bring money, but the House wants it, and I am the House's lawyer, and I am for it as long as the House wants it.

Mr. LENROOT. Mr. Speaker, I would like to state just exactly the situation as it exists, as I understand it. Something like a month ago I received a letter from Senator BANKHEAD ask-

ing me if I would join in an informal conference with the gentleman from Kentucky, Mr. SHERLEY, the gentleman from Illinois, Mr. RAINEY, the gentleman from Illinois, Dr. FOSTER, and the gentleman from Oklahoma, Mr. FERRIS, with a view of discussing this dam legislation. I readily agreed to it, as I am always ready to informally confer with any Member of the House upon any matter of important legislation. We did meet, and nothing came of that meeting. We found ourselves just as far apart as the House and the Senate are apart upon the bill. The gentleman from Kentucky [Mr. SHERLEY] afterwards asked me whether I would sit down with him and go over the House bill and the Senate bill, with a view of seeing what we individually, representing no one but ourselves, might be willing to agree to. We did that, and we drafted or redrafted a bill that contains every provision that is contained in the bill as it passed the House and some others. I understand from Mr. SHERLEY that he presented that to Senator BANKHEAD, and that they have come back with a proposition to him that contains substantially the bill as passed by the Senate. So the fact is that these informal conferences up to this point have accomplished nothing and have gotten nowhere, and they amount to nothing further than any Member of the House on either side of the aisle is justified in making with anybody.

With reference to the conferences, I did report the matter to the gentleman from Illinois [Mr. MANN] in a general way, but as nothing was being accomplished I did not go into detail with him, and nothing has been accomplished up to this time. That explains the situation as it exists; but I want to say further that before this bill went to conference in the House last year several gentlemen had an informal understanding with the chairman of the committee, Judge ADAMSON, among them the gentleman from Illinois, Mr. MANN, the gentleman from Kentucky, Mr. SHERLEY, the gentleman from Illinois, Dr. FOSTER, and myself. Those I now recollect; I think there may have been others. The informal agreement reached was this: That, in view of the attitude of the House, a conference agreement would not be reached without its being submitted to at least that number of gentlemen and found satisfactory to them, upon the understanding that this group of men represented the views of the House in a general way. I do not understand that the motion that the gentleman from Georgia now makes is made for the purpose of avoiding that informal understanding, but that the gentleman agrees to keep it just the same as if no disagreement had been reached.

Mr. ADAMSON. Mr. Speaker, I do not think the conferees would have any disposition to bring in any report contrary to the will of the House.

Mr. LENROOT. That is a little different proposition from the one I stated. The gentleman's informal agreement was that—

Mr. ADAMSON. It was stated in the House that the conferees would observe the wish of the House in its conference.

Mr. LENROOT. No; I sincerely hope the gentleman—

Mr. GARNER. That is exactly what I suggest. That the informal understanding had should be adhered to.

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

Mr. LENROOT. I can not yield. This is too important a matter.

Mr. ADAMSON. I thought we agreed about it.

Mr. LENROOT. The gentleman from Illinois [Mr. MANN] made exactly the agreement I stated, and I certainly do not expect by reporting a disagreement and then asking for a new conference that the gentleman from Georgia thinks he is going to avoid that agreement that he made informally.

Mr. ADAMSON. The purpose of the disagreement was to get the Senate to agree, not the House. We have no idea in the world of betraying the interest of the House.

The SPEAKER. The time of the gentleman from Wisconsin has expired.

Mr. HUDDLESTON. Mr. Speaker, I demand the regular order.

Mr. SMITH of Minnesota. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER. The gentleman from Alabama demands the regular order.

Mr. SMITH of Minnesota. Will the gentleman withdraw that for a time?

Mr. HUDDLESTON. I am willing to have the gentleman have five minutes, and then I shall make my demand for the regular order.

Mr. SMITH of Minnesota. I renew my request.

The SPEAKER. Is there objection?

There was no objection.

Mr. SMITH of Minnesota. Mr. Speaker, this bill went to conference over six months ago, and only a few days ago the con-

ferrees reported back to the House that they were unable to agree. The House accepted that report and discharged the conferees. This morning, in the closing hours of this session, we are asked to again report conferees to consider the Adamson bill and the Shields bill. I think, Mr. Speaker, it is very unwise, in the congested condition that we find the calendar, to again have conferees appointed to consider this matter at this late hour. It is a proposition so important that we can not do it justice at a time like this, and I trust that the gentleman from Georgia [Mr. ADAMSON] will withdraw his request. It is farcical to attempt to whip into shape a bill of this kind at this late hour.

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

Mr. SMITH of Minnesota. No; I can not. Mr. Speaker, there are three or four distinct propositions that every water-power bill must contain if it is going to protect the rights of the people.

ESSENTIAL FEATURES OF A SAFE PUBLIC WATER-POWER BILL.

First. There is the recapture clause providing for a safe and effective process by which the Government for the protection of the public interest may recover its valuable water-power property after the expiration of the lease to the private corporation.

Second. There is the feature of public regulation of rates and use to protect the public against extortionate power and lighting charges.

Third. There is the preferential provision giving to a public corporation, such as the State, a municipality, or Federal institution, preference as lessee over a commercial corporation in competitive application for a lease.

Fourth. There is the section reserving the right of the United States by act of Congress to amend or repeal the act to meet the public interest and change of national conditions.

Fifth. But of far less import than the above is the provision for a public charge for the use of the power in the form of a public rental.

The great and essential provisions for the protection of the public in its vast water-power properties are the four first named, namely, recapture, rate regulation, public preference, and repeal.

I maintain that the idea that we must make a charge is the least of these, and I have expected from the time this legislation was framed and brought in, in the way it has been, that the Senate would yield on the question of charge. Now, if the Members of the House will bear with me for just this one statement, I will ask them in all candor, what does it amount to, what difference does it make to the Hydroelectric Trust—and I speak without any disrespect of that organization, because it is a business that is monopolistic in its very tendencies, and you can not stop it—if we are going to get the best results, what difference does it make what charge you make upon a monopoly when that monopoly can charge it back on the public that will use the current? Now, that is it in a nutshell, and any scheme that attempts to make this House believe that because the Senate is yielding this point is deceiving the House and obscuring the principal features of the bill. Let us not be led astray on this proposition of charge. Why, gentlemen—

Mr. ADAMSON. Will the gentleman yield?

Mr. SMITH of Minnesota. No; I want to complete this statement and then I will. One of the leading water-power advocates in this country was in conversation with me one day, and I said, "Mr. —, why do you put so much force and strength upon the proposition of charge?" "Why," he said, "that is the only part of this bill that the public understands, and that is why I am harping on it." Now, the public does understand the Hydroelectric Trust will pay something into the National Treasury, and for that reason it appeals to and appeases them, but we can see that a charge amounts to nothing. It is only taking money out of one pocket and putting it in another.

PRACTICAL EFFECT OF A PUBLIC RENTAL CHARGE.

Any layman can see the practical effect of a public rental charge for the use of the water power. It is simply one of the fixed charges, like interest and taxes, which must be met by an increase of rates to yield a return upon the capital invested.

Any public-utility commission, whether State or Federal, would allow the lessee company to increase its rates to meet this extra fixed charge. Otherwise the company might be shorn of sufficient earning power to warrant its existence as a business enterprise. If the margin of profits which the State or Federal public-utility commission, or War Department, as the case might be, decided was a reasonable return for the invested capital was, say, 8 per cent, as some State commissions have ruled, the rate charged by the lessee company for power and lighting would be increased by the public commission to the point that it would yield 8 per cent profit upon this extra public rental charge plus the usual operating and fixed charges.

In other words, every dollar of extra cost represented by the public rental charge paid to the Government is an item of cost of operation and maintenance—an item of the cost of production—for which the public user must pay in additional rates. There is no escape from this proposition. It is elemental. The public rental charge, in the last analysis, is simply a method of causing the purchasers of hydroelectric power and light, the local consumers, to contribute to the Federal Treasury. The corporation which holds the lease simply passes it on to the consumer, and every public-utility commission and every court would permit the act as a justifiable business transaction necessary to protect the holders of its securities.

I am not opposing the rental charge. It may have its benefits. The Government may be entitled to a just rental on its vested interest. But I am simply stating the plain facts of the case as they are. Incidentally, also, we may find here why the corporate interests behind the Senate bill are so willing to make this concession. They are entirely willing that consumers should pay money into the Public Treasury. They are willing, moreover, that Congress by this provision should legalize a higher standard of public-utility rates generally. The higher rate standard thus produced by this act for water-power leases issued thereunder is a profitable margin of protection for existing water powers, perhaps owned by the same corporations, which do not pay this public charge to the Government. In this way this provision works both as insurance against competition with water powers already developed and exempt from this public charge, but also gives them an extra margin of profit to the amount of the increase in rates sufficient to take care of the public rental charge paid by lessees under this bill.

Do not for a moment, therefore, be deceived into thinking that the interests behind the Senate bill are making any concessions in offering to compromise in favor of a public rental charge. They are conceding nothing. On the other hand, they are simply adding to the profit margins of existing plants owned by them. They are doing it, moreover, under the guise of false pretenses. Their generous offer is that of the traditional Greeks offering gifts. Their pretended concessions to reform are the professions of the wolf in sheep's clothing.

Let us not be led astray by the proposition that a surrender by the Senate of the right to make a charge is going materially to affect any legislation we may enact concerning this proposition. Now I yield to the gentleman.

Mr. ADAMSON. I suppose the gentleman failed to hear my statement that the House amendment was the basis of our conference and the House conferees have no idea of taking anything but the House bill as the basis.

Mr. SMITH of Minnesota. Now, let me understand—

Mr. ADAMSON. The House conferees intend to bring back the House bill.

Mr. SMITH of Minnesota. If the conferees can get the Senate to adopt the House bill just as it passed, I have no objection, and I will vote for the conference report, but we will take nothing less than that. There is not an item in the House substitute bill that really is not necessary in order to make an effective piece of legislation which will protect the rights of the people, except section 19.

AN UNLIMITED FRANCHISE TO THE HYDROELECTRIC TRUST.

In the very nature of the case, an act of this kind is in effect an unlimited franchise to the great Hydroelectric Trust, which has absorbed the bulk of the large water-power companies of the country. It should be considered by Congress in that light. We do not need any additional evidence on that point. For six years past every Government commission dealing with the subject, and a score of experts and publicists appearing before the committees of this House have testified, until the world knows that an aggregation of interwoven hydroelectric corporations control practically all of the important developed water powers of the United States and much of that of Canada, and constitute the parties with whom we are dealing in this so-called general dam act. In its very nature, the water-power grant is a monopoly, and the Hydroelectric Trust is a consolidation of monopolies. We, as representatives of the American people, are simply naming the terms upon which the people shall issue a charter to this hydroelectric monopoly. We are naming the terms upon which the people are to allow this hydroelectric monopoly to hold and operate one of the greatest public resources in the national possession.

Moreover, this franchise we are granting is not merely for a day. It is not something which may be recalled the next session or the next year. It may be a grant which will govern the Nation for a half century; or, if we are hasty or otherwise neglectful of our full public duties, it may be in effect a franchise forever.

We are dealing with huge responsibilities. Everyone knows that the coal supply of this country is limited, that it is beginning to show exhaustion, and that it can never be replenished. Its days are numbered. Long before the proposed 50-year hydroelectric franchise demanded by the trust in the terms of the Senate bill has expired the coal supply of this country will be so far exhausted that our very industrial existence as a Nation will hang upon the use of hydroelectric power. The corporate trust which holds the water powers of the United States in its grasp under a favorable grant of Congress, the terms of which the attorneys of this trust themselves in the main have suggested or dictated, will then be in a situation to dominate the principal channels of American industry and commerce. Hasty and ill-considered provisions passed by this House in the closing days of the session, when the country is threatened with the possibilities of plunging into the European war, may lead to undreamed-of consequences affecting our national welfare and that of our sons for generations.

I do not mean to intimate to anyone in either House any suggestion of bad faith, but I do charge that in the zeal of those handling the two measures to pass some kind of bill in this legislative crisis there is involved necessarily an amount of risk which we prudently should avoid. There is danger, moreover, that special interests urging this legislation may put over provisions which look good superficially but which may hang as a millstone upon the public welfare throughout the lives of all Members present.

To a man who is conscientiously anxious to see the passage of a good bill securely protecting the public interest, and, conversely, anxious to prevent the passage of a bill dictated by special interests, or in which they have skillfully planted their legal "woodchucks," there are several aspects of this present demand for hurried action that do not look auspicious.

In the first place, why six months' delay on the part of the conferees until the session is nearly closed if it is so necessary to hastily pass a bill at this time? Why was the report and the motion delayed until a day when well-considered legislation on these vital and complex provisions is almost a physical impossibility? And if the welfare of the country can stand six months' delay, why can it not stand delay until another session can act with the deliberation and thoroughness which the great national interests involved demand?

In the second place, why must this bill be forced upon us in the closing hour of a congested session when every nerve is being strained to get through the administration program before adjournment? Why must it be forced upon us in an hour when diplomatic relations with perhaps the greatest military power on earth have been severed, and no man knows when he retires at night that sunrise may not find his Nation involved in the greatest war of its history?

In the third place, all that has been said as to the nature of the terms of a possible compromise indicates that agreement has been reached, not upon the great essentials of a sound and safe water-power bill for the protection of the American people and succeeding generations but upon comparatively unimportant provisions, like the rental charge, which are concessions to reform only in name. Why do we not hear that agreement has been reached to give the American people an ironclad recapture provision, an effective and thorough regulation of rates, and the reserved power to amend or repeal?

Moreover, every Member familiar with the appearance of the officials, agents, and attorneys of the hydroelectric interests about this Capitol during the past four years in which this general dam bill has been agitated, knows that at the present time there is camped in this city and about Congress all their band of paid workers and lobbyists, like buzzards scenting a carcass. Some of them are from my own State, some from Chicago, some from Niagara, and some from Wall Street; but they are all here busy getting in their work and apparently expectant that now will come the fruition of dreams for which they have hitherto labored in vain for years.

It is not necessary for me to characterize the Senate measure. It has been exposed and denounced, not only in the press of the country but upon the floor of this House again and again by those loyal to the public interest in water-power legislation, as an ultracorporation measure many of whose provisions are traced to hydroelectric special counsel.

It is not necessary for me to emphasize in detail before this House the necessity of the great essentials which should govern a good water-power bill that will conserve and protect future generations. The general outline of these essentials is known to you in the House measure which passed this body originally, but which the Senate conferees have steadily refused to accept.

What I fear is that in the rush of the closing hours hurried compromise may commit this country to hastily studied pro-

visions which look good at a hurried glance, but which in the last analysis may prove the people's undoing. Under attractive and false guise the special counsel of the great Hydroelectric Trust may have for our consideration in the last days of the session, when no Member will have time to digest the bearing thereof, provisions which look pretty on paper, but the acceptance of which may make this Congress the target for just and serious criticism for a half century to come.

Finally, however, if we must have this hurried conference, I trust that every Member will see that no steps are left untaken to put the compromise measure about to be issued to a strict test. We must see to it that the great essentials of the House bill, the bulwarks without which the protection of the people is gone, are amply and securely anchored. The great public interests of the American people must not be jeopardized in an hour of haste.

Mr. ADAMSON. My understanding—

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

Mr. HUDDLESTON. Mr. Speaker, I renew my demand for the regular order.

Mr. ADAMSON. Mr. Speaker, I move that the House further insist on the House amendment and grant the conference asked.

Mr. MANN. Mr. Speaker, there ought to be some debate on that.

Mr. ADAMSON. How much does the gentleman want?

Mr. MANN. Well, I do not know that I want any.

Mr. ADAMSON. I will say to the gentleman from Illinois the conferees have no disposition at all to let the Senate take snap judgment on them, and when we get in conference we will hear him and anybody else and we will keep faith with the House; that is all.

Mr. MANN. The conferees will not be entertained by hearing me.

Mr. ADAMSON. We would not have an agreement contrary to the wishes of the House if we get the conference.

Mr. MANN. It is not customary for a conference committee to hear Members of the House, and I hope this conference committee if appointed will have sand enough not to hear individual Senators on the subject.

The SPEAKER. The question is on the motion of the gentleman from Georgia.

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

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

The SPEAKER. The gentleman from Alabama demands the yeas and nays. [After counting.] Three gentlemen have arisen, not a sufficient number.

So the motion was agreed to.

The SPEAKER. The Clerk will announce the conferees.

The Clerk read as follows:

Mr. ADAMSON, Mr. SIMS, and Mr. ESCH.

POST OFFICE APPROPRIATION BILL.

Mr. MOON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Post Office appropriation bill H. R. 19410, to disagree to all the Senate amendments, and agree to the conference asked for by the Senate.

Mr. RANDALL. Mr. Speaker, reserving the right to object, I wish to ask the gentleman—

The SPEAKER. The gentleman from California reserves the right to object. The gentleman from Tennessee [Mr. MOON] asks unanimous consent to take the Post Office appropriation bill from the Speaker's table, to disagree to all Senate amendments, and agree to the conference asked for by the Senate.

Mr. MANN. Mr. Speaker, reserving the right to object, there are four Senate amendments—

Mr. RANDALL. Mr. Speaker, reserving the right to object—

Mr. MANN. There are four Senate amendments—

Mr. RANDALL. Mr. Speaker, I would like to ask the gentleman if it would be agreeable for him to have action upon the Senate amendments, particularly upon Senate amendment 34? I want to move to concur in Senate amendment 34.

Mr. MANN. I think we can very quickly reach an understanding. There are four Senate amendments upon which a separate vote is desired; there may be others. One is No. 15, that is the pneumatic tube; one is 32, that is increase in compensation; one is 33, that is the branch post offices; and the other is 34, which is the advertisement, or Reed, amendment.

Mr. MOON. Mr. Speaker, I do not desire to shut off the House from a vote on any amendment that it desires to express its opinion about previous to conference. Therefore, in-

asmuch as a separate vote is requested on Senate amendments Nos. 15, 32, 33, and 34, I amend my proposition so as to ask unanimous consent to disagree to all the other Senate amendments in the bill.

Mr. TAGUE. Mr. Speaker, I move that the House concur—

Mr. MANN. That question is not up yet.

The SPEAKER. The Chair understands the gentleman from Tennessee [Mr. MOON] to ask unanimous consent to disagree to all the Senate amendments except 15, 32, 33, and 34.

Mr. RAKER. Mr. Speaker, I ask that No. 30 be included in that, as I want to concur in the Senate amendment with an amendment.

Mr. MOON. I will not object to that. If anybody wants a separate vote on anything, he can have it, so far as I am concerned.

The SPEAKER. Which amendment does the gentleman from California refer to?

Mr. RAKER. No. 30.

The SPEAKER. What amendment does the gentleman from Massachusetts [Mr. TAGUE] refer to?

Mr. TAGUE. I refer to No. 15.

Mr. MOON. That motion is out of order now.

Mr. RANDALL. Reserving the right to object to the last request—

Mr. VAN DYKE. Mr. Speaker, I ask for a separate vote on amendments Nos. 18, 19, 20, 21, and 22.

Mr. MOON. That all goes into conference.

The SPEAKER. The gentleman from Minnesota [Mr. VAN DYKE] asks unanimous consent that a separate vote be had on amendments Nos. 18, 19, 20, 21, and 22.

Mr. BENNET. Reserving the right to object—

The SPEAKER. Does the gentleman from Tennessee [Mr. MOON] include those in his request?

Mr. MOON. I do not, and I do not see any reason why that should be done. If the gentleman has any good reason for it, I would like to hear it. I think they all ought to go to conference. If the House wants to take up the bill beginning with these various sections, I do not care.

Mr. MOORE of Pennsylvania. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MOORE of Pennsylvania. Did the gentleman from Tennessee [Mr. MOON] except Senate amendment No. 15 from his request?

Mr. MOON. I did.

The SPEAKER. He did.

Mr. BENNET. Reserving the right to object to the request of the gentleman from Tennessee [Mr. MOON], I would like to ask him if he would not withdraw it for the present. I may want to make a preferential motion concerning these separate votes, but I may not. But if the gentleman gets all his amendments to conference it will cut them all off.

Mr. MANN. The gentleman is mistaken. The other amendments do not go to conference until these other ones are acted on.

Mr. BENNET. The gentleman from Tennessee asks to disagree to all the remaining amendments.

Mr. MANN. When amendments are accepted, the request for conference may be out of the request.

Mr. BENNET. The remaining amendments go to conference.

Mr. MANN. Not at all. You need not be alarmed about that.

The SPEAKER. The request is to disagree to all the Senate amendments except 15, 32, 33, 34, and 30.

Mr. CRISP. I reserve the right to object to that. At least, I want amendment No. 19 to be acted on by the House.

Mr. MOON. It can be acted on by the House when the conference report comes back.

Mr. VAN DYKE. I would like a vote on amendment No. 19.

Mr. MANN. I think the gentleman had better exclude that from his request. I do not think it will take the House long to act on that.

Mr. MOON. I will include 19 in my motion.

The SPEAKER. What is the request of the gentleman from Tennessee?

Mr. BENNET. Mr. Speaker, I reserve the right to object.

Mr. MANN. I understand the request now is to take from the Speaker's table the Post Office appropriation bill and to disagree to all the Senate amendments except 15, 19, 30, 32, 33, and 34.

The SPEAKER. That is it.

Mr. MANN. And there it stops.

The SPEAKER. There it stops. Is there objection?

Mr. BENNET. I object.

Mr. MOORE of Pennsylvania. Reserving the right to object—

Mr. STAFFORD. Mr. Speaker, I demand the regular order.

The SPEAKER. The gentleman from New York has already objected.

Mr. MOORE of Pennsylvania. Mr. Speaker, a parliamentary inquiry. I desire to know whether the pneumatic-tube amendment, which is No. 15, is now excluded from the request of the gentleman?

The SPEAKER. The whole thing is withheld. The gentleman from New York objected. There is nothing before the House.

CLAIMS AGAINST CHOCTAW AND CHICKASAW INDIANS.

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent that the bill S. 5427 be transferred from the Private Calendar to the Union Calendar.

The SPEAKER. What is the bill about?

Mr. RAYBURN. It is an act referring certain claims against the Choctaw and Chickasaw Nations of Indians to the Court of Claims.

The SPEAKER. The Clerk will report the bill by title. The Clerk read as follows:

An act (S. 5427) referring certain claims against the Choctaw and Chickasaw Nations of Indians to the Court of Claims.

The SPEAKER. The gentleman from Texas asks unanimous consent that the bill be transferred from the Private Calendar to the Union Calendar. Is there objection?

Mr. GARDNER. Mr. Speaker, I have not been able to hear the request in the confusion which prevails.

The SPEAKER. It is simply transferring a small bill from one calendar to another.

Mr. MANN. What is the bill?

The SPEAKER. The Clerk will report the bill again.

The bill was again reported.

Mr. MANN. What is desired to do with it?

The SPEAKER. It is on the Private Calendar and the gentleman asks that it be transferred to the Union Calendar. Is there objection?

Mr. MANN. It might as well be buried in one place as another.

The SPEAKER. The Chair hears no objection.

CONTESTED-ELECTION CASE, DONOVAN AGAINST HILL.

Mr. STEPHENS of Mississippi. Mr. Speaker, I desire to submit a privileged resolution (H. Res. 515) from the Committee on Elections No. 1.

The SPEAKER. The gentleman from Mississippi presents a privileged resolution from the Committee on Elections No. 1, which the Clerk will report.

The Clerk read as follows:

Resolved, That Jeremiah Donovan was not elected a Member of the Sixty-fourth Congress from the fourth congressional district of Connecticut and is not entitled to a seat therein.

Resolved, That Ebenezer J. Hill was elected a Member of the Sixty-fourth Congress from the fourth congressional district of Connecticut and is entitled to a seat therein.

The SPEAKER. Is this a unanimous report?

Mr. STEPHENS of Mississippi. It is. The question is on agreeing to the resolution.

The resolution was agreed to.

CHANGE OF CALENDAR—H. R. 6814.

Mr. RANDALL. Mr. Speaker, House bill 6814 is on the Union Calendar by mistake. I ask to have it transferred to the House Calendar.

The SPEAKER. What is it about?

Mr. RANDALL. The exclusion of intoxicating liquors from national parks.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

A bill (H. R. 6814) to exclude intoxicating liquors from national parks and national forest reserves.

The SPEAKER. Now, what is the request of the gentleman from California?

Mr. RANDALL. That it be transferred from the Union Calendar to the House Calendar.

The SPEAKER. Ask unanimous consent.

Mr. RANDALL. I think it is on the Union Calendar in error, by mistake.

The SPEAKER. The Chair understands. The gentleman asks unanimous consent to transfer the bill H. R. 6814 from the Union Calendar to the House Calendar. Is there objection?

Mr. TAGUE. Mr. Speaker, reserving the right to object, can we hear the bill read?

Mr. MANN. Oh, we ought not to stop for that.

Mr. RANDALL. I think the transfer should be made in order to correct the proceedings. I do not ask unanimous consent. I ask that the error be corrected.

The SPEAKER. The gentleman from California asks unanimous consent, and the gentleman from Massachusetts [Mr. TAGUE] objects.

Mr. CRISP. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CRISP. When a public bill is erroneously referred to a committee, I understand that it takes unanimous consent or a motion to correct the reference; but when a bill is favorably reported to the House the Speaker refers it to one of the calendars of the House; and if the reference is erroneous, does it require unanimous consent for the Speaker to correct the error and have the bill referred to the proper calendar? That is the situation that confronts the Speaker in this case.

The SPEAKER. When a bill is called up, the Speaker can decide that he can transfer it from the wrong calendar to the right one.

Mr. CRISP. That is the case.

The SPEAKER. The Chair knows; but the question is now put, and you can not break in the regular proceedings of the House in that sort.

Mr. CRISP. Mr. Speaker, a further parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CRISP. Under the call of committees a bill on the House Calendar can be called up for consideration, but a bill on the Union Calendar can not be called up. In the case at bar, if the bill is erroneously on the Union Calendar, if the committee had the call, would it be precluded from calling up this bill.

The SPEAKER. That is precisely the case where the Chair held he had the right to transfer it from one calendar to another.

Mr. DENT. 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. 20783, the Army appropriation bill.

The SPEAKER. The gentleman from Alabama moves 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. 20783) making appropriations for the support of the Army for the fiscal year ending June 30, 1918. The question is on agreeing to that motion.

Mr. MOON. Mr. Speaker, pending that, I think the gentleman from New York [Mr. BENNET], who made the objection, had a misunderstanding as to the Post Office appropriation bill. I renew my request for unanimous consent to disagree to all the Senate amendments except amendments numbered 15, 19, 30, 32, 33, and 34, and agree to the conference asked by the Senate.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to take the Post Office appropriation bill from the Speaker's table; disagree to all the Senate amendments except Nos. 15, 19, 30, 32, 33, and 34; and agree to the conference asked for by the Senate. Is there objection?

Mr. MOORE of Pennsylvania. Reserving the right to object, Mr. Speaker, I want to ask the gentleman from Tennessee if under that arrangement there will be an opportunity in the House for a vote on the pneumatic-tube amendment?

Mr. MOON. I will state to the gentleman from Pennsylvania that if that agreement is reached I will move to take up this bill and vote to nonconcur in all the Senate amendments except those named, and give the House an opportunity to take what action it pleases.

Mr. CALDWELL. Mr. Speaker, I object to the unanimous consent asked for.

The SPEAKER. The gentleman from New York objects.

Mr. MOON. Does the gentleman from New York object?

Mr. CALDWELL. I will withdraw my objection for a moment, but if you are going to have a discussion all day, I will object.

The SPEAKER. Is there objection?

Mr. STAFFORD. Reserving the right to object—

Mr. BENNET. Reserving the right to object, Mr. Speaker—

The SPEAKER. The gentleman from Wisconsin reserves the right to object.

Mr. STAFFORD. Mr. Speaker, there is an important amendment, namely, No. 33, which has not been mentioned in this agreement.

Mr. MOON. Oh, yes; it has.

Mr. STAFFORD. No. 33?

Mr. MOON. Yes.

Mr. STAFFORD. I refer to No. 23. I am following this rather closely. It relates to the subsidy of \$10 per mile to ocean-going steamships plying between the United States and Great Britain.

Mr. MOON. We will include that.

Mr. STAFFORD. I do not ask to have it excepted; only I would like to have an understanding with the gentleman before it is agreed to in conference, because I question whether it will be agreed to; that the House will have the opportunity to vote on it separately?

Mr. MOON. I have no objection to it. I am not for it myself.

Mr. STAFFORD. I think the House will vote overwhelmingly to disagree to it; but before the bill is sent to conference I want to have an opportunity sometime to vote on it separately.

The SPEAKER. Is there objection?

Mr. STAFFORD. If I have that understanding, I will not press my point.

Mr. HULBERT. Mr. Speaker, reserving the right to object—

The SPEAKER. The gentleman from New York reserves the right to object.

Mr. HULBERT. I should like to inquire of the chairman of the committee what, if any, action has been taken on this agreement with regard to amendment No. 14?

Mr. MOON. I have just proposed to disagree and let it go to conference. That is a matter that can go to conference without being decided by the House in advance. We can not take up all these questions here in the House and decide them.

Mr. HULBERT. I would like to get a separate vote on that amendment.

Mr. MOON. I hope the gentleman will not insist on that. He does not want to kill this bill.

Mr. HULBERT. All right; I withdraw my objection.

The SPEAKER. Is there objection?

Mr. BENNET. Mr. Speaker, reserving the right to object, I have talked with the gentleman from Tennessee [Mr. Moon] and I understand the situation is that he is perfectly willing, as, of course, the rule permits, that there shall be a separate vote on amendment 15 and others, and that if the House concurs in Senate amendment 15 he will not carry his antagonism to that principle—which antagonism, of course, he has a perfect right to, as we have the right to advocate it—he will not carry his antagonism to that amendment so far as to kill the bill himself because the amendment is in it.

Mr. MOON. Mr. Speaker, just one minute. When this House concurs in Senate amendment 15, that is the end of all controversy on that question, and that section becomes a part of the law; and the suggestion from the gentleman from New York that I, disagreeing with the action of the House upon that particular amendment, would seek to kill the balance of this bill is unworthy of him and a reflection upon myself that I would resent—

Mr. BENNET. It may be unworthy of me and it may be a reflection, but I take the gentleman's statement as an indorsement of my position, unworthy though it may be, and I withdraw my objection.

The SPEAKER. Is there objection?

Mr. MONDELL. Mr. Speaker, I object.

The SPEAKER. The gentleman from Wyoming objects.

Mr. MANN. Mr. Speaker, I hope the gentleman from Wyoming will not do that. I would like to have three minutes to address the House.

The SPEAKER. The gentleman from Illinois asks unanimous consent for three minutes. Is there objection?

There was no objection.

Mr. MANN. Mr. Speaker, every effort that I make is to give the House the widest latitude in the disposition of matters that come before it. But we are now within less than two weeks of the end of the session. I believe not a single appropriation bill has yet been enrolled. The enrollment of the appropriation bills is just as essential as passing them. They have to be enrolled and presented to the President and signed before a week from next Sunday at 12 o'clock. We are behind in the enrollment of bills. We are behind in the disposition of conference reports on the appropriation bills. It is not within human physical power to enroll all of these bills instantly. Unless we get a move on ourselves in disposing finally of appropriation bills, and commence very soon, when the time comes for the final adjournment of Congress we will be in the attitude of having probably passed bills which are not yet enrolled, thereby causing an extra session of Congress; and I hope we will be able to dispose of these appropriation bills and the conference reports, and that the conferees will act upon the matters in conference and bring them before the House speedily, so that we will have the opportunity to consider the propositions, and then have the bills enrolled, without waiting along until

the last, when there will be neither opportunity to consider nor time to enroll. [Applause.]

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that I may proceed for two minutes.

The SPEAKER. The gentleman asks to proceed for two minutes. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Speaker, there may be ground for difference of opinion as to the proper method to be pursued to advance the business of the House and the Congress at this time. My opinion is that we will advance the business of the House if this bill goes to the committee and is disposed of in the regular order under the rules, better than by taking up these matters and attempting to dispose of them now, when we ought to be debating and passing the military bill. I think the way to dispose of this matter speedily is to dispose of it in accordance with the rules of the House and to go on with the discussion of the military bill, which is certainly as important a measure as there is before the House.

This bill has passed both Houses. It can be taken up most any time and disposed of without great delay. On the other hand, the military bill has not passed the House, and still has a long road before it. Let us dispose of that in the House while the committee—in the first instance, at least—disposes of the Post Office bill. Therefore I object.

ARMY APPROPRIATIONS.

Mr. DENT. Mr. Speaker, I renew my motion.

The SPEAKER. The gentleman from Alabama moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the Army appropriation bill.

Mr. LANGLEY. Mr. Speaker, pending that, I ask unanimous consent to extend my remarks in the RECORD by printing a telegram from some of my constituents expressing their views on the present international situation.

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

There was no objection.

The telegram is as follows:

PRESTONSBURG, KY., February 19, 1917.

HON. JOHN W. LANGLEY,
Washington, D. C.:

Expect you to do all you can to keep us out of war. Honor not at stake. We want peace.

EMPLOYEES OF PRESTONSBURG COAL CO.

The motion of Mr. DENT was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 20783) making appropriations for the support of the Army for the fiscal year ending June 30, 1918, with Mr. SAUNDERS in the chair.

The Clerk read as follows:

Pay of members of Officers' Reserve Corps, \$1,500,000.

Mr. DENT. Mr. Chairman, as I understand, when the committee rose last Saturday the Clerk had finished reading the proviso on pages 9 and 10 of the bill, and the gentleman from Wisconsin [Mr. STAFFORD] had reserved a point of order.

Mr. STAFFORD. That is a correct statement of the parliamentary situation. I had reserved a point of order on the proviso beginning with line 24, page 9. With the consent of the committee, I would like to have the gentleman from Connecticut [Mr. TILSON] explain the purport of the amendment that he inserted in the RECORD under leave of the committee.

Mr. DENT. I have no objection to that. I have great respect for the judgment of the gentleman from Connecticut. But why not dispose of the proviso first?

Mr. STAFFORD. I do not wish to have anything made in order, like an extraneous amendment that would be offered by the gentleman from Connecticut, which might be objectionable under the rule. I have no serious objection to the proviso as incorporated in the bill, but I do not want that made a handle to incorporate an amendment that would be subject to a point of order.

Mr. TILSON. Mr. Chairman, I do not understand that the amendment that was offered by me last Saturday and printed in the RECORD will be made in order by the proviso to which the gentleman from Wisconsin reserves a point of order. The amendment presented by me is subject to a point of order, because it is clearly legislation. It is legislation, however, of such a wise character that it should go unchallenged.

The question of promotion in the Army, as you all know, is a very perplexing and vexing question. Originally promotions in our Army were regimental. There was a certain advantage in

regimental promotion. It kept the officers a longer time in the same regiment. There came to be more cooperation between officers who worked together for a long time in the same service. The officers of a regiment became something like a family, and worked together accordingly.

The trouble was that regimental promotion soon developed great inequalities. Two men becoming second lieutenants at the same time, one going to one regiment and another to another, would very soon find themselves of quite unequal rank. In one regiment promotion by reason of casualties, resignations, or something else was very rapid. In another regiment few died and none resigned, and promotions were few and far between. The result was great dissatisfaction in the Army.

Then came the proposition to have a lineal list in the different arms, so that when there was a vacancy in one regiment the next in line in that regiment would not take it, but an officer from another regiment, if at the top of the list, would be assigned to the vacancy. That had its disadvantages in bringing together men not accustomed to working together, but it did something toward preventing inequalities in promotion. However, it soon developed that inequalities which formerly prevailed when promotion was regimental began to appear between the different arms of the service, so that an officer who went into the Cavalry would find himself a first lieutenant when his more fortunate classmate would find himself a major of Field or Coast Artillery.

That is the situation we have to-day. One of the results is that each arm of the service is unduly desirous of increase in that particular arm. Army officers are human, like the rest of us. Their only chance of advancement is by promotion in the service. Every increase in that particular arm of the service means promotion for the officers of that arm. It is natural that officers should regard their particular arm of the service as most important, and would therefore favor an increase of it. Their ardor for an increase would not be lessened by the fact that it would also give them promotion. The result is we have the officers of the different arms of the service pulling this way and that, each trying to increase his own arm of the service in order that there may be promotions. Under such conditions it is no wonder that the advice of capable Army officers on the subject of relative increases in the several arms is often subject to the suspicion that it is not entirely disinterested.

Mr. KAHN. Will the gentleman yield?

Mr. TILSON. Certainly.

Mr. KAHN. Assuming that the gentleman's amendment is adopted, with the condition that has arisen this year, with about a thousand second lieutenants appointed, if his provision were now the law, in 27 years from now that entire thousand of second lieutenants, or all those left in the service, would become colonels.

Mr. TILSON. At the end of 27 years, in the normal course of events, there would be a few more colonels than there probably would be by the present method, though it would probably even itself up to some extent by deaths, resignations, and retirements. There is under our present method what we call "humps," and the difficulty would be no greater than it is at present, unless we assume that the Army is going to stand still; that is, not going to be enlarged any further. If there is to be further development, further increases as the needs of the country grow, then what the gentleman says would not be true to any harmful extent.

Mr. KAHN. Of course, I am in harmony with the gentleman that something ought to be done to equalize promotions, but I doubt if his amendment would be effective.

Mr. TILSON. I am quite sure it would be effective. My plan, in a word, is to take the average time required to reach the several grades of promotion and fix this as the time in which each officer shall reach these grades. At present we have second lieutenants receiving promotion within the first year of commissioned service and captaincies within two or three years, while other officers equally efficient, but less fortunate in their choice of service, wait 20 years or more for the much coveted two bars. Under this amendment all are treated alike. No waiting for dead men's shoes, resignations, or retirement. Upon passing the required examination each officer becomes a first lieutenant in 4 years, a captain in 10 years, and a major in 19 years, and so on. The time in each case is, of course, arbitrary, but corresponds roughly to the average time now required to reach the several grades. No change is proposed in the examination required for promotion. They must pass an examination the same as they do now.

Mr. STAFFORD. Mr. Chairman, I withdraw the reservation of a point of order.

Mr. McKELLAR. Will the gentleman yield?

Mr. TILSON. Yes.

Mr. McKELLAR. I am inclined to think that there is something in the gentleman's contention about promotion. It is very difficult, as the gentleman realizes, but would it not be better to have this go over until the next session of Congress, when we will have more time and can go into it and settle it right?

Mr. TILSON. It will probably have to go over, because it is subject to a point of order, but I wish to refer to it now so that when the gentleman from Tennessee reaches his higher estate at the other end of the Capitol he may assist in having it considered and be ready to act upon it.

Mr. FIELDS. The gentleman means when he enters on his longer tenure.

Mr. TILSON. We have adopted the same principle in regard to the Medical Corps, and it has worked out well. When we adopt universal military training it will be the only workable plan. Instead of having each officer tied up to a particular organization, officers will be available for use throughout the Army and all over the country for training others, which will be the real occupation of the Army when that time comes.

Mr. DENT. Mr. Chairman, do I understand that the gentleman offers that amendment at this time?

Mr. TILSON. I offer at this point the amendment as printed in the RECORD.

Mr. DENT. Mr. Chairman, I make the point of order that it is new legislation.

Mr. TILSON. Mr. Chairman, it is clearly legislation.

The CHAIRMAN. The point of order is sustained, and the Clerk will read.

Mr. KAHN. Mr. Chairman, before the Clerk reads, on page 10, line 7, the first word "by" should be "in," and I move to strike out the word "by" where it occurs the first time in the line and insert in lieu thereof the word "in."

Mr. DENT. Mr. Chairman, I accept that amendment.

The CHAIRMAN. Without objection, that will be done.

There was no objection, and it was so ordered.

The CHAIRMAN. The Clerk will read.

The Clerk proceeded to read at line 24, page 10.

Mr. CALDWELL (interrupting the reading). Mr. Chairman, by unanimous consent on Saturday the proviso beginning on line 24, page 9, and ending on line 23, page 10, was read in connection with line 22, page 9, and lines 23 and 24, up to the word "Provided," page 9, were omitted, to be read after the proviso.

Mr. DENT. Mr. Chairman, that is correct.

Mr. CALDWELL. The gentleman from Alabama [Mr. DENT] asked unanimous consent that the Clerk should read line 22, and then skip lines 23 and 24, down to the word "Provided," and read the proviso in connection with line 22, which was done; and it was the understanding that the reading should be resumed with line 23, page 9.

Mr. DENT. That is correct, Mr. Chairman.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Additional pay to officers for length of service, \$2,000,000.

Mr. TILSON. Mr. Chairman, is it understood that the proviso to which the gentleman from Wisconsin [Mr. STAFFORD] made the point of order and later withdrew is the proviso to be attached to line 22?

Mr. KAHN. That is correct.

Mr. DENT. That is correct.

Mr. TILSON. On page 9, "For pay of officers of the line, \$11,500,000."

Mr. CALDWELL. That is correct.

Mr. DENT. Yes; unanimous consent was given for that.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Pay of members of Officers' Reserve Corps, \$1,500,000.

Mr. CALDWELL. Mr. Chairman, I move to strike out the last word. I do not want to take up the time of the House except to say that I desire to call attention to the fact that the proposition read into the RECORD on February 16 at my request, for universal military training, is a proposition that will go out on a point of order if any Member of this House makes the point of order, and that if the matter is to be discussed by any Member of the House he will have to take advantage of the five-minute rule before the proposition is reached on page 75. I also desire to call the attention of Members to two photographs which I have in my hand of two Regular Army soldiers, one taken when they enlisted in the Regular Army and the other of the same men four months thereafter, showing the effect of military training in the service, and I shall ask a page to hand them around.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Pay of officers, National Guard, including staff corps, \$2,500,000: *Provided*, That out of this appropriation the Secretary of War be, and he is hereby, authorized to pay assistant inspectors of small-arms practice of the Organized Militia and National Guard whose services were accepted in the mobilization of said troops under the call of the President, June 18, 1916, the pay and allowances of the grade in which they were accepted and served.

Mr. SLAYDEN and Mr. BORLAND and Mr. DENT rose.

Mr. DENT. Mr. Chairman, I have an amendment which I desire to offer.

Mr. STAFFORD. Mr. Chairman, I reserve the point of order on the proviso.

The CHAIRMAN. The gentleman from Wisconsin reserves a point of order and the gentleman from Alabama offers an amendment which the Clerk will report.

The Clerk read as follows:

Amend, on page 11, line 2, by striking out the proviso and inserting in lieu thereof the following:

"That so much of this appropriation as may be necessary for the purpose shall be available to pay inspectors and assistant inspectors of small-arms practice of the Organized Militia and National Guard who responded to the call of the President of June 18, 1916, the pay and allowances appropriate to their grade from the dates they would have been entitled to pay had their services been authorized to the dates on which they were mustered out or their services were otherwise terminated; and the proper accounting officers of the Treasury be and they are hereby directed to allow credit for any such payments which have heretofore been made to such officers from the appropriation from which made."

Mr. STAFFORD. Mr. Chairman, I reserved the point of order, and I assume that this amendment is being offered merely for information.

Mr. DENT. I offer that as a substitute.

Mr. STAFFORD. But prior to the gentleman offering it I reserved a point of order on the proviso, waiting to hear the amendment of the gentleman read. The amendment would not be in order until the point of order is disposed of. I would like to inquire the purpose of this proviso to include inspectors as well as assistant inspectors of small-arms practice.

Mr. DENT. Mr. Chairman, the gentleman is perhaps familiar with the fact that these officers existed under the old Dick bill, inspectors and assistant inspectors, prior to the act of June 3, 1916, in which law these positions were abolished. When the National Guard and the Organized Militia were called into the service on June 18, 1916, only a short time after the act of June 3 had become a law, these organizations were not familiar with the fact that these particular positions had been abolished, and they took these officers along with them to the mobilization camps and some actually paid them under the old law, being ignorant of the fact that it had been abolished. It is simply to take care of that situation.

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

Mr. DENT. Yes.

Mr. CRAGO. I would like to add this further statement to the explanation that the chairman has made, namely, that the mustering officers directed these men to be mustered in in this rank, and personally I called up the Bureau of Militia Affairs, and they directed me to tell one of these officers that he should be mustered in, so that the error was on the part of the War Department and not the National Guard officers themselves.

Mr. STAFFORD. As I understand the amendment, it only applies to inspectors and assistant inspectors of small arms practically who were actually enrolled for border service?

Mr. DENT. That is true.

Mr. STAFFORD. Mr. Chairman, I withdraw the reservation.

Mr. DENT. And I offer the substitute for the proviso.

The CHAIRMAN. The gentleman from Alabama offers a substitute for the paragraph, and the gentleman from Texas [Mr. SLAYDEN] moves to strike out the last word.

Mr. SLAYDEN. Mr. Chairman, I believe every person who appreciates manly and virile qualities in men must have heard with keen distress this morning of the death of the distinguished commanding officer of the Southern Department, Gen. Funston. He died suddenly last night in the city of San Antonio while engaged in entertaining a little child. It shows the truth of the observation of the poet that "the bravest are the tenderest, the loving are the daring," and I have no doubt that Gen. Funston, if he had to go suddenly, would have been glad to be called from the scene of earthly activities under such circumstances.

The people of the frontier will be exceedingly distressed and no little disturbed by the fact that this distinguished officer had to end his earthly and military career so unexpectedly and so prematurely. The frontier had confidence in Funston. It felt secure while he was on guard. He was a great soldier, a splendid officer, but had not had the privilege of the usual training of that class. His high endeavor on all occasions and his

brilliant successes are certainly an inspiration to men in humbler ranks and to enlisted men who may not have concealed in their knapsacks the baton of a marshal, but who may pull out the commission of a major general. So did Young, Chaffee, and Schwan, and other of our distinguished officers, who began their career in the humblest way. Funston made his reputation and earned his first star as a volunteer with State troops, and in these times when the State troops are so disparaged, when they are spoken of with such contempt by critics, some of whom, in my judgment, are not qualified to pass on them, it is well to remember that Gen. Funston did his first important work and won his first great recognition as a soldier with troops from the State of Kansas.

The State troops have been harshly and unjustly criticized since the movement to the Mexican border began, a little more than a year ago. They have been denounced as incompetent, they have been held up to ridicule and said to be an unstable reliance for the defense of the country. But against that criticism, Mr. Chairman, I appeal to all the history of our country. They do not fall us. They may be defeated occasionally, but what Regulars are not? The old guard had to die if it were not forced to surrender at Waterloo, and it is true the most skillful veterans must sometimes yield. [Applause.] The Texas troops, in which I am personally and more directly interested, were criticized in the very beginning harshly and untruthfully, but I want to call attention to the fact, Mr. Chairman, that they were among the first who arrived on the border; that they have served uncomplainingly; and that they are still there, guarding the people of this country against the invasion of bandits from the other side. I regret to say, sir, that these invasions have been renewed in a minor way, of course, and since the withdrawal of the army of Gen. Pershing from Mexico and since the dispersion of the army of State troops, there have been sporadic incursions from Mexico, and American citizens have been killed on their own properties in New Mexico and in Arizona. I do not say that that would have not occurred if the State troops had been kept there. I only call attention to the fact that it did occur after their withdrawal, and I hope that those gentlemen who criticize the volunteers and State troops as an unstable and unfit reliance in time of trouble will remember this—

Mr. MEEKER. Will the gentleman yield?

Mr. SLAYDEN. I have only a few minutes.

Mr. MEEKER. How recently has that killing occurred?

Mr. SLAYDEN. I will say to the gentleman that I have here an extract from a paper dated February 15, telling of an incident that happened two days before, in which three Americans were murdered in our own country on their own property while going about their peaceful business.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SLAYDEN. May I have one minute more?

The CHAIRMAN. Is there objection to the request of the gentleman from Texas. [After a pause.] The Chair hears none.

Mr. KAHN. Will the gentleman yield?

Mr. SLAYDEN. Yes.

Mr. KAHN. The gentleman has spoken of the reliance to be placed in the State troops. Has the gentleman seen the article signed "Militiaman" in the Army and Navy Register of February 3, 1917?

Mr. SLAYDEN. Yes; I had my attention called to it, I will say to the gentleman from California.

Mr. KAHN. I ask unanimous consent that it be inserted in the RECORD.

The CHAIRMAN. The gentleman from California asks unanimous consent that the article indicated be inserted in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. SLAYDEN. Now, Mr. Chairman, just a word. The most unfortunate incident in this whole Mexican border movement and one which, to put it mildly, reflects least credit upon the United States Army, is referred to in the communication to the Army and Navy Register, which the gentleman from California has just secured consent to print in the RECORD. The facts are, as anyone will see who reads that document, that the Regulars were surprised at Columbus. The town was invaded, citizens and soldiers were killed, the town burned, and the humiliation came to the Army of the United States of having a large number of its horses stolen and carried off by a lot of ill-armed, ill-kept, undisciplined, untrained bandits from Mexico. I am glad the gentleman inserted that article in the RECORD.

The CHAIRMAN. The time of the gentleman has again expired.

The matter referred to by Mr. KAHN is as follows:

A MILITIAMAN'S QUESTIONS.

TO THE EDITOR.

SIR: We of the Organized Militia, who have been instructed in our military duties by officers of the Regular Army and have studied the rules and regulations prescribed for that Army, have been impressed with the supreme importance of "the service of security"; that is, of protecting a command, wherever it may be, against the invasion of marauders of any kind, and especially against a surprise attack by an armed and hostile force. We were astounded and shocked, therefore, to gather from newspaper accounts some time ago that this important service was so performed, or neglected, by a force of Regular troops stationed at Columbus, N. Mex., presumably for the protection of that town and its neighborhood against a possible and even probable raid by Mexican bandits, that Villa and his small band could surprise both camp and town by a night attack and, after much burning, looting, and killing, could escape with but little punishment, taking with them as trophies a goodly number of horses that belonged to the troops that were supposed to be protecting the town.

How could such a surprise have been effected if patrols and sentinels had been employed as they should have been in view of the fact, known to everyone, that our troops were sent to the border because of the dangerous conditions prevailing to the south of it?

But our astonishment that Regular troops of the United States should have permitted themselves to be surprised in this way while guarding a notoriously hostile border became amazement when we learned, as we did learn from public accounts, that a "special inspector" had investigated the affair and that, as a result of his investigation, he and his superiors not only exonerated the officers and men of the troops at Columbus from all blame but commended them most highly for their good conduct in the affair.

If National Guard troops had been so unfortunate or negligent in the discharge of their duties anywhere as were the Regular Army troops at Columbus is it likely that any special inspector could be found with hardihood enough to commend those troops for what they did or failed to do? On the contrary, is it not certain that those troops would have been condemned mercilessly as undisciplined and worthless militiamen?

Upon the face of the public accounts of the Villa raid and of "the investigation" that related to it, that investigation appears to have been a colossal attempt at whitewashing somebody. Why should such an attempt be made? Was it desirable to cover up the foolish, not to say imbecile, action with regard to this affair by some person or persons much higher up than any officer of the command that Villa surprised and raided at Columbus?

Is it a fact that two days or more before Villa made his attack the State Department received definite information as to his movements and probable intention?

Is it a fact that two days or more before that attack the State Department delivered to the War Department copies of telegrams containing this information?

Is it a fact that the person in the War Department into whose hands these telegrams unfortunately fell failed to send them to the proper bureau, where they would have been immediately telegraphed to the commanding officer at Columbus, but that, on the contrary, he sent them to the War College, where they remained unacted upon, and unheard of until long after Villa had made his attack and escaped?

At any rate, an investigation that will investigate the Washington as well as the Texas end of this affair seems to be called for.

MILITIAMAN.

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

Mr. SLAYDEN. My time has expired.

Mr. FESS. Mr. Chairman, I would like to have the attention of the committee.

Mr. DENT. Will the gentleman yield for a moment? I would like the debate on this paragraph to be closed in some reasonable time. If gentlemen desire to speak on this subject for a few minutes, I have no objection.

Mr. Chairman, I ask unanimous consent that the debate on the paragraph and all amendments thereto be concluded in 20 minutes, five minutes of the time to be consumed by the gentleman from Kansas [Mr. CAMPBELL], five minutes by the gentleman from Missouri [Mr. BORLAND], five minutes by the gentleman from California [Mr. KAHN], and five minutes by the gentleman from Ohio [Mr. FESS].

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that debate on this paragraph and all amendments thereto terminate at the expiration of 20 minutes. Is there objection?

There was no objection.

Mr. SLAYDEN. Mr. Chairman, I ask unanimous consent for a slight extension of my remarks in the RECORD.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to revise and extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. FESS. Mr. Chairman, the little town of New Carlisle, Ohio, is 15 miles from where I live and located in the seventh district, which I have the honor to represent. To-day its people are thinking of its most distinguished son, whose achievement has given the little town great recognition. It is the birthplace of Gen. Funston, and the people in that little quiet village personally take a great deal of pride in the career of this soldier. I think that he is one of the most brilliant representatives of the possibilities of American life. His early beginnings were not unlike those that have marked so many of the distinguished men of the Nation. Of very little promise, as is the case with so many of America's great, he took the wise course that many another boy has taken and decided to enter college, which he did in the State of Kansas, and made not only a career as a

college boy in his classroom but also rather a distinguished career as one of the fellows in the various activities of the college. His later life displayed that striking paradox; that is, of the quiet sort in his demeanor and yet most of his life was spent in the storm.

My first interest in Funston was not in "Gen." Funston. It was in the stories told about him, as a very wide-awake student in a college and, secondly, as a conductor on a railroad train in the Southwest, but more especially the work that he attempted to do as a research man and investigator. However, my chief attraction was to the biologist, who had undertaken a special work in botany, and who for that purpose had become identified with one of the Government departments. This expert research work was carried on in the Klondike region, also in Death Valley, and later he extended his explorations to the Bering Sea. One of his most romantic expeditions was that which took him down one of the country's lonely and unfrequented rivers with a canoe, hundreds of miles, without seeing scarcely a single individual except his companions. After giving some distinguished evidence of what the research man could do, that pioneer element so prominent in him, that strenuous quality so characteristic of American manhood, displayed and exerted itself. Those elements which had been so prominent in his college days took possession of him, which carried him from the work of the research man to that of the heroic realm. He planned to go to Cuba, where he became a figure in many battles, and where he was once captured. Then, after having distinguished himself in that struggle for the disenfranchisement of a subject people, and after our country had extended her influence over the islands of the southern seas, you very well recall his remarkable career in the Philippines, where, by his capture of the insurrectionist leader, he ended that unhappy rebellion. After this service he did unusual work at San Francisco at the time of the earthquake, where the highest tributes of praise from those whom he served are still remembered, and finally his work down here on the border and at Vera Cruz.

As I suggested, his was a quiet, modest life of a very frail-looking gentleman, not over 120 pounds in weight, as quiet in his demeanor as was Gen. Grant, as quiet in his attitude as the peerless Gen. Lee; and yet back of that quiet exterior there raged the storm center that thrust him in the midst of the fight for the right as he understood it, and which caused him to become interested in the freedom of Cuba, the rehabilitation of the Philippines, the rebuilding of San Francisco, and the conserving of the honor of the American troops on the border.

I rise as a Representative of the district that contains the little town in which he was born, simply to pay to him this quiet tribute. [Applause.]

Mr. BORLAND. Mr. Chairman and gentlemen, last night there passed away one of the splendid figures of American military life. Maj. Gen. Frederick Funston was so well known in Kansas City, having spent a portion of his early years there in newspaper work, that he was almost like a Kansas City boy, although his residence was in the neighboring State of Kansas, which State his father represented in this House. His whole career is one of those romantic chapters that we sometimes think is impossible in this rather gray and neutral age of human life.

The young soldier was born in Newcastle, Ohio, but was brought by his parents to Kansas when an infant and spent his boyhood on the prairies of the Sunflower State. He attended the University of Kansas, and during his summer vacations earned his expenses and gratified his love for adventure by acting as mountain guide in Colorado. He was a stocky little fellow, barely 5 feet 2 inches tall, with a round bullet head and a quiet, reserved demeanor. But somewhere hidden under that stoic exterior was the fire of restless adventure. For a quiet man whose words were few and never boisterous, he seems to have found the storm centers with unerring accuracy. When Funston left college his first job was as a passenger conductor on the Santa Fe Railroad, which then ran through the old West of the cowboy and the cattle king. The bad man had not yet disappeared from the fringe of civilization, and one of the first tales told of Fred is that he put a drunken cowboy off his train and then chased him 2 miles across an Arizona desert.

Restlessness carried him from that job to Kansas City, where he tried his hand at newspaper reporting for the Kansas City Star. His methods seem to have been too strenuous even for advanced journalism in that advanced community, nor did they make a success in Fort Smith, Ark. A scientific study of botany, which had attracted his attention, led him to secure a position as field agent for the Department of Agriculture in an expedition to Death Valley, Cal. Here adventure as usual met the quiet man on every turn. Death Valley at that time meant

only danger, privation, and toil to those who braved its terrors. Soon afterwards he went with another Government expedition to the Yukon, and was one of the first white men to cross the Chilcot Pass.

During his experience in the frozen North he floated alone in a canoe 1,100 miles down the Yukon. This was just before the gold excitement in the Klondike, and the young Kansan soon joined the army of gold seekers. While excitement and adventure gravitated naturally toward him, money gravitated directly away from him, for not a single business venture of his was crowned with even moderate success.

From Alaska he went to Mexico and to South America, traveling extensively and having many thrilling experiences. He tried coffee planting, but without success. The Indian and the natural military man seem to have no commercial ability. This portion of Funston's life when he was finding his true career and trying to fit a round peg into a square hole reminds us of the first 40 years of the life of Gen. Grant, whose experience in earning a livelihood was quite similar. For Funston fate was continually turning the great kaleidoscope of events, until it fell into the proper combination. Somewhere, somehow, forces were gathering in which the restless energy of his indomitable spirit and his wonderful coolness in danger would count in the scale when the fate of nations was in the balance.

We may easily say that opportunity makes the man, but the truth is that man more often fits himself for the opportunity. Doubtless in the prodigality of God's providence genius of some sort is poured out with a lavish hand, and men are always to be found fitted by nature and training for every crisis. Who the individual is may depend upon who has the courage and the spirit to seize the opportunities. There is no predestined nor prophesied place where prophets may be born. Good can come out of Nazareth and military leaders from a Kansas farm. I have never agreed with the poet Gray that environment always clips the wings of genius, although he says:

Beneath these stones there might have laid
Hearts once pregnant with celestial fire;
Hands that the rod of empire might have swayed
Or waked to ecstasy the living lyre.

Some village Hampton, who with dauntless breast
The little tyrant of his fields withstood;
Some mute, inglorious Milton here may rest,
Some Cromwell, guiltless of his country's blood.

But knowledge to their eyes her ample page,
Rich with the spoils of time, did ne'er unroll;
Chill penury repressed their noble rage
And froze the genial currents of the soul.

During Funston's wanderings in South America the fires of the last revolution in Cuba were being lighted. As the magnet draws the steel, this coming storm drew the Kansas conquistador. He hastened to New York and employed the long, patient weeks in the back streets of the East Side drilling a group of Cuban plotters in the use of the American machine gun. With a commission as chief of artillery in the patriot army of Cuba he sailed from New York. When the great searchlight of American public opinion was turned upon the struggle in the Pearl of the Antilles there stood out in that white light the figure of the young Kansan as a colonel in the patriot army. He had disappeared for a few years from the sight of his neighbors and friends in Kansas and suddenly reappeared in this dramatic way.

Wounded and on sick leave, he started to return to the States, but was captured by the Spanish troops, and to save his life ate and swallowed the important papers which he carried that would have identified him with the cause of the insurrection. One reason of his withdrawal from the Cuban Army was the proposal of its commander to execute a number of Spanish prisoners over Funston's protest.

By that time our whole Nation was aroused by the Cuban outrages, and the Spanish-American War was just beginning. Funston was elected colonel of the Twentieth Kansas, a Volunteer regiment of Kansas boys. We thought at that time that the western troops would have no opportunity to reach the real theater of war, as the number of volunteers in the East far exceeded the demand, and it was supposed the fighting would all be done in the West Indies. But suddenly the call came for troops for the Philippines. The Twentieth Kansas in the West was not to do the tedious police duty which it anticipated, but was to play a striking and gallant part in the Philippine insurrection, which was the most prolonged and hazardous portion of the entire war.

We are all familiar with the record of this regiment in the hot fight in North Luzon. When they were chasing the insurgent troops, it became necessary at one time to strike a quick blow by crossing the river and scaling the opposite bank in the face of the enemy. We remember the story of Funston calling for volunteers

to swim the river. We can see now the picture of those 80 Kansas lads upon the banks of the Tropic stream in the far-off Orient, preparing to carry a Kansas cyclone into the 600 Philippine insurgents on the opposite bank. There are so many exciting adventures that are a part of our familiar school history! We remember also the romantic enterprise of Funston in capturing Aguinaldo. How he went with a small group of Macabebe scouts, disguised as Filipino insurgents, down into the jungles and villages and mountain passes into which no white man had ever penetrated, until he located his man, captured the chief of the insurgents, and brought him safely out, thereby taking the very heart out of the revolt. And here we may pause to remark that under any previous rule to which the Filipinos had been accustomed Aguinaldo would have been promptly shot. The result would have been the continuance of bitterness and hostility, and the insurrection would still probably be in progress. But Funston not only safely brought Aguinaldo to the American authorities, but the native leader was afterwards set at liberty unharmed, and for 15 years the Philippines have been in peace for the first time in 300 years of their history.

Funston was created brigadier general of the Regular Army for his gallant service in the Philippines. He was not only one of the youngest men to hold that rank but the smallest man physically.

His services did not end with the return of peace. When the terrible visitation came to San Francisco, he was in command at the Presidio. He promptly declared martial law over that raging chaos of man and nature and enforced it with a firm hand. Life and property were soon safe. Shelter was provided for the homeless; food and hospital supplies were distributed; the sufferers were gathered into camps and the work of relief systematized by districts and divisions; and soon the generous impulses of the Nation were in touch, over the wire of military efficiency, with the actual needs at the scene of disaster. The San Franciscans are the sincerest mourners at Funston's bier. He occupies a warm place in their hearts for his quickness of decision and his broad impulses and sympathy. What San Francisco needed in that hour was not only the heart to feel but the brain to decide and the hand to execute.

When the troops were to go into Mexico to deal with Huerta, Gen. Leonard Wood, Chief of Staff of the Army, selected Gen. Funston as the proper man to lead the Vera Cruz expedition. That port fell first into the hands of the naval authorities, but was turned over to the control of the Army under Funston. It was a peculiarly difficult task which Funston had to perform at that crisis, especially to a man of his blood. The tiny American Army was on hostile soil. Hot-headed ambition would have counseled some rash enterprise of invasion and of conquest. Every impulse led the Americans to advance, but humanity and wisdom compelled them to stand their ground. The hardest thing to do under the circumstances was to repel with firmness the dangers which surrounded our troops and restrain with equal firmness their pardonable impatience. Funston did both. No Army under such circumstances in the history of the world ever withdrew with less bitterness and less bloodshed.

Funston was on his way to be made a major general, but on six successive occasions he was passed over and other officers chosen. Only a short time ago his long-expected promotion came at the hand of President Wilson.

When events required that our soldiers be ordered to the Mexican border, the War Department again decided that Funston was the man to be placed in command. As he was then a major general, his duties were at the headquarters in San Antonio rather than on the firing line at the front. While we have no way of telling at this time, there are many in this administration who believe that if he had been given a free hand to go into Mexico and get Villa he would have gotten him as promptly and as easily as he got Aguinaldo in the Philippines. [Applause.] Be that as it may, the career of the American Army on the Mexican border shows that some giant hand was at work in organization and discipline. Never before, in the history of our country at least, has there been an army so well handled from a physical and moral standpoint. There were no fever camps, no hospital scandals, and little of the discouragements and breakdowns which distinguished the Spanish-American War. The militia regiments that went forward from the various States were practically raw recruits, unused to camp life. They returned to their homes finished soldiers. The pale-cheeked bank clerks that marched out came back bronzed veterans as hard as nails. There was less sickness and fewer deaths from disease than have ever been known in such a gathering of men. It was this work that broke Funston down—harder work, doubtless, to him than the dangers and privations of the field. He died at the early age of 51 in what should have been the very prime and vigor of his manhood, and yet he died

when his life history had been fully written. Few men have been able to crowd into a short lifetime so many and so varied experiences as Funston. It seems to have been his part to show that the spirit of high emprise and daring is not dead in the American heart. The deeds of his career will be known wherever courage stirs the human heart and manhood has a friend. Out of this gray old world, with its neutral tones of sordid business and its leaden background of the commonplace, there springs the flash of fire that lights up the whole landscape of human events.

Some men can not be forced into the shopkeeper's mold nor grind like tired horses at the treadmill of business. Some men leap to the front in moments of danger with the same energy and instinct with which the eagle soars toward the sun. And as the great bird of freedom leaves the barnyard fowls far below, so the indomitable spirit of genius shakes off the trammels of environment. Evidently, Funston was not born to be a railroad conductor, a newspaper reporter, nor a coffee planter. His career was of his own making. No carpet knight was he with the gold straps pressed upon his shoulders by loving hands or the political influence of friends. He won his spurs in the tented field. The striking thing about the life of this Kansas boy is not that he possessed greater opportunities than other boys but that he was ready for the opportunity when it came. I desire here to pay a tribute of respect to his memory. His record and his fame are safe. [Applause.]

Mr. CAMPBELL. Mr. Chairman, in the death of Fred. Funston this Nation has lost one of its great men and great soldiers.

Funston, as he will be pictured in history, feared nothing. He was adventuresome. He undertook the unusual. His trip to Alaska was that of a pioneer. He spent 18 months with the Indians and Eskimos in that unexplored country studying the flora and fauna of that great Territory. His report would do credit to a scientist in those branches of science.

Immediately he went from that frozen region to the Death Valley in California to make researches and discoveries there. His soul was not satisfied. Hearing of the insurrection in Cuba, he at once went to that island. Without knowledge of the language, without knowledge of the topography of the country, he went there with the determination to fight for the freedom of Cuba; and without any experience whatever as a soldier or any previous military training, he soon rose to the rank of a colonel in the Cuban Army, was severely wounded, had fever, and was thrown to one side to die.

He turned up in a hospital at New York, went through a series of repairs, and again undertook the unusual. At the outbreak of the Spanish-American War he was appointed as a colonel of the Twentieth Kansas. They were volunteers. They were boys of the State; many of them were his schoolfellows; many of them had attended the State university with him. They were appointed lieutenants and captains and majors in that great regiment, a regiment that made a record that will be a credit to American soldiers as long as history records the achievements of soldiers of the Republic. [Applause.] None of them had any previous experience in military life. They were volunteers. Fred. Funston's only service in the Army before that had been his service in Cuba; and yet his record in the Philippines will compare favorably with the record of any soldier who served his country there.

His capture of Aguinaldo has been referred to as one of the achievements of our Army in the Philippines. That capture really took the heart and life out of the Philippine insurrection.

Fred. Funston's services in San Francisco in restoring order, bringing out of the chaos of that catastrophe order and discipline and aid to the citizens of that stricken community, in ministering to the necessities of life, showed that he was a man of more than military ability. His services to those people in Vera Cruz were similar to the services rendered by other distinguished soldiers in some of our tropical countries, in Habana and Santiago. He cleaned up Vera Cruz and made it a habitable city, and the citizens there mourned when Funston retired from that city. They regretted the departure of those who had made their city a habitable place in which to live.

Funston was not afraid to do a soldier's duty. He had a genius for accomplishing things, and, as stated by the gentleman from Missouri [Mr. BORLAND], if he had been permitted to go into Mexico with a free hand, there would now be nothing said about the insurrecto Villa, who has given this country and that country so much trouble. [Applause.] He would have disposed of the bandit Villa long ago. [Applause.]

The Army and the country have suffered a great loss in his death, and I am sure that the tribute that this House pays to him is a worthy one. We all join in sympathy with those he

left behind—his wife, his children, his mother, his brothers, and his sisters. [Applause.]

Mr. KAHN. Mr. Chairman, I desire also to pay a brief tribute to Gen. Funston. He was acting as commandant of the Army in San Francisco at the time of the earthquake and fire, which occurred there April 18, 1906. He had his quarters in the hotel and apartment-house district of San Francisco, living on the side of the eminence known as Nob Hill. When the earthquake occurred he immediately jumped into his clothes, rushed into the street, and saw fire breaking out in half a dozen different places in the city. He immediately dispatched a courier to the mayor of the city, informing him that he felt sure there would be a great conflagration in the business and financial sections; that he would at once patrol those sections of San Francisco with troops of the Regular Army of the United States. He also sent a courier to the Presidio of San Francisco and gave instructions to send the troops in double-quick time into the stricken city. By 8 o'clock that morning every street in the financial section of the city was patrolled by the Regular Army soldiers, who effectively prevented looting or destruction of property. They also saved many lives.

It was only a man of Funston's character and initiative who could have realized so readily the dangers that confronted the city, and he was quick to act in the emergency. His readiness on that occasion prevented the destruction of many thousands of dollars' worth of property and the looting of the business houses of the city. San Francisco will never forget Funston's services during that trying period.

Mr. Chairman, within the last six or seven months I have received letters from some of his brother officers, telling me of the splendid work that he performed in Mexico and on the border. They suggested that Congress ought in some fitting way to recognize his splendid ability. In some way or other Gen. Funston heard of this movement. He immediately wrote to me, asking me to take no steps in the matter whatever; that what he had done was his plain, simple duty as a soldier. [Applause.] Recently when I saw him in San Antonio he again referred to the matter. He said when he was appointed a brigadier general in the Regular Army by President McKinley there was some dissatisfaction expressed at his appointment; that since then he felt satisfied that his brother officers had become reconciled to that appointment; that he thought he had won their regard and esteem and wanted nothing done by Congress or anybody else that would subject him to any criticism of any kind, and that, if he were to be given special recognition, he thought other officers ought to be treated in the same way. [Applause.]

He was magnanimous, brave, and a splendid officer. Personally, I shall always hold a very warm spot in my heart for Gen. Funston. When San Francisco was burning there was a four days' old baby in my home in that city. Gen. Funston heard of that, and immediately sent one of his subordinates to my house and left a message that if there were any occasion to bring my wife and baby to a place of safety all the facilities he had at his command were at the disposal of my household. [Applause.] I can never forget that fact. To his own wife and children, as well as his mother, who were very dear to him. I know that every Member of this House extends heartfelt sympathy. They have suffered a great loss, and this country of ours has likewise suffered a great loss in the death of Gen. Funston. [Applause.]

The CHAIRMAN. All time has expired. The question is on the amendment in the nature of a substitute offered by the gentleman from Alabama to the proviso.

The amendment was agreed to.

The Clerk read as follows:

ENLISTED MEN OF THE LINE.

For pay of enlisted men of all grades, including recruits, \$27,000,000.

Mr. GARDNER. Mr. Chairman, I offer an amendment.

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

The Clerk read as follows:

Amendment offered by Mr. GARDNER: Page 11, line 12, strike out "\$27,000,000" and insert "\$40,000,000."

Mr. GARDNER. Mr. Chairman, that amendment is introduced in order to provide money sufficient to pay the enlisted men in the Army if subsequently we adopt, either in this body or in the other, a new provision of law and a new scale of pay for enlisted men.

There has been a good deal of discussion in this House as to the exact shortage of enlisted men in the Army. After a good deal of correspondence and two sets of letters signed by the gentleman from Iowa [Mr. HULL] and myself, we finally framed an issue and presented the question to Gen. McCain. His answer is that as nearly as he can estimate it we were short 20,600

enlisted men of all kinds on February 15—five days ago. But he says it is not fair to include in this shortage the total number of vacancies in the unassigned recruits. That may or may not be the case. It is a complicated question, but doubtless there is ground for such a view. However, if the general's opinion is sound, we ought not to go about telling the people that we have authorized one hundred and thirty-three thousand and odd enlisted men of the line for the current year, if it is not proposed to fill up the ranks of the unassigned recruits.

But, Mr. Chairman, I have taken pains, so far as I can, to find out exactly what our Army shortages were, not counting the unassigned recruits, on the 31st of December, 1916. I believe I am accurate, because my totals correspond with the figures given me by The Adjutant General. If my figures are correct—I have not had time to submit them to The Adjutant General, but shall do so to-day or to-morrow—on December 31, 1916, we were short 109 men in the Engineers, 791 men in the Field Artillery, 11,936 men in the Infantry, 2,675 men in the Coast Artillery, 2,137 men in the Quartermaster Corps, 500 men in the Ordnance, 1,612 men in the Signal Corps, 411 men in the Medical Department, and 562 miscellaneous enlisted men, which means school detachments, prison guards, Indian scouts, and so forth, making in all shortages amounting to 20,733 men, not counting vacancies in the ranks of unassigned recruits. In the Cavalry we had an excess of 199 enlisted men. Deducting that excess leaves a shortage on December 31, 1916, of 20,534 men, not counting the shortages among unassigned recruits.

But, Mr. Chairman, the real question in which the public is interested is the actual number of enlisted men of the line; that is to say, the fighting men; the Artillery, Field and Coast; the Infantry, and the Cavalry. The real question of interest is how many fighting men we have, not how many fighting men plus hospital stewards and plus quartermaster's employees and the like. On December 31, 1916, we had 84,771 enlisted men of the line, and that is all we had. As long ago as October 31, 1915, we had nearly as many as that. We had, as a matter of fact, 82,620 men, and yet that was before we passed our boasted preparedness laws. On March 17, 1916, we passed an emergency resolution allowing the President to recruit the Army up to its maximum strength, which at that time was legally 109,746 enlisted men of the line. Actually at that time we had in the Army 75,830 enlisted men of the line. It does not look as if our recruiting were going on very fast.

Now, what is the use of going around and telling the country that we have provided for a Regular Army of 225,000 men in time of peace and a Regular Army of 300,000 in time of war? It simply misleads the people. I have tried to show the House and this committee that the principal difficulty facing us in the matter of recruitment is the question of pay. I am trying to meet that difficulty by this amendment which I have offered. I shall, as a matter of form, even if it proves not to be in order, offer an amendment a little later increasing the scale of pay. In the same part of the bill I shall also offer an amendment curtailing the period of enlistment.

Mr. Chairman, I include as a part of my remarks the correspondence with Gen. McCain to which I have referred:

FEBRUARY 17, 1917.

Brig. Gen. H. P. MCCAIN,
United States Army, War Department,
Washington, D. C.

DEAR GENERAL: Will you be kind enough to answer the following question: How many enlisted men is the United States Army short of the number authorized by the national-defense act for the fiscal year ending June 30, 1917?

Very truly, yours,

H. E. HULL.
A. P. GARDNER.

WAR DEPARTMENT,
THE ADJUTANT GENERAL'S OFFICE,
Washington, February 17, 1917.

HON. HARRY E. HULL and
HON. A. P. GARDNER,
House of Representatives.

GENTLEMEN: In response to your joint note of to-day, in which you request to be advised of the number of vacancies in the enlisted strength of the Army at present, I have the honor to advise you that the total number of vacancies is approximately 20,000. Included in that figure are the vacancies in the unassigned recruits (8,639); but if the unassigned recruits are excluded as not being a part of the strength of either the line or staff the number of vacancies at present is 11,568.

These figures agree substantially with those furnished to Mr. GARDNER on the 26th ultimo; but the figures furnished to Mr. GARDNER were those for December 31, whereas the figures now given are brought up to date. As shown by the figures furnished on January 26, the actual strength was 109,959, and the authorized strength 133,166, a difference of 23,207; but included in the vacancies are the 8,639 unassigned recruits, which are not a part of the authorized strength of either the line or the staff.

In other words, it is estimated that the net gain between December 31 and to-day is approximately 3,000 enlisted men.

Very truly, yours,

H. P. MCCAIN,
The Adjutant General.

FEBRUARY 18, 1917.

Brig. Gen. H. P. MCCAIN,
Adjutant General United States Army,
Washington, D. C.

DEAR GENERAL: As a good many Members of the House of Representatives are still somewhat puzzled with regard to the extent of the shortage of enlisted men in the Regular Army, would you mind answering the following questions, so that we may be able to put before the House an agreed statement of fact:

1. According to the latest available figures, how many enlisted men of all descriptions, including unassigned recruits, are there in the Regular Army?

2. By how many does this number fall short of the total numbers of enlisted men of all descriptions, including unassigned recruits, authorized by the national-defense act for the fiscal year ending June 30, 1917?

Very truly, yours,

A. P. GARDNER.
H. E. HULL.

WAR DEPARTMENT,
THE ADJUTANT GENERAL'S OFFICE,
Washington, February 19, 1917.

HON. H. E. HULL and
HON. A. P. GARDNER,
House of Representatives.

GENTLEMEN: In response to your letter of yesterday in which you request to be advised (1) how many enlisted men of all descriptions, including unassigned recruits, are there in the Regular Army, and (2) how many does that number fall short of the total number of enlisted men of all descriptions, including unassigned recruits, authorized by the national-defense act for the fiscal year ending June 30, 1917, I have the honor to advise you as follows:

On December 31, 1916, the latest date for which complete returns are available, the actual strength of the Army, including unassigned recruits, was 109,959, and the authorized strength was 133,166, leaving 23,207 vacancies of all kinds on that date. From the best data now obtainable it is estimated that the net gain between December 31 and February 15 was approximately 3,000, which would make the actual strength of the Army on the latter date approximately 112,900, and the number of vacancies, including those in the unassigned recruits, approximately 20,600.

The strength of the Philippine Scouts is not included in the foregoing figures. The authorized strength of the Scouts is 5,733, while the actual strength is 5,550, leaving 183 vacancies in that organization on December 31, 1916. It is not believed that any material change in the number of vacancies in the Scouts has occurred between December 31 and February 15.

If the Philippine Scouts are included, the total authorized enlisted strength is 138,899 and the approximate actual strength is 118,150, a difference of 20,749.

Very truly, yours,

H. P. MCCAIN,
The Adjutant General.

WAR DEPARTMENT,
THE ADJUTANT GENERAL'S OFFICE,
Washington, February 20, 1917.

HON. A. P. GARDNER,
House of Representatives.

MY DEAR MR. GARDNER: Referring to my letter of yesterday to you and Mr. Hull in response to your joint request for information concerning the authorized and actual strength of the Army for the purpose of determining the number of vacancies in the enlisted strength, I desire to invite your attention to the following facts:

The statement furnished you yesterday was an accurate answer to your inquiry, but I do not think that the difference between the authorized and actual strength as shown in that letter should be regarded as the number of vacancies in the enlisted strength. To regard that difference as the actual number of vacancies seems unfair to the recruiting service, because it includes the total number of unassigned recruits authorized, and those recruits are not a part of the authorized strength of any line, staff, or miscellaneous organization. They are nothing more nor less than a surplus or reserve that may be maintained without impairment to the strength of the established organizations. In other words, they are an addition to, but not a part of, the established units of the Army.

Under the act of February 2, 1901, the unassigned recruits were a part of the line and were included in the strength authorized by law for line organizations, and consequently it was proper to include vacancies in the unassigned recruits as vacancies in the enlisted strength of the Army. Different from that act, the present law provides for unassigned recruits in excess of the authorized strength of the various units; not for the purpose of maintaining the total number of recruits authorized, but in order that a sufficient number may be provided to fill any vacancies that might occur in the established line, staff, and miscellaneous organizations without impairing their strength. If these latter organizations were filled, the Army would be filled, and it would not be necessary to make any serious effort to obtain the total number of unassigned recruits (8,639) now authorized. In fact, it would be a mistake to obtain them. It would be necessary to secure only a sufficient number of recruits in excess of the authorized strength of the line, staff, and miscellaneous organizations to fill promptly any prospective vacancies in those organizations in order to maintain the Army at its authorized strength. By prospective vacancies is meant the number that would be likely to occur within a month.

Your accuracy in presenting statistics relating to the Army has prompted me to express my personal views in this matter.

Very truly, yours,

H. P. MCCAIN,
The Adjutant General.

Mr. CRAGO. I realize the necessity for utilizing all our time in the discussion of this important bill, but under the circumstances I think I would be remiss in my duty if I did not add or attempt to add something to the words of eulogy which have been so fittingly pronounced over one of our national officers who has answered the last roll call, Gen. Frederick Funston, who died February 19, 1917, at San Antonio, Tex.

In 1898, as an officer of the Tenth Pennsylvania Regiment, I reached San Francisco sometime during the month of May. A

few days after our arrival another organization joined us, the Twentieth Kansas Regiment, commanded by Col. Frederick Funston. I could give no better illustration of the unpreparedness in which our country found itself in 1898 than by pointing to that particular organization. We thought we were unequipped and unprovided for, but the Twentieth Kansas boys, as fine men as ever shouldered rifles, came into camp in San Francisco ununiformed, unequipped, with hardly the semblance of the equipment of a soldier. They were not equipped by the time we left, so we left on an expedition before them. As an officer of our regiment, I met Col. Funston at that time, and when a few months later he joined the Eighth Army Corps in the city of Manila, it was my pleasure to meet him again. On the 4th of February the Philippine insurrection started, and when the line of troops was formed to advance on Malolos the Twentieth Kansas was on our left, and for weeks and months our work of driving back the insurgents, of disarming them, of clearing the country, and opening up the railroad, was performed in conjunction with this splendid regiment composed of citizens of Kansas.

Our men mingled with the men from Kansas and we came to know them well. We knew Gen. Funston well; he was always regarded as a real fighter, and the boys of the regiment were never afraid to follow him any place. [Applause.] Today in this National Legislative Hall on behalf of the men of the Eighth Army Corps, the men who knew and loved Gen. Funston, on behalf of the men who followed him and looked to him as a leader during those days in which they were engaged in a warfare which cost the lives of many brave American soldiers, I want to add my feeble words of tribute and respect to the memory of a gallant soldier, a real American. The life of Gen. Funston is typical of our institutions; here and there out of the good red soil springs forth a man towering high above his fellows in the elements of leadership, and we wonder at the seeming mystery his life gives us. In life he gave all to country, in death he becomes one of our immortals, an example to those who shall follow after him. [Applause.]

Mr. McKENZIE. Mr. Chairman and gentlemen of the committee, I do not know how the gentleman from Massachusetts [Mr. GARDNER] arrived at the figures which he has included in his amendment—\$40,000,000—but I presume it is a mathematical calculation. Last year we appropriated for the enlisted men of the line \$23,000,000. This year the estimate submitted to us was \$31,979,596, and this bill proposes to appropriate \$27,000,000, which sum was arrived at as explained by the chairman of the committee when he explained the bill a few days ago.

I presume the figures of the chairman are correct; that is, figuring on the statement of Gen. McCain as to the number of men that we will get during the next few months. I simply took the floor to say that I have been and am now an advocate of higher pay for the privates in the Regular Army. I realize that to give the private more pay we will have to increase this item, and I further understand that an amendment to increase the pay of the soldier is subject to a point of order if anyone feels to make it. However, it may be that we are all convinced at this time that the only way that we can get the men to fill up the Army as provided for in the national-defense act is to increase the pay of the private soldiers, and feeling so, the point of order may not be made. But if not made, we should increase this item, and, while I do not know whether the figures of the gentleman from Massachusetts are correct, I feel inclined to support him, because it will lead up to increasing the pay of the private soldier. When we are increasing the pay of the officers and promoting them, I feel that the time has come when we ought to increase the pay of the man who carries the gun in the Army of the United States.

Mr. DENT. Mr. Chairman, I ask unanimous consent that all debate on this paragraph close in—how much time does the gentleman want on that side?

Mr. ANTHONY. I want five minutes.

Mr. GARDNER. I would like two minutes to explain about the figures.

Mr. FREEMAN. I would like to have 10 minutes.

Mr. DENT. Mr. Chairman, I ask unanimous consent that all debate on the paragraph and amendments thereto conclude in 17 minutes.

Mr. STAFFORD. Does that allow 10 minutes to the gentleman from Connecticut?

Mr. DENT. That allows 7 minutes to the gentleman from Connecticut. I will make it 20 minutes, Mr. Chairman, and give the gentleman from Connecticut 8 minutes.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that all debate on this paragraph and amendments thereto close at the expiration of 20 minutes, the time to be divided as has been informally indicated.

Mr. GREENE of Vermont. May I inquire of the chairman if he has changed his purpose to present a certain amendment in connection with the paragraph?

Mr. DENT. I have not, and will present it.

Mr. GREENE of Vermont. But if amendments are foreclosed by limiting debate—

The CHAIRMAN. The agreement does not foreclose the right to offer an amendment. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. GARDNER. Mr. Chairman, I ask unanimous consent to extend my remarks that I have just made by inserting the correspondence alluded to.

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

There was no objection.

Mr. FREEMAN. Mr. Chairman, I agree with the gentleman from Massachusetts [Mr. GARDNER] in his laudable desire to provide in this country an adequate defense, but I have no sympathy whatever with his proposal to enlist men by the inducement of higher pay for the protection and defense of other able-bodied men of the United States. I believe that in this great Republic we should not depend upon a hired Army. The other day I had occasion to state that it was our plain duty to maintain a fleet sufficient to prevent the transportation of troops across the Atlantic and the Pacific by any other nation. I believe if we are faithful and energetic in the pursuit of such a policy there will be no need of a large standing Army. Our combined Military and Naval Establishment should be organized solely with a view of home protection, and never for the purpose of foreign aggression. [Applause.] There is always a risk that a large standing Army may be used for other purposes than for protection and defense, and for that reason I have been fairly content with the provisions of the national-defense act and with the provisions of the bill now pending.

I am, however, not unmindful that through the courage and statesmanship of loyal, patriotic Americans in the past we have become a great Nation of the world, with ever-widening dominion, with ever-increasing responsibilities, and I am deeply grateful that through their hardships, through their sacrifices, we have inherited a country great and prosperous in all things; rich in agriculture, rich in manufactures, rich in mineral resources, rich in the arts and sciences, rich in freedom. And I now keenly realize that this great national wealth of ours, if left unprotected, is an element of peril when other great nations of the world, animated by lust of conquest and greed of trade, are arming and equipping by the aid of conscript laws millions and millions of their men, trained in the art of modern warfare. Our friendly neighbor upon the north will soon have over 500,000 men, trained veterans. Our unfriendly neighbor on the south is making out of every Mexican bandit more or less of a trained soldier, and there is ever present the possibility that we may not be able to maintain control of the ocean so as to prevent the transportation of foreign troops to our shores. So now I believe that our traditional military policy, so much praised by the gentleman from Tennessee [Mr. McKELLAR] the other day, our traditional military policy which heretofore has been successful, of no large standing army and of reliance solely upon a civilian population formerly somewhat trained in the use of firearms, should now be improved and brought up to date in a most radical manner. The experience of England in this war has demonstrated that a civilian without previous military training is absolutely worthless for immediate use as a soldier. I believe that we should now adopt the policy of universal military training for all young men in the Regular Army of the United States, enlistments to be limited to one year, denying to privates and perhaps to corporals the privilege of reenlistment. In this way there will be a chance for all, and yet there will be no large permanent standing army. The youth of our country are compelled to go to school for years without pay for their own good and for the good of society. Therefore, I hold that they should be compelled to serve with merely nominal pay, certainly not higher pay, for another year in the military service of their country. I believe that this policy could be adopted without any real economic loss to the Nation at large. I believe that this one year of training in the Regular Army will never be forgotten and that the lessons of loyalty, of patriotism, of obedience to constituted authority will turn them out better men, better civilians, better equipped in every way to perform the duties of civic life, and will make them more ready, more willing to respond to their country's call in their country's hour of need. Experience has shown that a man without previous military

training, a man over the age of 21 years, is apt to weigh altogether too nicely the discomforts and perils of war.

I have been informed that in our Civil War in the Union Army there were more enlistments of boys under the age of 16 than there were of men under the age of 22, that there were more enlistments of boys under 19 than there were over 19, and that there were enlistment of 2,150,000 boys under the age of 21. I am in favor of universal military training in the Regular Army, playing no favorites, granting no certificates of exemption to those who are serving in the National Guard, nor to those who are attending military and naval academies, nor to anyone else for any cause whatsoever save physical disability. I believe in one year enlistments in the Regular Army, of all young men at some time, between the ages of 17 and 22. I believe that in such an army there will be no great hardship, in that kind of an army there will be no snowbirds, men who enlist in November and desert in May. In that army there will be no industrial failures, men anxious only for their \$15 per month and their keep. Men in that army under the uniform of the United States when off duty will be welcomed everywhere, in theaters and places of amusement. Young ladies may walk down the streets with perfect propriety with privates of the United States and rest under no suspicion.

The uniform of the United States would cover alike the son of a millionaire and the son of a day laborer, the son of a minister of the gospel and the son of a gambler. Such an army a real democracy should have. Such an army this great Government of the people ought to have. [Applause.]

Mr. ANTHONY. Mr. Chairman, if I believed that the only reason why we have failed to secure as many recruits for the Army as we should was due to the fact that the pay was not sufficient, I might agree with the proposal of the gentleman from Massachusetts [Mr. GARDNER], but I make the assertion that if this country has to compete with the wages being paid in civil life, the big scale of wages now in vogue at the munition plants supplying the warring nations of Europe, in order to secure recruits for the Army, it will bankrupt this country even though it is the richest Nation on the face of the earth. Therefore, it is impossible to attempt competition of that kind. Aside from that, the figures in this bill have been framed upon the assertion from The Adjutant General of the Army that in his opinion we will make the second increment authorized under the reorganization bill by July 1. I saw Gen. McCain yesterday, and he told me that the figures of recruiting for the last month were so far in excess of what he thought they would be that he fully believed, had no reason to doubt, that he would obtain the necessary recruits to bring the Army up to its authorized strength by July 1.

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

Mr. ANTHONY. Yes.

Mr. GARDNER. Is it not a fact that the reason the recruiting figures are showing so favorably is that they are holding on to the time-expired men instead of letting them go to the reserves?

Mr. ANTHONY. I can not say as to that.

Mr. CALDWELL. Mr. Chairman, if the gentleman will permit me to answer, I will state that I asked Gen. McCain that identical question in the hearings, and the gentleman from Massachusetts will find his statement there to the effect that in making his calculation he did not calculate upon those.

Mr. GARDNER. Yes; but he has in these 3,000 in that letter.

Mr. ANTHONY. Mr. Chairman, I will say that twice in my service upon the Military Affairs Committee I have assisted in increasing the pay of the enlisted men—not only of the enlisted men, but of the noncommissioned officers of the Army. First of all, we should see to it that the noncommissioned officer is well paid. He is the man that we want to retain in the service, and first of all he should receive our consideration. I can not agree again with the gentleman from Massachusetts [Mr. GARDNER] that it is clearly a matter of pay that stands in the way of obtaining an army of the size we need. If we go to the extreme of the policy advocated by the gentleman from Massachusetts, we might as well hire an army of Hessians and mercenaries, because that is finally what it will come to. I believe there are other things to be considered in this matter of making the service attractive so that we can obtain recruits. The Army is becoming more and more an acceptable place for service for the American boy, and we can make it even more so with the reforms that can be brought about; so that, as friendly as I am to the enlisted man of the Army, I do not believe we would be proceeding along a proper course by merely raising the pay at this time.

Mr. McKELLAR. Will the gentleman yield?

Mr. ANTHONY. I will.

Mr. McKELLAR. Is it not a fact that these figures that are in the bill are figures of the committee after a most careful investigation and examination of the expert testimony of the Army officers who came before us?

Mr. ANTHONY. I will say they are.

Mr. GARDNER. Will the gentleman yield?

Mr. ANTHONY. I will.

Mr. GARDNER. Is it not also a fact they are calculated based on the present rate of pay?

Mr. ANTHONY. They are.

Mr. GARDNER. Then what is the point of the question of the gentleman from Tennessee?

Mr. ANTHONY. Let me say this—

Mr. GARDNER. I propose to raise them; that is the whole discussion.

Mr. ANTHONY. It is very easy to speak of the enlisted men of the Army receiving \$15 a month as their pay. As a matter of fact, the House should remember that a large percentage of the enlisted strength of the Army are noncommissioned officers, and when you speak of the average pay of the enlisted men of the Army the average pay, instead of being \$180 a year, will run up to about \$266.50 on the average. That is the pay in dollars and cents.

Mr. GARDNER. Will the gentleman yield?

Mr. ANTHONY. Let me complete this. On top of that, if you add the board and lodging of the men, it is worth at least \$20 a month. If you add to that clothing and shoes, it is worth at least \$10 a month, and if you add to that the medical service and hospital service, it will reach \$5 a month, and the pay of the average enlisted man in the Army to-day is nearer \$48 a month than the contemptuous "\$15 per month" generally mentioned by critics of Army pay.

Mr. GARDNER. Now, the gentleman knows, I suppose, that the bulk of the noncommissioned officers are corporals?

Mr. ANTHONY. Yes.

Mr. GARDNER. How much more does a corporal get than an enlisted man?

Mr. ANTHONY. Only a few dollars more; but I will say to the gentleman when he figures the noncommissioned enlisted staff along with the others it will run to a high figure. I yield the balance of my time to the gentleman from Massachusetts.

Mr. GARDNER. Mr. Chairman, in reply to the gentleman from Illinois [Mr. McKENZIE], the way I arrived at my figure of \$40,000,000 is this: I prepared a complete scale of pay for the enlisted men and noncommissioned officers of the Army and submitted it some months ago to Gen. Sharpe, Quartermaster General, and asked him to calculate out its expense. He calculated it out, I suppose, on the basis of the entire second increment next year, which is not the basis on which the committee has calculated its figures of \$27,000,000. After Gen. Sharpe informed me that my scale would call for \$30,000,000 more, I reduced the scale somewhat. I have offered an amendment providing \$13,000,000 more. I wanted to be perfectly sure that there should not be more money to pay enlisted men than the number of enlistments would warrant. I prefer that the War Department should be obliged to come back for a deficiency appropriation. I can not tell how far short my amendment will fall of the amount required to meet the wage scale which I shall offer. It is, of course, impossible to predict to what extent the increased pay will or will not result in increased enlistments.

Mr. DOWELL. Will the gentleman yield?

Mr. GARDNER. I will.

Mr. DOWELL. On the basis that the gentleman has figured what would be the pay of the enlisted man?

Mr. GARDNER. The base pay of a private of the second class is now \$15 a month, and I raise it to \$25 a month. I have raised corporals and sergeants more than privates, because I believe that one of the greatest inducements to enlistment is for a recruit to realize that it is possible for him to rise to a highly paid place, even if his education prevents him from becoming a commissioned officer.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DENT. Mr. Chairman, I yield two minutes of my time to the gentleman from Connecticut [Mr. TILSON].

Mr. TILSON. Mr. Chairman, this is clearly and purely a matter of mathematics. If the amendment to be offered later by the gentleman from Massachusetts [Mr. GARDNER] shall prevail it will be necessary that we put in the figures he proposes here. If that amendment does not prevail, there is no good reason for putting in the figures he proposes.

Mr. GARDNER. Is it not possible an amendment which is in order in the Senate to increase the scale of pay might be adopted? If it saw the House wished to increase the pay but were merely prevented by their own rules, the Senate might act and make their own increase.

Mr. TILSON. If we assume that the amendment of the gentleman is going to be adopted in the Senate, I take it we should also assume that the Senate will increase the appropriation to fit. It seems to me that we might well pass this paragraph with a unanimous-consent agreement that in case the amendment to be proposed by the gentleman from Massachusetts be agreed to that we will return to this item. I assure him I shall then vote for his amendment. It seems to me that is all there is to it. There is no use voting an increased appropriation here when under the law, as it now stands, we can not spend it.

Mr. GARDNER. Will the gentleman yield?

Mr. TILSON. I will yield.

Mr. GARDNER. Does not the gentleman see that my scale of pay is bound to go out on the point of order and we have no way to test the sense of the House except on the amendment which I have offered?

We can not get a vote in this House except on my amendment, because the increased scale of pay is out of the bill.

Mr. TILSON. Suppose we should pass the amendment proposed by the gentleman to increase this item to \$40,000,000? By adopting it we should be increasing the item \$13,000,000 more than we could expend under the law.

Mr. GARDNER. If that is an unexpended balance, it returns to the Treasury, does it not?

Mr. TILSON. Oh, yes.

Mr. GARDNER. What possible harm could it do, then?

Mr. TILSON. By the same reasoning we might increase all these items a hundred millions, for that matter, because they are all authorized by law. But we are not going to do it.

Mr. DENT. Mr. Chairman, the whole proposition now before the committee is whether or not the Committee on Military Affairs of the House has submitted a sufficient appropriation for the Army under the law as it now exists. I undertook to say in my statement the other day when presenting this bill that we had made these figures based upon the probable strength in the Army in accordance with past and present conditions, and that under no circumstances could the Army next year be hoped to be greater than 115,000 men of the line. This being the case, and basing the figures upon the figures of the Quartermaster's Department, at \$237 a year, which includes extra pay for superior marksmanship, and so forth, it was a little more than \$26,000,000. In order to amply provide for the support of the enlisted men of the line, we made the figures \$27,000,000. I understand the gentleman from Massachusetts is offering an amendment that is to increase it to \$40,000,000, upon the theory that he is going to offer a subsequent amendment to increase the pay of privates from \$15 to \$25 a month. Of course, that would be subject to a point of order, and I expect to make the point of order.

Mr. GARDNER. I am not so sure it is going to be subject to a point of order.

Mr. DENT. Well, I think it is subject to a point of order, and I understood the gentleman a few moments ago, in reply to the gentleman from Connecticut [Mr. TILSON], to admit that it was subject to a point of order.

Mr. GARDNER. I will take back the admission if I made any such mistake.

Mr. DILL. Will the gentleman from Alabama yield for a question?

Mr. DENT. Yes.

Mr. DILL. Has the committee made any provision for increased pay of the private soldier in this bill?

Mr. DENT. It has not.

Mr. DILL. Did the committee consider the fact that all expenses have greatly increased?

Mr. DENT. The committee considered that, but the committee also considered the fact that the Government supplies the enlisted man with his subsistence, and so forth, and he does not have to pay for it.

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

Mr. DENT. Yes, sir.

Mr. DOWELL. Has the committee recommended any other provision for the stimulation of recruiting to the Regular Army?

Mr. DENT. Not in this bill; no. I stated the other day when this bill was presented to the House that during this short session of Congress the Committee on Military Affairs came to the conclusion early in the hearings that it would be impossible to make any radical or material changes in the legislation providing for the Military Establishment of the country. This is an appropriation bill to carry on the establishment as created by this Congress at the last session.

Mr. DOWELL. Does not the gentleman believe that something should be done in this bill to increase the recruits up to the authorization?

Mr. DENT. Well, the gentleman would like to have something done in order to accomplish that, but I confess so far as I am concerned no tangible suggestion upon that subject has been made to the committee.

Mr. DOWELL. Does the gentleman believe that if the pay is increased it will have the tendency to stimulate recruits and fill up the ranks?

The CHAIRMAN. The time of the gentleman has expired. All time has expired.

Mr. DENT. Mr. Chairman, I ask for a vote.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. GARDNER: Page 11, line 12, strike out "\$27,000,000" and insert "\$40,000,000."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts.

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

Mr. GARDNER. Mr. Chairman, I ask for a division.

The committee divided; and there were—ayes 24, noes 55.

So the amendment was rejected.

The Clerk read as follows:

That the act of May 11, 1908 (35 Stat. L., 110), is amended to read as follows:

"That hereafter enlisted men now qualified or hereafter qualifying as marksmen shall receive \$2 per month; as sharpshooters, \$3 per month; as expert riflemen, \$5 per month; as second-class gunners, \$2 per month; as first-class gunners, \$3 per month; as expert first-class gunners, Field Artillery, \$5 per month; as gun pointers, gun commanders, observers second-class, chief planters, and chief loaders, \$7 per month; as plotters, observers first-class, casemate electricians, and coxswains, \$9 per month, all in addition to their pay, under such regulations as the Secretary of War may prescribe, but no man shall receive at the same time additional pay for more than one of the classifications named in this section."

Mr. SHERLEY. Mr. Chairman, I reserve a point of order on the paragraph.

Mr. GARDNER. Mr. Chairman, I see the gentleman from Kentucky has done what I was going to do.

Mr. SHERLEY. I would like to ask why the proposed increase touching the Field Artillery, \$5 a month, is limited to Field Artillery?

Mr. DENT. I will state to the gentleman from Kentucky that is the only provision, as I recall the hearings in this amendment, which is new matter. The Ordnance Department suggested that expert first-class gunners of the Field Artillery should have the benefit of this, as the others named in the act. That is the only reason that is given for it, and I confess it is subject to a point of order. It is new legislation.

Mr. SHERLEY. The gentleman says the Ordnance Department indicated that?

Mr. DENT. The Chief of Ordnance.

Mr. SHERLEY. I do not see why it comes under him to indicate an increased pay for men in the mobile army under the Field Artillery.

Mr. KAHN. Will the gentleman yield?

Mr. DENT. Yes.

Mr. KAHN. That was put in there because the expert rifleman with the small arms gets that additional pay.

Mr. SHERLEY. Why should it not apply, then, to the coast artillery man, who is an expert with coast artillery as well as field artillery?

Mr. KAHN. Because the department said and the committee felt that a man who would become expert with a big gun ought to get the increased pay as well as the man who had become expert with the small arms.

Mr. SHERLEY. I understand; but there are some big guns in connection with the Coast Artillery.

Mr. ANTHONY. Does not that paragraph cover the Coast Artillery as well as the Field Artillery, the gun pointers, and the chief commanders, and the chief planters and chief loaders connected with the Coast Artillery?

Mr. SHERLEY. Yes; but this is raising the Field Artillery.

Mr. ANTHONY. We are even going so far as to pay the Coast Artillery a higher bonus than the Field Artillery.

Mr. SHERLEY. Gun pointers are limited to Coast Artillery?

Mr. STAFFORD. That provides only for the increase of the salary of expert class gunners in the Field Artillery, \$5 a month. That is the only change of the existing statute.

Mr. SHERLEY. I understand that. That is not the point I was trying to arrive at. I am free to confess that I am not familiar with the regulations touching the pay and the classifications made here, but I understand from the gentleman from California [Mr. KAHN] that the classifications that follow this new matter are those that relate to the Coast Artillery and do not relate to the Field Artillery.

Mr. KAHN. Some of them; yes.

Mr. SHERLEY. What ones?

Mr. KAHN. I think all of them relate to the Coast Artillery. They all refer to the Coast Artillery.

Mr. SHERLEY. The Coast Artillery only?

Mr. KAHN. Yes. We have no first-class observers, no gun pointers, no observers of the second class, no chief planters and chief loaders in the Field Artillery. They are all Coast Artillery.

Mr. SHERLEY. The gentleman from Alabama [Mr. DENT] realizes that this makes the paragraph open to other amendments that would otherwise be subject to a point of order. I just tell the gentleman that for what it may be worth.

Mr. KAHN. All the other raises in the paragraph are provided for by existing law.

Mr. SHERLEY. Mr. Chairman, I withdraw the point of order.

The CHAIRMAN. The gentleman from Kentucky withdraws the point of order.

Mr. STAFFORD. Mr. Chairman, I offer an amendment.

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

Mr. STAFFORD. It is merely a formal amendment. I think in amending a paragraph of a prior Army appropriation act the paragraph should be described sufficiently; and the purpose of my amendment is to make more exact the description of the paragraph about to be amended by the action of the committee.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. STAFFORD: Page 11, line 13, after the word "That," insert "that paragraph of," and insert after the word "ten," in line 15, the following: "which provides for additional pay of marksmen," etc.

Mr. STAFFORD. So as to read—

Mr. FESS. Let it be read in the way it will read as amended.

Mr. SHALLENBERGER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SHALLENBERGER. Is it too late to make a point of order against the paragraph as to the expert first-class gunner?

The CHAIRMAN. The Chair thinks so. The reservation was withdrawn some time ago, and we proceeded to take up the matter, and the gentleman from Wisconsin [Mr. STAFFORD] offered an amendment. The Chair would not be hasty in holding that, but under the circumstances the proceedings have gone too far. Has the gentleman from Wisconsin completed what he had to say? The Chair understood he had the floor.

Mr. DOWELL. Mr. Chairman, I move to strike out the last word.

Mr. STAFFORD. If the gentleman from Alabama has followed the amendment—

Mr. DENT. I have not.

Mr. STAFFORD. Mr. Chairman, will the Clerk read the amendment as it is amended?

The CHAIRMAN. The Clerk will read the paragraph as it will appear when amended.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD: On page 11, line 13, after the word "That," insert the words "that paragraph of," and insert after the word "ten," in line 15, the following: "which provides for additional pay of marksmen, etc.," so that the paragraph as amended will read, beginning on line 13, "That that paragraph of the act of May 11, 1908 (35 Stat. L., 110), which provides for additional pay of marksmen, etc., is amended so as to read as follows."

Mr. GARDNER. Mr. Chairman, would it not be better to have the exact paragraph stated?

Mr. DOWELL. Mr. Chairman, I desire to ask a question, if I can get the floor.

Mr. STAFFORD. I yield to the gentleman.

Mr. DOWELL. As I understand the gentleman's amendment, by adding the words "That that paragraph," it does not sufficiently describe or specifically describe the paragraph of the act of May 11.

Mr. STAFFORD. Oh, yes, it does.

Mr. DOWELL. My view is that the wording as it is now is more definite and certain than with the amendment of the gentleman.

Mr. STAFFORD. The gentleman is only observing part of the amendment. If he will observe the second part of the amendment, which provides for additional pay of marksmen, and so forth, he will find that it describes it absolutely.

Mr. DOWELL. But "That that," as I suggested, is not definitely describing what is contained in this paragraph.

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

Mr. SHALLENBERGER. Mr. Chairman, I make the point of order to that part of the paragraph referring to expert gunners and field artillery, that it is new legislation.

The CHAIRMAN. We have already passed on that.

Mr. KAHN. Mr. Chairman, I make the point of order that the point of order of the gentleman comes too late.

The CHAIRMAN. The Chair has already ruled on that, to the effect that while he would not be hasty, yet we had proceeded too far to take that up.

Mr. BORLAND. Mr. Chairman, I ask unanimous consent to extend the remarks I made a few moments ago on Gen. Funston.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. KAHN. Mr. Chairman, I make the same request.

Mr. FESS. And I make the same.

The CHAIRMAN. The gentleman from California [Mr. KAHN] and the gentleman from Ohio [Mr. FESS] make the same request. Is there objection?

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. STAFFORD].

The amendment was agreed to.

Mr. GARDNER. Mr. Chairman, I offer an amendment.

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

The Clerk read as follows:

Amendment offered by Mr. GARDNER: Page 12, line 2, after the word "section," strike out the quotation marks and insert:

"Provided, That hereafter the monthly pay of enlisted men of the Army shall be increased as follows: Master electricians and all others receiving \$75, to \$85; master engineer, junior grade, Corps of Engineers, from \$65 to \$75; sergeant, first class, Medical Department, from \$50 to \$60; first sergeants, from \$45 to \$65; sergeant, first class, Corps of Engineers, and all others receiving \$45, to \$55; battalion sergeants major of Infantry, and all others receiving \$40, to \$50; sergeants of Engineers, and all others receiving \$36, to \$46; sergeants of Cavalry, Infantry, and Artillery, from \$30 to \$40; quartermaster sergeants of Cavalry, and all others receiving \$30, to \$40; corporals of Engineers, Ordnance, Signal Corps, Cavalry, Artillery, and Infantry, from \$24 and \$21 to \$38; chief mechanics, and all others receiving \$24, to \$34; saddlers, and all others receiving \$21, to \$31; privates, first class, and all others receiving \$18, to \$28; privates, second class, and all others receiving \$15, to \$25."

Mr. DENT. Mr. Chairman, I make a point of order.

Mr. GARDNER. Mr. Chairman, I should like to know what the point of order is.

Mr. DENT. The point of order is that it is new legislation and an attempt to change the law with reference to the pay of privates in the Army.

Mr. STAFFORD. I make the further point of order that it is not germane.

Mr. GARDNER. I wish to be heard on the point of order. I read from section 824 of the rules:

A paragraph which proposes legislation being permitted to remain, may be perfected by a germane amendment.

The paragraph which I seek to amend was permitted to remain. That seems to dispose of one of the points of order. Yesterday I furnished the Chair with the references on that matter. They are to be found in volume 4 of Hinds' Precedents.

Mr. STAFFORD. Will the gentleman kindly cite the precedents which he called to the attention of the Chair?

Mr. GARDNER. I will ask the gentleman to refer to the rules of the House of Representatives, page 367, ending with the second paragraph. Yesterday, I brought the precedents to the attention of the Chair. Now, this question which the gentleman from Wisconsin [Mr. STAFFORD] has raised may, or may not, be a good point of order. I have sent for the national-defense act, but I can not find in it the paragraph which provides for marksmanship pay.

Mr. TILSON. It is not in the national-defense act. It is in the act of May 11, 1908. That is where the marksmanship pay was fixed.

Mr. GARDNER. Has the gentleman got that paragraph?

Mr. TILSON. No; it is in 35 Statutes at Large, page 110.

Mr. GARDNER. If the same paragraph which provides for marksmanship pay also provides for the pay of the Army, under the wording of the amendment of the gentleman from Wisconsin, it is germane, because his amendment provided that the paragraph of the act of May 11, and so forth, which provides pay for marksmanship shall be amended, and so on. Now, if that same paragraph also provides for the general pay of enlisted men, then my amendment is germane.

Mr. STAFFORD. The gentleman is in error in that particular.

Mr. KAHN. It does not provide for the pay of enlisted men. I have the statute here.

Mr. GARDNER. Then the gentleman's point of order is well taken.

Mr. STAFFORD. The gentleman virtually concedes that the point of order is well taken, because I have examined the paragraph referred to in the bill which is sought to be amended, and have it before me. It is the Army appropriation bill of 1909. The paragraph under consideration is limited exclusively to the pay for marksmanship of gunners and the like. There is but one class of enlisted men to which it applies. The gentleman by his amendment seeks to include a different class and many other classes. We had that same question before the House, but if the gentleman concedes the point of order—

Mr. GARDNER. I do not. I find in the statute that marksmanship pay is included under the general heading of "Pay of enlisted men." I have it here.

Mr. STAFFORD. I do not wish to cut short the argument of the gentleman from Massachusetts. When he has concluded, I shall be glad to take the floor, with the indulgence of the committee.

Mr. GARDNER. The amendment adopted on the motion of the gentleman from Wisconsin—and I fancy that he was intelligent enough to offer that amendment with a view to shutting out my subsequent amendment—

Mr. STAFFORD. I had no such idea in mind. I wanted to perfect the bill.

Mr. GARDNER. All right. I gave the gentleman credit for it.

Mr. STAFFORD. Oh, no. If I had wanted to shut out the gentleman's amendment, I would have made a point of order on the original paragraph. I was well aware of the procedure to take if I wanted really to bar the gentleman from the consideration of his amendment.

Mr. GARDNER. Very well. Now, Mr. Chairman, the gentleman from Wisconsin [Mr. STAFFORD] did, as a matter of fact, offer an amendment, which as adopted, makes the paragraph which we are discussing relate in terms to a certain paragraph in the act of May 11, 1908, Thirty-fifth Statutes at Large, page 110. By the gentleman's amendment a certain paragraph in that act is described as the paragraph which provides for marksmanship pay for enlisted men. Now, the gentleman raises the point of order that my amendment is not germane to that particular paragraph. I admit at once that it is not germane to the marksmanship pay of enlisted men. I contend, however, that it is germane to the paragraph, because the paragraph relates to pay of all sorts. It begins—

For pay of enlisted men of all grades, including recruits, \$10,000,000—and so forth. Later the same paragraph provides for marksmanship pay, all under the subheading of "pay of enlisted men." Now, I do not know the definition of the word "paragraph," when it refers to a statute. But this provision cites a particular law. It cites a particular paragraph of that law and describes it as the paragraph which contains the provision for marksmanship pay. I submit that the very same paragraph which contains the provision for marksmanship pay also contains the provision for the monthly pay of the enlisted men of the Army. For that reason I dispute the point of order which the gentleman makes to the effect that my amendment is not germane to the paragraph of the law which I seek to amend.

The CHAIRMAN. Let the Chair ask the gentleman a question. A point of order was reserved by the gentleman from Kentucky to some portion of the present paragraph as found in the reported bill. I presume that was directed to some content of that paragraph out of order. What particular part of that paragraph was the reservation to?

Mr. GARDNER. The whole paragraph, beginning at line 13, page 11, to line 2, page 12, at the end of the quotation marks.

The CHAIRMAN. Some portion of the paragraph, I suppose, is undoubtedly in order.

Mr. GARDNER. I know of nothing. It is an entire change from existing law.

Mr. TILSON. Mr. Chairman, that is not the fact. The fact is that the entire paragraph is now the law except that part in lines 20 and 21, "as expert first-class gunners, Field Artillery, \$5 a month." That is all the additional matter that is not in the original law of May 11, 1908. There is also the word "coxswain" which was not in the original law of May 11, 1908, but was made law by the national-defense act. Therefore, the only part that is new legislation are the lines 20 and 21, reading "and expert first-class gunners, Field Artillery, \$5 a month."

Mr. GARDNER. May I ask the Chair a question?

The CHAIRMAN. Certainly.

Mr. GARDNER. Suppose it is true that the point of order was not reserved against the whole paragraph but only against

those particular words, would the Chair in sustaining that point of order have ruled out the whole paragraph or broken the sentence in the middle and ruled out the offending words?

The CHAIRMAN. The point of order may be directed against the paragraph as a whole containing offending matter, or directed only against the offending matter.

Mr. GARDNER. Then it is for the Record to show what the reservation in the point of order was?

The CHAIRMAN. Yes. The Chair was trying to seek what the gentleman in making the point of order had in mind—whether the whole paragraph was the offending matter.

Mr. GARDNER. Mr. Chairman, I was mistaken in supposing that the entire scale was new, and the Record will show whether the gentleman from Kentucky [Mr. SHERLEY] made his point of order against the whole paragraph or to some particular part. It seems to me the whole contention should rest on that.

Mr. KAHN. Mr. Chairman, this question of what constitutes a paragraph was decided by the Chair on last Saturday.

Mr. GARDNER. Only so far as bills are concerned, not the statute law.

Mr. KAHN. What constitutes a paragraph in a bill constitutes a paragraph after the bill has become a law.

Mr. GARDNER. No; what constitutes a paragraph in a bill the House of Representatives will determine, but what constitutes a paragraph in a law is what the court decides after the Senate and the House have both acted.

Mr. KAHN. I rather think the court would look at the debates in the House in trying to construe whether it was a paragraph in the bill or not. Debate on this very bill points out very clearly what constitutes a paragraph and what Congress intended. The Chair ruled on Saturday, if you remember, that certain provisions of the section, each separate provision, notwithstanding they were separated from each other by a semicolon, constituted a paragraph. The Chairman will find the debate on the matter on page 3534 of the CONGRESSIONAL RECORD. The matter in the bill was on page 6, lines 1, 2, and 3. The Chair held that the separate provision was a separate paragraph.

Mr. STAFFORD. Mr. Chairman, the paragraph under consideration merely changes existing law by including in the enumerated classes to receive higher pay "expert first-class gunners, Field Artillery, \$5 a month," and "coxswain."

Also in the further particular that the proviso carried in the original paragraph limiting the number that may be appointed is eliminated.

I wish to direct the Chair's attention to the phraseology of the paragraph sought to be amended. It is a paragraph that seeks to increase the pay of the enlisted men when performing a certain function, that of gunnery; in fact, the annotator of the Statutes at Large, page 110, recognizes that by saying, "Additional pay, marksmen and gunners." I direct special attention to the wording of the paragraph itself because it must all turn on that pivotal point. The first sentence of the paragraph is as follows: "That hereafter enlisted men now qualified or hereafter qualified"—as what? Qualified "as marksmen, shall receive \$2 a month; qualified as sharpshooters, \$3 a month; qualified as expert riflemen, \$5 a month; qualified as second-class gunners, \$2 a month," and going right down the line increasing salaries to those qualified in respective grades of gunnery work to which they may be assigned.

The question before the Chair is whether the amendment offered by the gentleman from Massachusetts, which seeks to increase the salary of the whole Army, is germane to this paragraph.

Mr. GARDNER. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. GARDNER. My argument was that it was germane to the paragraph.

Mr. STAFFORD. And I am saying that it is not germane to the paragraph. This is not, as I was about to say when interrupted by the gentleman, a new proposition for decision by the Chair. It is the very same question that was raised here when the Post Office appropriation bill was under consideration in the House, when the gentleman from California [Mr. RANDALL] attempted to offer to sections 3 and 5 of the Post Office appropriation bill, which carried an amendment to the criminal code, an amendment providing for the exclusion from the mails of newspapers containing liquor advertisements. What did the Speaker hold on that occasion? I raised the point of order that it was not germane to the paragraph under consideration. And the Chair must take notice that while there has been in this paragraph new legislation incorporated and that waives the right to object to kindred legislation, it does not waive the right to raise the point of order as to that legislation which is not

germane. The Speaker of the House, after an extended argument and good consideration by the Speaker, the gentleman from Kentucky [Mr. SHERLEY], the gentleman from New York [Mr. FITZGERALD], the gentleman from Georgia [Mr. CRISP], and myself participating in the debate, held and followed the principle that if these paragraphs were submitted as a separate item in a bill it would not be in order to offer the amendment that the gentleman from California [Mr. RANDALL] sought to offer.

The only question before the Chair is, supposing there was brought in the House a separate bill, the paragraph contained on page 11, between line 13 and line 2 on page 12, whether an amendment limited exclusively to providing pay to enlisted men who were qualified as marksmen would be permitted to be a handle upon which to hang other amendments to incorporate something entirely different, to provide an increase in pay for the entire enlisted force whether they performed the service as marksmen or not. The Chair will have to hold under the well-recognized rule that because a bill provides one character of proposal is no warrant for opening it to include additional characters of proposals or different characters of amendments. The amendment of the gentleman which purposed to increase the salary of other enlisted men hinges on the words in line 17, "That hereafter enlisted men now qualified or hereafter qualifying as marksmen," and so forth. This was an increase of salary of enlisted men qualified as marksmen. It had but one central idea, and that idea was connected with gunnery; but the amendment of the gentleman from Massachusetts [Mr. GARDNER] has nothing to do with gunnery or marksmanship. It is extraneous, and because it is extraneous on the subject of marksmanship he can not, because the paragraph has been amended in a proper way so far as germaneness is concerned, use it to carry another proposal for increasing the salary of the enlisted force. I shall not stop to cite the numerous decisions pertaining to germaneness where the Chair on prior occasions has ruled such amendments out of order.

The CHAIRMAN. The gentleman from Massachusetts, [Mr. GARDNER], a day or two ago called the attention of the Chair to certain precedents, in this connection. These precedents have been duly examined, and found to be difficult of reconciliation. The general proposition with which the Members are all familiar, is that a paragraph in a bill which contains matter not in order, is subject to a point of order even though the offending and illegal matter may constitute but a relatively small proportion of the entire paragraph. This point of order is good either against the entire paragraph, or the offending matter. But if the point of order is not made to the paragraph, or offending matter, then the entire paragraph becomes in order. It has been held in the latter case that such a paragraph may be perfected by a germane amendment. (Hinds, Vol. IV, secs. 3823-3835, 3838). Hence the question has often arisen whether these perfecting amendments should be germane to the paragraph as a whole, thereby adding a new and greater proposition of illegality than that contained in the original offending matter, or germane only to this matter which has become in order by reason of the failure to raise the question of illegality. The precedents are conflicting. It has been held that the right to perfect a paragraph which would have been out of order if the question had been raised, by a germane amendment, does not permit an amendment which adds an additional proposition of illegality (Hinds, Vol. IV, secs. 3836, 3837, 3862).

In other words, the latter precedents require the perfecting amendment to be germane to the original offending language in the paragraph. If the amendments carrying additional legislation are germane to the offending language, they are in order, but not so, if they relate rather to the body of the paragraph. This proposition is clearly stated in the following decision:

If a paragraph has been included in a bill which has in it a taint of illegality, that paragraph can be corrected or perfected by an amendment, but if the paragraph which is proposed as an amendment, carries a further degree of illegality, affecting the whole paragraph as amended, then it is not in order.

The offending matter in the paragraph under consideration is contained in these words:

As expert first-class gunners, Field Artillery, \$5 per month.

It can hardly be said that the amendment offered by the gentleman from Massachusetts, is germane to this language, and designed to perfect it. This being so, the Chair holds that a new and comprehensive proposition of illegality is sought to be added to the paragraph by the proposed amendment. For this reason, and in conformity with the precedent last cited, the Chair sustains the point of order.

Mr. GARDNER. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment offered by Mr. GARDNER: Page 12, line 2, after the word "section," insert:

"Section 27 of the national-defense act, approved June 3, 1916, is hereby amended so as to read as follows:

"Sec. 27. Enlistments in the Regular Army: On and after the 1st day of November, 1917, all enlistments in the Regular Army shall be for a term of three years, the first year to be in the active service with the organizations of which those enlisted form a part and, except as otherwise provided herein, the last two years in the Regular Army Reserve hereinafter provided for: *Provided*, That at the expiration of one year's service with such organizations, either under a first or any subsequent enlistment, any soldier may be reenlisted for another period of three years, as above provided for, in which event he shall receive his final discharge from his prior enlistment: *Provided further*, That in all enlistments hereafter accomplished under the provisions of this act one year shall be counted as an enlistment period in computing continuous-service pay: *Provided further*, That any noncommissioned officer discharged with an excellent character shall be permitted, at the expiration of one year in the active service, to reenlist in the organization from which discharged with the rank and grade held by him at the time of his discharge if he reenlists within 20 days after the date of such discharge: *Provided further*, That no person under the age of 18 years shall be enlisted or mustered into the military service of the United States without the written consent of his parents or guardians, provided that such minor has such parents or guardians entitled to his custody and control: *And provided further*, That the President is authorized in his discretion to utilize the services of postmasters of the second, third, and fourth classes in procuring the enlistment of recruits for the Army, and for each recruit accepted for enlistment in the Army, the postmaster procuring his enlistment shall receive the sum of \$5.

"In addition to military training, soldiers while in the active service shall hereafter be given the opportunity to study and receive instruction upon educational lines of such character as to increase their military efficiency and enable them to return to civil life better equipped for industrial, commercial, and general business occupations. Civilian teachers may be employed to aid the Army officers in giving such instruction, and part of this instruction may consist of vocational education either in agriculture or the mechanic arts. The Secretary of War, with the approval of the President, shall prescribe the rules and regulations for conducting the instruction herein provided for, and the Secretary of War shall have the power at all times to suspend, increase, or decrease the amount of such instruction offered as may in his judgment be consistent with the requirements of military instruction and service of the soldiers."

Mr. DENT. Mr. Chairman, I make the point of order against the amendment that it is not germane.

Mr. GARDNER. Mr. Chairman, will the gentleman reserve the point of order for two minutes? It is clearly subject to the point of order.

Mr. DENT. Yes.

Mr. GARDNER. That amendment seeks to substitute an enlistment period of one year with the colors and two years with the reserve in lieu of three years with the colors and four years with the reserve. I merely wished to explain that.

Mr. DENT. Mr. Chairman, I make the point of order.

The CHAIRMAN. The point of order is sustained, and the Clerk will read.

The Clerk read as follows:

Pay of enlisted men of the Enlisted Reserve Corps, \$100,000.

Mr. SANFORD. Mr. Chairman, I make the point of order against the paragraph.

The CHAIRMAN. To which paragraph does the gentleman refer?

Mr. SANFORD. The one just read, providing for the pay of enlisted men of the National Guard, \$10,000,000.

Mr. KAHN. That has not been read.

Mr. SANFORD. I think the Clerk just read it.

The CHAIRMAN. The Clerk informs the Chair that he has not.

The Clerk read as follows:

Pay of enlisted men, National Guard, \$10,000,000.

Mr. SANFORD. Mr. Chairman, I make the point of order.

The CHAIRMAN. To what does the gentleman direct his point of order?

Mr. SANFORD. To pay of enlisted men of the National Guard, \$10,000,000. I make the point of order on that item for the reason I would now like to indicate to the Chair. The Constitution itself clearly provides in express terms what jurisdiction Congress has in reference to pay for the national defense. The Constitution expressly provides that Congress may provide for the raising and "support" or armies. In relation to the militia it provides that we may provide for the "organizing," "disciplining," and "arming" of the militia, and the National Guard is clearly a portion of the militia. The national-defense act, section 67, provides:

A sum of money shall hereafter be appropriated annually to be paid out of any money in the Treasury for the support of the National Guard.

Now, while the bill was pending the gentleman from Virginia, the chairman of the committee, introduced several amendments providing for striking out the word "provide" wherever it was used in connection with the National Guard and inserting the word "support" in its place, showing explicitly that it was

the purpose of the committee intentionally to use the word "support" in reference to the National Guard. In another portion of the same act, section 57, it provides that the National Guard is "militia." Well, it is not militia, of course, in the same sense in which the word "militia" has been used in this country nor in the sense in which the word "militia" was used at the time that word was used in the Constitution. The defense of the country by citizen soldiers was of universal application. It was the duty of every citizen to train himself and to be organized and to be disciplined in the defense of his country. That was an obligation which every American under the law between the ages of 18 and 45 recognized. By this act for the first time in the history of this country Congress has attempted to pay an American for training himself in time of peace in the State at a time when he is not in any way in the service of the Federal Government and to pay him for keeping ready to defend his country in case of need. The national-defense act, in so far as it provides for the payment of some citizens who are a branch of the militia, is clearly contrary to the Constitution and, so far as I can see, is a direct violation of the express provisions of the Constitution.

Mr. McKELLAR. Will the gentleman yield?

Mr. SANFORD. I will.

Mr. McKELLAR. Then is it the gentleman's purpose to have us as Congress declare that the national-defense act of 1916, so far as it referred to the National Guard, is unconstitutional? Is that the gentleman's idea?

Mr. SANFORD. I have two purposes. One is to raise the question and show to the Congress that it is absolutely providing unconstitutionally for the National Guard and also to emphasize the fact that some men seem to have overlooked that the Congress has taken the position that the only way to raise an army is to pay the citizens for training in the States in time of peace. I would like to emphasize it because I think it is ridiculous. I think the National Guard think it is ridiculous. I think they feel insulted by it; I know many of them do.

Mr. McKELLAR. But the effect of the gentleman's argument is that he is calling upon the chairman of this committee to hold that this act is unconstitutional?

Mr. SANFORD. It is so clearly unconstitutional when you look at the manner in which this bill is drawn that I think that if the Chair thinks it is unconstitutional, and if the Chair feels that he must be bound by the Constitution, he will be bound to hold it is unconstitutional.

Mr. GREENE of Vermont. Will the gentleman yield?

Mr. SANFORD. I will.

Mr. GREENE of Vermont. The gentleman's second proposition simply runs to the merits of the proposition and not to the parliamentary status?

Mr. SANFORD. That is probably so. My purpose in making the point of order is to show that the item is unconstitutional.

Mr. GREENE of Vermont. I mean the second part of the gentleman's argument—that is, to say it is a reflection on the National Guard to pay its members for their services?

Mr. SANFORD. That is merely argumentative.

Mr. GREENE of Vermont. It has no relation to the parliamentary status?

Mr. SANFORD. Not at all. I would like to ask the gentleman if he considers the National Guard is now American militia?

Mr. GREENE of Vermont. I have not undertaken to get at any definition beyond that contained in the national-defense act, and I was nearly out of breath when we arrived at that.

Mr. SANFORD. It is very clear that the word "militia," as used in the national-defense act, is not at all the militia as provided for in the Constitution.

The CHAIRMAN. Is it the contention that the gentleman from New York puts up to the Chair for decision that this payment is in conformity with an existing statute of the Congress of the United States, but that that statute is not constitutional?

Mr. SANFORD. That is my point of order.

The CHAIRMAN. The Chair overrules the point of order.

Mr. SANFORD. I supposed the Chair would do so, but I wanted to emphasize the point just the same.

Mr. DENT. Mr. Chairman, I desire to offer an amendment.

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

The Clerk read as follows:

At the end of line 9, page 12, insert:

"Provided, That the provisions in the act of August 29, 1916, as amended by the act of September 8, 1916, providing support for the dependents of enlisted men in the Regular Army and National Guard shall not apply to applications for such support which are not received in the office of the depot quartermaster at Washington, D. C., on or before the 1st day of April, 1917."

Mr. MANN. Mr. Chairman, I reserve a point of order on that.

Mr. DENT. Mr. Chairman, of course that provision is subject to a point of order. I intended to offer it under the "pay of line of the Army." It is subject to a point of order anywhere. It is new legislation, but it is recommended emphatically by the Secretary of War and has been adopted by the committee as a committee amendment. This is what the Secretary says:

WAR DEPARTMENT,
Washington, February 17, 1917.

The CHAIRMAN COMMITTEE ON MILITARY AFFAIRS,
House of Representatives.

MY DEAR MR. CHAIRMAN:

1. The act approved August 29, 1916 (39 Stat., 649), and amended by act of September 8, 1916 (39 Stat., 801), made provision for dependent families of enlisted men of the National Guard and Regular Army, and under these acts there has been appropriated to this time \$6,250,000.

2. The number of applications for aid to this date is 20,027, and the amount paid is \$3,663,696.75. The average amount paid on each application is \$183.

The number of men in service in the Regular Army and National Guard during the mobilization was, in round numbers, 240,000. A conservative number of those eligible to designate beneficiaries is 120,000, or 50 per cent of the strength mobilized. If this number actually make application, and the average of \$183 is maintained, there would eventually be obligations amounting to \$21,960,000.

3. Applications for aid are coming in at the rate of 120 a day. Without some restrictive legislation, such as a time limit after which applications are barred, this law promises to require continuing appropriations for years to come, whereas it may be presumed to have been the intent of Congress to extend the aid only because the wage earner was absent in the Federal service. All but about 44,000 of the men of the National Guard have been mustered out or are at home for muster out, or under orders to proceed home for that purpose, and hence are present with their families again, or soon will be.

4. It is therefore recommended that a time limit be provided sufficiently far in the future to allow of the presentation of all just claims, and for this purpose the following proviso is suggested for insertion in the Army appropriation bill now under consideration in the House of Representatives:

Now, the Secretary of War did suggest that that time limit be extended until the 30th day of next June, but the committee thought that as long as an order had been issued for all the National Guard to be returned from the border right away, the 1st day of April would give everybody ample time within which to make claims.

Mr. MANN. These claims that are now being filed, under the gentleman's statement, are for back pay, as it were?

Mr. DENT. Yes, sir; for back pay, as I understand.

Mr. MANN. Of course, the gentleman knows, to begin with, and every other Member of the House knows, that there never has been an instance where Congress has provided a limitation of time in which to file claims of that sort, that it has not been extended repeatedly, and then again, and then again, and then again, when there was any necessity for it. But what will happen if the National Guard is called out in the present emergency? Will this existing law apply to that?

Mr. DENT. Would the present law apply if there was another call?

Mr. MANN. Yes.

Mr. DENT. I really could not answer that positively, but my recollection of the law is that it was intended for that particular emergency.

Mr. MANN. I know what it was intended for, but I do not know how it reads.

Mr. DENT. I do not find it here. That was a separate resolution.

Mr. MANN. The gentleman from California [Mr. KAHN] has furnished me the appropriation act. That, however, does not cover the case. But if it did cover the case, it would apply between now and the 30th of next June to National Guardsmen who were called out hereafter. The gentleman would repeal by implication the provision in the Army act in reference to the appropriation of \$2,000,000. Of course, we passed an act by itself, but the provision in the Army act is:

That the sum of \$2,000,000 is hereby appropriated out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of War, and under such rules and regulations as he may prescribe, for the support of, at a cost of not more than \$50 per month, or so much of said amount as the Secretary of War may deem necessary, and not more than such enlisted man has been contributing monthly to the support of his family at the time of his being called or drafted into the service of the United States or during his enlistment period in the Regular Army at the time of such call or draft of the Organized Militia or National Guard, the family of each enlisted man of the Organized Militia or National Guard called or drafted into the service of the United States until his discharge from such service, and the family of each enlisted man of the Regular Army until his discharge from active service therein or until the discharge of the Organized Militia or National Guard from such a service if such enlisted man is at that time in active service in the Regular Army, which family during the term of service of such enlisted man has no other income, except the pay of such enlisted man, adequate for the support of said family.

Now, it is not improbable that Congress within the next week or 10 days may authorize the President to call the National Guard into service again. And if we do, and he calls the National Guard into service again, and they admit married men into the service, or men supporting families, why should they not have the same benefit of a provision like this as the men who went to the Mexican border?

Mr. DENT. I think they ought. But I will call the attention of the gentleman from Illinois to this fact: I confess I do not remember whether that resolution, which was an independent resolution, was permanent law or whether it was intended to limit it to the Mexican situation. But I wanted to say this: It has been construed by the War Department to have been limited to the situation down on the Mexican border, as there were no estimates submitted to the Committee on Military Affairs for the continuation of this appropriation.

Mr. McKELLAR. If the gentleman will yield, I have the law here, and will read it, if you would like.

Mr. MANN. I have just read that. That is a mere appropriation.

Mr. McKELLAR. That is the condition.

Mr. MANN. We passed a separate act, first carrying a certain appropriation, but not sufficient. Then this was included afterwards in the appropriation act, appropriating \$2,000,000. Everybody was in favor of it at the time.

Mr. DENT. I believe everybody voted for it, but whether they were in favor of it I do not know.

Mr. MANN. Nobody expressed his dissent.

Mr. QUIN. But the Senate put on the provision making it apply to the Regular Army men. Not everybody in the House approved of it.

Mr. MANN. That is not in the law, so that that has nothing to do with the case.

Mr. McKELLAR. Yes; that is in the law—in the statute.

Mr. MANN. Then we must have approved of it.

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

Mr. MANN. Yes.

Mr. McKENZIE. Do you not think it safe to assume that if the National Guard would be called into the service again they would not be called in prior to the calling of Congress in extra session?

Mr. MANN. Oh no. I think it is safe to assume in every probability—I do not know whether it will be done or not—that we will be asked to give the President certain power, and Congress is likely to give the President certain power without the President's calling Congress into extra session, and that may include the calling out of the National Guard.

Mr. GORDON. Mr. Chairman, will the gentleman yield? Is it the understanding of the gentleman from Illinois that Congress must confer authority on the President to call out the National Guard before he can call them out?

Mr. MANN. That depends upon what the President does. In case of war I believe he can call them out.

Mr. GORDON. He called them before without any action of Congress.

Mr. MANN. The gentleman is mistaken. We passed a resolution before.

Mr. GORDON. That was after they were called out.

Mr. MANN. No; that was before.

Mr. DENT. Mr. Chairman, this amendment is subject to a point of order. The question is whether we should put a time limit on the existing situation, so that the War Department will know exactly when claims of this kind are going to end.

Mr. KAHN. Mr. Chairman, I have the provision here under the act of September 8, 1916, which reads:

The sum of \$2,000,000, therein appropriated to be expended under the direction of the Secretary of War for the support of the family of each enlisted man of the Organized Militia or National Guard or of the Regular Army, as therein provided, shall be available to be paid on the basis of and for time subsequent to June 18, 1916, the date of the call by the President, and the time for which such payment shall be made shall correspond with the time of service of the enlisted man, and payment shall be made without reference to the enlisted man having enlisted before or after the call by the President.

Mr. GREENE of Vermont. If the gentleman will permit, that is the act of September 8, amending the act of August 29.

Mr. KAHN. Yes.

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

Mr. DENT. Yes.

Mr. JAMES. Would not the effect of the gentleman's amendment be to place a time limit on the National Guard but not on the Regular Army?

Mr. DENT. It would place a time limit on both. I understand the point of order has not been made.

Mr. MANN. I make the point of order, Mr. Chairman.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

Pay of enlisted men, \$383,760.

Mr. GREENE of Vermont. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Vermont moves to strike out the last word.

Mr. GREENE of Vermont. I do so, Mr. Chairman, if the House will indulge me for a moment, just to call attention to a situation which has been presented in the discussion of the amendment proposed by the chairman and just ruled out of order. If time at this short session of Congress had permitted, I would have been glad to propose to the House some plan for a revision of the Army pay table, something along the line that is now employed in Great Britain and in Canada, where what is called "a separation allowance" in case of war is a part of the contractual basic pay of the soldier.

It seems to me it is time for us, in the consideration of our Army pay table and the propositions that are made to raise it, at least to take into consideration the wisdom of preparing in time of peace, when there is no stress, no sentimentalism, and no emotionalism in the air more or less to influence men's feelings in the consideration of such a matter, an allowance to go to the dependent families, under certain restrictions, of soldiers enlisting whenever they are brought into active service in time of war. This would be an automatic provision, and would be scaled according to certain details which have been well worked out in the British system, and would then meet just exactly the situation that now confronts this Congress.

When the soldier signs his enlistment contract he would do so with the understanding that as a part of the contract and as a part of the emoluments was the expectation that if he was called into service under certain conditions this settlement of allowance for the support of his family would automatically take effect, and that under all other conditions it would be of no effect whatever. That would do away with a great deal of the investigation and the inquiry that are being held now to adjudicate each separate case, and it would put out of expectancy the situation that we now find ourselves confronted with, because the rights of those entitled to this allowance would all be set out in the original contract and would be of no avail unless that contract were made and fulfilled.

The CHAIRMAN. The gentleman withdraws his pro forma amendment. The Clerk will read.

The Clerk read as follows:

Five charwomen, at \$240 each per annum, \$1,200; in all, \$114,590.

Mr. DENT. Mr. Chairman, it is not very important, but there is a mistake there. I move to strike out "\$114,590," on line 17, and insert "\$104,590." There is a mistake of \$10,000 on page 13, line 17.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Alabama.

The Clerk read as follows:

Committee amendment: Page 13, line 17, strike out "\$114,590" and insert "\$104,590."

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

The amendment was agreed to.

Mr. TILSON. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Connecticut moves to strike out the last word.

Mr. TILSON. I do so for the purpose of asking the chairman whether it was intentional or a mistake in printing the bill that we say "one laborer, at \$720 per annum, \$720," and then repeat, "one laborer, at \$720 per annum, \$720." Was it not the intention to have two laborers at \$720 each per annum? In other words, we take two items to cover the same classification.

Mr. DENT. It really should have been prepared in the way the gentleman suggests, but it means the same thing.

Mr. TILSON. It means the same thing; but in this way, if we had a dozen laborers, it would require a dozen lines, each line appropriating for one laborer.

Mr. DENT. I have no objection to an amendment to consolidate the two.

Mr. STAFFORD. It is clearly an oversight. The fact is that last year one of these laborers received \$660 and you increased his pay to \$720.

Mr. TILSON. We simply raised the \$660 man to \$720, making two in the same class.

Mr. MANN. You raised the \$600 man to \$720 as well as the \$660 man.

Mr. TILSON. We raised the pay of both. That is correct. Mr. Chairman, I move to strike out the words "one laborer, at \$720 per annum" and to amend the next line by making it "two laborers, at \$720 each per annum, \$1,440."

The CHAIRMAN. The gentleman from Connecticut moves that line 13, page 13, be stricken from the bill.

The amendment was agreed to.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. Tully, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

H. R. 12195. An act to amend section 17 of the United States bankruptcy law of July 1, 1898, and amendments thereto of February 5, 1903;

H. R. 18534. An act to authorize the construction, maintenance, and operation of a bridge across the St. Francis River at or near Parkin, Ark.;

H. R. 18720. An act permitting the building of a railroad bridge across the Mississippi River at Bemidji, in the State of Minnesota; and

H. R. 14426. An act to amend section 6 of the act entitled "An act to incorporate the American National Red Cross," approved January 5, 1905.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to bills of the following titles:

S. 1792. An act for the relief of settlers on unsurveyed railroad lands;

S. 5716. An act to establish the Mount McKinley National Park in the Territory of Alaska;

S. 7644. An act to create a new division of the northern judicial district of Texas and to provide for terms of court at Wichita Falls, Tex., and for a clerk for said court, and for other purposes;

S. 40. An act to authorize agricultural entries on surplus coal lands in Indian reservations;

S. 5450. An act to provide for an additional judge in the State of Texas; and

S. 5612. An act providing additional time for the payment of purchase money under homestead entries of lands within the former Fort Peck Indian Reservation.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the joint resolution (S. J. Res. 50) authorizing the Secretary of the Interior to sell the coal deposits in and under certain public lands to the Republic Coal Co., a corporation, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. MYERS, Mr. THOMAS, and Mr. SMOOT as the conferees on the part of the Senate.

ARMY APPROPRIATION BILL.

The committee resumed its session.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Amend line 14, page 13, by striking out the words "1 laborer, at \$720 per annum, \$720," and inserting in lieu thereof "2 laborers, at \$720 per annum each, \$1,440."

The amendment was agreed to.

The Clerk read as follows:

Fifty-nine clerks, at \$1,000 each per annum, \$49,000.

Mr. DENT. Mr. Chairman, I move to amend, in line 2, page 14, by striking out "59" and inserting "49." That is a mistake in the number.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 14, line 2, strike out the word "fifty-nine" and insert in lieu thereof "49."

The amendment was agreed to.

The Clerk read as follows:

Thirty-nine messengers, at \$720 each per annum, \$28,080.

Mr. SWIFT. Mr. Chairman, I offer an amendment.

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

Amendment offered by Mr. SWIFT:

Page 14, line 4, after the figures "\$28,080," insert:

"That hereafter all classified civil-service clerks now of the Quartermaster Corps shall be known as field clerks, Quartermaster Corps; and field clerks, Quartermaster Corps, shall receive the same pay and allow-

ances, except retirement, as heretofore allowed by law to pay clerks, Quartermaster Corps.
"That field clerks, Quartermaster Corps, shall be subject to the Rules and Articles of War."

Mr. DENT. I make a point of order against that amendment.

Mr. SWIFT. Will the gentleman reserve his point of order?

Mr. DENT. I reserve the point of order.

Mr. SWIFT. Mr. Chairman, this amendment is proposed in behalf of the classified civil-service clerks in the Quartermaster Corps. There has been no beneficial legislation enacted by Congress for these men since the close of the Civil War, although they are performing in many instances the same duties that so-called quartermaster pay clerks render who are detached from departmental bureaus for field service. The Chief of Staff of the Army, Maj. Gen. Scott, in a memorandum to the Secretary of War, stated as follows:

These clerks are subject to call for duty in the field, such as in second division, at camps and maneuvers during the continuance of outdoor work for troops in the summer. Some must be sent to the Philippines, Hawaii, and Panama. When absent from permanent station these men must make provision at permanent station for those dependent upon them for support. This adds a burden to these clerks which does not fall upon clerks permanently stationed in Washington. This additional burden is uncertain as to amount and as to when it will be placed upon these clerks, so that they can retain their homes for their families at their permanent station, no matter how long their duties require their absence from their permanent station.

The attention of the committee is invited to the following excerpt from General Orders No. 68, War Department, 1904:

The Secretary of War considers that the interests of the service require that employees at large in the War Department must be subject to orders in regard to transfer of station, and a refusal to obey such orders will be deemed a proper and sufficient reason for discharge from the service.

In many instances these classified civil-service clerks, particularly during the last year, have been detached for field service at Plattsburg, N. Y.; on the Mexican border; and with the punitive expedition that went into Mexico. The pay clerks in the Quartermaster Corps, although they entered the department without any examination, are receiving \$250 per annum more than the classified civil-service clerks performing the same service. Moreover, the civil-service clerks are subject to all the rigors and privations of camp life, laboring every day in the year without extra compensation for overtime, or reimbursement for extra expenditures, such as car fare and other incidental expenses. I believe it is only an act of human justice that they should receive the same compensation as men who are performing similar services in offices equipped with modern improvements, whereas the clerks to whom I refer are subjected in many instances to all the conditions of camp life. The matter was presented to the committee, but did not receive favorable consideration. I am convinced that these men should receive this additional rating and increased compensation, and I hope the gentleman from Alabama will withdraw his point of order.

Mr. DENT. Mr. Chairman, the committee have considered this matter, and I will have to insist on the point of order.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

For pay of officers of the General Staff Corps, \$132,600.

Mr. SHALLENBERGER. Mr. Chairman, I move to strike out the last word, for the purpose of inserting in the Record a statement from the office of the Chief of Staff showing the number of staff officers who composed the General Staff of the Army under date of February 15, 1917. I do this because Congress and the Military Committee have been charged with dereliction of duty by the Chicago Tribune and other newspapers, charged with withholding from the War Department authority to constitute such a General Staff as it ought to have. The statement which I ask to print in the Record shows that the number of officers of the General Staff at present consists of 43 members, while the national-defense act, in section 47, authorizes the appointment of 55 members of the General Staff; so after eight months of authority under this act they are yet 12 officers short of the number authorized, showing that there is no foundation whatever for the charge that Congress and the Military Affairs Committee have been derelict in their duty in conferring sufficient authority upon the Secretary of War. If the General Staff is not as large as it ought to be, it is the fault of some one else than the Committee on Military Affairs or the Congress itself.

The CHAIRMAN. The gentleman from Nebraska asks unanimous consent to print in the Record the statement to which he refers. Is there objection?

There was no objection.

The statement is as follows:

List of officers of the General Staff Corps.

Names.	On duty in Washington.				On duty elsewhere— Station.	Manchu or date of expiration of detail.
	Room.	Phone.	Residence.	Residence phone.		
Maj. Gen. Hugh L. Scott, Chief of Staff.....	224 War Department.	77	Fort Myer, Va.....	W. 948.....		Sept. 22, 1917
Maj. Gen. Tasker H. Bliss, Assistant to the Chief of Staff.	220 War Department.	71	1715 I Street.....	M. 6917.....		Dec. 31, 1917
Brig. Gen. Joseph E. Kuhn, president Army War College.	War College.....					
Maj. Gen. Erasmus M. Weaver, Chief of Coast Artillery, additional member General Staff Corps.	225 War Department.	88	The Farragut.....	M. 2651.....		May 23, 1918
Brig. Gen. William A. Mann, Chief of Militia Bureau, ex officio member General Staff Corps.	445 War Department.	181	1888 Columbia Road.....			July 31, 1918
COLONELS (5).						
George T. Bartlett, Coast Artillery Corps.....					Chief of Staff, Eastern Department.	May 26, 1920
Chase W. Kennedy, Infantry.....	War College.....	War College.	1644 Twenty-first Street.....	N. 7552.....	Chief of Staff, Philippine Department.	May 5, 1917
Ernest Hinds, Field Artillery.....						Sept. 17, 1917
William H. Johnston, Infantry.....	War College.....	War College.	2337 Ashmead Place.....	N. 7374.....	Southern Department.....	July 24, 1918
William F. Martin, Infantry.....						(¹)
Robert E. L. Michie, Cavalry.....	218 War Department.	39	1725 H Street.....	M. 8332.....		Mar. 10, 1918
Malvern-Hill Barnum, Cavalry.....					Chief of Staff, Southern Department.	(¹)
P. D. Lochridge, Cavalry.....	War College.....	War College.	The Farragut.....	M. 2651.....		Nov. 27, 1917
George B. Duncan, Infantry.....	218 War Department.	189	1228 Seventeenth Street.....	N. 8218.....		Aug. 16, 1918
LIEUTENANT COLONELS (7).						
Frank W. Coe, Coast Artillery Corps.....					Chief of Staff, Western Department.	June 13, 1920
James W. McAndrew, Infantry.....					Fort Leavenworth.	Aug. 19, 1920
Munroe McFarland, Infantry.....					Southern Department.....	Feb. 29, 1917
William S. Graves, Infantry (secretary General Staff Corps).	222 War Department.	183	The Westmoreland.....	N. 4131.....		July 15, 1918
Robert E. Callan, Coast Artillery Corps.....					Philippine Department.....	June 20, 1919
Robert L. Howze, Cavalry.....					Southern Department.....	Nov. 4, 1919
Francis E. Lacey, jr., Infantry.....					Chief of Staff, Hawaiian Department.	
MAJORS (13).						
Andrew Moses, Coast Artillery Corps.....	War College.....	War College.	The Toronto.....	N. 106.....		Aug. 10, 1918
George A. Nugent, Coast Artillery Corps.....					Southern Department.....	June 5, 1919
Palmer E. Pierce, Infantry.....	War College.....	War College.	4001 Woodley Road.....	C. 809.....		Apr. 28, 1919
Ralph H. Van Deman, Infantry.....	do.....	do.....	The Beacon.....	C. 424.....		Apr. 8, 1918
John McA. Palmer, Infantry.....	do.....	do.....	1925 S Street.....	N. 8524.....		Nov. 4, 1919
Douglas MacArthur, Corps of Engineers.....	218 War Department.	30	The Ontario.....	C. 800.....		
Frank S. Cocheu, Infantry.....	222 War Department.	183	The Woodley.....	C. 5785.....		July 4, 1918
Oliver Edwards, Infantry.....					Southern Department.....	Aug. 11, 1919
Briant H. Wells, Infantry.....					do.....	Jan. 21, 1920
Walter C. Babcock, Cavalry.....					do.....	Dec. 21, 1917
Francis Le J. Parker, Cavalry.....					Roumania.....	July 16, 1919
Dennis E. Nolan, Infantry.....	218 War Department.	30	The Dupont.....	N. 2285.....		Mar. 22, 1919
Charles E. Kilbourne, Coast Artillery Corps.....					Headquarters Eastern Department.	Apr. 11, 1918
Dan T. Moore, Field Artillery.....	War College.....	War College.	Army and Navy Club.....	M. 8400.....		Oct. 5, 1918
John J. Kingman, Corps of Engineers.....	do.....	do.....	Fort Myer, Va.....	W. 695.....		Dec. 13, 1919
Monroe C. Kerth, Infantry.....					Roumania.....	Oct. 31, 1919
CAPTAINS (13).						
Tenney Ross, Infantry.....	War College.....	War College.	The Dresden.....	N. 3593.....		Aug. 6, 1918
William H. Raymond, Coast Artillery Corps.....					Southern Department.....	Mar. 1, 1918
Harry N. Cootes, Cavalry.....	223 War Department.	77	1226 Seventeenth Street.....	N. 5975.....		July 12, 1919
Henry C. Merriam, Coast Artillery Corps.....					Assistant Chief of Staff, Hawaiian Department.	
Alexander B. Coxe, Cavalry.....					Southern Department.....	
Daniel F. Craig, Field Artillery.....					do.....	

¹Manchu.

Mr. SHALLENBERGER. It will be seen from the above table that 22 officers are serving in Washington and 21 in other departments of the country, making a total of 43 officers, or in all, 12 less than are authorized by the national-defense act. The defense act would allow 6 more staff officers at Washington than were serving at the Capital on February 15. The Military Committee has amended that act in the present bill so as to permit 55 staff officers to be assembled at Washington at any time the Secretary of War so desires.

Mr. DENT. 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. SAUNDERS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the Army appropriation bill, H. R. 20783, and had come to no resolution thereon.

POST OFFICE APPROPRIATIONS.

Mr. MOON. Mr. Speaker, in order to expedite the business of the House I desire to submit a request for unanimous consent that the Post Office appropriation bill, H. R. 19410, be taken from the Speaker's table and that the amendments of the Senate, all except Nos. 15, 19, 30, 32, 33, and 34, be disagreed to.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to take from the Speaker's table the Post Office appropriation bill and to disagree to all the Senate amendments except 15, 19, 30, 32, 33, and 34. Is there objection?

There was no objection.

Mr. MANN. May I ask the gentleman from Tennessee, assuming that he is not going ahead just now, when does he expect to call up the rest of the amendments for disposition?

Mr. MOON. I will give notice now that I will ask the House to take up these amendments for a vote immediately after reading the Journal to-morrow.

The SPEAKER. The gentleman from Tennessee gives notice that to-morrow immediately after reading the Journal and the clearing up of matters on the Speaker's table he will call up this appropriation bill.

ARMY APPROPRIATION BILL.

Mr. DENT. 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. 20783, the Army appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. SAUNDERS in the chair.

The Clerk read as follows:

For pay of officers of the Ordnance Department, \$289,300.

Mr. DENT. Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

Amend, on page 15, between lines 10 and 11, by inserting the following: *Provided*, That section 24 of the national-defense act of June 3, 1916, be so amended as to authorize the President to organize immediately the whole of the increase in the Ordnance Department authorized by section 12 of said act, or such part thereof as he may deem necessary.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order. I think this needs some explanation.

Mr. DENT. This is requested by the Secretary of War and urgently requested by the Chief of Ordnance, because they say that that particular department is short of men, and the committee thought that so far as the Ordnance Department is concerned it ought to have the benefit of this amendment. They will obtain as I recollect it 108 officers immediately, and they already have 93 officers authorized.

Mr. STAFFORD. Is that the entire additional force that the amendment will provide?

Mr. DENT. Gen. Sharpe, on page 63 of the hearings, says that that provides for an increase of 23 officers. There were 85 last year and there are 108 this year. He was asked by the gentleman from California if there was a likelihood of their getting all the officers they were entitled to next year, and Gen. Sharpe replied that he should think so if they secured them all for this year.

Mr. STAFFORD. This amendment excepts the Ordnance Bureau from the proviso that was previously agreed to for the pay of officers.

Mr. DENT. This amendment excepts that; yes.

Mr. KAHN. This proviso allows the Ordnance Department to appoint all the officers that that department is entitled to without regard to the provision in the national-defense act providing for the increment.

Mr. DENT. Yes; and what the gentleman from Wisconsin states is true, that this proviso excepts that department from the provision that we then adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama.

The amendment was agreed to.

The Clerk read as follows:

For pay of officers of the Medical Department, \$2,225,000.

Mr. SEARS. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Provided, That in increasing the Medical Corps of the Army, as provided in the national-defense act approved June 3, 1916, the officers of the Medical Reserve Corps on active duty, irrespective of age, and subject to the approval of the Surgeon General and the physical examination now required by law, whose services have been satisfactory and who have been in the military service for at least 12 years, including contract service, volunteer service, Medical Reserve Corps service, and enlisted service, shall be, and are hereby, transferred to the Medical Corps of the Army, with the rank of first lieutenant, to take relative rank in accordance with the length of their respective services, next below all first lieutenants, Medical Corps, holding that grade at the time of the passage of this act: *And provided further*, That any first lieutenant, Medical Reserve Corps, who does not receive the approval of the Surgeon General for transfer to the Medical Corps of the Army or who is found physically unfit as provided by law shall be retired with the rank and allowances of a first lieutenant, Medical Corps, United States Army.

Mr. DENT. Mr. Chairman, I reserve a point of order on that.

Mr. SEARS. Mr. Chairman, I trust the chairman will not insist on his point of order. This amendment seeks only to provide for the Medical Reserve Corps. As I understand it, these physicians have given, in a great many cases, their services for more than 12 years, as provided for by a former act passed by Congress. Unless in this bill they are taken care of, after giving the best years of their life to the Government, they will go out of existence, as the law above referred to only provides for them until next July. They are only asking the same recognition that Congress has given the dentists and veterinarians. I

have no criticism to make of Congress for their action in relation to those other gentlemen in said mentioned professions who have served the Government, but it does seem to me that when a physician has given to the country 12 years of his life in the medical-reserve department that if the Medical Corps is increased it should be increased from the said Medical Reserve Corps. I would like to have the chairman give me his attention. I realize that this is not a \$10,000,000 appropriation, but I realize also that if a man has worked for the Government 12 years in the military service, taking care of the health of the Army, he should be given some recognition.

Mr. McKENZIE. Will the gentleman yield?

Mr. SEARS. Yes.

Mr. McKENZIE. I could not hear the reading of the amendment; but does the gentleman refer to contract surgeons?

Mr. SEARS. I will explain that. If the amendment is adopted it is subject to the approval of the Surgeon General, and unless the Surgeon General approves same not a single one of the men in the Medical Reserve Corps can come into the service. In addition, even though they have given 12 years of their life to the service, they must stand a physical examination before they can be taken into the service. There is no need of my taking up more of your time if the chairman is going to insist on the point of order; but I do say these men should receive some consideration at the hands of this committee.

Mr. DENT. Mr. Chairman, I insist on the point of order.

The CHAIRMAN (Mr. CRISP). The Chair sustains the point of order.

The Clerk read as follows:

RETIRED OFFICERS.

For pay of officers on the retired list, \$2,700,000: *Provided*, That assignments which have been or may hereafter be made of retired officers of the Army to active duty as acting quartermasters shall be regarded as assignments to staff duties not involving service with troops within the meaning of the act of Congress approved April 23, 1904.

Mr. SEARS. Mr. Speaker, I move to strike out the last word. A few days ago I called the attention of the House to the fact that we were paying 900 retired naval officers the sum of \$2,940,368.72, and in this present bill there is provided for pay of retired Army officers the sum of \$2,700,000. I was struck a few days ago, in listening to an argument of one of my colleagues, I forget whether upon this side of the House or the other, and it is immaterial, with the statement that Army officers sufficient to train enlisted men could not be found. When I call to the attention of the House and the country the fact that you are paying now \$2,700,000 to 1,017 retired Army officers for which nothing in return is given to the Government, or the people, it seems to me that some change should be made, and also that it will be hard to convince the people that there is a scarcity of officers. It will certainly be a hard job to explain to your constituents why there is any scarcity of officers. There are only about four or five thousand officers in the Army for 98,000 men, and yet we have 1,017 retired Army officers. Last year there were 36 officers retired from the Regular service. I am not criticizing this committee when I call attention to these facts, because I realize they have worked hard and have attempted to do what they thought was best, and will do what they think is best. My sole desire is that at the next session of Congress they may look into this matter and see if it is fair to pay to 1,017 retired Army officers about one-eighth as much as it takes to pay for the entire standing Army of the United States when it comes to enlisted men.

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

Mr. SEARS. Yes.

Mr. KAHN. Does the gentleman understand that the Military Committee has nothing to do but to appropriate the money, because it is existing law that provides for the appropriation?

Mr. SEARS. My amendment having just been stricken out on a point of order, I realize that to the fullest extent.

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

Mr. SEARS. In just one moment. But the committee might look into the matter and report a clause in the bill which would stand if some Member did not object, as some one did here a few moments ago when he raised the point of order. I yield to the gentleman from Illinois.

Mr. MANN. In reference to the Military Committee, and without any reflection upon them, does the gentleman not understand that last year, in the current Army appropriation bill, the committee permitted to go into the law four cases where retirement was given purely as a matter of privilege—special preference outside of the law?

Mr. SEARS. I remember that, and I objected to it then, and it is what I object to now.

Mr. KAHN. It was put on in the Senate.

Mr. MANN. And agreed to by the conferees of the House.

Mr. ANTHONY. Why did not the gentleman, with his watchful eye, strike that out?

Mr. MANN. I did my best; but I was not upon the Military Committee, nor was I one of the conferees.

Mr. KAHN. The conferees on the part of the House did everything they could to prevent it.

Mr. MANN. Oh, everyone knows that when an amendment of that kind is inserted in the Senate all the House has to do is to say nay, nay, and it is nay, nay.

Mr. KAHN. The House conferees did say nay, nay.

Mr. SEARS. Mr. Chairman, as I said a few moments ago, I do not believe the people of the country know that they are paying nearly \$6,000,000 a year to less than 2,000 retired Army and Navy officers.

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

Mr. SEARS. Yes.

Mr. ANTHONY. I just want to call the gentleman's attention to the fact that his position is not consistent. Most of the men alluded to upon the retired list are men put there on account of 30 years' service. The gentleman's amendment proposed to put civil employees upon the retired list with 12 years' service.

Mr. SEARS. Provided they could stand the physical examination and give to the Government full service, but I am told—I do not know whether it is true or not—that men under 45 years of age are placed on the retired list because they are temperamentally unfit to serve in the Army.

Besides, Mr. Chairman, the gentleman evidently misunderstood my amendment. It was not intended to place men on the retired list, but was intended to keep them in the service; provided, of course, they could stand the physical examination. By raising the point of order, which I admit was well taken, you have, as I understand it, made it impossible for the Medical Reserve Corps to remain in the service longer than next July, and regardless of the number of years they have served the Government, they must retire. And, Mr. Chairman, they must retire, however meritorious their services may have been, regardless of however anxious they may be to remain in the service, and this without any future consideration from the Government.

Mr. CLARK of Missouri. Mr. Chairman, I move to strike out the last word in order to get some information. What is the reason these retired officers can not be put to drilling the boys of the country?

Mr. DENT. Under the law as I understand it they can not be required to do anything unless they are willing to do it, but there are a great many of them who are willing to do it, and a great many of them have been used for various purposes connected with the Military Establishment.

Mr. CLARK of Missouri. Everybody wants to see a sufficient number of boys drilled, and 2,000 of these officers ought to be able to drill a great many of them. I inquired into it once as much as I could, and I obtained this strange answer, that the young fellows did not like to have these retired officers made commandants at the various schools because most of them were old and their habits were fixed and they were crabbed with the boys, and so forth. But it looks to me as though the law ought to be changed so that the President of the United States could assign one of these retired officers to any school in the country.

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

Mr. CLARK of Missouri. Yes.

Mr. SHALLENBERGER. I have prepared here for the information of the House, and I expect to insert it in the Record, a list of 35 retired Army officers who are serving right along as the gentleman from Missouri [Mr. CLARK] has indicated they should do. One of them, for instance, named John Quincy Adams, is 73 years old, and he is serving as an instructor at the military school at Culver, Ind., one of the best in the country.

Mr. CLARK of Missouri. He is a good man.

Mr. KEATING. Does he receive any extra compensation for his services?

Mr. SHALLENBERGER. Under the national-defense act there is a provision that where these men were serving on active duty they should be allowed credit for that active duty, so that they have received additional compensation and have been promoted, because under that act they receive credit for it the same as if they were actually officers on the active list.

Mr. KEATING. Was this man of 73 years of age receiving full pay?

Mr. SHALLENBERGER. Full pay, and, added to the service he had in the line of the Army, he has been given credit for the time he has served on active duty under this bill.

Mr. CLARK of Missouri. It seems to me it would be the cheapest and most efficacious way to get a large number of boys

drilled, so they could become lieutenants, captains, majors, colonels, or something of the sort when they were needed.

Mr. McKELLAR. Does the gentleman take into consideration this: These men are old men. It has been a long time since they were drilled in the kind of drill necessary for young students at college or young men to be trained in the Army.

Mr. SHALLENBERGER. Mr. Chairman, I move to strike out the last three words for the purpose of extending my remarks in the Record by inserting three tables showing the list of retired Army officers that have been returned to the service and have been promoted under the act of June 3, 1916.

Mr. FIELDS. Will the gentleman yield?

Mr. SHALLENBERGER. I will.

Mr. FIELDS. I think the law ought to be changed. Many of these men are as useful now as they ever were in their lives. One was in my office yesterday afternoon, and he is strong, active, and vigorous. He has been connected since he retired about 15 months ago with the public-health board of my State, and he has been doing very excellent service there, and the retirement of a man of that class, possessing the ability this man does, is simply extravagance—a waste.

Mr. FESS. Mr. Chairman, I think the Speaker raised a very important question, and I would like to add this testimony. In the Ohio Northern University we had a retired officer, and the commandant's work has been very exceptionally effective and very satisfactory, and I do not see why retired officers could not be made very effective in connection with our various schools, as provided by the act we passed last year or last fall.

Mr. SHALLENBERGER. I will say for the information of the gentleman the committee had that very idea when they added these provisions which have been referred to. Now, all of these 35 men I have referred to as promoted are serving their country voluntarily. There is nothing under the law that compels a retired officer to come back into the service, but they voluntarily did so, and in order to induce men to come back the law provides they should receive the same pay they would receive in active service.

The present law provides that in the matter of promotion they should receive credit for the time on active duty. The national-defense act provides that a man who has been retired for disability and who has recovered, been examined, and found efficient can be put back upon the active list. We have had several men to come in under that provision. That is a different provision from the one that allows them to come back voluntarily. These men go upon the active list. But the 35 in the list I have inserted have come back voluntarily and are performing the duty which the Speaker thinks these retired officers ought to do.

Mr. FIELDS. Our retired officers can be made very effective.

Mr. SHALLENBERGER. Yes; and save the services of younger and more efficient men for active service in the Army.

Mr. SEARS. I will state the latest list I have got is this. Are these 35 in addition to the 1,017 to which I referred?

Mr. SHALLENBERGER. Yes; these men are still on the retired list, except those actually returned to the active list.

Mr. SEARS. One other question. Does this list give the date of the retirement of each officer?

Mr. SHALLENBERGER. Yes; it does.

Mr. GORDON. Will the gentleman yield?

Mr. SHALLENBERGER. Yes.

Mr. GORDON. All this legislation the gentleman referred to fails to reach the real point if there is no authority for the President to detail these men, no matter how much their services may be needed. Is there any authority of law?

Mr. SHALLENBERGER. Yes.

Mr. GORDON. On the retired list?

Mr. SHALLENBERGER. To detail them for active service at these institutions where the Secretary of War thinks they can be used, and while they are there serving they are to receive the pay of men upon the active list.

Mr. GORDON. Provided they voluntarily come back into the service? Does not the gentleman think there ought to be some legislation by which the President might order them to duty?

Mr. SHALLENBERGER. There is. We have put legislation in the bill, and now I call attention to the fact that there are men who have come back and have been examined, no man has been compelled to come back, but under the provisions of the defense act in time of war the President has power to bring them in, but not in time of peace.

Mr. GORDON. Does not the gentleman think he ought to have that power in time of peace?

Mr. SHALLENBERGER. I think so myself; yes.

Mr. GORDON. Will the gentleman offer an amendment?

Mr. SHALLENBERGER. That would be new legislation and would go out on a point of order.

Mr. GORDON. It seems to me it would come under the Holman rule.

The CHAIRMAN. The time of the gentleman from Nebraska has expired. The gentleman from Nebraska asks unanimous consent to extend his remarks in the Record. Is there objection? [After a pause.] The Chair hears none.

The tables referred to are as follows:

List of officers advanced in grade on the retired list under section 24 of the national-defense act approved June 3, 1916.

Names.	Advanced—		Date.	Monthly pay prior to advancement.	Monthly pay after advancement.	Age.
	From—	To—				
James Ronayne.....	Captain.	Major.	June 3, 1916	\$280.00	\$333.33	56
John A. Lockwood.....	do.	do.	do.	280.00	333.33	61
William E. P. French.....	do.	do.	do.	280.00	333.33	62
Solomon F. Vestal.....	do.	do.	do.	280.00	333.33	52-9
Hugh La F. Applewhite.....	do.	do.	do.	280.00	325.00	42-6
Edward T. Winston.....	do.	do.	do.	260.00	325.00	53
Ralph B. Stogdall.....	do.	do.	Oct. 6, 1916	290.00	325.00	47-7
Charles D. Clay.....	do.	do.	June 3, 1916	210.00	250.00	60-
Edward O. C. Ord.....	do.	do.	do.	210.00	250.00	58-3
Thomas M. Moody.....	do.	do.	do.	280.00	333.33	56
Henry W. Stamford.....	do.	do.	Oct. 28, 1916	280.00	333.33	54
Robert L. Hamilton.....	do.	do.	June 3, 1916	280.00	333.33	50
Lewis D. Greene.....	do.	do.	do.	280.00	333.33	69-9
Quincy O. M. Gillmore.....	do.	do.	do.	210.00	250.00	66-5
William Baird.....	do.	do.	do.	210.00	250.00	65-0
William N. Hughes.....	do.	do.	do.	280.00	333.33	66-11
Frederick E. Phelps.....	do.	do.	do.	280.00	333.33	69-4
John Q. Adams.....	do.	do.	do.	280.00	333.33	73-9
George L. Converse.....	do.	do.	do.	280.00	333.33	60-2
William Roberts.....	do.	do.	do.	280.00	333.33	52-3
Charles H. Cabaniss, jr.....	First lieutenant.	do.	do.	233.33	333.33	66-7
Frank L. Graham.....	Captain.	do.	Aug. 24, 1916	210.00	333.33	56-10
Samuel A. Smoke.....	do.	do.	Jan. 26, 1917	195.00	325.00	54
James O. Green.....	First lieutenant.	Captain.	June 3, 1916	175.00	210.00	57-9
Melzar C. Richards.....	do.	do.	do.	233.33	280.00	61-5
John M. Kelso, jr.....	do.	do.	do.	183.33	220.00	42-7
Paul A. Barry.....	do.	do.	do.	183.33	220.00	40-10
Franklin R. Kenney.....	do.	do.	do.	183.33	220.00	38-8
Charles S. Fowler.....	do.	do.	do.	175.00	210.00	64-11
David D. Johnson.....	do.	do.	do.	175.00	210.00	71-2
Edgar N. Coffee.....	do.	do.	do.	150.00	240.00	47-9
Hugh T. Reed.....	do.	do.	do.	175.00	280.00	66-6
Cyrus R. Street.....	Second lieutenant.	First lieutenant.	do.	116.87	137.50	37-4
Frank L. Beals.....	do.	do.	do.	155.83	183.33	35-5
Charles D. Towsley.....	do.	do.	do.	148.75	175.00	57-2

List of officers reappointed to the Army under section 24 of the national-defense act approved June 3, 1916.

Names.	Grade to which appointed.	Date of leaving the service.	Date of reappointment.	Prior pay.	Present pay.	Age.
William A. Phillips.....	Major.....	July 14, 1915	Dec. 20, 1916	\$4,000	\$4,000	50-9
Chapman Grant.....	Second lieutenant.	Jan. 20, 1916	July 12, 1916	1,700	2,000	29-11
Duncan C. Richard.....	do.	June 15, 1914	Aug. 31, 1916	1,870	2,200	29-2
Wilmot A. Danielson.....	First lieutenant.	Dec. 29, 1913	June 30, 1916	2,200	2,200	32-7
Clarence E. Bradburn.....	Second lieutenant.	June 14, 1915	Aug. 17, 1916	1,870	2,200	30
Daniel A. Connor.....	do.	May 1, 1913	Nov. 2, 1916	1,700	1,700	35-1

List of retired officers transferred to the active list under the act of Mar. 4, 1915.

Names.	Transferred—		Date.	Prior pay.	Present pay.	Age.
	From—	To—				
William O. Owen.....	Major.....	Colonel.....	May 27, 1916	\$250.00	\$416.67	62-7
Lorenzo P. Davison.....	do.	do.	Aug. 31, 1916	250.00	418.67	57-3
Robert C. Williams.....	Captain.....	Lieutenant colonel.	June 3, 1916	195.00	375.00	53
Harold L. Jackson.....	do.	Major.....	do.	210.00	375.00	54-5
Ben H. Dorey.....	do.	Captain.....	do.	175.00	240.00	47-3
Jacob Schick.....	First lieutenant.	do.	Aug. 17, 1916	150.00	240.00	39-5
Joseph I. McMillen.....	Second lieutenant.	First lieutenant.	June 3, 1916	127.50	240.00	42-8

Mr. REAVIS. Mr. Chairman, I offer the following amendment.

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

The Clerk read as follows:

Page 16, line 25, after the word "four," strike out the period, insert a colon, and add:

"Provided further, That no part of this appropriation shall be used in payment of salary of any retired officer who is in the employ of any business institution having contractual relations with the United States."

Mr. REAVIS. Mr. Chairman, my purpose in introducing this amendment—

Mr. CALDWELL. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN (Mr. CRISP). The gentleman will state it.

Mr. CALDWELL. Is that subject to a point of order?

The CHAIRMAN. The Chair thinks it is too late now, anyway. The gentleman from Nebraska [Mr. REAVIS] had commenced his remarks by addressing the committee on the merits of the proposition. But otherwise the Chair thinks it is a limitation that would not be subject to a point of order.

Mr. CALDWELL. If it is subject to a point of order, I desire to make the point of order.

Mr. REAVIS. Mr. Chairman, I have been recognized?

The CHAIRMAN. The gentleman from Nebraska is recognized.

Mr. REAVIS. My purpose, Mr. Chairman, in introducing this amendment is because a practice has grown up among many of the Army officers which is so pregnant with evil that I believe Congress should give it some attention. I will not undertake to say how many of the retired officers of the United States are in the employ of business institutions having contractual relations with this Government, but I do know that the officers who are so employed have been educated at the expense of the people of this Nation. They have been in the employ of this Nation during the whole of their service, and because of that education and because of the peculiar character of their service they have come into possession of technical knowledge which, in the employ of these business institutions, they are using against the interests of the very Government which gave them the education and which kept them in the service. I have paid a good deal of attention to the hearings before the Committee on Military Affairs, and I found in reading the testimony of these officers, meaning by that not retired officers but those who are still in the service, that whenever a question was put to them touching the feasibility of the United States manufacturing its own munitions and competing with these private institutions, they either declared it was not feasible or they evaded the question. It has been the policy of these officers to gravitate from their employment with this Government into the employ of these private institutions, as the county treasurer in a rural county gravitates to the bank with which he has kept the money.

And I have found this, and you will find it if you look over these hearings, that every one of the officers now in service, or practically all of them, are so hopeful that when the time comes for their retirement they will get employment with these institutions you can get no facts from them with reference to the feasibility of the United States manufacturing munitions in competition with these private institutions.

Now, Mr. Chairman, no man can serve two masters. I believe that so long as these Army officers are holding their office their fealty and their service should be exclusively in the interest of the Government of the United States. I do not believe that we should permit them to hope that, when their term of office expires and they are retired, they can enter the employ of munition works and at the same time draw a large salary from the United States. It is immoral and unwise.

I have heard it stated on this floor that Gen. Humphrey is in the employ of the Du Pont Powder Co. at a time when he is drawing \$8,000 a year from the United States as a retired Army officer, and I have heard read on this floor the contract of the Du Pont Powder Co., whereby they are obligated to advise Germany at all times of the quantity, the quality, and the price of every pound of powder that the Government of the United States purchases of that company, so that Germany is constantly advised as to our powder reserve.

Now, it is scandalous, it is pregnant with evil, that any Army officer, retired though he may be, drawing a large salary from this Government, should be in the employ of such an institution as that. And I believe that this amendment should be adopted in order that they may be prohibited from looking forward to the time when, retired as an Army officer, they may receive employment with these private institutions. If you do remove that hope, you will leave them in a position where they will no longer hesitate in giving testimony before the Committee on Military Affairs on the advisability or the feasibility of the United States manufacturing munitions in its own plants.

Mr. PLATT. We could not prevent their resigning and taking these offices?

Mr. REAVIS. We could not; but I have a picture of an Army officer resigning a \$6,000 job to take employment with these private institutions. If they care to resign and go into the employment of these institutions, I know of no means by which we could prevent it, but I would like to prevent the payment of the salary of retired Army officers amounting to thousands of dollars annually while permitting them to accept employment with an institution that has contractual relations with this Government. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. FIELDS. Mr. Chairman, I rise to oppose the amendment of the gentleman from Nebraska.

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

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

The amendment was again read.

Mr. DENT. Mr. Chairman, may I ask unanimous consent that all debate on this amendment offered by the gentleman from Nebraska [Mr. REAVIS] and amendments thereto be concluded in 25 minutes?

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that all debate on the pending amendment and amendments thereto be concluded in 25 minutes. Is there objection? [After a pause.] The Chair hears none. The gentleman from Kentucky [Mr. FIELDS] is recognized.

Mr. FIELDS. Mr. Chairman, as I said a moment ago, many of the retired Army officers are as active on retirement and after retirement as at any previous period of their lives. Now, the gentleman referred to the fact that these men might be serving concerns that would give information to Germany. That might be true so long as relations were not broken between this country and Germany. But every man knows that if we should become involved in war with some foreign power that had been buying our information, that information would then and there cease. The business transactions between this Government and that government would then and there cease. Now, what condition have we here?

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

The CHAIRMAN. Does the gentleman from Kentucky yield to the gentleman from Nebraska?

Mr. FIELDS. Not now. Here are men who possess technical knowledge that is valuable in the manufacture of powder, or valuable along certain other lines in which they have been engaged. If this country becomes involved in war with any country it will immediately take over all the private industries of the United States that can be used in the manufacture of ammunition or munitions of war of any kind. Therefore, the excluding of these men from that class of service, causing them to go and engage in other business, in different pursuits, would deprive the private manufacturer of the knowledge which they have acquired and would indirectly deprive the Government of that knowledge in the event that the Government should need to take over the private manufactories in the future.

I see no objection to these men being employed after they have gone on the retired list. First, I believe they are retired too soon. I believe that a man who has been educated by the Government should be maintained by the Government so long as he is useful, but if the Government places him on the retired list when he is still useful, is it right and proper that he should be forced into idleness? And if you are not going to force him into idleness, why force him into some new field with which he is not acquainted, or some new line of business with which he is unfamiliar?

I believe it is a bad business proposition. If war should ever come, this country is interested in the private manufacture of munitions, for without munitions the Army would be in a helpless condition. Therefore if war should come the country is as much interested in the private manufactories as it is in the Government manufactories, and I for one am in favor of lending such encouragement to the private manufacturers of munitions in this country as will keep them going upon a reasonable basis of operation. I am not in favor of driving them out of existence.

Mr. HOWARD. Mr. Chairman, will the gentleman yield for one question?

The CHAIRMAN. Does the gentleman from Kentucky yield to the gentleman from Georgia?

Mr. FIELDS. Yes.

Mr. HOWARD. Does not the gentleman think that the mere fact that these Army officers and naval officers, so far as that is concerned, can go into private employment at fabulous salaries

and still retain three-quarters of their pay from the United States is in itself a great incentive to them for their retirement?

Mr. FIELDS. That may be. I am in favor of limiting retirement.

Mr. GREENE of Vermont. How many officers on the retired list of the United States Army to-day are having such employment as the gentleman mentioned?

Mr. HOWARD. I do not know; but we have as many in such employment probably as in any other employment.

Mr. SHALLENBERGER. Has the gentleman forgotten that we just recently voted into the service of the United States a man who had service with an ammunition factory and has now come back to the service of the Government after that private service had ended? The Congress is now legislating against similar cases in the future.

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

Mr. CALDWELL. Mr. Chairman, one thing was said with reference to this amendment which I think was not entirely accurate. The statement was made by the gentleman from Nebraska [Mr. REAVIS] that the Dupont Powder Co. was under contract to give the secrets of America to the German Government, or something to that effect, if I understood it correctly. If I have not quoted the gentleman correctly, I would like to be set right.

Mr. REAVIS. I said that I had heard it stated on the floor of this House that such a contract was in existence.

Mr. CALDWELL. I want to say that in a trial in the United States Circuit Court in the city of New York that thing was thrashed out, and the evidence showed that instead of the Dupont Powder Works telling the secrets of the United States, or agreeing to tell the secrets of the manufacture of powder in the United States to Germany, as a matter of fact the Dupont Powder Works acquired the secrets of the manufacture of German powder, and in that way brought our art into a higher state of perfection than it ever was. [Applause.]

Now, there is one other thing that I want to say in opposition to this amendment and that is this: That this amendment proposes to take from the retired officer his pay until he quits this employment, which we, by passing statutes in the past, invited him to take. Why? Because it was thought that if our Army officers, in whom we had great confidence and for whom we have great respect and who were educated at our expense, would go into this line of employment, as pointed out by the gentleman from Kentucky [Mr. FIELDS], we would thereby enable them to learn something more than we would be able to teach them, and in the days of stress we could call on these men whose patriotism was not such as could be questioned and use them, as we are about to use of the greatest ordnance officers that this country has ever had. I refer to Col. Dickson.

Mr. DALE of New York. Mr. Chairman, will the gentleman yield?

Mr. CALDWELL. Yes.

Mr. DALE of New York. Is it not a fact that representatives of private military academies all over the United States have offered the services of officers of those academies who have had three or four years' experience, boys ranking in age from 18 to 21 years, to do the work that is suggested here in reference to this bill?

Mr. CALDWELL. I do not know anything about that. I could not answer the gentleman's question because I am not familiar with it. But I will take the gentleman's statement that it is so.

Mr. DALE of New York. Will the gentleman yield for another question?

Mr. CALDWELL. Yes.

Mr. DALE of New York. Do I understand that the gentleman from New York is a member of the Military Affairs Committee?

Mr. CALDWELL. Yes.

Mr. DALE of New York. Do I understand that so far as the gentleman knows, no such representative appeared before the Military Affairs Committee, representing the military academies all over the United States, and offering the services of such boys?

Mr. CALDWELL. I think perhaps the gentleman does not apprehend just what is before the committee.

Mr. DALE of New York. Oh, yes; I do.

Mr. CALDWELL. The proposition is to put a provision in this bill to cut off the pay of retired Army officers who seek employment elsewhere. If there has been any such person before our committee, I was not present when he came, and the other members of the committee tell me that no such person appeared before the committee.

Mr. DALE of New York. I wish to state that I am fully familiar with what is before the House at the present time relative to this amendment. For my own personal information I was desirous of receiving from the committee a statement as to whether it was not a fact that representatives of private military academies all over the United States had appeared and offered the services of experienced boys, who were members of these academies, to do the work that is provided for in some part of this bill.

Mr. CALDWELL. I think not. If so, I have not seen any such person.

Mr. TOWNER. Mr. Chairman, I do not think that even long usage can sanction or warrant the continuance of a thing that is inherently wrong. I believe that the statements made in defense of the present practice by members of the committee ignore the fundamental objection, which is this: It is an old principle of the common law that one who is the authorized agent of his principal can not enter into contractual relations with another to his personal advantage in a transaction between the third party and his principal; that such a transaction is a fraud and absolutely void, if challenged by the principal. That doctrine is based upon the idea that no man can serve two masters. A man can not act as the officer or agent of the United States and at the same time act with fidelity to that principal when it engages in transactions with another in whose business the officer is financially interested. That is the difficulty in this case. Although these men are retired officers, they are still serving the Government of the United States. They may under certain circumstances be called into active service. They are receiving pay for such service. They are still the agents of the United States. It can not be said that they are mere pensioners of the Government. It can not be said that because they are not in the field they are not still representatives of the Government. Presumably they are influential in the councils of the Nation. Presumably they are influential in the administration of the Government when it comes to the consideration of military affairs. It is inherently wrong that they should have any financial interest in any concern, in any business, that has an opposite interest from that of the Government. It seems to me this is so plain that this amendment ought not to be opposed by any member of the committee.

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

Mr. TOWNER. Yes.

Mr. FIELDS. I can not see where there is any conflicting interests between the Government and the manufacturer, so long as the law provides that a certain amount of the supply shall be purchased from private manufacturers. Of course it is optional with the War Department whether it pays the price. In other words, the War Department does not have to pay the price that the private manufacturer makes.

Mr. TOWNER. That can make no difference in the principle involved.

Mr. SHALLENBERGER. Will the gentleman from Iowa yield?

Mr. TOWNER. Yes.

Mr. SHALLENBERGER. I would like to have the gentleman from Kentucky call our attention to that part of the law where the Government is required to buy of the private manufacturer.

Mr. FIELDS. It is provided in the law that not more than a certain proportion shall be purchased by the Government.

Mr. TOWNER. No agent of the United States ought to be allowed to maintain his place as an officer or agent and be financially interested in any business or concern which has contractual relations with the Government. He still owes a supreme, an undivided allegiance to his country.

Mr. MCKELLAR. I agree with the gentleman entirely, and is it not unfair to those private manufacturers who do not employ these retired Army officers? Because, as soon as one factory has a retired Army officer working for it, it gives that manufacturer an advantage in dealing with the Government.

Mr. TOWNER. The gentleman is certainly correct.

Mr. FIELDS. If the country becomes involved, we have got to call upon these private manufacturers for their product; then the Government is directly interested in the amount that they produce, is it not?

The CHAIRMAN. The time of the gentleman has expired.

Mr. TOWNER. I am sorry I have not time to answer the gentleman's question.

Mr. GORDON. Mr. Chairman, the gentlemen who have preceded me have convinced me that this amendment ought to be adopted. Some of the gentlemen who have discussed this amendment do not seem to comprehend the scope and meaning of it. It simply prohibits retired Army officers from continuing to draw the three-fourths pay and allowances to which they are entitled under the retirement law after they have engaged them-

selves in the employment of business firms having contractual relations with the Government. The mere statement of the thing ought to show that the amendment ought to be adopted. Now, my observation has not been entirely that of the gentleman from Iowa [Mr. TOWNER], who just spoke of these retired Army officers as being still in the employ and service of the Government. I have never known any of them to give any service to the Government after they retire, unless they were put back at full pay and allowances. That simply calls attention to another error in our legislation here. These gentlemen, many of them, are very strong for compulsory military service. I think we should provide by law that whenever the Government of the United States needs the services of these retired Army officers the President should be authorized, in peace as well as in war, to order them back into the service of the United States at once, regardless of their wishes in the matter, or stop their retired pay and allowances, and not wait until they find they can not make more money elsewhere. The Government educates them, pays them big salaries until they get to be 64, and then they are retired on three-quarters pay and allowances for life. I heartily agree with the gentleman from Nebraska, and believe that the amendment should be adopted.

Mr. PLATT. How large a proportion of the Army officers are West Point graduates? The gentleman says the Government educates these officers.

Mr. GORDON. I understand only about one-half are West Point graduates—that is, of the active officers; I am not advised as to those on the retired list.

Mr. KAHN. About one-fourth.

Mr. PLATT. The Government educates less than half of them.

Mr. GORDON. Does the gentleman think it would be an injustice to have a man who is on the retired list ordered back into the employment of the Government on full pay?

Mr. PLATT. No; I think that might be a good thing, but while the man on the retired list is a pensioner you can not say that the pensioner shall not take any job he can get.

Mr. GORDON. No; but you can say you will cut off his pension.

Mr. SHALLENBERGER. Mr. Chairman, the appropriation bill passed last year contains the following provision:

That the Secretary of War shall make a list of all officers of the Army who have been placed on the retired list for disability and shall cause such officers to be examined at intervals as may be advisable, and such officers as shall be found to have recovered from disabilities or to be able to perform service of value to the Government sufficient to warrant such action shall be assigned to such duty as the Secretary of War may approve.

So I think we have the power under the law now.

Mr. FIELDS. But that does not apply to those officers on the retired list who were retired for age.

Mr. SHALLENBERGER. No; it does not apply to them.

Mr. GORDON. It is not broad enough.

Mr. MANN. Mr. Chairman, it does not seem to me that this amendment would be a very wise provision to put into the law. Whatever the reasons may be for the retired list—and there are as weighty reasons in favor of the proposition as there may be against it—the retired list is the product of a law which has stood for many, many years without an attempt on anybody's part, so far as I know, to repeal it.

When men go on the retired list they are not any more in the employ of the Government. They are no longer even in the sense used in the Constitution officers of the Government. They are on the retired list. It is called a retired list, and you might nearly as well say that no one who draws a pension from the Government shall seek employment with anybody who may ever seek to sell anything to the Government. That is what this proposition amounts to. I do not think that anyone will seriously contend that men in the active service of the Army deliberately betrayed the trust placed upon them because they have in view the possibility when they retire of seeking employment with some private concern. If that were true, the same implication might be made against every Member of Congress—that when he retires he retires in the hope that his services in Congress have been such that some private corporation will give him employment.

Mr. REAVIS. Will the gentleman yield?

Mr. MANN. No; I have not the time. That would not be true as to Members of Congress and it is not true as to Army officers. If it be true as to Army officers, they all ought to be removed. We have men leaving the Government service every day because somebody in private life pays them higher salaries than does the Government. I rather welcome that because I think then the Government has educated some man, educated him well, who knows something about the Government, who goes into private life, and if the Government ever has to deal

with him or with some concern that he is employed by, the point of view of the Government will be better understood.

Take the case of Gen. Goethals. He is on the retired list. Do we propose to say that no one can employ him and then offer to do anything for the Government of the United States? [Applause.] Why, I would welcome the Government dealing with Gen. Goethals representing the other side, and there are many other cases like it. Take the young lieutenant who loses a leg in battle, which may soon occur. He retires on a salary of \$1,800. Is it to be said that during all his life he may not seek employment with anyone unless that person or that corporation deliberately determines that it never will seek a contract or offer to make or sell anything to the Government of the United States? I do not think I want to take that position yet. [Applause.]

Mr. TAVENNER. On the subject of retired naval officers taking employment with concerns having dealings with the Government, and the principle is the same whether we refer to Army or Navy officers, the Senate Committee on Naval Affairs of the Fifty-fourth Congress, following its discovery of a great deal of this practice in 1896-97, had the following to say in its report made to the Senate on February 11, 1897 (S. Rept. 1453, 54th Cong., 2d sess.):

No man can well serve two masters; and if contractors having large dealings with a department of the Government can take into their employment, with no limit as to compensation, officials of that department, and through them learn the secrets and the purposes of the department, and moreover insidiously influence its action, great injury may result to the public service. The fundamental principle upon which all legitimate business is transacted—that each side shall be represented solely by persons wholly devoted to its own interests—is viciously violated by a custom which allows one side to take into its pecuniary employment a representative of the other side.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TAVENNER. I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman asks unanimous consent to extend his remarks in the RECORD. Is there objection? The Chair hears none.

Mr. TAVENNER. In extending my remarks for the RECORD I wish to conclude the findings of the Senate Naval Affairs Committee on the question as to whether retired Army and Navy officers should be permitted to take employment with concerns having dealings with the Government. The report continued as follows:

An effort was made in the debate to draw a distinction between officers on the active list and officers on the retired list. The committee deny that any well-founded distinction exists which ought to influence the decision of the question. Retired officers of the Navy remain officers to all intents and purposes, with an important exception. Section 1462 of the Revised Statutes provides that "no officer on the retired list of the Navy shall be employed on active duty except in time of war."

But notwithstanding this statute exempts retired officers from all obligation to render any service for the liberal retired pay which they receive for life, amounting usually to three-fourths of their active duty pay, yet they remain a part of the Navy of the United States, available in any emergency of war. They are entitled to wear their uniforms on public occasions and are allowed free access to every bureau of the Navy Department, on the theory that they are still ready to serve the interests of the Government by fidelity, sound advice, and an earnest spirit of devotion to public duty. It is quite enough to allow such officers to enter into ordinary private employment for compensation. To permit them to take sides against the Government and to enter into the employ of contractors having dealings with the Government reaching to millions of dollars will certainly, if the custom continues, become most pernicious and injurious to the public interests. Proclaim that such officers may be so employed by repealing the clause which has now become a law, and a bold and wealthy contractor, willing to spend enough money to take into his employ a sufficient number of naval officers on the active and retired lists, would be able thoroughly to weaken the department in its dealings with such contractor and to put the Government at his mercy in making bargains, which would be substantially entered into with the representatives of one side alone conducting all the negotiations.

Whenever there has been an investigation by Congress of the Navy Department—and there has not been one for a good many years—the investigators incidentally turned up information showing that Navy officers were secretly connected with the armor-making concerns.

The Senate Committee on Naval Affairs of the Fifty-fourth Congress in 1897 was doing a little investigating into the reasonableness of the cost of armor and discovered that 8 or 10 naval officers were on the pay rolls of armor and steel companies and at the same time on the pay roll of the Government.

When an officer received an offer to go into the employment of a private firm having dealings with the Navy Department, it was the custom to obtain leave of absence with what was known as waiting-orders pay, which amounted to \$2,300 a year, the officer at the same time receiving a salary usually of \$5,000 or \$6,000 a year in addition from the war-trading firm with which he had taken employment. Lieut. C. A. Stone, even after having retired from the Navy and taken employment with the Carnegie Steel Co., for a time kept his desk in the Bureau of Ordnance at

the Navy Department. Lieut. J. F. Meigs resigned from the Navy and went into the employment of the Bethlehem Iron Co.

The most deeply involved of all was Commander William M. Folger, former Chief of the Bureau of Ordnance. He was many times in the employment of the armor and projectile concerns, receiving both salary and blocks of stock. He was employed by the Gatling Gun Co. as their European agent for two years on a salary; by the Simonds Rolling Machine Co. for about six months, in London, his expenses being paid and an interest in the business given him in the shape of stock in the company, which was profitable and paid good dividends. He was also mechanical adviser, on a salary, for the American Projectile Co.

Commander Folger's connection with the Harvey Steel Co. was severely criticized. After assisting and advising the Harvey Steel Co. in many ways while Chief of Ordnance and negotiating contracts as Chief of the Bureau of Ordnance with the Harvey Co., Commander Folger resigned as Chief of Ordnance and became an employee of the Harvey Steel Co., meanwhile, however, also receiving a salary of \$2,300 from the Government. Folger's salary from the Harvey Co. was to be \$5,000 a year, and he was given \$20,000 worth of stock in the Harvey Co., which stock paid 20 per cent dividends from its receipts from the United States Government alone.

Commander Folger testified that while he was Chief of Ordnance he had many offers to go into the employment of the steel and armor companies, including offers from the Carnegie Steel Co. and the Bethlehem Iron Co., the only two firms manufacturing armor at that time.

In accepting the following offer from the Harvey Steel Co. Commander Folger accepted the offer of the firm to which he had given the most valuable service while Chief of the Bureau of Ordnance.

HARVEY STEEL CO.,
No. 52 Wall Street, New York, December 28, 1902.

Commander WM. M. FOLGER.

MY DEAR SIR: I am instructed by the board of directors of this company to invite you to accept the office of consulting engineer to our company on ordnance and armor plate and such other matters as may come under our patents whenever you are at liberty to so act.

We shall be happy to meet you then and arrange the terms with you.

Yours, very truly,

H. A. HARVEY,
President of the Harvey Steel Co.

When Hilary A. Herbert became Secretary of the Navy and heard of Folger's connection with the Harvey Co. he recalled him to active service. Commander Folger was retired as rear admiral June 30, 1905, and therefore is now, and has been for the last 10 years, receiving \$6,000 a year from the Government as a retired rear admiral.

Relative to the custom of Army and Navy officials to take employment with private firms Commander Folger testified as follows (54th Cong., S. Rept. 1453, p. 338, hearings):

Senator McMILLAN. Was it not and is it not customary in the Navy for officers to obtain leave of absence and to take employment from companies outside?

Mr. FOLGER. Very generally so.

Senator McMILLAN. And so it is in the Army?

Mr. FOLGER. So it has been in the Army.

Senator McMILLAN. I have known several cases of that kind.

Mr. FOLGER. They are so employed very often.

These same hearings (pp. 155 and 353) brought out the fact that former Secretary of the Navy B. F. Tracy, after having made a large contract as Secretary of the Navy with the Carnegie Co., without advertisement or any attempt to obtain competitive bidding, entered the employ of both the Carnegie Co. and the Harvey Co. as counsel.

I do not pretend to know the number of ex Army and Navy officers now connected with munitions manufacturers. There are more of such instances to-day, I believe, than at any time in the history of the Government. A very considerable amount of the munitions that are going to the allies from the United States is being made under the supervision of ex-officers of the American Army and Navy, who have resigned their official positions to take employment at two, three, four, or more times their former salaries.

This exodus from the ranks of the best-trained officers of the Army was permitted by the War Department, the officials of which take the ground that it is to the interest of the Government to have highly trained men in the plants of the private manufacturers which may be called upon in the emergency of war, but which, however, also have dealings with the Government in time of peace.

Personally I do not believe that either the War or Navy Departments should accept the resignations of officers who desire to enter employment with concerns having dealings with the Government. Army and Navy officers are but human, and if they know that by winning the favor of private war trafficking firms they may be taken into their employment at two, three,

or four times their present salaries they are not likely to be as insistent upon holding out for all that the public is entitled to as they would otherwise be. In a few words, this policy places a premium upon serving the interest of the war trading firms instead of serving the interest of their employers, the American taxpayers, who have paid for their special training and are entitled to the full benefit therefrom.

Furthermore, the basis of the policy of accepting resignations under the conditions noted is the assumption that the Government is going to continue to give the maximum amount of contracts for war materials to private plants and manufacture the minimum amount in Government arsenals, navy yards, and shipbuilding plants.

I believe this assumption is entirely erroneous. Although I realize full well that the great majority of the Army and Navy officials view the proposition of complete Government manufacture of war materials with derision and contempt and that this view is fully shared by those Army and Navy journals that rely upon the advertising of the great war trafficking firms for their principal revenue. But unless I mistake the temper of the American people, the days of the war traffickers are numbered. That great giant, public sentiment, is slow to act, but if I read the signs aright, the giant has already begun to stir. Once aroused, the sentiment of the American people is bigger and stronger even than the forces of the war traffickers, and these forces are strong, for they have behind them every last ounce of the strength of big business and special privilege. In fact, the war traffickers are big business and special privilege combined, supported by the sentiment of the naval and military aristocracy.

Government manufacture of war munitions is coming—coming with a seven-league-boot stride, and gaining impetus every hour. This movement was slow in starting, but it will bowl over all the obstructions and obstructionists that are in its path at the end. The masses are long suffering. Already they have suffered too long, and their temper now will not permit of long delay. Unless this Nation should be plunged in war and attention diverted, the policy of Government manufacture is not far away, so let us retain our Army and Navy officers who have been specially trained in the manufacture of munitions of war to take charge of Government plants.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nebraska.

The question was taken; and on a division (demanded by Mr. REAVIS) there were 41 ayes and 40 noes.

Tellers were demanded and ordered; and the Chair appointed as tellers the gentleman from Nebraska [Mr. REAVIS] and the gentleman from New York [Mr. CALDWELL].

The committee again divided; and the tellers reported that the ayes were 54 and the noes were 59.

Mr. REAVIS. Mr. Chairman, I make the point that no quorum is present.

The CHAIRMAN. The vote just taken discloses a quorum, but the Chair will count. [After counting.] One hundred and seventeen Members present, a quorum.

So the amendment was rejected.

Mr. CALDWELL. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. CALDWELL: Page 16, line 25, after the word "four," insert:

"Provided further, That any officer on the retired list found physically fit may be from time to time assigned to such military duty and for such period as the President may designate."

Mr. DENT. Mr. Chairman, on that I reserve the point of order.

Mr. MANN. Mr. Chairman, will the gentleman yield for a question?

Mr. CALDWELL. Yes.

Mr. MANN. If under the gentleman's amendment the President orders a retired officer to do something, what pay would that retired officer get?

Mr. CALDWELL. The pay prescribed by law, which I understand is not over that of a major.

Mr. MANN. There might be no pay prescribed by law.

Mr. CALDWELL. But there is.

Mr. MANN. Would he get the retired pay or the full pay of his rank?

Mr. CALDWELL. As I understand it, the statute prescribes that when he goes back into the service he shall be paid according to the service he performs up to the pay of major; but he can not get more than a major's pay.

Mr. MANN. So that if the President should order a brigadier general back into the service he would have to accept three-quarters pay?

Mr. CALDWELL. He would take three-quarters pay for his active service.

Mr. MANN. Is that fair?

Mr. GORDON. Of course it is not.

Mr. MANN. Oh, I suppose if the gentleman from Ohio were ordered back into private life, to get three-quarters pay of a Congressman, he would get paid too much, then.

Mr. GORDON. But I was not advocating this amendment.

Mr. MANN. The gentleman sat in his seat and interrupted me with a statement to that effect.

Mr. GORDON. I did not. The gentleman misunderstood me. Of course, it would not be right to order him back on anything but full pay; but the President ought to have the right to order any of these retired officers back into the service.

Mr. MANN. I agree with the gentleman; and I agree that he is worth a great deal more than a Congressman's salary.

Mr. DENT. Mr. Chairman, I make the point of order.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

Additional pay for length of service, \$467,000.

Mr. BENNET. Mr. Chairman, I move to strike out the last word. I voted against the amendment offered by the gentleman from Nebraska [Mr. REAVIS], but there is a sort of penumbra to that subject that does raise an idea of unfairness, as one might say, and I think if the gentleman would analyze the situation he probably would reach what he wants by an amendment to existing law increasing the age limit for retirement. We are learning every day from what is happening across the water, and it can not have escaped the attention of any of us that the men who are doing the planning, and that is what superior officers ought to do, are in every instance, I think—and the gentleman from California [Mr. KAHN] will correct me if I am wrong—in practically every instance, at least, over 62 years of age.

Mr. KAHN. The age for retirement in the Army of the United States is 64 years.

Mr. BENNET. Over 64 years.

Mr. KAHN. But most of the officers—that is, the general officers—in command of troops are nearer 70 than 64 years of age.

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

Mr. BENNET. Yes.

Mr. REAVIS. Does the gentleman know of a single army officer upon either side in the European war who has attained distinction in the war who would not have been retired under the American system?

Mr. BENNET. I certainly do not, and therefore I rose to suggest to the gentleman the amendment I have proposed.

Mr. BRITEN. Was not Von Hindenberg retired and afterwards recalled to the service?

Mr. BENNET. That is not the question, and I am not familiar with the exact facts, but I did desire to call to the attention of the committee the fact that men who are planning the successful movements on all sides in Europe are men who are over the age at which our officers are retired.

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

Mr. BENNET. Yes.

Mr. SHALLENBERGER. Mr. Chairman, we have a provision in the law that takes care of just such cases as Von Hindenberg's. In the national-defense act there is a provision that in time of war retired officers of the Army may be assigned to active duty in the discretion of the President, and when so employed shall receive full pay and the allowance of their grade. In other words, in time of war you may call anybody on the retired list, and he shall receive the pay of his grade.

Mr. BENNET. Of course, then, that raises this interesting inquiry: If those men are fit to be called back as that statute contemplates, why do we not utilize three or four more years of their active life right in the active service?

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

Mr. BENNET. Yes.

Mr. KAHN. Does the gentleman realize that the one trouble in the Army seems to be the difficulty of promotion. The age of 64 years for retirement is fixed so that men in the lower grades can be promoted as the other men retire. That is the sole purpose of it.

Mr. BENNET. I think if that is the sole purpose of it, that the loss to the Army by putting out capable men in their prime is not compensated for by the rapidity of promotion.

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

Mr. BENNET. Yes.

Mr. FIELDS. Is it not only fair to assume that if a man is fit to be called back and serve the country in time of war, he certainly must be fit to serve the country in time of peace?

Mr. BENNET. Yes.

Mr. FIELDS. And his services should be retained by the Government?

Mr. BENNET. Yes.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. SEARS. Mr. Chairman, I move to strike out the last two words. I agree with the gentleman from New York, and I believe the age requirement should be increased. I have no fight to make against retired officers because the Congress makes it possible for them to retire, but I believe the law should be changed. There is something radically wrong with it. I dislike to disagree with my colleague from Illinois, but it is certainly not a fair comparison when he compares a Congressman to retired Army officers. When my constituency retires me, which perhaps they will do in the near future—I hope not—I will not get three-fourths of my salary, but will go back and undertake to earn my living like I did before I came to Congress. But, Mr. Chairman, it may also strike this House forcibly when I state to them there are only about 5,000 enlisted men on the retired list to-day out of the entire Army, and last year from the report only 310 enlisted men were placed on the retired list out of approximately 98,000 of enlisted men. And yet 36 men, drawing large salaries, were retired out of less than 5,000 Army officers.

Mr. GREENE of Vermont. Will the gentleman yield?

Mr. SEARS. I have not the time. Of course, this less than 5,000 men who get the munificent salaries of three-fourths of \$16 a month, having served the number of years required, should not be placed upon the same basis that the Army officers who are getting \$4,000, \$5,000, or \$6,000 a year are placed. I want to say to the Members of the House, in reply to one of my colleagues, if you are going to pay a retired Army officer \$6,000 a year for 10, 15, or 20 years to retain his patriotism in time of distress and in time of war, I fear we had better lose his patriotism at the present time.

Mr. ANTHONY. Will the gentleman yield?

Mr. SEARS. I will.

Mr. ANTHONY. I simply wanted to call the gentleman's attention to the statement that these enlisted men retire on the basis of three-fourths of \$15.

Mr. SEARS. Sixteen dollars.

Mr. ANTHONY. Sixteen dollars a month. The gentleman is in error.

Mr. SEARS. A member of the committee so stated to me.

Mr. ANTHONY. Let me say to the gentleman probably 80 per cent of the enlisted men on the retired list are retired with the highest noncommissioned rank they can get, and the average pay of the entire enlisted men is nearer \$35 a month than it is three-fourths of \$16 a month.

Mr. SEARS. Do any get \$3,000 a year?

Mr. ANTHONY. No; but their pay averages nearly \$35.

Mr. KAHN. Will the gentleman yield?

Mr. SEARS. I will.

Mr. KAHN. They generally get in the neighborhood of \$65. That is what they get on the retired list—most of them—because they have served 30 years before they are put on the retired list, and nearly every one of them is a noncommissioned officer.

Mr. SEARS. Then practically no privates are retired; and, on the other hand, the proportion is about 25 to 1 of Army officers retired to 1 enlisted man.

Mr. FIELDS. That is explained by the fact—

Mr. SEARS. These officers have had to live a hard life and had to go through West Point—

Mr. FIELDS. They are not retired from the Army until they have served out their time.

Mr. SEARS. In other words the private who fires the shot to protect your home has to serve out the entire time until he is retired and the Army officer does not.

Mr. FIELDS. If all privates who enlist serve 30 years, there would be a great many more privates on the retired list.

Mr. SEARS. I know it is hard to save a few million dollars for the people. As I said in the beginning, I have no fight to make against the Army officers. My sole object was that the committee would take the matter under consideration and next year see if they could not make a more equitable basis of distribution between Army officers and the private soldiers serving in the ranks.

Mr. TALBOTT. Will the gentleman show this House how he can save money by retiring them at a greater age?

Mr. SEARS. I would not retire them as long as they were able to work.

Mr. TALBOTT. Then, there is no economy in it. If they are kept on the active list they still belong to the Government—

Mr. SEARS. Take your own time. I can not yield to the gentleman further. If they are retired on a graduated scale—

The CHAIRMAN. The time of the gentleman has expired.

Mr. SEARS. Mr. Chairman, I ask unanimous consent to extend my remarks in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman? [After a pause.] The Chair hears none.

Mr. SEARS. If officers were retired on a graduated scale of salary instead of a three-fourths scale regardless of length of service or efficiency and the age of retirement was increased, I dare say no one will deny it would be more equitable and would save to the people thousands of dollars.

Mr. GREENE of Vermont. Mr. Chairman, I move to strike out the last three words. Mr. Chairman, I think the situations of the enlisted man and the commissioned officer of the Army with reference to the retired list are not similar, by any means, and no such comparison as the gentleman from Florida has undertaken to institute between them is fair to the commissioned officer. In the first place, the commissioned officer, as a general rule, goes into the service when he is 21 years of age, surrenders all other opportunity to follow any kind of pursuit in civil life that may be more remunerative, and it is part of his contract and commission at the time he enters the military service that from that time until he is retired for disability or for cause he shall refrain from any gainful occupation.

Therefore the Government promised him that if he refrained from gainful occupation during that period of service, which in normal conditions might extend over 40 years, he should be retired on an annuity, which in some degree, it may be thought, would compensate him for losing his opportunity all the way along up the line to profit by any other form of occupation.

Now, the enlisted man, as a general proposition, does not go into the Regular Army with the idea of making it a life occupation. The greater number of men who enlist in the Regular Army have no idea of making it a regular occupation. Most of them go in through some chance experience, adventure, or the impulse of the moment, and only a few of them go in with a settled determination to stay in until they can retire. So that there are very few men who ever stay in the Regular Army in the enlisted rank long enough to retire, or who have gone into the service in the first place with the idea of staying long enough to retire. Those men who have stayed in 30 years and can, therefore, retire have reached those advanced ranks of the noncommissioned officers where they retire from the Army on an equivalent footing, relatively, with the commissioned officer.

Mr. SEARS. Having been a soldier for two years, I admit there is no fair comparison between the private soldier and the commissioned officer.

Mr. GREENE of Vermont. The law has stood the test for nearly 60 years, and practically no one up to this time has made an attempt to change it, because everybody thought it was fair.

Mr. DENT. Mr. Chairman, I ask unanimous consent that at the expiration of seven minutes the debate on this paragraph and amendments thereto be closed.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that at the expiration of seven minutes the debate on this paragraph and amendments thereto be closed. Is there objection? [After a pause.] The Chair hears none.

Mr. YOUNG of North Dakota. Mr. Chairman, if we have war, or if we do not, one of the greatest problems of this year will be the securing of an adequate food supply. The lack of good seed wheat in the Northwestern States furnishes a serious problem, owing to the rust conditions prevailing through the hard-wheat States during 1916. Almost no wheat was raised in that area suitable for seed.

Mr. STEENERSON has introduced a bill to permit wheat to be imported without duty when used for seed. This is a most important bill, which ought to be passed without fail before we adjourn.

All authorities agree that wheat plants grown from the rusted wheat of 1916, according to germination tests recently made, are away below the standard of former years. The factors which determine whether seed is good or not are shown by the portion of the kernels which will grow, the vigor of the growth, the freedom from weed seeds, and freedom from disease. The thing of greatest importance is the vigor of the growth. In a backward season this is of fundamental importance. Some of the injured seed will grow, but it is likely to die if untoward conditions, such as a cold, backward spring, or late frosts or high winds prevail. Under such unfavorable conditions the reliance of the farmer should be placed in seed wheat with a plump berry. The supply of this kind of heavy, plump wheat is located for the most part

in the Canadian Northwest. The farmers of our country should be encouraged to import it. The removal of the duty from wheat to be used only for seed will not only be a saving to those who import it but it will encourage many farmers to buy such seed who would not otherwise do so. The more good seed planted the greater chance there will be for an adequate wheat supply in this country during the season of 1917. It will also insure a large supply of wheat grown this year suitable for seed in the year 1918.

Mr. MOORE of Pennsylvania. Do I understand the gentleman to say that there is no seed wheat in the Northwest?

Mr. YOUNG of North Dakota. There may be some held over from the 1915 crop, but there was no wheat grown last year that was suitable for seed. While it makes good flour, it lacks in germination quality. The tests show that only a portion of the kernels will germinate, and that those that do lack vigor and strength and will not produce a good, healthy plant likely to withstand an unfavorable season.

Mr. MOORE of Pennsylvania. I would like to say this to the gentleman, in view of the fact that we are discussing the war, that the cost of living has risen in the East because of the alleged lack of wheat, and we are informed through the announcement of the railroad embargoes on trains from the West that wheat intended for export is being held up, and that there is plenty of it.

Mr. YOUNG of North Dakota. The wheat supply in the United States now is not as great as it was a year ago, and the wheat supply is likely to be very much less if this war goes on, even if we are not in it, and if our seed for the next spring is not of the proper quality we are going to have a great shortage in the quantity of wheat next fall.

Mr. MOORE of Pennsylvania. That is, there is going to be a greater shortage in the United States?

Mr. YOUNG of North Dakota. If the war continues.

Mr. MOORE of Pennsylvania. Can the gentleman tell us how much wheat is coming out of the West now for eastern consumption? We would all like to know.

Mr. YOUNG of North Dakota. I have only five minutes, and I want to talk about the bill that has been offered by the gentleman from Minnesota [Mr. STEENERSON] before the Ways and Means Committee, providing that wheat shall be admitted free of duty when used for seed only.

Mr. MOORE of Pennsylvania. There is difficulty in getting cars for carrying wheat to the East.

Mr. YOUNG of North Dakota. I can not yield for that purpose, much as I would like to. I have only five minutes.

Mr. GREEN of Iowa. I will say as to the bill of the gentleman from Minnesota [Mr. STEENERSON], that it was before the subcommittee of the Ways and Means Committee and the subcommittee agreed to report it to the main committee, and I have no doubt, although it has not been considered by the main committee, that it will report it and bring it before the House at this session.

Mr. YOUNG of North Dakota. I am glad to hear the statement of the gentleman. If the main committee does report this bill favorably, I hope this House will see to it that it receives consideration at this session. I do not think there is any bill before Congress of greater importance. It will have the effect of saving a lot of money to those who will buy this seed, and what is still more important, it will encourage many people to buy good seed who otherwise would be using inferior seed. It will have a psychological effect. It will give a great deal of advertising to the fact that the grain grown last year was not suitable for seed, and they can get good, sound, plump wheat, weighing something like 60 pounds to the bushel, in the Canadian Northwest, that will give promise of good crops.

Mr. GORDON. What is the bill you are advocating?

Mr. YOUNG of North Dakota. I am advocating the passage of the bill introduced by the gentleman from Minnesota [Mr. STEENERSON] to permit wheat to come in for seed without duty.

Mr. GORDON. I am in favor of it.

Mr. SMITH of Michigan. Can they not do that now under the tariff act?

Mr. YOUNG of North Dakota. No. The present law will not permit it.

Mr. SMITH of Michigan. It is not too late now to bring such a bill in?

Mr. YOUNG of North Dakota. No; I do not think so. The crop will not be seeded for two or three months in the hard-wheat States.

Our North Dakota Agricultural College put out an excellent bulletin upon this subject which I regret to say has been mislaid, but I have a brief article by John Bracken, professor of field husbandry, University of Saskatchewan, printed in the

Dakota Farmer, which is well worth reading and study. I ask permission to have this article printed in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

The matter is as follows:

SEED VALUE OF RUSTED WHEAT.

[By John Bracken, professor of field husbandry, University of Saskatchewan.]

Twelve million acres of land will be sown to wheat in Western Canada in 1917. In about one-sixth of this area the seed is perhaps as good as in the average year. In over one-half of it the crop from which seed would ordinarily be taken has been more or less seriously damaged by rust. In a portion of the balance the grain has been injured by frost; and weathering, snow, and heating have lowered the value of the grain for seed here and there throughout considerable areas.

The question in the minds of thousands of crop growers is: "Shall I use my own seed or purchase better?"

This is a question that is important under some conditions in different communities every year, but in certain districts this year the answer that will be given it is likely to result in serious consequences. The purpose of this discussion is to present some data and observations that will aid the crop grower in arriving at a safe decision regarding the value of his grain for seed.

WHAT IS GOOD SEED?

The factors that determine the value of wheat for seed are:

1. The proportion of it that will grow.
2. The vigor of the growth.
3. Its freedom from weed seeds.
4. Its freedom from disease.
5. Its freedom from other grain, other varieties, and foreign matter.
6. Its suitability to the district.

Those factors that are of particular importance at this time are the first and second, the proportion that will grow and the vigor of growth. It is an easy matter to get a suitable variety, and it is not very difficult to see that the seed is clean and free from disease, although many are careless about these simple matters. All these requirements are important, but the vigor of growth is much more important as compared with the others than in any season since the frosted crop of 1911.

The photographs and germination records illustrate the vigor of growth and give the percentage germination, the number of germinable seeds per acre, and the weight of 1,000 kernels from a sample of No. 1 hard, samples of No. 4 special, No. 6 special, and feed, and three miscellaneous samples. In each of No. 4 special, No. 6 special, and feed, this information is given for the original, the cleaned portion, and the screenings.

In addition to a photograph of the seed itself, the vigor of growth 9 days after planting is shown immediately above it, and the vigor of growth 16 days after planting is shown at the top.

SOME OBSERVATIONS ON THESE TESTS.

A proportion of the rusted and frosted kernels, varying with the seriousness of the injury, will grow, but the percentage of germination, though relatively high in the rusted grain, is not a safe guide to their value for seed. The reasons for this are twofold:

1. It is not fair to the normally developed grain, because it gives no indication of the vigor of the germination or subsequent growth and in a backward season this is of fundamental importance.
2. It is not fair to the injured grain, because the latter contains more seeds per bushel than the uninjured. Every sample of rusted seed shown here, with the exception of the badly frozen sample, contains more germinable seeds per bushel than the sample of university grown No. 1 hard. In fact the least valuable rusted sample reported upon (Marquis B), which germinated only 72 per cent, contains nearly three times as many germinable seeds per 60 pounds as the plumpest sample of No. 1 hard, which germinated 100 per cent.

But if there were ten times as many there would be no justification for using it for and because of its low vigor, and the danger of the vitality being destroyed by untoward conditions either before or after coming up.

The weight of the germinable seeds seems to be the safest guide to the vigor of growth. In other words, the safest guide to the value of clean, rusted grain for seed is the percentage germination and the vigor of growth as expressed in a germination test. The weight per bushel, the size and plumpness of the berry, its relative freedom from injury, and, better still, the weight of single kernels are generally safe guides to the vigor of growth, but the vigor of growth in a germination test is a measure of all these.

If we were sure there would be warm weather, plenty of moisture, and no killing frosts or soil drifting between the 15th of April and the middle of June, much of the rusted seed might be used with considerable hope of success, but this "if" is beyond the expectation of the most optimistic. The facts are:

1. That some of this injured seed will grow;
2. That it may not be killed if ideal conditions after planting obtain; and
3. It is likely to either fail to germinate or to die if untoward conditions such as a cold, backward spring, late frosts, and high winds prevail.

The thinner and lighter the seed the less the chance of success. The plants from plump, heavy seed will recover after any of these conditions. The man who would lessen his chances for failure, the one who would not gamble with his crop—and in 1917 it will be a valuable stake—should plan now to test his own seed, and, if necessary, to get from some source a supply of vigorous, germinable seed for the coming year.

Much of the best seed is moving out of the country. It may be too late next March to get a good supply. The experiences of the past and the need of the present both demand quick action now.

DOES RUSTED SEED CARRY THE DISEASE?

In the opinion of most investigators rusted seed is valuable in proportion to the amount that will grow and the vigor of the growth. Most of them are of the opinion that the seed does not carry the disease, but among European investigators there are some exceptions to this contention. Two among them report having found the mycelium of the disease in the seed. If this is generally true rusted grain should not be used for seed. But other investigators and most practical men do not believe the seed is the cause of the disease.

THREE KINDS OF SEED.

There are three different kinds of clean seed this year:

1. The kind that will not grow.
 2. The kind that will grow but will produce only feeble plants.
 3. The kind that will grow and produce vigorous plants.
- The first is obviously unfit for seed if it is known it will not grow. The germination test will tell whether it will or not.

The second is unfit for seed in proportion to its thinness. The more lean it is and the lighter it is per bushel the greater the risk in using it.

The third is the only kind that should be used, for the reason that it is the only kind that carries with it the least risk. Large, plump, and sound kernels are the only insurance we have against backward spring conditions and killing frosts after the plants are up.

	No. 1 hard, univ., cleaned.	Feed.	Feed, cleaned.	Feed, screen- ings.
Weight per bushel.....	64½	40	.....	.....
Number of seeds per bushel, in thou- sands.....	782	2,031	1,610	2,568
Per cent germination.....	100	(88) 68	(92) 96	(64) 64
Number of germinable seeds per bushel...	782	1,381	1,546	1,643
Weight of 1,000 kernels, in grams.....	34.8	13.4	16.9	10.6

A very poor sample for seed, yet it contains twice as many germinable seeds per bushel as the No. 1 hard. Notice the vigor as compared with the good sample on the left.

	No. 1 hard, univ., cleaned.	No. 6 special.	No. 6 special, cleaned.	No. 6 special, screen- ings.
Weight per bushel.....	64½	48	.....	.....
Number of seeds per bushel, in thousands.	782	1,779	1,328	2,110
Per cent germination.....	100	(56) 60	(72) 72	(52) 60
Number of germinable seeds per bushel...	782	1,067	956	1,266
Weight of 1,000 kernels, in grams.....	34.8	15.3	20.5	12.9

Too low in vigor to be risked for seed. Cleaning made a great improvement, but not enough to make safe to sow.

	No. 1 hard, univ., cleaned.	No. 4 special.	No. 4 special, cleaned.	No. 4 special, screen- ings.
Weight per bushel.....	64½	55	.....	.....
Number of seeds per bushel, in thousands.	782	1,509	1,334	2,143
Per cent germination.....	100	(84) 92	(88) 96	(32) 52
Number of germinable seeds per bushel...	782	1,386	1,281	1,114
Weight of 1,000 kernels in grams.....	34.8	18.04	20.4	12.7

The cleaned sample is a fair one for seed, carrying 60 per cent more germinable seeds per bushel than the No. 1 hard, but showing perhaps 60 per cent less vigor. Cleaning improved this sample very much.

	No. 1 hard, univ., cleaned.	Marquis B, badly rusted.	Rusted Marquis W.	Frosted Marquis A.
Weight per bushel.....	64½	.....	.....	.....
Number of seeds per bushel, in thousands.	782	3,058	1,573	1,076
Per cent germination.....	100	(60) 72	(56) 56	(28) 48
Number of germinable seeds per bushel...	782	2,202	881	516
Weight of 1,000 kernels in grams.....	34.8	8.9	17.3	25.3

Marquis B is the least vigorous sample tested, yet it contains three times as many germinable seeds per bushel as the No. 1 hard. This crop was not considered worth cutting, and the grain is certainly unfit for seed.

Marquis W is a very poor one for seed, yet some of the plumpest kernels produce fairly strong plants.

Frosted Marquis A. Not "frosted" but badly frozen. The photograph flatters the seed. At twice the ordinary rate it might give a full stand, but it would likely rot in the ground if the spring were backward. As a matter of fact it heated after this test was made, and now none of it will germinate.

Mr. TAVENNER. Mr. Chairman—

The CHAIRMAN. The gentleman from Illinois is recognized for two minutes.

Mr. TAVENNER. Mr. Chairman, the amendment which was offered by the gentleman from Nebraska [Mr. REAVIS] was a very excellent one. It should be adopted before the bill is finally passed. The same provision the House has just rejected is law now, so far as it relates to naval officers.

The naval bill which became a law June 10, 1896, prohibited any naval officer on the active or retired list from taking employment with concerns having dealings with the Government. The provision reads as follows:

And provided further, That hereafter no payment shall be made from appropriations made by Congress to any officer in the Navy or Marine Corps, on the active or retired list, while such officer is employed, after June 30, 1897, by any person or company furnishing naval supplies or war material to the Government; and such employment is hereby made unlawful after said date.

There is, however, no similar legislation with reference to Army officers, the absence of which makes possible instances like that of Gen. Humphrey, who is on the pay roll of both the Du Pont Powder Co. and the Government.

W. H. Brownson, retired rear admiral, now drawing \$6,000 a year from the Government, is a director of the International Nickel Co.

Charles F. Humphrey, who receives \$6,000 a year from the Government as retired major general, is an employee of the Du Pont Powder Co. E. G. Buckner, vice president of the Du Pont Co., testified before a committee of Congress that he employed Gen. Humphrey at Washington to "look after such little details as getting information from all of the departments."

I believe that perhaps as much as 90 per cent of the munitions going to the allies is being made under the supervision of ex-United States Army and Navy officers, some of whom are retired and some of whom resigned to take employment with private munitions firms. Some of the resignations were accepted more than a year ago, when Mr. Garrison was Secretary of War. I do not believe the War Department should have accepted the resignations at that time, knowing unofficially that the very next day these officers, educated at the expense of the American people, were to start making munitions for the allies. The Government was endeavoring to be neutral in every way, and I believe it would have been better for the Secretary of War to have refused to accept the resignations just at that time, with the explanation that under the circumstances some might misunderstand the acceptances. Of course, if we had been at war with Germany, or even if we had broken off diplomatic relations, the situation would have been different.

The CHAIRMAN. The time of the gentleman from Illinois has expired. The Clerk will read.

The Clerk read as follows:

Additional pay for length of service, \$46,225.

Mr. MILLER of Minnesota. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Minnesota moves to strike out the last word.

Mr. MILLER of Minnesota. I do this for the purpose of bringing to the attention of the House an item that more properly should have been presented when we were considering the subject of aviation in this bill.

When the fortification appropriation bill was before the House some weeks ago, among other gentlemen who took occasion to make some remarks I uttered the following, and I quote this extract from an article in the Army and Navy Journal; and I have a reason for doing it. I would not take the time of the House now otherwise. I read:

We all know, who have taken occasion to make inquiry, that when Gen. Pershing's expedition went into Mexico it was not without the airplane. They had eight. Did the eight fly? Good God, no! They were naturally not built for the air; they were built to go near the ground; they were built to rest in the sand; they were built to move only through the sagebrush. They had not the ability to fly. No one there could instill into them the blood of the microbe of flying. After a while two were able to fly by jerks, and after a further time some were able to fly spasmodically and intermittently, and some of the time I suppose have been flying regularly. We appropriated \$13,000,000, as I remember distinctly, a year ago, and we have not had much better results yet. I have been told that the Aviation Corps of our Army has not been properly organized. I do not know whether it has or not; I do not know what a proper organization ought to be. I have heard it stated that there was difficulty in connection with the high officers. I know there has been a shaking up and a reorganization, and I hope it will be for the lasting good of the Aviation Corps. While we sit here with patriotism and vote the money in large sums, it ought to be possible to put that money so as to produce efficient results.

The Army and Navy Journal then goes on to say, after quoting the above:

Before Mr. MILLER and his colleagues "sat there with patriotism, and voted the money" an Army officer and a civilian aeronautical expert of the highest standing in his profession, appeared before the Military Committees of Congress and described the work of the aviation section of the Army for his benefit and for that of his colleagues. Their statements are to be found in the printed hearings of the committees which are available for everyone in the United States who cares to inform himself as to these matters.

Then follows a further discussion, citing the statement made by the gentleman from Kentucky [Mr. SHERLEY], and then it continues with this:

"During the expedition into Mexico the first aero squadron at Columbus were continually being used as dispatch bearers and mail carriers. About September 15 a daily airplane mail service was established between Columbus, N. Mex., and Colonia Dublan, Mexico. In addition to the above cross-country flying there have been numerous flights made from San Diego, Cal., to Los Angeles, Cal., a distance of 120 miles, by pupils of the San Diego school. Similar flights have also been made by pupils and pilots at the Mineola school."

There is also somewhere a statement, that I can not at this moment find, showing the total distance that has been flown during the past year and which is so considerable as to occasion surprise upon learning it.

Mr. Henry Souther, the War Department's civilian expert on flying machines, testified before the House Committee on Naval Affairs on December 7, 1916, as to the marked progress of the Army aviators attached to the Southern Department were making not only in the duration of flights, but in the mechanical improvements on their machines. It is a part of patriotism for a Congressman to acquire information on any subject he discusses.

Then, in another place this is said, and I do not care to take the time of the House to read it all. I will try to pick out this particular feature in just a moment:

Mr. SHERLEY, chairman of the Committee on Fortifications, endeavored to throw a little light into the darkness that "obfuscates" Mr. MILLER's mental perceptions.

Now, I have wondered for a long time what is the matter with me. [Laughter.] It remained for this article from the Army and Navy Journal to enlighten me. I have been "obfuscated." I have looked into the dictionary to find out the exact nature of my ailment. I have consulted medical books, and I have talked with some of my distinguished friends who are occupied with physician's duties. Nobody seems able quite to give me the accurate definition of what "obfuscation" means, how it begins, what are its symptoms, how long it lasts, what its effects are. I would like to make some observations on that, or invite my friend from Illinois, Dr. FOSTER, to give me some dissertation on it. [Laughter.] It appears that the Army and Navy Journal thought it proper to tell that one Congressman was talking about something that he knew nothing about, and was criticizing an important corps of the Army.

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

Mr. MILLER of Minnesota. Mr. Chairman, may I have five minutes more?

Mr. DENT. Then, Mr. Chairman, I ask unanimous consent that at the conclusion of the gentleman's remarks, five minutes, all debate on the paragraph be closed.

Mr. GREEN of Iowa. Will the gentleman let me get in for five minutes on that particular point? I think I have some information that I can give to the committee.

Mr. DENT. Ten minutes, then.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that at the end of 10 minutes debate on this paragraph be closed. Is there objection?

Mr. FOSTER. Reserving the right to object, I should like to ask if we are to continue this sort of discussion on this bill all the time? If we are, I am going to object to any more. I will not object at this time; but here we have spent a whole day on two or three pages of this bill. I am going to object to any more of them, I do not care who they are.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MILLER of Minnesota. The intention is to indicate to the world that the Aviation Corps of the Army was unjustly criticized, and the writer of this article took occasion to jump upon a Member of Congress for having the temerity to criticize the Aviation Corps. You will note that in this article, while there may not be a plain attempt to misrepresent, there nevertheless is an intention to convey an impression that is not borne out by the facts. In the first place, it is assumed that the criticism was improper. It is intended by the article to furnish evidence that the criticism was improper. But a careful inspection of the article will disclose that every fact therein stated tending to show efficiency in the Aviation Corps has nothing whatever to do with the criticism I made. My criticism was directed at the flying corps as it started with Pershing in Mexico, not in September, October, or November, but in March and April, 1916, when the clarion call sounded and our President said to Pershing and his men, "Cross the line and get Villa, dead or alive." To get him we needed the aid of aeroplanes. Aeroplanes were sent down to aid in the work. I was not discussing whether pupils have learned to fly from San Diego to Los Angeles, or what is the total number of miles flown by all the men wearing the uniform of Uncle Sam and flying in recent months. I tried to direct the attention of the House, and I am frank to say I hope the attention of the Army, to the fact that we were observing them. I tried to call the attention of the House to the fact that our Aviation Corps up until recently was a shame and a disgrace to our Army, and I do not take back one jot or tittle of that. Now let us see if I am fortified in what I have to say. The Chief of the Aviation Corps to-day is Col. Squier. The Chief of the Signal Corps of the Army, as everybody knows, is Gen. Scriven, a very distinguished man. Both these gentlemen appeared before the committee having charge of this bill. Now I want to read from the testimony on page 993

of the hearings the following. Gen. Scriven, who has charge of the Signal Corps, was testifying. He said:

Take, for instance, the conditions as they exist on the border. An aeroplane goes up, meets with some unfavorable conditions, and comes down perhaps 30 or 40 miles away from any place where it can get any assistance. That is the end of the machine. On the contrary, if the machine came down at a place where repairs could be made, the broken parts may be replaced without difficulty.

Mr. KAHN. What do you mean when you say that is the end of the machine? Do you have to abandon it?

Gen. SCRIVEN. We may have to abandon it if you can not get any of the parts you need. That would be especially true in case the machine came down in an enemy's country.

Mr. KAHN. How many of our machines have met with such a fate recently?

Gen. SCRIVEN. There have been a good many of them which met such a fate down in Mexico. All of the first lot we sent down there suffered that fate.

All! Not one, or two, or three, but all.

Mr. KAHN. There was some question about those machines being fitted for the work you expected them to do, was there not?

Gen. SCRIVEN. They were picked up and taken down there because they were all we had. They were taken down from Fort Sill and San Diego, where the conditions were different; but it was absolutely necessary to send them out, as the days were those of war. They were low-power machines—90-horsepower Curtiss machines.

Mr. SMITH of Michigan. How many of those machines were there with the Pershing expedition at first—only nine, were there not?

Mr. MILLER of Minnesota. My recollection is there were eight. There may have been nine. A little further on Col. Squier, who is the very efficient head of the Aviation Corps, was testifying, at page 1018:

Mr. MCKELLAR. As I understand it, when you went down on the border, all the machines that you had failed to come up to what was required of them; in other words, you could not fly over mountains?

Col. SQUIER. Yes, sir; that is correct.

Mr. MCKELLAR. These new machines that you say you are now equipped with, have you had a practical demonstration that they can fly above the highest mountains down there?

Col. SQUIER. Perhaps not the highest ones, but they fly readily over mountains.

Mr. MCKELLAR. Do they cross mountains in going down to Gen. Pershing?

Col. SQUIER. Yes, sir.

Mr. MCKELLAR. And those are the same mountains that those previous machines could not cross?

Col. SQUIER. I think so; these 160-horsepower machines—

Mr. MCKELLAR (interposing). What was the difficulty with the other machines—that they had too small a horsepower?

Col. SQUIER. Yes, sir.

Mr. MCKELLAR. And you got rid of all of those?

Col. SQUIER. Yes, sir.

I do not ask for any other testimony. None is needed. The flying detachment that first went to aid Pershing in his expedition into Mexico was a flat, complete failure, and it will not help the Aviation Corps of the Army one bit at this moment or at any future time to try to cast slurs upon any Member of Congress who knew the facts and who desires to call the attention of his colleagues to them. [Applause.]

Mr. GREEN of Iowa. Mr. Chairman, the writer of the article which the gentleman from Minnesota has just read says that our machines in Mexico did not fly. "Good God, no!" says this writer. Did the writer of that article know anything about what he was writing about? Good God, no! He had not investigated it. He says it was the duty of Congressmen and the part of patriotism for them to investigate into such matters. I agree with him, and I did investigate into them. I found out some things in addition to what the gentleman from Minnesota had stated why the machines were a failure. It was not the fault of Congress and in some respects not the fault of the Signal Corps that they were failures, but the writer seems to intimate, as we have heard and seen in the papers all over the country, that everything that fails in the hands of the Army or the Navy is the fault of Congress. Whatever befell these machines in that respect was not the fault of Congress. The machines that went to Mexico did not fly, as the writer of the article says—or some of them did not fly any distance to speak of, as I was informed by a member of the Signal Corps, who claimed to know all about it—failed to fly because of the rarity of the air and the dryness, which caused the propeller to disintegrate and fly to pieces.

Mr. SHALLENBERGER. Will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. SHALLENBERGER. Then the opinion of the gentleman is that the aviation system fell down in Mexico because they were trying to fly with conditions under which they had not tried to use the machines before; that they were successful at the sea level, but failed under the high atmospheric conditions that existed down there?

Mr. GREEN of Iowa. That is the information I have and which I received from a member of the Signal Corps. It was

not all the reasons, as stated by the gentleman from Minnesota. The principal reason was that the propeller wheels went to pieces and they had to experiment a long time to find a place where they could have them manufactured so they would stand the climate. They did find a manufacturer in Chicago who was able to make propellers of a proper kind.

Mr. KEATING. Is the gentleman familiar with the testimony given by a dozen experts before the Naval Affairs Committee in which they testified that we had never manufactured an aeroplane in this country which could fly under war conditions?

Mr. GREEN of Iowa. I am not.

Mr. KEATING. Certain experts came before the Naval Committee and testified to that effect.

Mr. GREEN of Iowa. That is not entirely correct, because we have built some aeroplanes that have flown under war conditions.

Mr. GARDNER. Does the gentleman remember that since 1910 Mr. Edison has been trying to adapt a battery to submarines and has not been yet successful?

Mr. GREEN of Iowa. I remember that he has been claiming that he had the best battery in the world.

Mr. GARDNER. He had the best explosive that could be made.

Mr. GREEN of Iowa. He succeeded admirably in creating an explosion. But the point I want to make is that the newspaper attack on Congress for not making proper supplies for the Mexican expedition had no foundation whatever.

Mr. KAHN. If the gentleman will allow me, it has been the policy of the Military Committee of the House to say that it will not advise the executive branch of the War Department as to what kind of machines or instruments they should use. That is left entirely to the War Department. We furnish the money and they must take the responsibility of acquiring the proper materials.

Mr. GREEN of Iowa. The gentleman is correct; I was coming to that point. We have acted upon the advice of the experts, but for some reason or other the public think that Congress is acting on its own information in these matters, while exactly the contrary is true. [Applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. DUPRÉ having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed with amendments, had insisted upon its amendments to the bill (H. R. 9533) to provide a civil government for Porto Rico, and for other purposes, had asked a conference with the House of Representatives on said bill and amendments thereto, and had appointed Mr. SHAFROTH, Mr. KERN, and Mr. POINDEXTER as the conferees on the part of the Senate.

ARMY APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

For expenses of courts-martial, courts of inquiry, military commissions, retiring boards, and compensation of reporters and witnesses attending same, and expenses of taking depositions and securing other evidence for use before the same, \$60,000.

Mr. MOORE of Pennsylvania. I move to strike out the last word. The gentleman from Illinois [Mr. FOSTER], who is sort of an official timekeeper of the House, has indicated that he proposes to prevent any further extension of time on this bill. I want to join him, with this statement: That I will do everything I can to help him expedite this bill, except this, that I have asked the gentleman from Texas [Mr. CALLAWAY] to be here to-morrow morning, when I wish to make a motion for the passage of the resolution investigating the charges the gentleman from Texas put in the RECORD affecting some of the great newspapers of the country, that are alleged to have been coloring war news with a view to embroiling the United States in the war in Europe.

While I have not spoken on this bill to-day, hoping to advance the passage of it, I want to congratulate the committee and the country upon the more pacific tone of the great editorial writers this morning. They seem less bellicose than they were last week, when they were declaring this country in a state of war. If during the last three or four days some of us have made it possible for the masses of the people of the country to understand the frightful consequences of being thrown into a European conflict it may have been a very fortunate thing. It has at least given them a chance to breathe.

The President, according to some of the publications, was to have addressed us yesterday upon the question of the war; some of the great editors had been urging that he should appear before this body and demand a declaration of war. But they

did not find the "overt act" for which they were searching, nor have they yet found the "insult" they were ready to substitute for the "overt act," so that for a moment the people have been able to think and this body has been able to deliberate and go on with two important bills, the Post Office bill and the Army bill, as a representative body should without pressure from the outside and without being stampeded. This is as it should be before the country is plunged into war, with all its entangling alliances and subsequent burdens. The President has at least been given liberty for a brief time to deal with this great problem seriously and to come to Congress in the constitutional way. I am glad to have this opportunity to say to the chairman of the committee that I shall speak no more to-day and will do all I can to hasten the passage of this Army preparedness bill. [Applause.]

The Clerk read as follows:

For amount required to make monthly payments to Jennie Carroll, widow of James Carroll, late major, United States Army, \$1,500: *Provided*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Harriet C. Carroll, mother of the late Maj. James Carroll, United States Army, out of any money in the Treasury not otherwise appropriated, the sum of \$600 per annum, payable monthly.

Mr. STAFFORD. Mr. Chairman, on that I reserve the point of order.

Mr. KEATING. Mr. Chairman, I desire to strike out the last word. I want to get some information from the chairman of the committee. Mrs. Carroll is the widow of the major who died as the result of the yellow-fever experiment?

Mr. DENT. Yes. Mrs. Jennie Carroll is the widow of the officer who gave up his life in experiments in yellow fever in Cuba. Harriet C. Carroll, the other named in this paragraph, is the mother. That portion of the paragraph is new. It is intended to take care of his old mother, who is now living in Washington. I understand she is about 83 or 84 years of age and is living in some home for old women. She is being supported largely by the charity of the friends of Maj. Carroll.

Mr. STAFFORD. Mr. Chairman, I withdraw the reservation of the point of order.

Mr. KEATING. Mr. Chairman, has Mrs. Jennie Carroll remarried?

Mr. DENT. Mr. Chairman, I could not answer that question positively, but I should say not, because her name is being carried, and has been carried for years, in this appropriation bill in that way.

Mr. KEATING. Is there any other member of the committee who can give a positive answer to that?

Mr. FIELDS. I have no information about it.

Mr. DENT. We are still carrying her under the same name. We have no information that she has been remarried. She has several children, I understand, and this is about all she has to support herself.

Mr. CARTER of Massachusetts. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

On page 20, line 3, after the figures "\$75,000," insert the following: "*Provided*, That Mary Elizabeth Graham, mother of Leo J. Graham, late of Company C, Thirty-first Regiment Michigan Volunteer Infantry, National Guard, shall be regarded as the duly designated beneficiary of the late Leo J. Graham, under the act approved May 11, 1908, as amended by the act approved March 3, 1909."

Mr. STAFFORD. Mr. Chairman, on that I reserve the point of order.

Mr. DENT. On the amendment I reserve the point of order.

Mr. FIELDS. Mr. Chairman, can the gentleman give us some information about this?

Mr. CARTER of Massachusetts. Mr. Chairman, this is the case of a boy who was shot while on the border, near the Mexican line, through an accident at target practice. He failed to name a beneficiary. This amendment simply calls for \$60 pay that his beneficiary would have received providing he had named a beneficiary.

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

Mr. CARTER of Massachusetts. Yes.

Mr. DENT. Has the gentleman introduced a bill of this kind?

Mr. CARTER of Massachusetts. I introduced a bill and was informed that it would not get through in this session. Therefore I have offered this amendment at this session.

Mr. DENT. Has it gone to the Committee on Military Affairs of the House?

Mr. CARTER of Massachusetts. I think so; but I was informed that it would not get through at this session.

Mr. DENT. Mr. Chairman, I want to state to the gentleman that the Committee on Military Affairs has a number of these bills of this general nature where a soldier on the border has

been killed without naming a beneficiary. The committee in several instances, where the proof was that the soldier had no wife and no children that the person designated was the mother, father, or some one dependent upon him, has invariably reported the bill favorably.

But I really think it ought not to be incorporated in the Army appropriation bill unless these facts should have investigation at the hands of the committee. I will state to the gentleman that if the facts warrant it the committee will undoubtedly and gladly report out a bill allowing the beneficiary suggested in the bill.

Mr. CARTER of Massachusetts. If the gentleman thinks it can go through this session.

Mr. DENT. Well, of course, it would have to go through on the Private Calendar.

Mr. CARTER of Massachusetts. As long as it goes through this session, I have no objection.

Mr. DENT. I have no objection personally to the bill. I have supported these measures in the committee. I think it is perfectly right, and the only question is whether or not we should not have an investigation to know whether or not we are naming the proper beneficiary, and there ought to be some investigation in order to determine that fact. If we open the doors to one bill, then these others would be naturally offered to this bill also. That is the only objection to the gentleman's bill. I will state, as far as I am concerned, the Military Committee stands ready to report the bill, if the gentleman puts it before the committee, and do what we can to have it passed this session, but under the circumstances I shall have to insist upon the point of order.

The CHAIRMAN. Without objection, the gentleman asks leave to withdraw his amendment, if it is agreeable to the gentleman.

There was no objection.

The Clerk read as follows:

All the money hereinbefore appropriated for pay of the Army and miscellaneous, except the appropriation for mileage to commissioned officers, contract surgeons, expert accountant, Inspector General's Department, Army field clerks, and field clerks of the Quartermaster Corps, when authorized by law, shall be disbursed and accounted for by officers of the Quartermaster Corps as pay of the Army, and for that purpose shall constitute one fund.

Mr. DENT. Mr. Chairman, I ask unanimous consent to strike out lines 5 and 6. They are unnecessary.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, on page 21, by striking out lines 5 and 6.

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

The Clerk read as follows:

Subsistence of the Army: Purchase of subsistence supplies: For issue as rations to troops, civil employees when entitled thereto, hospital matrons, nurses, applicants for enlistment while held under observation, general prisoners of war (including Indians held by the Army as prisoners, but for whose subsistence appropriation is not otherwise made), Indians employed with the Army as guides and scouts, and general prisoners at posts; for the subsistence of the masters, officers, crews, and employees of the vessels of the Army transport service; hot coffee for troops traveling when supplied with cooked or travel rations; meals for recruiting parties and applicants for enlistment while under observation; for sales to officers, including members of the Officers' Reserve Corps, and enlisted men of the Army: *Provided*, That the sum of \$12,000 is authorized to be expended for supplying meals or furnishing commutation of rations to enlisted men of the Regular Army and the National Guard who may be competitors in the national rifle match: *Provided further*, That no competitor shall be entitled to commutation of rations in excess of \$1.50 per day, and when meals are furnished no greater expense than that sum per man per day for the period the contest is in progress shall be incurred. For payments: Of commutation of rations to the cadets of the United States Military Academy in lieu of the regular established ration, at the rate of 40 cents per ration; of the regulation allowances of commutation in lieu of rations to enlisted men on furlough, enlisted men and male and female nurses when stationed at places where rations in kind can not be economically issued, and when traveling on detached duty where it is impracticable to carry rations of any kind, enlisted men selected to contest for places or prizes in departments and Army rifle competitions while traveling to and from places of contest, male and female nurses on leaves of absence, applicants for enlistment, and general prisoners while traveling under orders; of commutation of rations in lieu of the regular established ration for members of the Nurse Corps (female) while on duty in hospital, at 40 cents per ration, and for enlisted men, applicants for enlistment while held under observation, and general prisoners sick therein, at the rate of 30 cents per ration (except that at the general hospital at Fort Bayard, N. Mex., 50 cents per ration and at other general hospitals 40 cents per ration are authorized for enlisted patients therein), to be paid to the surgeon in charge; advertising; for providing prizes to be established by the Secretary of War for enlisted men of the Army who graduate from the Army schools for bakers and cooks, the total amount of such prizes at the various schools not to exceed \$900 per annum; for other necessary expenses incident to the purchase, testing, care, preservation, issue, sale, and accounting for subsistence supplies for the Army; for extraordinary expense of subsistence of West Point cadets while attending inaugural ceremony not to exceed \$4,000, which shall be immediately available; in all, \$16,500,000.

Mr. DENT. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 21, line 20, after the word "corps" insert "while on active duty."

Mr. DENT. Mr. Chairman, the object of that amendment is apparent on the face of it. Those words were left out in the print. The purpose is to give the officers of the Reserve Corps while on active duty the right to purchase supplies like the regular officers and enlisted men.

The question was taken and the amendment was agreed to.

Mr. SEARS. Mr. Chairman, I move to strike out the last word. I would like to ask why it is, on page 23, \$4,000 is appropriated for subsistence of West Point cadets while attending the inaugural ceremonies and, on page 32, \$15,000 is also appropriated for their traveling expenses. Why were those two items separated?

Mr. DENT. One is, of course, for expenses of the cadets in going to and from West Point and Washington and the other is to take care of them while they are here.

Mr. KAHN. We have done it every four years.

Mr. DENT. These appropriations are made every four years.

Mr. SEARS. If this is the usual appropriation I will call attention to the fact there are about a couple of hundred more cadets at West Point at this time than four years ago.

Mr. DENT. The department asked us for this amount and did not ask any more and I suppose if they wanted any more they would have asked for it.

Mr. SEARS. Perhaps the other amount was too large.

Mr. SLOAN. Mr. Chairman, perhaps the most interesting part of the debate on this great military appropriation bill is on the subject of obtaining enlistments and then having the soldiers stay in the Regular Army.

The distance between the Regular officer, with his West Point or other institutional training, creates, perhaps unconsciously, an aristocracy in the Army, both as to culture and remuneration. This, I think, is a large reason why enlistment is repulsive to the better class of young men, and continued service thereunder becomes undesirable and irksome.

My criticism, in brief, would be that in the Regular Army we have a European system rather than an American system. We seek to fit the European system upon an American people. Our young men consider themselves the equal of the other young men of the United States and superior to the young men of any other nation on the earth. Moreover, within bounds and reason the man who marches in the ranks regards himself fundamentally as good as he who carries the sword and issues the orders. So American young men, unless unfortunate in life in some way, are not inclined to enter a service where they take the lower side in a system of more or less caste.

In the National Guard, and therefore in the United States troops coming from the National Guard, there is not the snobishness of the officers nor the abject subservience of the men. Enlisted men and noncommissioned officers usually know personally the officers, their station, and families at home. To the ordinary young member of the National Guard, officer, neighbor, and friend are synonymous terms. Barriers of rank are only on formal parade, drill, or other important function.

I believe that National Guard officers and men would go together as far or farther into danger as seasoned officers and veteran Regulars. First, they are on an average more intelligent. Second, there is no crushed spirit in their ranks. On the other hand, there is an ambition to advance and excel, which the enlisted Regular does not always have or know.

These facts seem to have seized the Regular Army officers from the highest to the lowest. They have, instead of trying to Americanize the Army, or at least improve, when Americanization had been shown, condemned it. Therefore in the past months during the Mexican expedition from every Regular quarter, including those near the head of the service at Washington, emphatic if not always intelligent criticisms have been turned loose at the club, in committee hearing, on the platform, and in the press against the National Guard system—officers and men as well.

Congressman CRAIG, for 25 years a member of the National Guard of his State, in a speech in Congress made a few very interesting observations, from which I quote:

The National Guard was contemplated or was expected to exist under the provisions of the act of June 3, 1916. In other words, the act of June 3 had not gone into effect, so far as the National Guard was concerned. Hence all these criticisms of the National Guard in that call for the border service are based on a wrong conception of what we had to call on when that call of June 18 was made.

The Regular Army could not get recruits. The National Guard did get recruits overnight. They furnished this Government with almost 140,000 enlisted men, with trained officers to handle them. When the Government could not turn in any other direction, and was absolutely helpless for recruits for the Regular Army, the National Guard furnished the men who were needed. We are told that some of the Regular

Army organizations which went to the border and some which went to Vera Cruz had as low as 20 men to the company. I know this is true, that so many officers had been detailed on special duty here in Washington and elsewhere that company after company of the regular units were commanded by second lieutenants, lieutenants of the National Guard, and in some cases noncommissioned officers, not a single commissioned officer being present with his company, because these officers were doing work which could have been done by some clerk at a very small salary. In fact, much clerical work has been done by men holding the rank of captains and majors which should have been done by clerks.

Now, I think a great mistake has been made in minimizing the experience of these men on the border. The fact that the newspapers of this country have condemned this service has taken a great deal of the pride out of these men who so willingly and so patriotically offered their services when the President thought they were needed. Only the other night, I am glad to hear Maj. Gen. Scott say, the purpose of mobilizing the guard on the border had been accomplished, that prior to that time they were hearing continually of the invasion of our border by the Mexicans, but that since the guard had gone down there he had never heard anything of that kind. The Mexicans thought the only Army we could possibly muster was our small Regular force, and when within a few days' time these Volunteer organizations were sent down there it put an entirely different aspect on affairs.

From the report of William A. Mann, brigadier general, General Staff, Chief of Militia Bureau, dated December 19, 1916, I take the following: Number of members of National Guard transported to the border to date

Number of members of National Guard transported to the border to date	156,414
Strength of National Guard troops in the service of the United States July 31, 1916, on border	110,957
In State mobilization camps	40,139
Total	151,096

This is the condition just 13 days after the call was made.

In regard to the matter of clothing and food for the National Guard, this was a duty to be performed by the Government. When the men of these organizations had to stand around, in view of the public, with no clothing except their torn and tattered civilian clothes it was not a criticism of the National Guard, it was a criticism of the War Department, which had the matter in charge. Some of the men of these organizations were not yet properly equipped when they came home after four or five months' service.

Looking back in fair retrospect we can say that the delays and mistakes were largely those of the War Department and not those of the National Guard. If the War Department had furnished uniforms and arms, transportation, and subsistence as promptly as many of the boys of the National Guard furnished from farm, factory, shop, and office good physiques, clean lives, quick brains, and effective activities, then there would have been little ground for the carping criticism that we read and hear.

I know something of the two gallant regiments from Nebraska, the Fourth and Fifth, and also the Hospital and Signal Corps from the same State. They were among the first to muster, the most early to equip, and prompt to start for the border.

If the men knew the worth of these young men "of the border" there would be more springing to their defense. A large number in the organizations named were from the farms, leaving the most valuable harvest our State ever produced. A loss of money and a loss of opportunity in our great harvest year. There were professional men, including physicians, teachers, and lawyers; there were clerks, students, and tradesmen. All left employment to go when called, and at a time when they could have avoided it. Among these were many who left wife and children. Of course, there were similar separations in other States, but separation from such wives and babies as we have in Nebraska is a test of which only a Nebraska thoroughbred is capable.

All of these organizations distinguished and acquitted themselves with distinction among the border organizations for devotion to duty, capacity to learn, and ability to perform duties assigned them. They were sober and law-abiding. There was little demand for court-martial. There was much occasion for official commendation. They were typical Nebraska Americans, and that meant Nebraskans by birth or choice. They were descendants of New England Puritan and southern cavalier, sturdy middle-section stock as well as those coming from the best blood of Europe, many of whose relatives are now yielding their blood and lives in the awful conflict of the Old World. To these of the National Guard the English Jack, French tricolor, or Teutonic eagles had little interest. The Stars and Stripes filled their patriotic sky and satisfied their military vision. [Applause.]

Among all the regiments in the Brownsville district it was a Nebraska regiment that ranked first in inspection, examinations, drills, and in the great maneuver. The soldiers of the monarchies are well described by Shakespeare in Henry V: "Give them great meals of beef, iron, and steel, they will eat like wolves and fight like devils." Give our American National Guards who graduated into the United States service, wholesome food like they might have at home, tents for refreshing sleep, sanitary surroundings, as all men during this age should have, good books to read, humane and intelligent officers to direct; let all those in authority from Commander in Chief down to the humblest noncommissioned officer recognize the soldier to be a

man; give him then a worthy cause in which to either carry or defend the flag, and it will be carried and where carried stay put. [Applause.] And while they might not fight "like devils," they would fight to victory "any devils" who opposed them at or beyond the Rio Grande. [Applause.]

Of such men and of such mettle were the gallant regiments and corps from Nebraska.

They made good on the border. They would make good elsewhere if properly called. I hope no great international provocation may arise that may call these or any of those now back from the border to active service from their well-earned rest.

Discussion on this floor in recent days has often been ill tempered and ill advised. There have been some special protestations of loyalty and patriotism which no one questioned. There have been strictures upon the conduct and policy of certain Members living in the great heart of the continent. This prompted me to make some investigations, first, relative to my own State, and second, those States where the respective majorities of their Congressmen voted to warn Americans from taking passage on endangered ships.

The scope of my inquiry was the record made in the Spanish-American War and in the recent border expedition.

I found that Nebraska furnished in these two military campaigns 49 soldiers out of every 10,000 population. Compared with certain States it was:

Nebraska	49
Ohio	45
Massachusetts	45
New York	43
Indiana	40
Illinois	40
Missouri	40
New Jersey	39
Alabama	35
Virginia	34

As compared with certain geographic sections recognized by the census:

Nebraska	49
New England	48
Middle Atlantic	42
East North Central	41
East South Central	41
West South Central	43
South Atlantic	37
East South Central	34
Mountain	46
Pacific	46

The States where majorities in this House voted for warning to reckless sea passengers, speaking collectively, furnished in the two military campaigns for every 10,000 population 43 soldiers; all other States, 38; and for the whole United States, 39.

Nebraska is in good company, and Nebraska helps swell the company's average rather than reduce it.

Nebraska as a Territory did her full share in furnishing soldiers for the Union Army. Nebraska in the only two opportunities it has had since assuming statehood demonstrated two things: First, that she will wait for the action of the constitutional authorities before engaging in battles or winning victories; second, when put to the test does her share in full and rounded measure. The West generally always believes in and hopes for peace with all the world, as long as it can be maintained with honor, as do all the people of the United States, yet when war has been declared and soldiers have been called for, history shows that the West furnishes the highest quota of soldiers to fight the battles, win the victories, and maintain the honor of the United States. [Applause.]

We will tolerate no aspersions of our motives. We move in national matters in harmony with the Constitution. We accept suggestions as to our course from none who seem to have forgotten that between severance of diplomatic relations and a foreign war there is a deliberative branch of the Government known as the Congress of the United States. [Applause.]

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

The CHAIRMAN. The gentleman from Nebraska asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Regular supplies, Quartermaster Corps: Regular supplies of the Quartermaster Corps, including their care and protection; construction and repair of military reservation fences; stoves and heating apparatus required for heating offices, hospitals, barracks and quarters, and recruiting stations, and United States disciplinary barracks; also ranges, stoves, coffee roasters, and appliances for cooking and serving food at posts, in the field, and when traveling, and repair and maintenance of such heating and cooking appliances; and the necessary power for the operation of moving-picture machines; authorized issues of candles and matches; for furnishing heat and light for the authorized allowance of quarters for officers and enlisted men; contract surgeons when stationed at and occupying public quarters at military posts; for officers of the National Guard attending service and garrison schools, and for recruits, guards,

hospitals, storehouses, offices, the buildings erected at private cost, in the operation of the act approved May 31, 1902; for sale to officers, and including also fuel and engine supplies required in the operation of modern batteries at established posts; for post bakeries, including bake ovens and apparatus pertaining thereto, and the repair thereof; for ice machines and their maintenance where required for the health and comfort of the troops and for cold storage; ice for issue to organizations of enlisted men and offices at such places as the Secretary of War may determine, and for preservation of stores; for the construction, operation, and maintenance of laundries at military posts in the United States and its island possessions; for the authorized issues of laundry materials for use of general prisoners confined at military posts without pay or allowances, and for applicants for enlistment while held under observation; authorized issues of soap; for hire of employees; for the necessary furniture, textbooks, paper, and equipment for the post schools and libraries; for the purchase and issue of instruments, office furniture, stationery, and other authorized articles for the use of officers' schools at the several military posts; commercial newspapers, market reports, etc.; for the tableware and mess furniture for kitchens and mess halls, each and all for the enlisted men, including recruits; of forage, salt, and vinegar for the horses, mules, oxen, and other draft and riding animals of the Quartermaster Corps at the several posts and stations and with the armies in the field, and for the horses of the several regiments of Cavalry, and batteries of Artillery, and such companies of Infantry and Scouts as may be mounted; for remounts and for the authorized number of officers' horses, including bedding for the animals; for seeds and implements required for the raising of forage at remount depots and on military reservations in the Hawaiian and Philippine Islands and for labor and expenses incident thereto, including, when specifically authorized by the Secretary of War, the cost of irrigation; for straw for soldiers' bedding, stationery, typewriters and exchange of same, including blank books and blank forms for the Quartermaster Corps, certificates for discharged soldiers, and for printing department orders and reports, \$11,000,000.

Mr. TILSON and Mr. GARDNER rose.

The CHAIRMAN. The gentleman from Connecticut [Mr. TILSON], a member of the committee, is recognized.

Mr. TILSON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. TILSON. Is this the proper place to submit an amendment to this paragraph, or should I wait until after the proviso has been read? I desire to move a slight amendment to the phraseology of the paragraph just read.

Mr. DENT. I will ask the gentleman if it is just a matter of phraseology?

Mr. TILSON. It is a new item, increasing the scope of the paragraph.

The CHAIRMAN. Where does the gentleman want to insert the amendment?

Mr. TILSON. On page 24, line 23. I would like to know whether I should offer the amendment now or wait until after the proviso is read.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. TILSON: Page 24, line 23, after the word "posts," insert the words "for purchase of relief maps for issue to organizations."

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the amendment.

Mr. TILSON. Mr. Chairman, I am informed that while National Guard organizations can be and are supplied with relief maps for war-map problems the Regular Army is not authorized to purchase them. I understand that under existing law relief maps may be purchased and issued to the National Guard, and that they have been so issued and are being used in war-map problem work, while the Regular Army can not purchase them under any appropriation made for the Regular Army. A relief map is very helpful, indeed, in the instruction of officers by the war-map problem method. This amendment does not increase the amount appropriated, but simply inserts the new language that was read at the Clerk's desk, authorizing the purchase of relief maps for issue to regular organizations.

Mr. STAFFORD. Mr. Chairman, I withdraw the point of order.

Mr. DENT. I have no objection to the amendment, Mr. Chairman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut [Mr. TILSON].

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

Mr. GARDNER. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

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

There was no objection.

The Clerk read as follows:

Incidental expenses, Quartermaster Corps: Postage; cost of telegrams on official business received and sent by officers of the Army; extra pay to soldiers employed on extra duty, under the direction of the Quartermaster Corps, in the erection of barracks, quarters, and storehouses, in the construction of roads, and other constant labor for periods of not less than 10 days; as additional school-teachers during the school term at post schools, and as clerks for post quartermasters at military posts, and for overseers of general prisoners at posts designated by the War Department for the confinement of general prisoners,

and for the United States disciplinary barracks guard: *Provided*, That hereafter the extra-duty pay to the United States disciplinary barracks guard shall be at the following rates per day: Battalion sergeants major, first sergeants, mess sergeants, supply sergeants, and sergeants, 35 cents; cooks and mechanics, 20 cents; corporals, privates first class, privates, and buglers, 30 cents; of extra-duty pay at rates to be fixed by the Secretary of War for mess stewards and cooks at recruit depots who are graduates of the schools for bakers and cooks, and instructor cooks at the schools for bakers and cooks; for expenses of expresses to and from frontier posts and armies in the field; of escorts to officers or agents of the Quartermaster Corps to trains where military escorts can not be furnished; authorized office furniture; authorized issue of towels; hire of laborers in the Quartermaster Corps, including the care of officers' mounts when the same are furnished by the Government, and the hire of interpreters, spies, or guides for the Army; compensation of clerks and other employees to the officers of the Quartermaster Corps, and clerks, foremen, watchmen, and organist for the United States disciplinary barracks, and incidental expenses of recruiting; for the apprehension, securing, and delivering of deserters, including escaped military prisoners, and the expenses incident to their pursuit, and no greater sum than \$50 for each deserter or escaped military prisoner shall, in the discretion of the Secretary of War, be paid to any civil officer or citizen for such services and expenses; for a donation of \$5 to each dishonorably discharged prisoner upon his release from confinement under court-martial sentence involving dishonorable discharge; for the following expenditures required for the several regiments of Cavalry, the batteries of Field Artillery, and such companies of Infantry and Scouts as may be mounted, the authorized number of officers' horses, and for the trains, to wit, purchase of medicines for horses and mules, picket ropes, blacksmith's tools and materials, horse-shoes and blacksmith's tools for the Cavalry service, and for the shoeing of horses and mules; chests and issue outfits; and such additional expenditures as are necessary and authorized by law in the movements and operations of the Army, and at military posts, and not expressly assigned to any other department, \$1,800,000.

Mr. DENT. Mr. Chairman, I offer the following committee amendments.

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

On page 27, line 13, between the words "cents" and "cooks," insert "corporals, 30 cents." Also, strike out of said line 13 the words and figures "20 cents; corporals."

The CHAIRMAN. Without objection, the Chair will submit the amendments together. [After a pause.] The Chair hears none.

The amendments were agreed to.

Mr. DENT. Mr. Chairman, I also offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 27, line 14, by striking out the figures "30" and inserting "20" in lieu thereof.

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

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

Mr. McKELLAR. Mr. Chairman, I offer an amendment.

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

The Clerk read as follows:

Amend by inserting after the last word on the last line of page 28 the following:

"*Provided*, That not exceeding \$6,000 of said sum, to be paid in monthly installments, shall be expended in the employ of a congressional accountant, who shall be selected by a joint resolution of the Senate and House of Representatives, and whose duty shall be to examine and audit the sums expended under this item, as well as all the items of expenditure contained in this act, to the end that the expenditures under this item and the expenditures under all items in this act may be conserved and in proper cases lessened; that the said employee shall be learned and trained in the business of accounting; that he must have no official connection with said department; that he shall not be connected by blood or marriage with the head of any department or any assistant therein, or the chief of any bureau in said department. He shall examine and audit not only the items of expenditure contained in this act, but he shall examine and report upon the estimates for the appropriation bills submitted by the said department for the next fiscal year. He shall be prepared at all times to give to the Committees on Military Affairs in each branch of Congress all the information needed about each and every appropriation set forth in such appropriation bills; the advisability or lack of advisability of continuing such appropriations or items of appropriations; whether said appropriations may be reduced, whether said appropriations have been judiciously and economically expended, and every detail in connection with each item of expenditure of said appropriation asked for by the said department; that the books and papers and records of said department shall be open at all times to the said accountant, and full and explicit information shall at all times be given him by the officials of said department and those acting under them, and every facility furnished so that said accountant may be able to have the most accurate information concerning the workings of said department, so far as appropriations are concerned, but his work shall be done without interrupting the business of the said department, in so far as the same may be possible; and the said accountant shall give to the said committees of Congress full reports whenever called upon, showing how the public expenditures may be lessened and the public money may be economically expended."

Mr. DENT. Mr. Chairman, I reserve a point of order on the amendment.

Mr. McKELLAR. Mr. Chairman, I do not think it is subject to a point of order.

Mr. STAFFORD. If the gentleman has any doubts about it, let us have the question decided forthwith in order to save the

time of the committee, unless the gentleman really wants to discuss the merits of it.

Mr. McKELLAR. I will be glad to discuss the point of order, if the gentleman desires it.

Mr. STAFFORD. I will make the point of order, if the gentleman desires it.

Mr. McKELLAR. Mr. Chairman, I think this is not subject to a point of order for this reason: Taking it in connection with the section just preceding, to which it refers specifically, it is certainly germane, and in addition to that the effect of this amendment is to lessen the expenditures in this bill, and it must necessarily have that effect. It does not do so in terms, but it must necessarily have that effect.

Now, for the many years that I have been connected with this committee I have noticed these very large items, amounting to many million dollars, one of them in the section just preceding this amounting to \$11,000,000, and in this section amounting to \$1,800,000 for various expenses; and in examining the witnesses who appear before our committee it is very difficult to tell how these moneys are expended. It is absolutely necessary to an economical running of this department of the Government that we should have an accountant of this kind in order that the expenditures of Congress for the military department of our Government shall be lessened.

Now, if the Chair please, I find that this case falls almost directly within a ruling made by the present occupant of the chair several years ago. In 1912 the present chairman [Mr. SAUNDERS] ruled, and I call the attention of the gentleman to his ruling, on page 508 of the Rules and Practice:

In this connection the Chair will state that it is not necessary for an amendment to be in order that it should be specifically directed to a reduction in terms of an amount in a bill. Of course, if it is addressed to such an amount, and reduces the same in terms, it will be in order. As, for instance, if the sum of \$1,000,000 is appropriated for a designated purpose pursuant to the requirements of existing law and an amendment is submitted reducing this amount to \$995,000, such an amendment will be in order. But the Holman rule admits of other amendments in order. The language of the rule is to the effect that germane amendments changing existing law are in order provided they retrench expenditures by the reduction of amounts of money covered by the bill.

The words "amounts of money covered by the bill" refer not only to the amounts specifically appropriated by the bill, but to the amounts required under the different heads or items of expense to which the bill relates.

I submit, Mr. Chairman, that that amendment comes almost directly within this provision of the Holman rule. I read further:

And if the necessary effect of an amendment is to reduce in the operation of the departments or bureaus for which appropriations are made the amount otherwise required for any one or more heads or items of expense, then a retrenchment has been effected by a reduction of the amounts of money covered by the bill.

Again:

The precedents say, in this connection, that the amendment, being in itself a complete piece of legislation, must operate *ex proprio vigore* to effect a reduction of expenditures. The reduction must appear as a necessary result; that is, it must be apparent to the Chair that the amendment will operate of its own force to effect a reduction.

Now, I submit that this amendment on its face, by a necessary intendment, shows to anyone who is familiar, as I believe, with our method of appropriating money, that the necessary effect of the amendment, if adopted, would be to reduce expenditures. I believe it will reduce expenditures in this department of the Government by many millions of dollars every year. We appropriate items of money here in bulk for a vast number of purposes that are covered in general terms. No man in this House, no man on this committee, can tell where all of that money goes. We ought to have some knowledge of it. Why, as a business Government, spending this large amount of money, it seems to me beyond the shadow of a doubt that it is absolutely necessary for us to have this system, unless we are just going to appropriate all the money there is in the world in these various bills.

Mr. GREENE of Vermont. Mr. Chairman, will the gentleman yield?

Mr. McKELLAR. I will with pleasure.

Mr. GREENE of Vermont. Does not the institution of a department for Congress to examine these accounts simply duplicate a service that is now performed by the Auditor for the War Department?

Mr. McKELLAR. Oh, no. It has nothing to do with that. It is a different method entirely. The accountant examines into the items of this very bill and reports to the House as to what is done with these items.

Mr. GREENE of Vermont. Before the money is expended?

Mr. McKELLAR. No.

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

Mr. McKELLAR. Yes.

Mr. CRAGO. Does not the gentleman know that the reports of the different heads of the Army give all these expenditures?

Mr. McKELLAR. No, indeed; that is exactly what I am seeking to get at. The reports of the department do not give any real facts. I have tried in the committee time and time again by cross-examination, as gimletlike as I could make it, to bring from these officers a statement as to how the money is expended, and you can not get it, and we all know we can not get it except in general terms. The only way it can be done effectually is by having an agent of this Congress, our agent, do it. They appeal to us for money. We ought to know for what purpose all of this money is expended and in what way it is expended; and whenever we do that we will save this Government countless millions of dollars, if this is adopted in every department of the Government, as I believe it ought to be.

I believe that this amendment is in order. I believe that under the decisions under the Holman rule the necessary effect of the adoption of this amendment will be to bring about retrenchment in the expenditures in this department. It will lessen the expenditures—

Mr. GREENE of Vermont. Is not the purpose of an auditor simply to show where the money has been expended and to get an itemized return of it?

Mr. McKELLAR. That may be the technical definition of what an auditor is, but the specific duties are imposed here in this amendment to show just exactly what becomes of the money.

Mr. GREENE of Vermont. That is just exactly what an auditor does in his report. He states what has become of the money, does he not?

Mr. McKELLAR. An auditor shows what has become of money spent after it has been spent. The object of this provision is to show to Congress where the money is to go before it is spent.

Mr. GREENE of Vermont. How can you show where money is going before you appropriate it?

Mr. McKELLAR. You can not show where money is going before you appropriate it; but any official charged with the expenditure of money will know that he has got to account to this congressional examiner, this agent of ours, who will pass upon this matter and report it to the next Congress, and the very necessary effect of it will be to lessen expenditures.

Mr. GREENE of Vermont. Can they spend a penny now that is not approved by the Comptroller?

Mr. McKELLAR. Of course not; but if the gentleman from Vermont will indulge me right there, we appropriate for a vast number of purposes, general purposes, for instance, horseshoeing, water, food—a thousand different objects of the most general nature, hundreds of items in this very section and the section preceding it of the most general nature, and the expenditure will pass the Comptroller for almost any one of these or similar items. If we have an accountant of our own, not amenable to anyone else except this body and to the Senate, in my judgment it will mean a lessening of the Government expenditures, not only this year but every year in the future, and I hope the gentleman will not make the point of order. If we are going to abdicate our power—

Mr. GREENE of Vermont. To an auditor of this kind?

Mr. McKELLAR. No; if we are going to abdicate our power and turn it over to the departments, and just accept whatever the departments send down here to us—if we are just to accept their recommendations, what is the use of our serving at all? Why do we not just accept the recommendations made by the Secretary and pass them? What is the use of our attempting to legislate on them at all?

Mr. GREENE of Vermont. Then the gentleman contends that the moral effect of having a congressional auditor for the benefit of this committee will so terrify the executive branch of the Government that there will be a speculative hope of saving money?

Mr. McKELLAR. Oh, no; not at all.

Mr. GREENE of Vermont. Does the gentleman contend that comes under the provision of the Holman rule?

Mr. McKELLAR. Oh, no; of course no speculation comes under the Holman rule.

Mr. GREENE of Vermont. Then the point of order lies.

Mr. McKELLAR. Oh, no; quite the contrary. This is not speculative decrease. The decrease comes as a necessary consequence.

Mr. GREENE of Vermont. Because you are depending on the Holman rule.

Mr. McKELLAR. No; quite the contrary. The gentleman wholly misunderstands it. My proposition is that in order that we may intelligently appropriate and expend this money we ought to have some man who is amenable to this Congress and

to no one else to pass upon the expenditures and give us information in reference to them, and furnish us a statement as to how these moneys are spent. Why, you just take the items for rent of various buildings in this town. Is there a man on this floor who can give you a single statement of what is paid and whether we get value received for it? We spend it in lump sums and in sums that are sometimes astonishing to contemplate.

Mr. KAHN. The gentleman is mistaken in saying that we pay rentals in the District of Columbia in lump sums.

Mr. McKELLAR. In this way: I recall one particular instance where we pay \$5,000 or \$4,900 in yearly rental for a garage or warehouse in the northeast. I have no doubt the property can be bought around that figure. But how do we know? We have a general statement made by the head of a department or the assistants. They do not know and we do not know from examination how the money is spent. They do not know themselves.

Mr. STAFFORD. Will the gentleman yield?

Mr. McKELLAR. Yes.

Mr. STAFFORD. The gentleman is in error as to the lack of information furnished to the House as to the rentals of buildings. Under the law they must furnish the information in the Book of Estimates as to the rentals, the estimate per square foot.

Mr. McKELLAR. Not in this department.

Mr. STAFFORD. Yes; in all the departments; and if the gentleman will examine the Book of Estimates he will find that he is mistaken.

Mr. KAHN. Will the gentleman yield?

Mr. McKELLAR. Yes.

Mr. KAHN. In these hearings every item is set forth in detail, with every dollar required for every item. For instance, this item, "Regular supplies," covers in the hearings pages 157 to 233, and every particular item of this paragraph is placed in these tables.

Mr. McKELLAR. Will the gentleman read one—pick it out himself?

Mr. KAHN (reading):—

Care and protection of regular supplies of Quartermaster Department: United States, \$63,760; Philippine Islands, \$16,300; total, \$80,073. Appropriated for the fiscal year 1916, \$61,841.67.

Mr. McKELLAR. Does that show this House anything about where the money is expended?

Mr. KAHN. It shows where it is to be expended. There is also a statement as to the particular items embraced in the totals.

Mr. McKELLAR. In general terms that the War Department spends \$61,000 for the warehousing of the quartermaster stores. These appropriations are mounting up to a stupendous sum. I recall that Mr. Taft said time and again that with a proper accounting system this Government could save \$300,000,000 a year. I do not believe he was out of whack about it; I believe it would be more. The one thing that we need to do is to take hold with our own authority, have our agents to tell us just exactly what is done with the money, how it is expended, and whether properly expended or not, and whether the figures they give us are correct or not.

Mr. DENT. Mr. Chairman, I want to say to the gentleman from Tennessee that he is pursuing a course which I think in the end may accomplish some good; but I hope the gentleman will not insist on that amendment at this time to this appropriation bill. Unquestionably it makes some material changes in the law. We have been proceeding on the theory that this bill is to carry into effect the legislation already adopted, and we have recommended only such changes in the administration of the law as the department has found inconvenient.

Mr. McKELLAR. I agree to that, but I think the amendment is in order; and I will ask the Chair for a ruling.

The CHAIRMAN. The gentleman from Tennessee insists that his amendment is in order under the Holman rule, and in that connection cites a ruling heretofore made by the present occupant of the chair. The Chair thinks that the principles announced in that ruling are correct and will follow them, but it hardly thinks that the gentleman from Tennessee has brought his amendment within the benefit of those principles. The main principle announced in that ruling was that in order for an amendment carrying new legislation to be in order on an appropriation bill, it must necessarily effect a reduction in expenditures. It can hardly be said that such will be the effect of the pending amendment. It proposes to create an economy agent, so to say. This functionary may serve a very useful purpose and recommend very wholesome economies, but it does not follow that Congress will act favorably upon these suggestions. It has notably failed to act on many of the recommendations of the

Economy Commission. Having in mind, therefore, that it is impossible to predicate the favorable action of Congress upon the recommendations of this functionary, how then can it be confidently claimed, much less considered, as established, that this amendment in its necessary operation will effect retrenchment? And unless it will necessarily operate to effect a retrenchment of expenditures the amendment is not in order under the Holman rule. The Chair sustains the point of order raised by the gentleman from Wisconsin.

Mr. MANN. Mr. Chairman, I move to strike out the last word. It is almost 6 o'clock.

Mr. DENT. Mr. Chairman, at the suggestion of the gentleman from California, which was that as we were running along harmoniously we might run until 6.30, I had prepared myself to that end.

Mr. MANN. Of course, I am willing to stay here as long as anybody, and do stay here from the time we meet until we adjourn, and I expect to do so to-day. But my understanding is that the gentleman from North Carolina is going to propose an evening session, and if so, and we take any recess at all, I think it ought to be a recess of two hours.

Mr. DENT. May I make a counterproposition, and that is that the next item be read? And then I will move that the committee rise.

Mr. MANN. Then I withdraw my motion to strike out the last word.

The Clerk read as follows:

Transportation of the Army and its supplies: For transportation of the Army and its supplies, including transportation of the troops when moving either by land or water, and of their baggage, including the cost of packing and crating; for transportation of recruits and recruiting parties; of applicants for enlistment between recruiting stations and recruiting depots; for travel allowance to enlisted men on discharge; for payment of travel allowance as provided in section 126 of the act approved June 3, 1916, to enlisted men of the National Guard on their discharge from the service of the United States, and to members of the National Guard who have been mustered into the service of the United States and discharged on account of physical disability; for payment of travel pay to officers of the National Guard on their discharge from the service of the United States, as prescribed in the act approved March 2, 1901; for travel allowance to persons on their discharge from the United States disciplinary barracks or from any place in which they have been held under a sentence of dishonorable discharge and confinement for more than six months, or from the Government Hospital for the Insane after transfer thereto from such barracks or place, to their homes (or elsewhere as they may elect), provided the cost in each case shall not be greater than to the place of last enlistment; of supplies furnished to the militia for the permanent equipment thereof; of the necessary agents and other employees, including per diem allowances in lieu of subsistence not exceeding \$4 for those authorized to receive the per diem allowance; of clothing and equipment and other quartermaster stores from Army depots or places of purchase or delivery to the several posts and Army depots and from those depots to the troops in the field; of horse equipment; of ordnance and ordnance stores, and small arms from the foundries and armories to the arsenals, fortifications, frontier posts, and Army depots; for payment of wharfage, tolls, and ferriages; for transportation of funds of the Army; for the hire of employees; for the payment of Army transportation lawfully due such land-grant railroads as have not received aid in Government bonds (to be adjusted in accordance with the decisions of the Supreme Court in cases decided under such land-grant acts), but in no case shall more than 50 per cent of full amount of service be paid: *Provided*, That such compensation shall be computed upon the basis of the tariff or lower special rates for like transportation performed for the public at large and shall be accepted as in full for all demands for such service: *Provided further*, That in expending the money appropriated by this act a railroad company which has not received aid in bonds of the United States, and which obtained a grant of public land to aid in the construction of its railroad on condition that such railroad should be a post route and military road, subject to the use of the United States for postal, military, naval, and other Government services, and also subject to such regulations as Congress may impose restricting the charge for such Government transportation, having claims against the United States for transportation of troops and munitions of war and military supplies and property over such aided railroads, shall be paid out of the moneys appropriated by the foregoing provision only on the basis of such rate for the transportation of such troops and munitions of war and military supplies and property as the Secretary of War shall deem just and reasonable under the foregoing provision, such rate not to exceed 50 per cent of the compensation for such Government transportation as shall at that time be charged to and paid by private parties to any such company for like and similar transportation; and the amount so fixed to be paid shall be accepted as in full for all demands for such service: *And provided further*, That nothing in the preceding provisions shall be construed to prevent the accounting officers of the Government from making full payment to land-grant railroads for transportation of property or persons where the courts of the United States have held that such property or persons do not come within the scope of the deductions provided for in the land-grant acts; for the purchase and hire of draft and pack animals in such numbers as are actually required for the service, including reasonable provision for replacing un-serviceable animals; for the purchase, hire, operation, maintenance, and repair of such harness, wagons, carts, drays, other vehicles, and motor-propelled and horse-drawn passenger-carrying vehicles as are required for the transportation of troops and supplies and for official, military, and garrison purposes; for drayage and cartage at the several depots; for the hire of teamsters and other employees; for the purchase and repair of ships, boats, and other vessels required for the transportation of troops and supplies and for official, military, and garrison purposes; for expenses of sailing public transports and other vessels on the various rivers, the Gulf of Mexico, and the Atlantic and Pacific Oceans, \$15,000,000.

Provided further, That \$75,000 of the appropriation hereby made shall be available for additional pay of employees on harbor boats, quartermaster service, in lieu of subsistence.

Provided further, That of the amount herein appropriated not exceeding \$15,000 may be used for extraordinary expenses of transportation of West Point cadets to Washington, D. C., to attend inaugural ceremonies, and return, which sum shall be immediately available.

Mr. DENT. Mr. Chairman, I move that the committee do now rise.

Mr. GREENE of Vermont. Mr. Chairman, it is understood that when the committee resumes consideration of the bill tomorrow, this paragraph is subject to amendment.

Mr. DENT. Oh, yes.

Mr. CALDWELL. Mr. Chairman, before the motion of the gentleman from Alabama is put, I ask unanimous consent to extend my remarks in the RECORD by printing a schedule of general information in respect to the means of defense of the country.

The CHAIRMAN. Without objection, it will be so ordered.

There was no objection.

The CHAIRMAN. The question is on the motion of the gentleman from Alabama that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SAUNDERS, 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. 20783, the Army appropriation bill, and had come to no resolution thereon.

PENSIONS.

Mr. RUSSELL of Missouri. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 20451, an omnibus pension bill, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked for by the Senate.

The SPEAKER. The gentleman from Missouri asks unanimous consent to take from the Speaker's table an omnibus pension bill, disagree to the Senate amendments, and agree to the conference. Is there objection?

There was no objection.

The SPEAKER announced the following conferees: Mr. SHERWOOD, Mr. RUSSELL of Missouri, and Mr. LANGLEY.

PORTO RICAN BILL.

Mr. JONES. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 9533, to provide a civil government for Porto Rico, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. The gentleman from Virginia asks unanimous consent to take from the Speaker's table the Porto Rican bill, disagree to the Senate amendments, and ask for a conference. Is there objection?

Mr. LONDON. Mr. Speaker, reserving the right to object, I would like to ask the gentleman for an opportunity to move to concur in some of the Senate amendments.

Mr. JONES. Mr. Speaker, I will say to the gentleman that there are some amendments that the House, I am sure, will accept, but we have thought it best to disagree to them all. I will say to the gentleman that if I am one of the conferees I shall be very glad to talk with him about any matter in which he is interested.

Mr. LONDON. I am particularly interested in the amendment relating to the extension of the franchise.

Mr. JONES. There will be some dispute over that, but I know the conferees will be very glad to hear the gentleman.

Mr. LONDON. Will the gentleman kindly renew his request to-morrow?

Mr. JONES. Oh, I hope the gentleman will not object. We want to get the bill printed to-night.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER announced the following conferees: Mr. JONES, Mr. GARRETT, and Mr. TOWNER.

Mr. JONES. Mr. Speaker, I ask, further, that the bill be printed with the Senate amendments numbered.

The SPEAKER. Is there objection?

There was no objection.

CLAIMS UNDER BOWMAN AND TUCKER ACTS.

Mr. BYRNES of South Carolina. Mr. Speaker, I present for printing under the rules a conference report upon the bill (S. 1878) making appropriation for payment of certain claims in accordance with findings of the Court of Claims reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and Tucker Acts,

and under the provisions of section 151 of the act approved March 3, 1911, commonly known as the Judicial Code.

The SPEAKER. The gentleman presents a conference report for printing under the rules.

EXTENSION OF REMARKS.

Mr. FULLER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing two editorials from the Morris (Ill.) Herald.

The SPEAKER. Is there objection?

There was no objection.

Mr. SCHALL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon the public-building bill and upon the Sisal Trust.

The SPEAKER. Is there objection?

There was no objection.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 2543. An act for the relief of the State of Kentucky;

S. 1068. An act relating to desert-land entries; and

S. 1697. An act to declare Ollala Slough, in Lincoln County, Oreg., nonnavigable.

CONFERENCE REPORT ON INDIAN APPROPRIATION BILL.

Mr. STEPHENS of Texas. Mr. Speaker, I desire to present a conference report on the bill H. R. 18453, the Indian appropriation bill, and ask that it be printed under the rules.

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

The Clerk read as follows:

A 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.

The SPEAKER. Ordered printed under the rule.

EXTENSION OF REMARKS.

Mr. HASTINGS. Mr. Speaker, I ask unanimous consent to extend my remarks on the bill H. R. 18984.

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

Mr. HULBERT. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the migratory-bird law.

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

Mr. SMITH of Minnesota. Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

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

HOOR OF MEETING TO-MORROW.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 a. m. to-morrow.

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

WITHDRAWAL OF PAPERS.

By unanimous consent, Mr. IGOE was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of Horace McMellon (H. R. 24039, 62d Cong.), no adverse report having been made thereon.

ORDER OF BUSINESS.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that the House stand at recess until 8 o'clock to-night, the evening session to be only for the consideration of unobjected bills on the Private Calendar, beginning where we left off the last time.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that the House stand at recess until 8 o'clock, to run not later than 10.30, for the consideration of uncontested bills on the Private Calendar—

Mr. KITCHIN. I accept the amendment.

Mr. VARE. Mr. Speaker, reserving the right to object, I would like to ask whether a bill would be considered in the event previous objection had been made and was now withdrawn?

Mr. KITCHIN. I was not here the last time and I do not know where they left off on the calendar. The probability is they will get through with the bills not reached and then go back.

Mr. VARE. Here is an illustration: I was absent the last meeting, and Mr. Cox, of Indiana, objected to a bill which I had and I am hopeful that he will see the merits of the proposition and withdraw his objection.

Mr. KITCHIN. We all hope so.

Mr. VARE. I mean in the event of his doing so will that bill be considered to-night?

Mr. KITCHIN. The calendar will be taken up where we left off and we will go through the calendar and then if there is any time they will go back.

Mr. TILSON. Mr. Speaker, there are two classes of bills on the private calendar that have had no show at all, a few that were between the place reached the other night and the bills which were reported at the present session of Congress. Then there are—

Mr. MANN. We will reach those to-night if we have the time.

Mr. MILLER of Delaware. We start off with No. 422 and that is right before the military bills.

The SPEAKER. Is there objection?

Mr. BOOHER. I object.

Mr. BURNETT. The gentleman objects to what?

Mr. BOOHER. To the request of the gentleman from North Carolina.

Mr. STAFFORD. Mr. Speaker, I call for the regular order.

The SPEAKER. The regular order is to move to adjourn.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 15 minutes p. m.) the House, under its previous order, adjourned to meet to-morrow, Wednesday, February 21, 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, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Kennebec River, Me., Parker Head Harbor and Channel (H. Doc. No. 2071); to the Committee on Rivers and Harbors and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting copy of a communication of the Secretary of War submitting an estimate of appropriation under the title "Fortifications," Panama Canal (H. Doc. No. 2072); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Secretary of the Treasury, transmitting copy of a communication of the Secretary of State submitting an estimate for inclusion in the general deficiency bill (H. Doc. No. 2073); to the Committee on Appropriations and ordered to be printed.

4. A letter from the Secretary of the Treasury, transmitting copy of a communication of the Secretary of Labor submitting estimates of appropriations required for additional expenses in enforcing the laws regulating immigration from May 1, 1917, to June 30, 1918 (H. Doc. No. 2074); to the Committee on Appropriations and ordered to be printed.

5. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of Commerce submitting an estimate of appropriation for printing charts, Coast and Geodetic Survey (H. Doc. No. 2075); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. STERLING, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 17496) to authorize the Secretary of the Treasury, in his discretion, to transfer and convey to the Commissioners of Lincoln Park, of Chicago, Ill., the riparian rights of the United States, as the owner of land fronting on Lake Michigan and occupied as the site of the United States marine hospital in Chicago, Ill., reported the same with amendment, accompanied by a report (No. 1511), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SLAYDEN, from the Committee on the Library, to which was referred the bill (H. R. 16606) providing for a memorial to Miss Clara Barton in the building being erected for the use of the American National Red Cross, reported the same adversely, accompanied by a report (No. 1512); to which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. SHERWOOD, from the Committee on Invalid Pensions, to which was referred the bill (S. 8113) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, reported the same without amendment, accompanied by a report (No. 1510), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. TILSON: A bill (H. R. 20996) to regulate and control the manufacture, sale, and use of weights and measures and of weighing and measuring devices; to the Committee on Coinage, Weights, and Measures.

By Mr. NELSON: A bill (H. R. 20997) to increase limit of cost for the proposed new Federal building and the site therefor; to the Committee on Public Buildings and Grounds.

By Mr. LINDBERGH: A bill (H. R. 20998) to provide for an advisory referendum vote before a declaration of war by Congress; to the Committee on Foreign Affairs.

By Mr. FARR: A bill (H. R. 20999) for the relief of retired commissioned warrant officers detailed on active duty; to the Committee on Naval Affairs.

By Mr. CANDLER of Mississippi: A bill (H. R. 21000) for the relief of persons who are blind, exempting them from residence in entering public lands; to the Committee on the Public Lands.

By Mr. RAKER: A bill (H. R. 21001) to amend an act entitled "An act to parole United States prisoners, and for other purposes," approved June 25, 1910, as amended by an act approved January 23, 1913; to the Committee on the Judiciary.

By Mr. DAVIS of Texas: A bill (H. R. 21002) to authorize the Director of the Bureau of the Census, under certain conditions, to prepare and distribute blank ballots and to receive and count marked ballots and report to Congress the result of an advisory vote; to the Committee on Foreign Affairs.

By Mr. RICKETTS: A bill (H. R. 21007) providing for pensions to certain enlisted men, soldiers, and officers who served in the Civil War and the War with Mexico; to the Committee on Invalid Pensions.

By Mr. DENT: Resolution (H. Res. 516) providing for the consideration of an amendment to H. R. 20783; to the Committee on Rules.

By Mr. GLASS: Concurrent resolution (H. Con. Res. 76) authorizing the printing of volume I of the latest annual report of the Comptroller of the Currency; to the Committee on Printing.

By Mr. HULBERT: Memorial of the Legislature of the State of New York, favoring the appropriation of \$1,395,275 for transferring the quarantine establishment from the State of New York to the United States Government; to the Committee on Appropriations.

By Mr. GOULD: Memorial of the State Legislature of New York favoring the passage of H. R. 20080, migratory-bird treaty act; to the Committee on Foreign Affairs.

By Mr. GOODWIN of Arkansas: Memorial of the Legislature of the State of Arkansas, favoring the prohibition of liquor advertisements in the mails; to the Committee on the Post Office and Post Roads.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DICKINSON: A bill (H. R. 21003) granting a pension to John W. Owings; to the Committee on Pensions.

Also, a bill (H. R. 21004) granting an increase of pension to Esau Hartsell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21005) for the relief of James W. Mastin; to the Committee on Military Affairs.

By Mr. FREEMAN: A bill (H. R. 21006) granting an increase of pension to Nancy Ann Wilson; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of sundry citizens of St. Louis, Mo., commending the President on the stand he

took relative to the German situation; to the Committee on Foreign Affairs.

Also (by request), petition of socialists of Lockport, N. Y., urging Congress to prohibit Americans and American ships from the war zone; to the Committee on Foreign Affairs.

By Mr. CAREW: Petition of the Equitable Life Assurance Society of the United States, opposing the increase in the present tax on life-insurance funds as proposed in the "excess-profits" bill now pending; to the Committee on Ways and Means.

By Mr. DOOLING: Memorial of the Republican County Committee of the County of New York, approving universal military training; to the Committee on Military Affairs.

By Mr. DOOLITTLE: Petition of 100 citizens of Climax, Kans., protesting against compulsory military service; to the Committee on Military Affairs.

By Mr. EAGAN: Petition of New Jersey Agricultural Experiment Stations, New Brunswick, N. J., protesting against the Underwood oleomargarine amendment to the revenue bill; to the Committee on Ways and Means.

Also, petition of Farmers National Congress, United States of America, in Madison, Wis., protesting against the Underwood oleomargarine amendment to the revenue bill; to the Committee on Ways and Means.

Also, petition of General Manager of the Victor Talking Machine Co., Camden, N. J., favoring the Webb bill; to the Committee on Foreign Affairs.

Also, petition of the Wine and Spirit Importers' Society of the United States, against bill to exclude liquor advertisements from the mails; to the Committee on the Post Office and Post Roads.

Also, petition of Cincinnati Branch, American Union, against militarism; to the Committee on Military Affairs.

By Mr. FESS: Petitions of 293 publications of the State of Ohio, asking for the passage of a bill to bar liquor advertising from the mails; to the Committee on the Post Office and Post Roads.

By Mr. FULLER: Petitions of various citizens of Illinois, opposed to war and favoring a referendum before any declaration of war; to the Committee on Foreign Affairs.

Also, petition of the Board of Temperance of the Methodist Episcopal Church, for excluding liquor advertisements from the mails and to prohibit shipment of liquor into dry territory; to the Committee on the Post Office and Post Roads.

By Mr. GALLIVAN: Petitions of citizens of Boston and Dorchester, Mass., favoring a retirement law and an increase of salary for letter carriers; to the Committee on the Post Office and Post Roads.

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.

Also, petition of F. L. Dunne, Boston, Mass., opposing a referendum vote before a declaration of war; to the Committee on Foreign Affairs.

By Mr. HINDS: Petitions of the Kennebec Journal and 47 other newspapers in the State of Maine, favoring the exclusion of liquor advertising and soliciting from the United States mails except when addressed to licensed liquor dealers; to the Committee on the Post Office and Post Roads.

By Mr. HOLLINGSWORTH: Memorial of James E. Meyers and 244 other citizens of Belmont County, Ohio, opposing compulsory military training in any form; to the Committee on Military Affairs.

By Mr. HULBERT: Memorial of the Republican County Committee of the County of New York, favoring universal military training; to the Committee on Military Affairs.

Also, memorial of the Republican County Committee of the County of New York, approving the action taken by the President to uphold our rights as a sovereign nation; to the Committee on Foreign Affairs.

By Mr. LAPEAN: Memorial adopted by Boston Post Office Clerks' Association, relative to House bill 17806; to the Committee on the Post Office and Post Roads.

Also, memorial of Philadelphia Produce Exchange, opposing House bill 20573; to the Committee on Ways and Means.

By Mr. LINTHICUM: Petition of J. H. Hopkins, Berkeley Avenue, Baltimore, Md., opposing a referendum before a declaration of war; to the Committee on Foreign Affairs.

Also, petition of Mount Airy and Baltimore, Md., favoring a referendum vote before a declaration of war; to the Committee on Foreign Affairs.

Also, petition of the Baltimore Trust Co., Baltimore, Md., opposing the Kitchin bill; to the Committee on Ways and Means.

Also, petition of Independent Citizens' Union, of Baltimore, Md., favoring passage of Poindexter amendment to appropria-

tion bill, relative to office of postmasters; to the Committee on the Post Office and Post Roads.

Also, petition of Swindell Bros., of Baltimore, Md., against bill authorizing banks to charge collection fees; to the Committee on Banking and Currency.

Also, petition of Strouse & Bros., of Baltimore, Md., opposing repeal of Federal reserve act; to the Committee on Banking and Currency.

Also, petitions of sundry citizens and societies of the State of Maryland, favoring passage of the migratory bird treaty act; to the Committee on Foreign Affairs.

By Mr. MADDEN: Petition of sundry citizens and voters of Chicago, Ill., favoring universal military training; to the Committee on Military Affairs.

By Mr. MORIN: Memorial of Oakland Board of Trade, D. A. Jones, secretary, urging the necessity of the early designation, construction, and maintenance of a system of national highways, to be built and maintained by the National Government; to the Committee on Roads.

By Mr. NELSON: Petitions of 50 people of the Woman's Christian Temperance Union, Platteville, and 200 people of the Woman's Christian Temperance Union, Madison, Wis., favoring a national constitutional prohibition amendment; to the Committee on the Judiciary.

By Mr. ROWE: Petition of Charles J. Joachine, Brooklyn, N. Y., opposing the law to increase the taxes of life insurance; to the Committee on Ways and Means.

Also, petition of the National Educators' Conservation Society, opposing the Shields-Adamson and Ferris-Myers water-power bills as now drawn; to the Committee on Interstate and Foreign Commerce.

Also, petition of John E. Brady, Brooklyn, N. Y., opposing the District prohibition bill without a referendum vote; to the Committee on the District of Columbia.

Also, petition of B. K. Dietrich, Brooklyn, N. Y., favoring the migratory-bird treaty act; to the Committee on Foreign Affairs.

Also, petition of Dr. James Cole Hancock, Brooklyn, N. Y., favoring the migratory-bird treaty act; to the Committee on Foreign Affairs.

By Mr. SCHALL: Memorial of Operative Plasterers' International Association, of Minneapolis, No. 65, in re foreign relations; to the Committee on Foreign Affairs.

Also, memorial of Brotherhood of Railway Postal Clerks, Local No. 5, of Minneapolis, Minn., in re foreign relations; to the Committee on Foreign Affairs.

Also, memorial of Northwestern Lodge, No. 82, B. of L. F. and E., in re House bill 19730; to the Committee on Interstate and Foreign Commerce.

By Mr. TIMBERLAKE: Petitions of 100 people of the Baptist Church, Fort Morgan, Colo., and 38 people of the Hanover Union Sabbath School, Hanover, Colo., favoring a national constitutional prohibition amendment; to the Committee on the Judiciary.

By Mr. TINKHAM: Memorial of members of the convention of New England Electrical, Civil, and Mechanical Engineers, Boston, Mass., supporting the President in the hope that our rights may be obtained by peaceful means; to the Committee on Foreign Affairs.

Also, memorial of board of directors of the Springfield Board of Trade, urging the introduction of legislation which will enable the Interstate Commerce Commission of the United States to legally grant permission for the continued operation of the Sound steamship lines by the New York, New Haven & Hartford Railroad system; to the Committee on Interstate and Foreign Commerce.

By Mr. WATSON of Pennsylvania: Petition of the Haws Avenue Men's Bible Class, of Norristown, Pa., favoring passage of prohibition legislation; to the Committee on the Judiciary.

Also, petition of George W. Shade and 87 other citizens of Telford, Pa., announcing their opposition to the United States entering into a state of war and demanding that a declaration of war be referred to a referendum of the citizens; to the Committee on Foreign Affairs.

Also, petition of Mrs. J. Benninghoff, F. W. Zandel, jr., and 55 other citizens of McKinley, Montgomery County, Pa., praying for the passage of Senate joint resolution 55; to the Committee on the Judiciary.

By Mr. YOUNG of North Dakota: Petitions of Jacob Kren and 101 citizens of Wishek; P. J. Moen and others, of Flora; Christ Roth and 31 others, of Danzig; P. Goldade and 45 others, of Berwick; and Shell Butte Voters' League, all of North Dakota, asking for referendum on question of war; to the Committee on Foreign Affairs.