

Mr. FLETCHER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 2 hours and 10 minutes spent in executive session the doors were reopened.

CONSERVATION OF FOOD AND FUEL.

Mr. GORE. By direction of the Committee on Agriculture and Forestry I report back favorably, with amendments, the bill (H. R. 4961) to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel.

The VICE PRESIDENT. The bill will be placed on the calendar.

Mr. McKELLAR submitted two amendments intended to be proposed by him to the bill (H. R. 4961) to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel, which were ordered to lie on the table and be printed.

Mr. CHAMBERLAIN. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 25 minutes p. m.) the Senate adjourned until to-morrow, Thursday, June 28, 1917, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 27, 1917.

SOLICITOR FOR THE DEPARTMENT OF STATE.

Lester Hood Woolsey to be Solicitor for the Department of State.

PUBLIC HEALTH SERVICE.

Dr. Edwin Howard Settle to be assistant surgeon in the Public Health Service.

Dr. Harry Evans Trimble to be assistant surgeon in the Public Health Service.

RECEIVER OF PUBLIC MONEYS.

John S. Hunter to be receiver of public moneys at Montgomery, Ala.

REGISTERS OF THE LAND OFFICE.

Cato D. Glover to be register of the land office at Montgomery, Ala.

James F. Burgess to be register of the land office at Lakeview, Oreg.

Wade H. Fowler to be register of the land office at Douglas, Wyo.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, June 27, 1917.

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

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

Teach us, O Lord, Thy ways, and give us the disposition, strength, courage, to walk therein; that we may be faithful servants unto Thee and unto our fellow men. For it is not what we get out of the world but what we put into it that makes for nobility of soul.

Heaven is not reached at a single bound;
But we build the ladder by which we rise
From the lowly earth to the vaulted skies,
And we mount to its summit round by round.

Thus may we strive, struggle, serve, attain, in the spirit of the Master. Amen.

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

EXTENSION OF REMARKS.

Mr. GRAHAM of Illinois. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the river and harbor bill.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks on the river and harbor bill. Is there objection?

There was no objection.

Mr. POLK. Mr. Speaker, I have a telegram from Henry B. Scott, chairman of the Red Cross Committee of Delaware, that I would like to have read.

Mr. WALSH. I object.

The SPEAKER. The gentleman from Massachusetts objects.

DIVERSION OF WATER, NIAGARA RIVER.

Mr. FLOOD. Mr. Speaker, I ask unanimous consent that when action on the bills from the Committee on Interstate and Foreign Commerce shall have been concluded, the resolution

reported from the Committee on Foreign Affairs extending the authority of the Secretary of War to issue temporary permits for the diversion of water from the Niagara River above the Falls shall be in order.

Mr. GILLETT. For the present, I object. I think we had better wait.

RIVERS AND HARBORS.

The SPEAKER. The gentleman from Massachusetts objects. This is Calendar Wednesday, and under the special order of the House the river and harbor bill (H. R. 4285) is the special order. The bill was ordered to a third reading.

The bill was read a third time.

The SPEAKER. Last night, so the Chair understands, the gentleman from Illinois [Mr. MADDEN] demanded the reading of the engrossed copy of the bill. He is not here to withdraw his request, and the Chair supposes we will have to go through with that performance.

Mr. CANNON. Mr. Speaker, while I have not the authority I will jump it. I feel authorized to withdraw that demand.

The SPEAKER. The gentleman from Illinois [Mr. CANNON] assumes the responsibility of withdrawing that demand.

Mr. TREADWAY. Mr. Speaker, I make the motion to recommit the bill.

Mr. HULBERT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HULBERT. I would like to know whether it would be in order to ask unanimous consent that the reading of the engrossed bill be dispensed with?

The SPEAKER. That would have been in order if the gentleman from Illinois had not gotten in ahead.

Mr. HULBERT. That would relieve the gentleman from Illinois from responsibility, if that is the legal way to do it.

The SPEAKER. The gentleman from New York asks unanimous consent that the reading of the engrossed copy of the bill be dispensed with. Is there objection?

Mr. SEARS. The gentleman from Illinois [Mr. MADDEN] stated last night, so that a number of Members could hear him on the floor of the House, that if a certain agreement were made he would not press that demand.

The SPEAKER. Of course, everybody knows what it was done for. It was done to force an adjournment. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Massachusetts makes the motion to recommit.

Mr. TREADWAY. And on that I move the previous question.

The SPEAKER. The Clerk will report the motion of the gentleman from Massachusetts [Mr. TREADWAY].

The Clerk read as follows:

Moved by Mr. TREADWAY: That the bill (H. R. 4285) be recommitted to the Committee on Rivers and Harbors with instructions to report back the bill forthwith with the following amendment: After the word "named" in line 9, on page 1, insert the following: "Provided, That no money shall be expended for any item of maintenance in this act until the President of the United States has certified that in his judgment it is necessary for the commercial needs of the country or for the successful prosecution of the present war: And provided further, That no money shall be expended for any new project, survey or continuing improvement until the President of the United States has certified that in his judgment it is necessary for the successful prosecution of the present war."

The SPEAKER. On that motion the gentleman from Massachusetts moves the previous question.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

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

Mr. TREADWAY. A division, Mr. Speaker.

The SPEAKER. The gentleman from Massachusetts demands a division.

The House divided; and there were—yeas 42, yeas 63.

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

The SPEAKER. The gentleman from Massachusetts makes the point that there is no quorum present. Evidently there is not. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll. Those in favor of recommitting the bill will answer "yea" when their names are called; those opposed will answer "nay."

The question was taken; and there were—yeas 141, yeas 189, answered "present" 9, not voting 91, as follows:

YEAS—141.

Anderson	Bowers	Carter, Mass.	Crisp
Anthony	Britten	Cary	Crosser
Ashbrook	Browne	Chandler, Okla.	Currie, Mich.
Ayres	Burroughs	Connelly, Kans.	Dale, Vt.
Bell	Byrnes, S. C.	Cooper, W. Va.	Dallinger
Bland	Campbell, Kans.	Cox	Davidson
Blanton	Cannon	Cramton	Dill

Dillon	James	Moores, Ind.	Stafford
Doolittle	Johnson, S. Dak.	Mudd	Sterling, Ill.
Dowell	Johnson, Wash.	Nelson	Stines
Ellsworth	Jones, Tex.	Nicholls, S. C.	Sweet
Emerson	Keating	Nichols, Mich.	Tague
Esch	Kelley, Mich.	Nolan	Taylor, Colo.
Evans	Kelly, Pa.	Norton	Temple
Fairchild, G. W.	Kennedy, Iowa	Parker, N. J.	Thompson
Fairfield	Kincheloe	Pheian	Tilson
Fitzgerald	King	Platt	Timberlake
Foss	Kinkaid	Ramsey	Tinkham
Foster	Knutson	Ramsayer	Towner
Frear	Kraus	Reel	Treadway
Fuller, Mass.	La Follette	Roberts	Vestal
Gallagher	Langley	Rogers	Voigt
Gillett	Lenroot	Rose	Waish
Good	London	Rouse	Wason
Graham, Ill.	Lundeen	Sabath	Welling
Green, Iowa	McAndrews	Sanders, Ind.	Welty
Greene, Vt.	McClintic	Sanford	Wheeler
Hamilton, Mich.	McCormick	Schall	White, Me.
Haugen	McKenzie	Scott, Mich.	Williams
Helm	Madden	Scully	Wilson, Ill.
Hersey	Magoe	Sells	Woods, Iowa
Hilliard	Mapes	Shouse	Young, N. Dak.
Howard	Mason	Smith, Mich.	Zihlman
Huddleston	Mays	Snell	
Husted	Miller, Minn.	Snook	
Ireland	Mondell		

NAYS—189.

Adamson	Eagle	Kehoe	Rucker
Alexander	Elston	Kettner	Russell
Aswell	Estopinal	LaGuardia	Sanders, La.
Austin	Fairchild, B. L.	Larsen	Scott, Iowa
Bacharach	Farr	Lazaro	Sears
Bacon	Ferris	Lea, Cal.	Shackleford
Bankhead	Fisher	Lever	Sherley
Barkley	Flood	Linthicum	Siegel
Bathrick	Freeman	Little	Sims
Black	French	Lobeck	Sinnott
Boober	Garland	Lonergan	Slayden
Borland	Garner	Longworth	Sloan
Brand	Garrett, Tex.	McKeown	Small
Brodbeck	Glass	McLaughlin, Mich.	Smith, Idaho
Burnett	Glynn	McLaughlin, Pa.	Smith, C. B.
Caldwell	Godwin, N. C.	McLemore	Smith, T. F.
Campbell, Pa.	Goodall	Mansfield	Steagall
Candler, Miss.	Goodwin, Ark.	Martin, La.	Stedman
Cantrill	Gordon	Meeker	Stephens, Miss.
Caraway	Gould	Miller, Wash.	Sterling, Pa.
Carew	Graham, Pa.	Montague	Strong
Carlin	Gray, Ala.	Moon	Sumners
Carter, Okla.	Gray, N. J.	Moore, Pa.	Swift
Chandler, N. Y.	Greene, Mass.	Morgan	Switzer
Clark, Pa.	Gregg	Morin	Taylor, Ark.
Coady	Griffin	Mott	Thomas
Collier	Hadley	Oldfield	Tillman
Connally, Tex.	Hamlin	Oliver, Ala.	Van Dyke
Cooper, Wis.	Hardy	Oliver, N. Y.	Venable
Copley	Harrison, Miss.	Olney	Yinson
Costello	Harrison, Va.	Osborne	Yolstead
Crago	Haskell	Overstreet	Walow
Curry, Cal.	Hastings	Padgett	Walker
Darrow	Hawley	Park	Walton
Davis	Hayden	Polk	Watkins
Decker	Hedin	Porter	Watson, Va.
Dempsey	Heintz	Quin	Weaver
Denison	Hensley	Ragsdale	Webb
Dickinson	Hicks	Raker	Whaley
Dies	Holland	Randall	Wilson, La.
Dixon	Hood	Rayburn	Wilson, Tex.
Dominick	Houston	Riordan	Wingo
Dooling	Hulbert	Robbins	Wise
Doremus	Hull, Tenn.	Robinson	Wood, Ind.
Drane	Humphreys	Rodenberg	Woodyard
Dupre	Igoe	Romjue	
Dyer	Jacoway	Rowe	
	Kearns	Rubey	

ANSWERED "PRESENT"—9.

Browning	Dewalt	Kitchin	Stephens, Nebr.
Claypool	Kennedy, R. I.	McKinley	Winslow
Cooper, Ohio			

NOT VOTING—91.

Almon	Fordney	Kreider	Rainey
Barnhart	Francis	Lee, Ga.	Reavis
Blackmon	Fuller, Ill.	Lehlbach	Rowland
Bruckner	Gallivan	Leshar	Sanders, N. Y.
Brumbaugh	Gandy	Littlepage	Saunders, Va.
Buchanan	Gard	Lunn	Scott, Pa.
Butler	Garrett, Tenn.	McArthur	Shallenberger
Byrnes, Tenn.	Griest	McCulloch	Sherwood
Capstick	Hamill	McFadden	Sisson
Church	Hamilton, N. Y.	Maher	Slemp
Clark, Fla.	Hayes	Mann	Snyder
Classon	Heaton	Martin, Ill.	Steele
Dale, N. Y.	Helvering	Neely	Steenerson
Denton	Hill	O'Shaunessy	Stevenson
Doughton	Hollingsworth	Overmyer	Sullivan
Drukker	Hull, Iowa	Paige	Talbot
Dunn	Hutchinson	Parker, N. Y.	Templeton
Eagan	Johnson, Ky.	Peters	Vare
Edmonds	Jones, Va.	Pou	Ward
Fess	Juul	Powers	Watson, Pa.
Fields	Kahn	Pratt	White, Ohio
Flynn	Key, Ohio.	Price	Young, Tex.
Focht	Kless, Pa.	Purnell	

So the motion to recommit was rejected.
 The Clerk announced the following pairs:
 On this vote:
 Mr. STEVENSON (for) with Mr. HEATON (against).

Mr. KREIDER (for) with Mr. DALE of New York (against).
 Mr. SANDERS of New York (for) with Mr. JONES of Virginia (against).
 Mr. MCFADDEN (for) with Mr. WATSON of Pennsylvania (against).
 Mr. ROWLAND (for) with Mr. LEE of Georgia (against).
 Mr. FESS (for) with Mr. VARE (against).
 Mr. GALLIVAN (for) with Mr. O'SHAUNESSY (against).
 Mr. DEWALT (for) with Mr. SCOTT of Pennsylvania (against).
 Mr. PURNELL (for) with Mr. PETERS (against).
 Mr. KLESS of Pennsylvania (for) with Mr. MAHER (against).
 Mr. GANDY (for) with Mr. SULLIVAN (against).
 Mr. HELVERING (for) with Mr. BLACKMON (against).
 Mr. MCCULLOCH (for) with Mr. OVERMYER (against).
 Mr. CLAYTON (for) with Mr. SHERWOOD (against).
 Mr. COOPER of Ohio (for) with Mr. DENTON (against).
 Mr. LEHLBACH (for) with Mr. BROWNING (against).
 Mr. FOCHT (for) with Mr. EDMONDS (against).
 Mr. DUNN (for) with Mr. PARKER of New York (against).
 Mr. WINSLOW (for) with Mr. WARD (against).
 Mr. HAMILTON of New York (for) with Mr. FRANCIS (against).

Mr. BARNHART (for) with Mr. ALMON (against).
 Mr. PAIGE (for) with Mr. SNYDER (against).
 Until further notice:
 Mr. YOUNG of Texas with Mr. TEMPLETON.
 Mr. TALBOTT with Mr. STEENERSON.
 Mr. SISSON with Mr. PRATT.
 Mr. BRUMBAUGH with Mr. DRUKKER.
 Mr. KEY of Ohio with Mr. GRIEST.
 Mr. FLYNN with Mr. POWERS.
 Mr. LUNN with Mr. HOLLINGSWORTH.
 Mr. NEELY with Mr. KAHN.
 Mr. RAINEY with Mr. SLEMP.
 Mr. FIELDS with Mr. HILL.
 Mr. GARD with Mr. FORDNEY.
 Mr. BUCHANAN with Mr. CAPSTICK.
 Mr. EAGAN with Mr. HULL of Iowa.
 Mr. PRICE with Mr. HUTCHINSON.
 Mr. SAUNDERS of Virginia with Mr. HAYES.
 Mr. LITTLEPAGE with Mr. CLASSON.
 Mr. BYRNES of Tennessee with Mr. KENNEDY of Rhode Island.
 Mr. CLARK of Florida with Mr. FULLER of Illinois.
 Mr. KITCHIN with Mr. MANN.
 Mr. DOUGHTON with Mr. JUUL.
 Mr. MCKINLEY with Mr. GARRETT of Tennessee.
 Mr. STEPHENS of Nebraska with Mr. REAVIS.

From June 19 until July 3:
 Mr. MARTIN of Illinois with Mr. MCARTHUR.
 For the session:
 Mr. STEELE with Mr. BUTLER.
 Mr. BROWNING. Mr. Speaker, I voted "no." I have a general pair with my colleague, Mr. LEHLBACH, and I wish to withdraw my vote and be recorded "present."

Mr. WINSLOW. I wish to withdraw my "yea" vote and be marked "present."
 Mr. COOPER of Ohio. I voted "yea," but I have a general pair with the gentleman from Indiana, Mr. DENTON, and I desire to withdraw my vote and to be recorded "present."

Mr. DEWALT. I voted "yea." I find I am paired with the gentleman from Pennsylvania, Mr. SCOTT, and I wish to withdraw my vote and to answer "present."

The result of the vote was announced as above recorded.
 The SPEAKER. A quorum is present. The Doorkeeper will unlock the doors.

The question is on the passage of the bill.
 The question being taken, the Speaker announced that the ayes appeared to have it.

Mr. TREADWAY. Mr. Speaker, I call for the yeas and nays.
 The yeas and nays were ordered.
 The question was taken; and there were—yeas 205, nays 133, answered "present" 7, not voting 86, as follows:

YEAS—205.

Adamson	Caldwell	Copley	Dooling
Alexander	Campbell, Pa.	Costello	Doremus
Aswell	Candler, Miss.	Cox	Drane
Austin	Cantrill	Crago	Dupre
Bacharach	Caraway	Curry, Cal.	Dyer
Bacon	Carew	Darrow	Eagle
Bankhead	Carlin	Davis	Elston
Barkley	Carter, Okla.	Decker	Estopinal
Bathrick	Chandler, N. Y.	Dempsey	Fairchild, B. L.
Black	Clark, Pa.	Denison	Farr
Boober	Coady	Dent	Fitzgerald
Borland	Collier	Dickinson	Flood
Brand	Connally, Tex.	Dies	Freeman
Brodbeck	Cooper, W. Va.	Dixon	French
Burnett	Cooper, Wis.	Dominick	Garland

Garner	Kearns	Oliver, Ala.	Smith, C. B.
Garrett, Tex.	Kehoe	Oliver, N. Y.	Smith, T. F.
Glynn	Kettner	Olney	Snell
Godwin, N. C.	Kincheloe	Osborne	Stegall
Goodall	La Follette	Overstreet	Stedman
Goodwin, Ark.	LaGuardia	Padgett	Stephens, Miss.
Gordon	Larsen	Park	Sterling, Pa.
Gould	Lazaro	Polk	Strong
Graham, Pa.	Leshner	Porter	Summers
Gray, Ala.	Lever	Pou	Swift
Gray, N. J.	Linthicum	Price	Switzer
Greene, Mass.	Little	Quin	Taylor, Ark.
Gregg	Littlepage	Ragsdale	Temple
Griffin	Lobeck	Baker	Thomas
Hadley	London	Randall	Tillman
Hamlin	Longergan	Rayburn	Van Dyke
Hardy	Longworth	Riordan	Venable
Harrison, Miss.	Lundeen	Robbins	Vinson
Harrison, Va.	McKeown	Robinson	Volstead
Haskell	McLaughlin, Mich.	Rodenberg	Waldow
Hastings	McLaughlin, Pa.	Romjue	Walker
Hawley	McLemore	Rose	Walton
Hayden	Mansfield	Rouse	Watkins
Healin	Martin, La.	Rowe	Watson, Va.
Heintz	Mays	Rubey	Weaver
Hensley	Meeker	Rucker	Webb
Hicks	Miller, Minn.	Russell	Whaley
Holland	Miller, Wash.	Sanders, La.	White, Ohio
Hood	Mondell	Sears	Wilson, La.
Houston	Montague	Shackleford	Wilson, Tex.
Hulbert	Moon	Siegel	Wingo
Hull, Tenn.	Moore, Pa.	Sims	Wise
Humphreys	Morin	Sinnott	Wood, Ind.
Husted	Mott	Sisson	Woodyard
Igoe	Mudd	Slayden	
Jacoway	Nichols, Mich.	Small	
Jones, Tex.	Oldfield	Smith, Idaho	

NAYS—133.

Anderson	Fairchild, G. W.	Kraus	Sells
Anthony	Fairfield	Langley	Sherley
Ashbrook	Ferris	Lenroot	Shouse
Ayers	Focht	McAndrews	Sloan
Bell	Foss	McClintic	Smith, Mich.
Bland	Foster	McCormick	Snook
Blanton	Frear	McKenzie	Stafford
Bowers	Fuller, Mass.	Madden	Sterling, Ill.
Britten	Gallagher	Magee	Stines
Brown	Gallivan	Mapes	Sweet
Burroughs	Gillett	Mason	Tague
Byrnes, S. C.	Glass	Moore, Ind.	Taylor, Colo.
Campbell, Kans.	Good	Morgan	Thompson
Cannon	Graham, Ill.	Nelson	Tilson
Carter, Mass.	Green, Iowa	Nicholls, S. C.	Timberlake
Cary	Greene, Vt.	Nolan	Tinkham
Chandler, Okla.	Hamilton, Mich.	Norton	Towner
Connelly, Kans.	Haugen	Parker, N. J.	Treadway
Cramton	Helm	Phelan	Vestal
Crisp	Hersey	Platt	Voigt
Crosser	Hilliard	Ramsey	Walsh
Currie, Mich.	Howard	Ramseyer	Wason
Dale, Vt.	Huddleston	Rankin	Wellington
Dallinger	Ireland	Reed	Welty
Davidson	James	Roberts	Wheeler
Dewalt	Johnson, S. Dak.	Rogers	White, Me.
Dill	Johnson, Wash.	Sabath	Williams
Dillon	Keating	Sanders, Ind.	Wilson, Ill.
Doolittle	Kelley, Mich.	Sanders, N. Y.	Woods, Iowa
Dowell	Kelly, Pa.	Sanford	Young, N. Dak.
Ellsworth	Kennedy, Iowa	Schall	Zihlman
Emerson	King	Scott, Iowa	
Esch	Kinkaid	Scott, Mich.	
Evans	Knutson	Scully	

ANSWERED "PRESENT"—7.

Browning	Cooper, Ohio	McKinley	Winslow
Claypool	Kennedy, R. I.	Stephens, Nebr.	

NOT VOTING—85.

Almon	Flynn	Kiess, Pa.	Rainey
Barnhart	Fordney	Kitchin	Reavis
Blackmon	Francis	Kreider	Rowland
Bruckner	Fuller, Ill.	Lea, Cal.	Saunders, Va.
Brumbaugh	Gandy	Lee, Ga.	Scott, Pa.
Buchanan	Gard	Lehbach	Schallenberger
Butler	Garrett, Tenn.	Lunn	Sherwood
Byrns, Tenn.	Griest	McArthur	Slemp
Capstick	Hamill	McCulloch	Snyder
Church	Hamilton, N. Y.	McFadden	Steele
Clark, Fla.	Hayes	Maher	Steenerson
Classon	Heaton	Mann	Stevenson
Dale, N. Y.	Helvering	Martin, Ill.	Sullivan
Denton	Hill	Neely	Talbot
Doughton	Hollingsworth	O'Shaunnessy	Templeton
Drukker	Hull, Iowa	Overmyer	Vare
Dunn	Hutchinson	Paige	Ward
Eagan	Johnson, Ky.	Parker, N. Y.	Watson, Pa.
Edmonds	Jones, Va.	Peters	Young, Tex.
Fess	Juul	Powers	
Fields	Kahn	Pratt	
Fisher	Key, Ohio	Purnell	

So the bill was passed.

The Clerk announced the following additional pairs:

For the session:

Mr. STEELE with Mr. BUTLER.

Until further notice:

Mr. SHALENEBERGER with Mr. CLASSON.

Mr. JONES of Virginia with Mr. HUTCHINSON.

Mr. MAHER with Mr. PRATT.

On the vote:

Mr. PARKER of New York (for) with Mr. DUNN (against).
 Mr. DALE of New York (for) with Mr. KREIDER (against).
 Mr. SULLIVAN (for) with Mr. GANDY (against).
 Mr. O'SHAUNNESSY (for) with Mr. KIESS of Pennsylvania (against).
 Mr. ALMON (for) with Mr. BARNHART (against).
 Mr. BLACKMON (for) with Mr. HELVERING (against).
 Mr. OVERMYER (for) with Mr. McCULLOCH (against).
 Mr. SHERWOOD (for) with Mr. CLAYPOOL (against).
 Mr. DENTON (for) with Mr. COOPER of Ohio (against).
 Mr. BROWNING (for) with Mr. LEHLBACH (against).
 Mr. SCOTT of Pennsylvania (for) with Mr. DEWALT (against).
 Mr. WARD (for) with Mr. WINSLOW (against).
 Mr. FRANCIS (for) with Mr. HAMILTON of New York (against).
 Mr. SNYDER (for) with Mr. PAIGE (against).
 Mr. LEE of Georgia (for) with Mr. ROWLAND (against).
 Mr. PETERS (for) with Mr. PERNELL (against).
 Mr. VARE (for) with Mr. FESS (against).
 Mr. EDMONDS (for) with Mr. STEVENSON (against).
 Mr. WATSON of Pennsylvania (for) with Mr. McFADDEN (against).
 Mr. WINSLOW. Mr. Chairman, I desire to withdraw my vote of "no" and answer "present."
 The name of Mr. WINSLOW was called, and he answered "Present."
 The result of the vote was announced as above recorded.
 On motion of Mr. SMALL, a motion to reconsider the vote by which the bill was passed was laid on the table.

EXTENSION OF REMARKS.

Mr. MASON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing two letters, the first in reply to one of mine in regard to the Irish question and the other, not so long—

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

Mr. WALSH. Mr. Speaker, reserving the right to object, I could not hear the request of the gentleman.

The SPEAKER. The gentleman from Massachusetts reserves the right to object.

Mr. MASON. The first letter which I offer as an extension of my remarks is a letter of considerable length from Mr. Seumas O'Sheil in regard to a question which I asked him in regard to the Irish question, to be brief. The other—

Mr. WALSH. Mr. Speaker, I object.

The SPEAKER. The gentleman from Massachusetts objects.

Mr. MASON. Mr. Speaker, I ask unanimous consent to insert a shorter letter from Mr. Moore upon the question of conscription.

Mr. JAMES. Mr. Speaker, I object.

The SPEAKER. The gentleman from Michigan objects.

CHANGE OF REFERENCE.

Mr. HULBERT. Mr. Speaker—
 The SPEAKER. For what purpose does the gentleman from New York rise?

Mr. HULBERT. To prefer a unanimous-consent request. On the 25th of June I introduced a bill (H. R. 5185) to provide for French instruction in the United States Army and training camps. I have consulted the chairman of the Committee on Military Affairs, and he believes the bill should have been referred to that committee, but because it contained an appropriation it was referred to the Committee on Appropriations. After consultation with the gentleman from Alabama [Mr. DENT], I ask unanimous consent for a change of reference and that that bill be sent to the Committee on Military Affairs.

The SPEAKER. What is it about?

Mr. HULBERT. The bill appropriates \$500,000, or so much thereof as the Secretary of War may deem necessary, for the purpose of employing instructors at training camps to teach the soldiers intended to be sent to France the French language.

Mr. BORLAND. Mr. Speaker, I am not sure I am opposed to the gentleman's bill, but in the absence of the chairman of the Committee on Appropriations I shall object for the present.

LEAVE OF ABSENCE.

By unanimous consent, Mr. EAGLE was granted leave of absence for two weeks, on account of important business.

COMMITTEE TO MEET AND ESCORT THE BELGIAN COMMISSION.

The SPEAKER. At 1 o'clock the Belgian commission is to be here, and the Chair appoints Messrs. FLOOD, CHARLES B. SMITH, SHACKLEFORD, RAGSDALE, COOPER of Wisconsin, PORTER, and FOSS as a committee to receive and escort them.

GASES IN WARFARE.

The SPEAKER. Under an order of the House the gentleman from Connecticut [Mr. TILSON] is permitted to proceed for one hour on the subject of gases used in trenches.

Mr. TILSON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TILSON. In case it should require the full hour to make the presentation, shall I suspend prior to 1 o'clock and then resume after the Belgian commission has been received?

The SPEAKER. The Chair should think the gentleman may exercise his own judgment. It would keep the commissioners waiting—

Mr. TILSON. I should prefer, Mr. Speaker, when the time approaches that the Speaker notify me, and I will suspend if I have not finished and then resume after the commission has been received.

The SPEAKER. All right.

Mr. TILSON. Mr. Speaker, before beginning my remarks I wish to correct, to some extent, an impression inadvertently given when leave to address the House was first granted me two days ago. It was stated broadly that I was to speak on the subject of aeronautics. Aeronautics come in and play a very prominent part in what I have to say, but I wish to confine my remarks to the possibilities of fighting in and from aircraft, which is in some respects a continuation of what I said the other day about the use of weapons in and from the air.

I wish to state in the first place that I am not an advocate of frightfulness and that I am opposed to the use of any means of warfare not recognized by the latest and highest advancement of international law. [Applause.] I should deprecate a reversion to more primitive methods and should not agree to it except it should chance to be against an enemy who first employed those methods.

Mr. GARNER. Will the gentleman yield just there?

Mr. TILSON. Yes.

Mr. GARNER. Does the gentleman mean to say that he would use the same methods that his enemy used?

Mr. TILSON. I did not say that I would use all the methods that the enemy used, but this will illustrate what I meant to say: Suppose that another gentleman and myself were to agree to settle matters in a fight with the weapons that nature gave us, and we were proceeding in that fashion. If the other fellow should draw a small knife and begin to carve my person, I should not continue to pummel him with my fists, but if I had a larger knife I should use it. [Applause.]

We did not begin this war. We confidently expect to finish it. In doing so we may be forced to use the same means used by the enemy and go him one better. In fact, we must use the weapons the enemy has forced into our hands.

Some of the things I shall refer to are so vile and horrible that I feel like promising the House that when we have won this war by these means and others, if it be necessary to atone for the unpleasant things I have brought to your attention, including the horrible weapons heretofore presented and some things I shall mention to-day, such as noxious gases and the like, if you will promise to forgive me for all this I agree that in that peaceful day I shall try to rival the Queen of Sheba in dispensing aromatic perfumes. I agree to bring into the House a whole drug store of cosmetics and try to laden the air with attar of roses. I agree to release in the House a flock of turtle-doves and stand treat to the entire membership on grape juice. [Applause.]

The foundation of what I have to say to-day is aviation. Long before we became engaged in this war I was one of those who raised my feeble voice in this House and elsewhere in favor of preparedness along the line of aviation. I always urged the largest appropriations that the executive department believed could be spent advantageously, and was ready to vote more if the officials in charge thought they could use it, because I believed it the most important agency for us to develop for our national defense. I even advocated on one occasion that the Post Office Department in its great work should use these machines more largely, not only because it would be a useful vehicle for carrying important mail matter rapidly, but because of the impetus it would give to the development of aviation which could eventually be used in war if need be.

Since our entry into this war I have observed every report coming from the other side, and I am more firmly convinced than ever that our road to victory is through the air. [Applause.] I do not mean by that that we shall simply gain superiority, but we must have complete supremacy, and that, as I understand it, is the purpose of the War Department to-day. It will require a large sum of money. Mr. Howard E. Coffin, chairman of the advisory committee of the Council of National Defense, makes a suggestion of \$600,000,000, and I am for that. [Applause.]

Mr. Hawley, of the Aero Club, favors \$1,000,000,000, and I believe we shall come to that very soon. If we do spend a billion dollars, or two billions, for that matter, and thereby both win the war and save a million precious lives of our young men, those staggering sums will be a mere bagatelle. [Applause.]

Let us take into consideration the magnitude of some of the problems we have before us. When it is attempted to send millions of men to fight out this war in the trenches, the difficulty of the transportation problem of the men alone is not small. Then if we add to this the equipment and all the necessary paraphernalia to wage a war that we must carry along and constantly increase, the evergrowing amount of ammunition that we must send over, the steady stream of food that must never cease to flow, the immensity of the problem will be appreciated. All you need to do is to sit down, take a pencil, and begin to figure out the amount of transportation necessary for all these things, say, for 2,000,000 men, and you can see one of the difficulties in the way. Even 2,000,000 additional men against an intrenched foe might not turn the scale, and the millions might have to be several times increased. I believe, however, that if we could have a hundred thousand men in the air it would make such an overwhelming fleet that it would blind the eyes of our enemy and carry the war itself far over the trenches into the enemy's territory. After all, gentlemen, complete military victories are seldom won on your own territory. To win out you must take the offensive and carry the war home to the other fellow.

Germany has used psychology in this war to a great extent. Great Britain and France have used it scarcely at all. We all recall how, in the early days of the war, while Belgian forts were being pounded to atoms and fair Belgium herself was being devastated, we heard on every tongue and read in every newspaper of the wonderful deeds of the 42-centimeter guns. No one outside of Germany had heard or thought of such guns being used as semimobile guns. It appealed to the imagination. Miniatures of it were worn as badges on the breasts of fair women and old men in Germany, while the real article pounded its way almost to the gates of Paris.

Next came the Zeppelin raids. The total aggregate damage done was not large, comparatively, but it struck terror to the hearts of the people of England. We are compelled to-day to write down the Zeppelin as a practical failure when considered as an offensive weapon of warfare; at any rate, that it does not compensate for the great cost; but the psychological effect was considerable.

Even the sly, deadly U-boat was utilized in the same way. How dramatically that unspeakable tragedy of the *Lusitania* was staged! Semiofficial warning was given by advertising in the papers and otherwise advising people not to go on that ship. It was all too horrible for the average American mind to visualize as a possibility. It was thought to be so horrible that it was hardly observed, and certainly not heeded by our people.

Then that fatal day at Ypres, after long and careful preparation, 50 tons of chlorine gas to a mile of trench was turned loose opposite that sector of the line held by the gallant Canadians. Twenty-five per cent of those brave fellows were killed and the whole line terrorized for a time.

Air supremacy, as I say, is necessary to carry out the plan I have in mind of ending this war with the minimum loss of American lives, and we can secure it. In the first place, it takes men of superb courage and daring. We have the men of that kind. The aeroplane is a Yankee invention. The eagle is an American institution. The air is ours by right. We can make it so by might. [Applause.] Such a program will require a considerable amount of money. Fortunately—and I do not say it boastfully—we have the money. If by the expenditure of money in that way we can serve the purpose better, and at the same time save sending millions of our young men to the trenches, then it is worth all it may cost.

Now, a word as to the advancement made in aviation before I proceed to another part of my subject. I shall not attempt to go into a history of aeronautics; that is familiar to all and not necessary to the matter that I have in hand. At the beginning of the war each side had a few aeroplanes. The subject had appealed to the imaginative Frenchman more than it had to us or to the English. So France had quite a number. Germany, of course, following out her practice of thorough preparedness in everything, was well prepared with aeroplanes. At the Battle of the Marne aeroplanes cut a considerable figure. The Germans had the old Taube machine and the French had the old Nieuport and others. These machines made something like 70 or 80 miles an hour. At once both sides set to developing this art, and very soon they were turning out machines on both sides that made very much in excess of those figures. First came the German Fokker, and gained superiority for the Germans. Then

the Nieuport and other French machines were improved, and so it has gone, with superiority first going to one side and then to the other. Both sides now claim to have machines that will make the incredible speed of 140 miles an hour, and that will climb in the air 10,000 feet in 13 minutes. It is hoped to make it in 10 minutes very soon.

Then the size of the machines has been greatly increased. The old machine was made to carry 1 man or 2 at the most, and some thought that was the limit of the size of aeroplanes. The development in size has gone on until to-day larger machines are flying than ever were thought possible. To-day smaller ones than any practical constructor dreamed of are being successfully flown. Take the big machines of the Handley-Page type, in which 11 men have flown from London to Rome in the night time. Such a machine is so large that it can take two little aeroplanes with their aviators on the wings, go up in the air 10,000 feet, and launch the small machines from the wings of the big one. That feat actually has been done. A machine of this larger type, which it is necessary to fly lower and which now usually flies at night, when we are able to take and hold complete supremacy of the air we shall be able to use in the daytime.

The weapons that can be used from aircraft are practically all of those that can be used on the land, up to and including the Davis 3-inch recoilless gun, and a number that can be used in no other way, as I shall show in the case of certain drop bombs. I have on former occasions spoken of the use of pistols, rifles, and machine guns from aeroplanes. The machine gun especially is extremely important, but I shall not repeat what I have said on the subject.

I also referred to the use from aeroplanes of fragmentation bombs, especially the Barlow bomb. At that time I told the House that this bomb had not yet received its final test. The test was held at the Hampton grounds a few days ago. It was dropped from aeroplanes at great heights, so as to thoroughly test it, especially as to accuracy and destructiveness. I do not think it advisable to give you the official figures, but I am permitted to say that the results were highly satisfactory in every respect, and that the officers having the matter in charge are quite enthusiastic. [Applause.] This bomb, in my opinion, is sure to be heard from before the war is over. Not only is great credit due to the inventive genius of Mr. Barlow, but to the Ordnance Department, and especially to the commandant and other officials of Frankford Arsenal, under whose special guidance this young man's fertile ideas were so satisfactorily worked out. I am informed that an up-to-date corporation of patriotic men have made all preparations necessary to manufacture these bombs in large quantities under whatever arrangement the Government may deem necessary and proper.

Mr. CAMPBELL of Kansas. Will the gentleman yield?

Mr. TILSON. I yield to the gentleman.

Mr. CAMPBELL of Kansas. Some time ago there was a great deal of talk in administration circles about the espionage bill, with the view largely to preventing the notifying of the enemy of plans of the administration and of this Government. I note now, however, that much talk has been indulged in in administration circles that has gotten into the newspapers with respect to the plans of our Government as to the conduct of the war. Does not the gentleman think that already much of value to the enemy has been disclosed with respect to the use of the aeroplane and the bomb in connection with it?

Mr. TILSON. Probably so, and I would say it was absolutely so, if it were not for the fact that we are almost certain that everything that has been revealed, certainly through the newspapers or through the wide circulation of the CONGRESSIONAL RECORD, is already known to Germany. I am sure that all I have presented in connection with the bomb—

Mr. CAMPBELL of Kansas. I do not refer to what the gentleman has stated on a former occasion and now. But I have been wondering if there was a purpose on the part of the War Department to disclose to the world and to the enemy just what our plans are?

Mr. TILSON. I do not believe so. I think a certain amount of publicity as to general plans is absolutely necessary, because those matters have got to come before this House for appropriations, and this House is going to insist on knowing a certain amount of detail in regard to them. I believe that what has been given out is no more than what would be required in this House before enormous appropriations of that kind would be made.

Now, as my time is going I wish to refer to one additional means of fighting from the air. In addition to the fragmentation bombs there is a large field to which I have not heretofore referred, and that is gas bombs. Fighting with gas is worthy of an entire chapter by itself. The use of gas as a weapon of defense, like many of the other weapons now in

common use in the armies of Europe, such as the catapult, flame projector, trench knife, and sling, is an inheritance from the early ages amplified, improved, and made more destructive by the aid of modern science.

The first recorded effort to overcome the enemy by the generation of poisonous and suffocating gases seems to have been in the wars of the Athenians and Spartans (431 to 404 B. C.), when in besieging the cities of Plataea and Bellum the Spartans saturated wood with pitch and sulphur and burnt it under the walls of these cities in the hope of choking the defenders and rendering the assault less difficult. They also melted pitch, charcoal, and sulphur together in cauldrons and blew the fumes over the defenders' lines by means of bellows.

"Greek fire" was used by the Byzantine Greeks under Constantine about 673 A. D. to destroy the Saracens, and Saracens in turn used it as a weapon of defense against the Christians during the crusades. This Greek fire had the double advantage of being not only inflammable but also generating during the process of combustion clouds of dense blinding smoke and gas of an asphyxiating character. Its chemical composition was supposed to be a mixture of quicklime, petroleum, sulphur, and such other inflammable substances as pitch, resin, etc. Upon the addition of water the slaking process which the quicklime underwent generated enough heat to ignite the petroleum which in turn ignited the resin, pitch, and sulphur. This flaming mixture was delivered against the enemy by means of phantastic syringes in the shape of dragons and other monsters with wide jaws.

The first use of gas in modern warfare occurred April 22, 1915, when the Germans liberated great clouds of gas against the allied trenches near Ypres with a resulting complete demoralization of the troops and a large number of casualties.

Coincident with the use of the "gas cloud" the Germans began to use gas also in bombs, hand grenades, and shells. From this beginning gas has now become recognized as one of the accepted arms of the military service and is being used very extensively in all armies, especially in the form of gas shells.

Before proceeding to speak of the different kinds of gases, or the methods of attack with gases, I think I should first address myself to the defense against gases, because that is the way, mind you, in which we approach it. The gases were used against the Canadian troops contrary to The Hague convention, but are now generally used, not only by the enemy but by the allies themselves. The first problem that the allies had to face was defense against it. As I have stated, on April 22, 1915, opposite the Ypres salient the Germans turned loose 50 tons of chlorine gas to the mile of front occupied. Chlorine gas is two and one-half times as heavy as air. It apparently rolls along the ground in a greenish-yellow cloud. As soon as it reaches the vicinity of the dugouts, being heavier than air, it immediately goes down into the dugout and remains there until removed. The allies had to meet this problem, and they began meeting it at once. Some Germans were captured who had gas masks, and in a few days every woman in France that could find any material out of which to make these things were making gas masks—imperfect, crude things at first, but they improved rapidly. A gas mask is absolutely necessary for the life of anyone who is exposed to these deadly gases.

I have brought here to-day three types of masks that are used in defense against noxious gases. With his consent, I am going to ask the gentleman from Ohio, Capt. HEINTZ, who is always a good soldier, if he will now volunteer as a victim and try on one of these masks for me. [Applause.]

While the captain is adjusting the mask I will speak briefly of the other two types. Two of the page boys have consented to put on the other two types. This one [indicating] is the British reserve mask. It must go under the coat in this way [indicating]. Otherwise it is of no value.

You will notice the difficulty with this type. This air valve has the one end in the mouth, so that the person using it must be able to breathe through the nose, because this valve only works outwardly. Thus, stopping the mouth with the outward valve makes it necessary to use the nose for breathing in order to get any breath at all. The air, of course, goes through this fabric which is saturated with the neutralizing chemical. This is the type used by the French [indicating]. It has the advantage of simplicity. You can breathe either through the mouth or through the nose, but the breath must go out and in through the fabric. There is no outlet at all. This one [the British reserve mask] is not absolutely proof against gas for a long period. Therefore it is used only in reserve by men 4 or 5 miles back of the lines. The British in the trenches most liable to be exposed to gas are required to have this type [the box-respirator type]. In fact it is now required that the men shall have both of these.

This mask that the gentleman from Ohio is now putting on is adapted from one that was first made by the British which in turn they adapted from one captured from the Germans. It has been improved to some extent as time has gone on. We think we have improved it in these that we have been manufacturing for our own troops. This one that the gentleman from Ohio has on is absolutely proof against gas for 10 hours, it is said. When the gentleman from Ohio tried it on the other day and I was saying to a bystander that a man could live in it from seven to eight hours, as soon as the captain got that valve out of his mouth he protested that he would not like to try to live seven or eight hours in that mask. [Laughter.] It is, however, absolutely proof against these deadly gases, which, after all, is the important matter.

This [indicating] is a canister containing the chemicals. Here is the same rubber valve that the other has, that you breathe through outwardly. It has a pair of claspers on the nose, so that the man can not breathe through his nose at all.

In the reserve mask he must breathe through his nose. In this one a man can not breathe through his nose at all, but must breathe through his mouth. There are some men who can not breathe through the nose, but all men, so far as I know, can breathe through the mouth. This one—box-respirator type—is absolutely proof against any gas that has as yet been used.

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

Mr. TILSON. Yes.

Mr. HAMLIN. The air passing through the chemical neutralizes the gas, does it, that the enemy sets afloat?

Mr. TILSON. It does; and it is the intention, as I understand, of our War Department to test these things and to actually turn the gas on men wearing them as a matter of trial before they are exposed to the enemy.

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

Mr. TILSON. Yes.

Mr. BRITTEN. Will the chemical in the canister destroy any gas, irrespective of the gases that are thrown by the enemy?

Mr. TILSON. Against all gases that have been used thus far, I believe, this chemical has proved to be an antidote.

Mr. HARDY. Mr. Speaker, will the gentleman permit a question?

Mr. TILSON. Yes.

Mr. HARDY. What does that cost?

Mr. TILSON. This box-respirator type costs about \$7, while this one costs from \$1.50 to \$1.75.

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

Mr. TILSON. Yes.

Mr. HUMPHREYS. How do the ones that the pages have on protect?

Mr. TILSON. They are saturated with chemicals and put down over the head so that you can not get any breath except air that passes through the fabric saturated with the chemical, so that the gas is neutralized. It is the same way with the French mask. The fabric is thoroughly saturated with the chemical.

Mr. BRITTEN. How long will that last?

Mr. TILSON. These smaller masks will last in gas three or four hours. This one will last longer. It is figured that a man could live in a deadly gas for 10 hours with one of these horrible things on.

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

Mr. TILSON. Yes.

Mr. HAMILTON of Michigan. Have they places where they can recharge the masks with chemicals?

Mr. TILSON. They can replace the canister.

Mr. HAMILTON of Michigan. I mean as to the other masks?

Mr. TILSON. Undoubtedly. The chemical is in a liquid form and these masks can be recharged with it.

Deadly gases have the same effect on horses, and in many cases these masks are used on horses in order to protect their lives.

Mr. HARDY. How does the breath, once taken in, get out again?

Mr. TILSON. In this one, the English reserve mask, the air having passed through this fabric and into the body through the nose, passes out through this rubber valve. The breath goes out, but when you start to draw in here that valve closes.

Mr. HARDY. It has one valve for drawing in?

Mr. TILSON. No. That is simply an exhaust valve.

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

Mr. TILSON. Yes.

Mr. DOWELL. When that is exhausted a person can not live with a mask on?

Mr. TILSON. In the English reserve mask a person can live three or four hours. That is all it will last in gas.

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

Mr. TILSON. Yes.

Mr. LENROOT. These chemicals have to be replaced every 10 hours, whether they are used or not, have they?

Mr. TILSON. Oh, no. This one that the gentleman from Ohio put on is charged with a chemical, but you do not smell it at all. You have no idea that the chemical is in there, and it does not appear until the deadly gases appear.

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

Mr. TILSON. For a question.

Mr. MEEKER. How far from the lines can these clouds of gas be sent? How far does the gas carry?

Mr. TILSON. Of course that is not possible of accurate answer. It depends upon the wind conditions, and whether the ground is smooth, and the wind is gentle or strong or all in one way. Fortunately, on the western front the prevailing winds are from the west, and it gives the Germans a slight disadvantage in cloud gases. It also depends upon the amount of gas that you have.

The gentleman understands that it is also used in shells, and it is the purpose to use it more largely. Any one who gets the supremacy of the air can use it successfully. It can be used in all kinds of containers that can be dropped from the air, and can almost destroy the artillery of the enemy if you drop enough of it to kill or put out the eyes of the gunners. The lachrymatory gases are especially effective against the artillery.

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

Mr. TILSON. Yes.

Mr. MONDELL. Do I understand that the cheaper or emergency masks allow the passage of air through the material of the mask, but exclude the gas?

Mr. TILSON. The air, laden with the gas, comes through the mask and is drawn in by the suction of the man's lungs, gas and air mixed. It must go through this fabric which is saturated with a chemical, and going through it the chemical neutralizes the gas, only the purified air coming through.

Mr. MONDELL. Where is the chemical?

Mr. TILSON. It is in the mask itself, and if the gentleman will come close enough to it he will be able to smell it. The material itself is saturated.

Mr. DOWELL. Mr. Chairman, how long will that mask remain saturated without being used?

Mr. TILSON. Indefinitely, practically. If the gentleman will pardon me, I desire to go just a little bit farther in regard to these means of ending the war. I believe that with the combination of all of the arms that we can use from the air, all kinds of guns up to 3-inch, all of these terrible bombs of which I have been speaking, and of which I have heretofore brought in several different types, and then these gas bombs which are very deadly as fired now from trench mortars and howitzers, we can do a great deal toward ending the war. I believe that with all these coupled with the increased use of the aeroplane, so that bombs, instead of being fired from mortars or howitzers, which is destructive of certain kinds of containers and renders useless certain kinds of very poisonous gases, may be dropped from the aeroplane, we can do much toward making war unbearable.

You can use other and different gases from the aeroplane than you can from the gun. There are now a number of chemists, I could not tell you how many, brilliant chemists, who are working on these problems. It is believed that with the supremacy of the air complete, the use of bombs, including the use of gases—which was forced into the hands of the allies, first being used by their adversaries—may be made the turning element in this whole contest. Think what the effect would be if used against supply depots, if used against troops in reserve, where they are supposed to be resting back of the lines; think what it would mean to have these bombs constantly falling upon them, or, even going farther back, with supremacy of the air, back over German territory. Of course, I should be in favor of warning them to take away their women, children, and old men from any part of the country that we should have to operate over, a thing, by the way, which the enemy has not done in the case of the Zeppelins which have gone over England. Having done that, you can realize what kind of terror and destruction might be brought to Germany itself by the use of all kinds of weapons used in aerial warfare, including gas bombs of every type and kind.

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

Mr. TILSON. For a question.

Mr. WOODYARD. How are we to obtain the results which we all hope for if the Germans should avail themselves of the same means of protecting their soldiers with masks, which I assume they do?

Mr. TILSON. We shall have to do it more and carry it farther back, where they will not be equipped with masks.

Mr. FARR. Does the gentleman desire to say anything about the facilities we have for the making of aircraft?

Mr. TILSON. We have great facilities for the making of aircraft. There is to-day in this city a meeting of the Society of Automotive Engineers. These men know what is needed and how to get it; they are bringing great comfort to the hearts of those who are wrestling with this problem. There is great satisfaction in the progress being made in aviation, as there is along all of these lines of which I am speaking.

Mr. HAMILTON of Michigan. As I understand it, though perhaps I have not been correctly informed, one great difficulty we have had in this country has been the construction of engines of sufficient power, and our difficulty in that respect was illustrated in Mexico.

Mr. TILSON. Yes.

Mr. HAMILTON of Michigan. Have we overcome that difficulty?

Mr. TILSON. We have overcome it, as I am informed and believe.

Just one word now as to the effect of these gases. I was advised by one of my good friends that perhaps I ought not to speak of these terrible things, as it might discourage the young men of the country. I do not believe so. I believe that we should know the worst. I believe that we should know what we are going up against, so that we may nerve ourselves to the task and prepare ourselves to meet it. Gas poisoning is a horrible death, and the net results of these gases are very terrible. Of course, we hate to use them, but we do not wish them to be used upon us, and the only way to prevent it is to be prepared to use them ourselves and protect ourselves against their use, and that is what I advocate. It is the reason why I have brought these things here to-day to show how we must prepare ourselves. [Applause.]

[At this point the House took a recess, the Belgian commission appeared, and the head of the commission, Baron Moncheur, addressed the House.]

THE BELGIAN MISSION.

The SPEAKER. Under the previous order, the House will stand in recess for 30 minutes.

Accordingly (at 1 o'clock p. m.) the House took a recess until 1 o'clock and 30 minutes p. m.

At 1 o'clock and 4 minutes p. m. the Sergeant at Arms announced the Belgian mission, and the members of the mission, Baron Ludovic Moncheur, Mr. de Cartier, Gen. Leclercq, Maj. Osterreith, and Count d'Ursel, accompanied by Mr. Warren Robbins, secretary of embassy, attached by the Department of State as aid to the mission, and Capt. Cook, military aid, entered the Hall of the House.

The distinguished visitors were escorted to the Speaker's rostrum amid prolonged applause and cheers.

The SPEAKER. Gentlemen of the House of Representatives, from time out of mind Belgium has been known as the cockpit of Europe. [Applause.] There have been more great battles fought in Belgium than on the same acreage of land anywhere else in the civilized world.

Those of you who remember when you were wrestling with Latin in the days of your youth recall that Cæsar, in the opening words of his Commentaries, said that among the Gallic tribes the Belgians were the bravest. [Applause.] Most assuredly he was a good judge of fighting men. Within the last three years the present generation of Belgians have demonstrated beyond all controversy that they are worthy of the high encomium pronounced on their ancestors by the great Roman Emperor. [Applause.]

I now present to you Baron Moncheur, the head of the Belgian mission to this country. [Applause.]

Baron MONCHEUR. Mr. Speaker and gentlemen of the House of Representatives, I am deeply grateful for this cordial reception by your distinguished assembly. Your sympathy and friendship will warm the hearts of all my countrymen and will give them renewed confidence for the future. We know that in the great conflict before us we have the powerful aid of the American Nation.

During my long residence in the United States some years ago I watched with interest and admiration the economic development of your country, which had been favored by the advantages of many years of peace.

During that period my own country learned from you many lessons in regard to industry and commerce and by following your example had become, although small in size and population, one of the foremost nations of the earth in the realms of commerce and industry.

But if years ago I admired your country in the fullness of prosperity and wondered at your industrial genius and the marvelous activity of your citizens, it is with even greater admiration that I now see your entire Nation rise as one man to answer the voice of your President calling upon you to put forth all your efforts and devotion for the defense of freedom and the rights of mankind. [Applause.] All the sons of America, without distinction of race or of party, have rallied to your flag. They think only of their duty to their country. They are ever ready to sacrifice their private and personal interests, and leaving behind them their dear ones, who will be plunged into grief and tears on account of their absence, they rally to the Star-Spangled Banner, which for the first time in your history has crossed the ocean to float over the battle fields of the Old World. [Applause.]

As in the Middle Ages the knights were accustomed to hold a vigil, watching their armor in the chapel, so you to-day are making that same holy and prayerful preparation for the battle to come. Everywhere you are carrying on work which day by day brings nearer the moment of supreme victory. [Applause.] While the flower of American youth is preparing itself in your splendid training camps, your shipyards, your factories, and your munition plants resound with the hum of feverish work providing your soldiers with the implements of war.

American aviation, that marvelous product of the New World, is making ready to lend its powerful aid, also, to support our armies. Is it not natural, indeed, that the American eagle should from the skies strike the deathblow to the enemy? [Applause.]

After your great stroke for liberty in 1776 you formed a society which you called the Order of the Cincinnati, to indicate that when war was finished you knew how to beat your swords into plowshares; and now, when war has been forced upon you, you have given proof that you know equally well how to turn your plowshares into swords. [Applause.] Some 20 years ago Prince Albert of Belgium, heir to a throne which seemed to be safely sheltered from the blast of war, came to America where he studied with the deepest interest your marvelous country and the wonderful works of industry and commerce which you had developed in the quietude of peace; and now how can I express the sentiments which fill his heroic soul when, fighting at the head of his troops in the last trench on Belgian soil, he sees the sons of that same industrious America land upon the coast of Europe, brave champions of the most noble principles, and ready to lay down their lives in defense of right and justice. [Applause.]

On a certain occasion a mighty sovereign declared "the Pyrenees exist no more," and to-day we can say with even more truth "There is no longer any ocean"—for endless friendship, cemented by gratitude and joint effort and triumph in the cause of justice and liberty, will forever obliterate the barrier of the seas and unite the children of old Belgium to the sons of the young and powerful Republic of the New World. [Applause.]

The members of the mission then took their places at the right of the Speaker's rostrum, and the Members of the House were presented to them.

The distinguished visitors were then escorted from the Hall of the House.

The recess having expired, the House was called to order by the Speaker.

The SPEAKER. The gentleman from Connecticut [Mr. Trison] has 21 minutes remaining.

GASES IN WARFARE.

Mr. TILSON. Mr. Speaker, when I suspended, in order that the House might receive the Belgian commission, I was still speaking on the subject of gases and their use in warfare, especially from aeroplanes. I had finished practically what I had to say on that subject, and am now willing to answer questions in regard to it so far as I can.

Mr. ROGERS. Will the gentleman yield?

Mr. TILSON. I yield to the gentleman from Massachusetts.

Mr. ROGERS. Several officers who have returned from this country from France, and who have had experience in the conditions of trench warfare, have told me that the defense against gases is so complete and thorough on both sides that by common consent practically the use of gases has been discontinued. Can the gentleman tell us anything about that?

Mr. TILSON. That is probably true as to cloud gases, which of course can be used successfully only against the front line of trenches, in which every man must be thoroughly prepared to defend himself against gases. It is our intention to have one of these respirators of the box type with every man, and a reserve mask of the type used by the French and the Belgians, so that

cloud gases will probably not be used much when it is known that everybody is thoroughly prepared against them. The gentleman will note, however, that it is my expectation that these gases will be made use of from aeroplanes a great deal more than they ever have been. They have already been used, and are now being used increasingly in the form of projectiles of glass and steel containing these poisonous gases, and fired from trench mortars and howitzers. They are using these increasingly. My idea is that they will be used still more from aeroplanes when we get supremacy of the air, and that the gases being dropped suddenly from the air, perhaps at some distance back from the front line, the men behind the front line will not be so well prepared and will suffer demoralization and other damage, especially among the artillery and the reserve.

Mr. ROGERS. Is the nature of these gases such that if the bombs containing them are fired from a howitzer or dropped from an aeroplane there will be time to adjust a mask which is actually being carried by the soldier, in time to prevent his being harmed by the explosion of the container of the gas?

Mr. TILSON. There is not time. As a matter of fact, they figure that in order for a man to be sure to protect himself against cloud gases he must be ready to put these masks on in 20 seconds. The drill in putting on these masks is made as accurate as the manual of arms used by Infantry. It is intended to speed up so that a man can put one on in six seconds. Even six seconds may be too long with these deadly gases falling from the sky, going out in every direction, and a man getting a whiff of the gas before it is possible to put on his mask. That has happened. I remember one of the party with the British commissioners told of an instance showing the effect of gas shells containing the terribly poisonous gas called phosgen, which, unlike the chlorine or bromine gases, has a delayed action, so that you take it to-day and die to-morrow. The instance was one where a shell descended and two men got a whiff of the gas. A surgeon, being near, saw that they were exposed to it, and immediately ordered them to the hospital and to bed. They obeyed orders and went off to the hospital, joshing each other that two strong men should be ordered to bed with nothing the matter with them. Before the dawn of the next morning both had died horrible deaths from that awful poison.

Mr. McKENZIE. Will the gentleman yield?

Mr. TILSON. Certainly.

Mr. McKENZIE. Would not the Germans see these flying machines coming, or, hearing them and knowing that we had resorted to the use of this outrageous way of fighting, as all agree, would not they have time to put their masks on?

Mr. TILSON. It is hoped that we are going to have so many machines in the air that they will not have to fly 10,000 feet high, but will be able to fly down nearer the ground, and in that way the Germans may have to wear their masks all day long.

The point is that only a small part of the men can be on the front at once. They take turns, and the men on the front line, subject to exposure, to cloud gases, have to be doubly prepared by having one each of these masks.

Mr. FARR. Will the gentleman yield?

Mr. TILSON. Yes.

Mr. FARR. How soon does the gentleman think that we will have all of these men in the air?

Mr. TILSON. It is too early for me to say. I would say here that conditions have been revolutionized on that subject, and there is every encouragement to lead us to believe that we are going to turn them out very rapidly. The gentleman knows that all we have to do is to standardize them. Whenever we standardize a thing we can turn it out rapidly. That is what we are going to do.

Mr. MILLER of Minnesota. Will the gentleman yield?

Mr. TILSON. Certainly.

Mr. MILLER of Minnesota. Independent of the construction of the machines, will the gentleman tell us how long it would take an ordinarily competent man without any experience as an aviator to become so experienced that he can operate a machine?

Mr. TILSON. That is a difficult question. The longer he operates one the better he is prepared; in fact, they have sent many young men to their death because they were not thoroughly trained. The need of them was so great that many have gone up in the air before they were prepared, and as a result have gone down to their death.

Mr. MILLER of Minnesota. Would it be fair to say that they can be trained within a year?

Mr. TILSON. Yes; I should say, with the aptitude the average American has, with the avidity with which he goes into problems of that sort, he should be prepared in less than a year.

I think it is fair to say that if they are taken very near the fighting line, where they can take it all in with every breath, they will very soon learn the business. I should say that a year is longer than would be necessary.

Mr. SLOAN. Will the gentleman yield?

Mr. TILSON. I will.

Mr. SLOAN. Will the gentleman state which side, the allies or the central powers, now have the apparent superiority in the air, taking into account the prejudices of the censorship? What is the gentleman's opinion?

Mr. TILSON. My opinion is not good for much, because it is founded on information that is open to everybody—from reading the newspaper reports and the official reports, from which I get more information than in any other way. You can sometimes tell a great deal by what they do not say in one of the official reports. I believe from all this that the allies have a superiority to-day in the number of machines and the weight they will carry. I believe that the Germans have a superiority in climbing. A climbing machine is a very necessary thing. If you can take the upper berth above the other fellow and come down on him at a speed of 200 miles an hour, you can make it a very deadly matter.

Mr. GREENE of Vermont. After all, is it not a very difficult thing to standardize the time at which the aviator will arrive and become an expert, because it is the case of individual temperament and aptitude?

Mr. TILSON. It is.

Mr. GREENE of Vermont. And the fact is that equations vary with each individual. A man that is on the way to be a skillful aviator may be killed and his effect in the table of averages not demonstrate what his proportion would be?

Mr. TILSON. That is the case.

Mr. HAMILTON of Michigan. I want to interrupt the gentleman to say that I have understood, and I have no doubt most of us have understood, that even within the short space of three months aviators have been found so skillful that they could be employed in service back of the line and thereafter progress so that they can be advanced in service, and the three months' training has been sufficient to put men into the service behind the line.

Mr. TILSON. Some men could be picked out who would be ready. They would be so apt that in three months they would be very skillful fliers, indeed, perhaps more so than other men who took a year. There must be a great deal in the temperament in doing such a daring work as this.

If there are no other questions, I shall close these remarks by thanking first the gentleman from Ohio [Mr. HEINTZ], who so kindly consented to be the victim in wearing the gas mask, and finally the Members of the House for hearing me with such apparent interest, not only on this occasion but on the occasions of other remarks made by me on the subject of weapons used on the ground, below the ground, and in the air.

Mr. MEEKER. Will the gentleman yield?

Mr. TILSON. I yield.

Mr. MEEKER. I think the thanks of the House are due the gentleman for the information he has brought us. [Applause.]

Mr. TILSON. I thank the gentleman. [Long applause.]

TO AMEND THE ACT TO REGULATE COMMERCE.

The SPEAKER. This is Calendar Wednesday. The House automatically resolves itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill S. 1816, and the gentleman from Oklahoma [Mr. THOMPSON] will take the chair. [Applause.]

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 (S. 1816), with Mr. THOMPSON in the chair.

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

The Clerk read as follows:

A bill (S. 1816) to amend the act to regulate commerce, as amended, and for other purposes.

Mr. ADAMSON. Mr. Chairman, I would be glad to know how much time I have consumed.

The CHAIRMAN. The gentleman has 40 minutes remaining.

Mr. ADAMSON. Mr. Chairman, I ask unanimous consent to insert in the RECORD at this point the report which our committee made on this bill, without reading it.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to insert in the RECORD at this point the report of the committee. Is there objection? [After a pause.] The Chair hears none.

The report is as follows:

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (S. 1816) to amend the act to regulate commerce, as amended, and for other purposes, having considered the same, report thereon with amendment and as so amended recommend that it pass.

Amend the bill as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"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 one, division two, 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 thereof 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."

"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 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 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."

In support of the action of the committee striking out all after the enacting clause of the Senate bill and inserting the identical substance and language of House bill 3650, reported by the committee and now pending on the Union Calendar in the House, your committee adopts the following language of the report made in support of that bill:

"The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 3650) to amend the act to regulate commerce, as amended, and for other purposes, having considered the same, report thereon with a recommendation that it pass."

"Your committee has long been of opinion that this bill should pass. In the Sixtieth Congress this committee reported to the House and the House passed a bill increasing the commission to nine members because it was then manifestly necessary in order to transact the increasing

business of the commission, which had largely been increased by the Hepburn bill of 1906 and other bills. The business of the commission has been much more largely increased by several enactments since, and it is not only necessary to increase the number but also to permit the body itself, by authority of law, to subdivide itself into different units so as to distribute the work and give adequate consideration to the various important matters committed to that commission. The work at present is so onerous and diversified that it is impossible for the commissioners to give personal attention to the various cases and complaints filed, and there is occasional discontent and criticism that the cases can not receive the personal attention of the commissioners themselves, but have to be heard and passed upon by agents and examiners. It is believed that if this bill passes these complaints will cease because the cause thereof will be removed and a commission with nine members, with authority to subdivide itself into three or more subdivisions each with authority to act, will be able to give its own official attention to all matters of business that come before it."

"The President himself in urging the joint committee thought that this matter should not be referred to the joint committee proposed in Senate joint resolution 60 nor have its consideration delayed nor prevented by the passage of that resolution. Although strongly recommending that the joint committee be raised as provided in Senate joint resolution 60, the President has expressly requested that this bill should be reported separately and passed by Congress, as it is urgently demanded to meet the present emergency."

"It will be observed that in authorizing the commission to subdivide itself, a minimum number is prescribed for acting on two important matters. Not less than three, according to this bill, shall pass on the reasonableness of rates, and not less than seven shall pass on the physical valuation of railroad property. The reasons for these exceptions are obviously based on their importance."

In further support of the action of the committee the report made to the Senate by the Interstate Commerce Committee of the Senate on the Senate bill is printed, as follows:

"The Committee on Interstate Commerce, to whom was referred the bill (S. 1816) to amend the act to regulate commerce as amended, and for other purposes, having considered the same, report thereon with a recommendation that it do pass."

"A report made by this committee upon a similar bill during the Sixty-fourth Congress, which is hereto attached and made a part hereof, fully states the facts upon which the bill is based."

[S. Rept. No. 437, 64th Cong., 1st sess.]

"The Committee on Interstate Commerce reports favorably the bill (H. R. 308) to amend the act to regulate commerce, as amended, with a view to increasing the membership of the Interstate Commerce Commission and authorizing the commission to divide the members thereof into as many divisions as it may deem necessary. A copy of the bill is contained in the hearing hereto annexed."

"A hearing was held by the Senate committee at which the views of the Interstate Commerce Commission on the bill were furnished by Hon. Edgar E. Clark, a member of the commission. Regarding the growth of the work of the commission, Commissioner Clark made the following statement:

"As illustrative of the growth of this character of our work let us take the year 1906—the year in which the commission was increased from five to seven—and compare it with last year. We had in 1906 on the informal docket 1,002 cases. In 1915 we had 6,385. On the special docket, which we established in 1907, we had, in 1907, 761 cases. In 1915 we had 6,670. On the formal docket in 1906 we disposed of 82 cases. In 1915 we disposed of 1,378—that means cases in which there were contests, full hearings, generally oral arguments and briefs, and printed reports of the commission. In 1910 we were given authority to suspend the proposed increases in rates. In 1910 we had 41 such proceedings, in which we suspended the rates in 25 cases and declined to suspend them in 16. In 1915 we had 531 such cases. In 1906 the commission took and considered 28,000 pages of testimony, which was, of course, supplemented by exhibits of greater or less volume in different cases. In 1915 we took and considered 202,400 pages of oral testimony."

"That is illustrative of the growth of the work of the commission of that character, which, as we think, was really the primary purpose of the act and the constitution of the commission."

"The full statement of Commissioner Clark is hereto annexed, and a copy of a letter from the President upon the subject is also appended to this report. It must be borne in mind also that Congress is constantly increasing the work of the commission by the enactment of new legislation and the passage of resolutions for investigations and inquiries, which add greatly to the detail work of the commission."

"It is a physical impossibility for the seven commissioners conscientiously and in a satisfactory manner to acquaint themselves with the facts and issues in so large a number of cases, many of which are very complicated and many of which are close questions, and have much time for anything else."

"In addition to this work, it must be remembered that the commission has the duty of administering the act which calls for an appraisal of the value of the railroad properties from several different standpoints. This in itself is a tremendous work. It is not physically possible for the commission to give proper attention to the work which it was created to perform originally and at the same time pass in a satisfactory manner on the multitude of questions involved in this work of valuation. The work of valuation in itself is sufficient to absorb all the time and attention of one division of the commission such as is contemplated in this bill."

"The details obtained in this valuation work must be classified and coordinated in such a manner that the commission may be enabled to defend in the courts the principles that are applied and the manner in which they are applied. If this can not be done, all the work already done will be wasted and great sums of money will be lost to the Government."

"These conditions can be met and the difficulties obviated by increasing the number of the commissioners to nine. Under the bill the commission would be authorized to subdivide itself into three divisions of three members each. Certain matters would be delegated to each division, but the commission as a whole would retain jurisdiction of any especially important matter."

"In the matter of the salary of the secretary to the commission, this committee is strongly of the opinion that such salary should be fixed at \$7,500 per annum. The act as it passed originally and as it now stands provides for a salary of \$3,500 for the secretary, but for several years the appropriation bills have appropriated \$5,000 for this salary. The duties of the secretary are extremely onerous and the position requires a man of a very high order of ability. At present the statutory guaranty of the secretary is only \$3,500, and he is at the mercy of each

successive Appropriations Committee to be allowed even \$5,000, and the matter would be subject to a point of order if any Member were to have his attention called to it. In view of the vastly increased work of the secretary, the character of the services involved, and the responsibilities of the office, the committee is of the opinion that the salary of the secretary should be fixed at \$7,500 per annum.

"The members of this committee have given the bill the most careful consideration, and they are strongly of the opinion that the conditions that have prompted the introduction of this bill are of such grave importance that they should be met without delay."

APPENDIX I.

THE WHITE HOUSE,
Washington, February 14, 1916.

HON. FRANCIS G. NEWLANDS,
United States Senate.

MY DEAR SENATOR: I had a call the other day from Mr. McChord, chairman of the Interstate Commerce Commission, during which I found that he was very earnestly in favor of the early passage of a bill authorizing the commission to divide itself into sections for the facilitation and more thorough treatment of its work, and that in this desire he was speaking for his colleagues of the commission. He wanted to know whether I thought that the passage of such a bill at this time would be inconsistent with my advice to Congress in my annual message to withhold further railway legislation until a thorough inquiry could be made by a special commission into the whole subject of railway regulation for the purpose of seeing in what direction we should next turn. I told him that it did not seem to me at all inconsistent with that advice and that I was thoroughly in favor of the bill allowing the commission to divide itself into sections, because it was a merely administrative improvement and would, in my opinion, be a very vast improvement, not affecting at all any of the essential matters of legislative regulation. I promised him that I would write you to this effect, and I take advantage of this opportunity to urge very warmly the immediate consideration of the measure, which, I believe, is already formulated, for conferring this authority on the commission.

Cordially and sincerely, yours,

WOODROW WILSON.

So committees of both the House and Senate are on record as having considered and reported the same bill.

A part of the Senate bill is matter that was placed on by amendment in the Senate when the bill was under consideration and is not supported by the report of the committee at all, nor was it considered by either committee.

This committee has considered that general subject several times and has never been able to conclude that the proposition contained in the amendment made in the Senate was wise and practicable. If the legislation should go on the present bill, arresting all advances by the act of Congress and compelling the commission to hold a hearing and investigate every proposed rate, it would involve such a deluge of work at this time as to paralyze the commission and nullify absolutely the benefits sought to be derived by adding two members to that body.

The making of rates in the initiative by act of Congress would be something new in our practice. At present the commission is authorized, either on its own motion or on showing made by any shipper as party interested, to inquire into the justice and reasonableness of any present rate and is permitted to extend the time for such investigation so that the commission may control its own time and by a wise and economical distribution thereof may manage to dispatch its work, at least if not now possible certainly when the commission has been increased by this bill. The proposed Senate amendment would compel an immediate investigation of all such rates proposed and involve the commission in interminable and inextricable confusion and labor. It would be desirable to reach some basis of legislation which would preserve the interests of all concerned and at the same time avoid unnecessary delay.

The commission itself has recommended a measure for relief in that respect, and probably in conference between the two Houses an agreement can be reached somewhat in line with their suggestion. This suggestion is found on page 92 of the annual report of the Interstate Commerce Commission made December 1, 1916. It will be seen that the commission insists that if Congress establishes rates and practices by direct legislation it must establish a standard as of a past date, and not present nor future, and then provide that no change can be made therein subsequent to that specified date except upon order of the commission.

It might be that something like the following language would serve the purpose, though the committee has not yet offered it as an amendment:

"That the second paragraph of section 15 of the act to regulate commerce, approved February 4, 1887, as amended, shall be, and hereby is, amended to read as follows:

"That all the rates, fares, charges, classifications, rules, practices, and regulations existing and in force on the 1st day of January, 1915, except such as have been subsequently reduced, shall, as changed or altered by any such subsequent reduction, be held, regarded, and enforced as just and reasonable, and no change shall be made therein except upon order of the commission. In any investigation, proceeding, or hearing before the Interstate Commerce Commission to increase a rate the burden of proof to show that the proposed increase of rate is just and reasonable shall be upon the common carrier, and in every proceeding by a shipper to reduce a rate the burden of showing that rate is too high to be just and reasonable shall be upon the shipper or movant, and the commission shall give to the hearing and decision of such questions preference over all other questions pending before it and decide the same as speedily as possible."

The subject, however, is too important for hasty action without mature and deliberate consideration. On the other hand, the demand for the increase and relief of the Interstate Commerce Commission provided for in the original draft of both these bills is so urgent and imperative that we ought not to postpone nor jeopardize its passage or nullify its expected benefits by attaching to it any amendment, however important, which might destroy or impair its efficacy and which would be better considered and disposed of in a separate bill.

Mr. ADAMSON. Mr. Chairman, I reserve the balance of my time, and I ask the gentleman from Wisconsin to use some time.

Mr. ESCH. Mr. Chairman, the House has under consideration the bill S. 1816 with a House substitute therefor. The

object of the Senate and House bills was to relieve the work of the Interstate Commerce Commission by allowing it two additional members at the same salary as now allowed the existing members. As a further form of relief both bills authorized the commission to subdivide by division, consisting of three commissioners each. These subdivisions should have allotted to them the various kinds and classes of work that the commission has to perform. The idea of the commissioners as presented to us in the testimony was that they were to have a division on tariffs, they would have a division on safety appliances, they would have a division under section 20 of the act, the section relating to accounting, and then there would be a division on valuation, and perhaps others. These divisions, if they are to expedite the work of the commission, are to have the full powers of the full commission so that the action of any division will be equivalent to the action of the full commission. Now that and the increase of the commission are practically the sole objects in the House bill, but in the Senate there was added what is known as the Smith amendment under the terms of which the method of determining increases of rates, fares, and charges, and so forth, is radically and fundamentally changed, and before I take up that amendment, which is now represented in the form of an amendment offered by the gentleman from Tennessee [Mr. SMITH] and which is already pending, offered for the information of the House, I wish to call attention to the necessity of allowing the work of the commission to be done by divisions and the work of each division to be held as the work of the full commission.

During the consideration of the bill on April 13 there was some intimation to the effect that a division of three should not have the power to determine rate questions and questions of equal importance without the formal ratification and indorsement of the full commission. It will have to be that way if this bill is to afford necessary relief to the commission. The bill as reported requires the commissioners of the division to sit in the hearings and participate in the decisions. An amendment was offered, to be considered as pending, modifying that so that it was not to be considered necessary for the commissioners to sit in all the hearings, but that it would be necessary for them to participate in the decisions. Now, if you require the commissioners of these divisions to participate in the hearings and in the decisions, it will mean that your commissioners have to travel all over the United States taking testimony just as the examiners of the commission now do in order to secure testimony. That will mean that practically during most of the year three of your nine commissioners, if you grant the two, would be away from the city of Washington, and thus lessen the number of commissioners here in the city. Not only that, but it would mean that these commissioners would lose many days of time in the course of the year while traveling from place to place. If the commissioners are not required to do the investigations in the field and travel to points where the controversy has arisen, you will have to have your hearings in Washington. The hearings in Washington will necessitate a large expenditure on the part of citizens seeking relief at the hands of the commission; therefore you have to take one horn or the other of the dilemma. In my opinion the proper plan would be to require this matter to be determined by a division sitting here in Washington—not requiring the members of that division to participate in all the hearings, in fact not requiring them to participate in the hearings.

Mr. STERLING of Illinois. Will the gentleman yield?

Mr. ESCH. I will.

Mr. STERLING of Illinois. I see the force of what the gentleman says with reference to adding to the efficiency of the commission, but ought not there to be some provision whereby the full commission might act on certain cases of importance, cases involving new questions, rather than leave it to a single division of the commission?

Mr. ESCH. In any important rate inquiry, such as, for instance, the one that is now going on, the hearing would be by the full commission, as it was in the eastern advance-rate cases of several years ago, and, in fact, as it has been in all the more important cases relating to rates.

Mr. ADAMSON. Will the gentleman yield?

Mr. ESCH. I will yield.

Mr. ADAMSON. If the gentleman from Wisconsin will permit me, perhaps my friend from Illinois did not take notice when I made the announcement that the committee will offer an amendment to the effect that the decision of any one of these divisions will be subject to approval by the commission if there be a demand in any case.

Mr. ESCH. That would, of course, if adopted, require participation by the full commission in the determination of any rate question.

Mr. STERLING of Illinois. Another question: Does the bill itself or this proposed amendment to the law make it imperative that the commission shall divide itself into divisions, or does it leave it optional with the commission itself as to whether it will divide and confer jurisdiction of certain branches of the work on certain divisions. I have not read the bill very carefully. I have just seen it now.

Mr. ESCH. Section 17, as amended, as found on page 10 of the pending measure, says:

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.

Practically all of that is existing law—

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—

That is new—

Including forms of notice and the service thereof, which shall conform, as nearly as may be, to those in use in the courts of the United States.

Mr. STERLING of Illinois. I think there is nothing in this bill that makes a decision as to the division of the commission final, is there?

Mr. ESCH. You can always apply to the commission for a reopening if you are dissatisfied with the ruling of a division, but in the granting of a petition for reopening under the present practice, the petitioner must show that there was some error of fact in the record, and I think that is absolutely necessary, if we are to help the commission expedite its work.

Mr. TOWNER. In the paragraph on page 11, I notice that the commission may make as many divisions as it chooses. Is there any idea, or can we have any definite idea from the committee, as to how many divisions it is contemplated shall be established in the United States?

Mr. ESCH. Do you mean divisions based territorially or do you mean divisions of the commission?

Mr. TOWNER. Yes; territorially.

Mr. ESCH. Oh, we do not take care of that. We do not consider that at all. That is a proposition, however, pending before the Newlands joint committee.

Mr. TOWNER. Yes; I understand that. The language is not very clear, it seems to me, as to indicating what the divisions may be. It says they may divide the members thereof into as many divisions as it may deem necessary. Then, again, in the last sentence in the same paragraph it says:

In case of vacancy in any division, or of absence or inability to serve thereon of any commissioner.

Thereby seeming to imply only one commissioner was to serve in each division. Now, does the bill in any place indicate the character of the divisions that are to be made, whether they are by the subject, as related by the gentleman, or whether they are by the division? I suppose the gentleman is familiar with the proposition to divide the United States into nine districts to correspond with the present circuit divisions of the United States?

Mr. ESCH. That is a proposition we did not consider in connection with this bill.

Mr. TOWNER. But this idea I wanted the gentleman to express his opinion upon. Ought not there to be some definite idea in the bill at some place as to what the character of the divisions are, whether by subjects to be assigned, whether by territory to be covered, or whether or not we may know in some definite way for consideration what the proposition really is?

Mr. ESCH. We felt that we could leave it to the discretion and good judgment of the commission.

Mr. TOWNER. Is it not in the power now, as this bill is drawn, to make a division of subjects, or division territorially, or make any other character of division the commission may choose to make?

Mr. ESCH. I do not think they contemplate at all making divisions based upon territory. The testimony before the Senate committee clearly indicates what they meant by division, and Commissioner Clark clearly indicated there would be a division for accounts, a division for the administration of the safety-appliance acts, a division on tariffs, and a division on the physical valuation of railroads. He indicated the scope of the proposed amendment.

Mr. TOWNER. I understand that. That might be in contemplation of one of the members of the commission, or perhaps all of them, but there is not anything to direct the commission as to how these divisions shall be made. And neither is there

anything here that will allow us to consider the question. For instance, some of us might prefer territorial division, and some of us might object to the idea that one man might have assigned to him a particular class of subjects to consider. There is very grave objection to that, as the gentleman knows. It seems to me that we ought to have the right to consider the grounds on which the division is to be made by the commission.

Mr. ESCH. The gentleman will get some idea of the possible scope of the division work by the table that was published by the chairman of the committee on page 3588 of the CONGRESSIONAL RECORD. That is the present classification. And I have no doubt if this bill becomes a law, and the work of divisions is authorized, they will very largely follow the schedule of division of work published on that page.

Mr. TOWNER. The commission might change its mind over night.

Mr. ESCH. That is true, but we have to have some confidence in it.

Mr. WALSH. Does the gentleman think it means to provide by law that the commission should be permitted to organize a division which would constitute a minority in numbers of the entire board, and permit that division to hold a hearing and determine a matter, and its decision be final? Should there not be some provision whereby their findings could be reviewed by the entire board? If not, they might send out three members to hold a hearing on a very important matter, and they might render a decision which the other six members of the commission would clearly not look at in the same way.

Mr. ESCH. Unless the work of the commission can be done by subdivisions the addition of two commissioners will be of little or no avail.

Mr. WALSH. I did not mean to have the majority of the commission participate in the hearings, but to have some appellate or review provision in the bill.

Mr. ESCH. The chairman of the committee suggested, possibly in the absence of the gentleman, that he would offer an amendment to line 16, of page 12, in these words, "subject to revision when demanded by either party interested."

Mr. WALSH. Now, does the gentleman care to state whether, in his opinion, that would be a wise amendment?

Mr. ESCH. I think that where you permit the revision as the result of a demand you are not going to expedite the work of the commission, because any party aggrieved will demand a rehearing.

Mr. WALSH. Does the gentleman know of any other commission or board or tribunal where a minority in numbers can exercise jurisdiction and their decision be final without any right of review?

Mr. ESCH. Its action, you know, is by a majority of the commission. It still acts by a majority, but of course it would not act by a majority of the whole commission unless there was reason for a reopening and it were presented to the full commission, when, of course, it would have to be determined by a majority of the full commission.

Mr. WALSH. But a majority of the division would be so much smaller than a majority of the entire commission.

Mr. ESCH. Yes. But that is one of the reasons that impelled the commission to seek this legislation at the hands of Congress.

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

Mr. ESCH. Yes.

Mr. GORDON. What would the gentleman think of an amendment like this; Here is a case where there is a dissenting opinion; for instance, a case where only two of the three agree on the position. Should it be appealed to the full commission?

Mr. ESCH. I think a party aggrieved by a decision, if he has one of these commissioners on his side, would see to it that a reopening was had.

Mr. GORDON. You think that would answer the purpose?

Mr. ESCH. Yes.

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

Mr. ESCH. Yes; I yield.

Mr. STAFFORD. Is not the phraseology of the bill broad enough to permit the commission to divide the country into territorial divisions, as suggested by the gentleman from Iowa [Mr. TOWNER]?

Mr. ESCH. I think not, because the bill will have to be interpreted as a whole, and I do not think that you can draw that conclusion from the language.

Mr. STAFFORD. Here is the authorization part:

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.

There is nothing in the bill that controverts the idea that they can not establish such territorial divisions if they see fit.

Mr. ESCH. Personally I would have no objection to your limiting it so as not to include territorial divisions, but I know that is not the purpose and intent.

Mr. STAFFORD. When I read this bill two weeks ago I think it was intended to confer the power on the commission to divide the country into territorial divisions.

Mr. ESCH. If they were divided along territorial lines you would have to have from six to nine territorial groups, corresponding to the traffic territories, and then you would have all your commissioners out and have none here in Washington.

Mr. STAFFORD. There could be both territorial divisions and divisions arranged along the lines of administrative work. There could be all classes of divisions under this bill, so far as I can see.

Mr. ESCH. It is not that broad.

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

Mr. ESCH. Yes.

Mr. TOWNER. The idea is prevalent to at least a considerable extent that territorial divisions are contemplated by this bill. I had a letter from a lawyer—a very able lawyer—strongly opposing the bill as it is now drawn on this ground, that if they divided into territorial divisions probably one commissioner would be assigned to each division, and there would be no adequate appeal to the whole court.

I have very great admiration, I will say, for the present commission and the way it is doing its work. I think it has done an extraordinary amount of work in a very able, high-minded, and conscientious way, and I have no criticism whatever to make upon the bill, because I think the gentleman has given it much more consideration than I have. But it does occur to me that in some more definite way the bill should point out the ground upon which divisions are to be made and the scope contemplated in a general way for the divisions to operate.

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

Mr. ESCH. I yield.

Mr. ADAMSON. Mr. Chairman, by permission of the gentleman from Wisconsin [Mr. Esch], who has the floor, I will say that I think the people who have corresponded with the gentleman from Iowa [Mr. Towner] have confused this with the proceedings of the Newlands Committee. The railroads have proposed a very elaborate plan before that committee to revolutionize the entire system and divide the country into territorial districts and appoint commissioners in those different sections.

Mr. TOWNER. Well, that may be; but there is nothing in the bill to negative that.

Mr. ADAMSON. That is pending before the Newlands committee, and until that came out this bill, which has passed the House twice, never aroused such a suspicion as that.

Mr. TOWNER. That is likely to be true.

Mr. ADAMSON. If the gentleman will read on in this section, over the next page, he will find that it is not contemplated to make any change in the jurisdiction or method of handling cases other than by the subdivisions of the entire commission, and that different men may be assigned to different divisions and that different cases may be assigned to different divisions at the pleasure of the commission. There is no suggestion anywhere in the bill, and none of us have ever heard of such a thing as a territorial division.

Mr. TOWNER. Well, there is nothing definite to show on what ground the division is to be made.

Mr. ESCH. Mr. Chairman, I do not want to take up so much time, because there are others who may want to speak on this bill. I believe that the bill as reported to the House should be modified so as to require only five members of the commission to sit and participate in decisions on all questions relating to and arising out of the physical valuation act. With a membership of nine on the commission, five members would still be a majority.

I wish to say a few words with reference to the amendment which has been offered for the information of the House, although not yet offered to the bill proper.

As I stated, this amendment is practically the same as the Smith amendment added to this bill in the Senate. It was a rider in the Senate. It had not had any previous consideration by the Senate Committee on Interstate Commerce. It had not been referred to the Interstate Commerce Commission for a report. It was adopted on the floor of the Senate and was sent over to the House. The House Committee on Interstate and Foreign Commerce did not incorporate the Smith amendment in the House bill which is now being considered as a substitute for the Senate bill.

Personally, I believe that it would be unwise to adopt that amendment at this time. The amendment simply makes it compulsory upon the commission to suspend a rate or a series of

rates, or a body of rates, upon the protest of any person. The existing law leaves it to the discretion of the commission as to whether it will suspend a rate or permit it to become the legal rate to be charged. That is the difference between existing law and the amendment sought to be incorporated in the bill. What will it mean if the amendment becomes law? It will mean that the discretion now vested in the commission will be taken from it, and that any person, who need not be a party to the rate at all, by filing a protest with the commission, can deny the commission the exercise of any discretion, and compel the commission to suspend the rate and to hold the necessary hearing thereon.

Mr. SIMS. Will the gentleman yield for a question there?

Mr. ESCH. Yes.

Mr. SIMS. Having heard the gentleman's statement, I want to call his attention to the proposed amendment which I have contemplated offering.

Mr. ESCH. Is it the amendment that was printed in the RECORD?

Mr. SIMS. Yes.

Mr. ESCH. Unamended?

Mr. SIMS. The amendment which I propose to offer was printed in the RECORD of Wednesday last?

Mr. TOWNER. On what page?

Mr. SIMS. Page 3854. Now, I propose to amend that amendment so that it will read:

The commission on its own initiative may and upon complaint or protest stall—

Now, I propose to insert some new words after "protest," so that it will read:

And upon complaint or protest by any person, firm, corporation, or association which under this act would have the right to file an application for a change in the rate, fare, charge, classification or practice should it go into effect.

The amendment is an amendment to the act to regulate commerce, and that act provides who may protest.

Mr. ESCH. I will read to the gentleman a statement of those who can file protests. You will find it in the first part of section 13:

That any person, firm, corporation, company, or association, or any mercantile, agricultural, or manufacturing society or other organization, or any body politic or municipal organization, or any common carrier, complaining of anything done or omitted to be done by any common carrier subject to the provisions of this act, in contravention of the provisions thereof may apply to said commission by petition.

Well, that includes everybody—any person, firm, corporation—

Mr. SIMS. That is existing law.

Mr. ESCH. Body politic, agricultural society, common carrier. If you incorporate that language in your amendment you still make it possible that any person may, by filing a protest against these rates, suspend the rates and compel the commission to hold a hearing. You will clutter up the dockets of the Interstate Commerce Commission if your amendment becomes a law. With the overwhelming amount of work they now have to do, you will compel a hearing upon every application for an increase of rate when a protest is filed.

Mr. SIMS. That is existing law.

Mr. ESCH. Ah, but the commission now has the right to permit the rate to become effective without a formal hearing.

Mr. DEWALT. Does not the gentleman think that the words in the act itself are really broader than the words that the gentleman from Tennessee proposes?

Mr. ESCH. Yes; I think so.

Mr. DEWALT. Are they not more comprehensive?

Mr. ESCH. I think so.

Mr. DEWALT. The effect of the amendment by the gentleman from Tennessee [Mr. Sims] would really weaken the act instead of strengthening it, would it not?

Mr. ESCH. I think so.

Mr. SIMS. The amendment as presented did not have this language in it, but a gentleman called me on the telephone yesterday and said that the amendment as it now reads would seem to permit anybody, arbitrarily, captiously, or otherwise, to protest; and so, in consultation with others, I drew this addition to satisfy those who had an idea that anyone might captiously suspend a rate; but the act itself, I think, is stronger than it is with the amendment.

Mr. DEWALT. I think it is stronger than the gentleman's amendment.

Mr. SIMS. And I shall not offer the amendment if the criticism is not made that it is too broad.

Mr. ESCH. In order to appreciate the force of that objection, I call your attention to the fact that during the year 1916 there were filed 107,057 tariffs, and many of those included hundreds of individual rates. Under the proposed amendment

anybody feeling himself aggrieved can make protest to the commission, compel a suspension of the rate, and force a hearing, notwithstanding the fact that the commission, as a result of the evidence it has in its records, and as a result of prior decisions of similar cases, might almost offhand determine that that rate should be allowed, and thus save the commission a tremendous amount of work. Why, in the last year the commission granted suspensions in 222 cases, but denied suspensions in 295 cases. But under this amendment every one of these would have to be suspended upon the protest of any individual, even though the person protesting was not a party to the rate.

If this amendment becomes a law, there will be many claim attorneys around this town seeking an opportunity, the moment an increase of rates is filed, to file a protest and to start a formal proceeding, with hearing, testimony, brief, and argument, and the whole array of procedure before the commission. If you think that that is going to relieve the commission of its work, you will be deceived.

Mr. STAFFORD. Will the gentleman yield?

Mr. ESCH. Yes.

Mr. STAFFORD. The gentleman has described this as the Smith amendment. The Smith family is a large one, and will the gentleman kindly designate which Smith it was, so that the other Smiths who may not want to bear the paternity of it will be relieved?

Mr. ESCH. It was Senator HOKE SMITH of Georgia. Then, there is another objection which I have. Under the present law the commission can suspend the rate for 120 days after the rate would otherwise become effective, to wit, 30 days after filing. If during the 120 days the commission, by pressure of work, can not finish the hearings, it can further extend the suspension for an additional six months. So, under existing law, the total suspension is 10 months.

Under the amendment proposed by the gentleman from Tennessee there is no limit to the period of suspension—it can go on endlessly. There is a clause in the amendment which says that preference shall be given to these rate-suspension cases, and decisions shall be handed down as speedily as possible. That means nothing if you overload the commission with work. You would throw into a dangerous situation the freight business of the country if the rate should have to be suspended for an indefinite period of time. Under the existing law there is a definite and specific period within which there shall be a suspension.

Another thing the proposed amendment requires before the commission could make the final determination—it would have to determine to its own satisfaction three things: First, that the rates were not unjust and unreasonable; second, that they were not unduly preferential or prejudicial; and third, that they were not in contravention of any of the provisions of the interstate-commerce act. It would have to be satisfied as to all three of these factors in determining the case before it would reach a decision. That is the scope of the amendment.

Now, when you have bodies of rates presented to the commission as are presented in the 15 per cent cases, bodies of rates embodying thousands of individual tariffs, covering vast sections of the country, the commission, before it could decide as to the rates suspended under this amendment, would have to satisfy itself that all the rates were fair, that the charges were just and reasonable, and, second, were not unduly preferential or prejudicial, and third, that they were not in contravention of the interstate-commerce act. It is not possible that that can be done.

Mr. SIMS. Will the gentleman yield?

Mr. ESCH. Yes.

Mr. SIMS. Does the gentleman mean to state that on a proposition to raise the rates 15 per cent they ought to do it without a sufficient hearing?

Mr. ESCH. I say that they have had sufficient hearings. For 30 days the full commission has been sitting on the 15 per cent cases; not only the commissioners, but examiners, have been hearing surplus witnesses that they themselves could not hear. Every person who had an application, who wanted to be heard, has been heard by the commission.

Mr. SIMS. A large part of that time on the side of the protestants was taken to induce the commissioners to have a hearing that would give them and the country an opportunity to be heard.

Mr. ESCH. Does the gentleman know that it is going to be denied them?

Mr. SIMS. I do not know; but what harm is it to make it mandatory in the statute? Thirty days is an insignificant time to be consumed in the matter of advance of freight rates 15 per cent after we have had a 5 per cent advance, and especially when the railroads have been making great profits.

Mr. ESCH. Will the gentleman talk in his own time?

Mr. MOORE of Pennsylvania. Will the gentleman yield for a question?

Mr. ESCH. Yes.

Mr. MOORE of Pennsylvania. The gentleman states that this amendment would enable any individual in the United States, whether he had any interest in the matter or not, merely by filing a complaint to automatically suspend rates?

Mr. ESCH. Yes.

Mr. MOORE of Pennsylvania. What would be the effect if some individual in California should file a complaint attacking some eastern railroad rates?

Mr. ESCH. There would be endless delay and confusion. My theory is that if this amendment be adopted, even though it be just in theory but impracticable in practice, you would so overload the commission that the whole structure of rate regulation would fall to the ground. Gentlemen, we must come to the relief of this commission. We must grant additional members. If this amendment is carried two additional members will not do the business, and I doubt whether a score of additional commissioners could do the work that would be thrown on the commission by reason of this added burden.

Mr. MADDEN. Will the gentleman yield?

Mr. ESCH. Yes.

Mr. MADDEN. With the increased number of commissioners sought to be provided for in the bill, does the gentleman believe that we ought to divide them into groups and authorize these groups to fix the rates?

Mr. ESCH. I believe that is the only practicable way to furnish any relief and permit rate regulations to maintain itself.

Mr. MADDEN. Does the gentleman think that anything less than the whole commission should pass on railroad rates?

Mr. ESCH. I think it would be impossible for the whole commission to pass upon all these cases.

Mr. MADDEN. If the groups were to report to the full commission, would not that be the better way?

Mr. ESCH. It might, but if any party feels aggrieved over the decision he can appeal or petition for a reopening and get the views of the whole commission.

Mr. MADDEN. But that would result in litigation, which ought not to be encouraged.

Mr. ESCH. There is an amendment to be proposed by the gentleman from Georgia that would cover the point the gentleman has in mind.

Mr. ADAMSON. Will the gentleman yield?

Mr. ESCH. Yes.

Mr. ADAMSON. The amendment does not involve the formality of reopening the case. It is when either party wants the opinion of the full commission.

Mr. ESCH. How much time have I remaining, Mr. Chairman?

The CHAIRMAN (Mr. THOMPSON). The gentleman has 20 minutes remaining.

Mr. ADAMSON. Mr. Chairman, I yield 10 minutes to the gentleman from Tennessee [Mr. SIMS].

Mr. SIMS. Mr. Chairman, I am not going to discuss the entire scope of the bill, because that has been well discussed by the chairman of the committee and also by the gentleman from Wisconsin [Mr. ESCH]. My discussion will be confined to the amendment which I propose to offer, which was offered by me when this bill was up for consideration before. Briefly stated, it is to make it mandatory upon the commission, whenever protest or complaint is made, that the commission shall hear that protest or complaint and shall suspend the rate complained of and protested against until there has been a hearing; and it applies with great force to the present proposition to add a 15 per cent rate increase—a horizontal flat increase, I believe—with the exception of some commodities, like coal and things of that kind, over practically the entire country, without a sufficient hearing.

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

Mr. SIMS. Yes.

Mr. DEMPSEY. Has the gentleman any idea of the number of complaints which are filed annually before the commission and of the length of time which it would take, in the most expeditious way, to hear and dispose of those complaints?

Mr. SIMS. Let me ask the gentleman this: Does the gentleman suppose that the present commission as now formed under the present law has ever yet refused to suspend a rate, where there was a real complaint against it, in order to have a hearing?

Mr. DEMPSEY. That is not what I understand—

Mr. SIMS. I want the gentleman to tell me whether or not it is operating that way now. Is it now refusing because it has no time to hear on account of the number of protests filed?

Mr. DEMPSEY. I should think that they would have to refuse hearings except where they believed the complaint to be well founded and such as to justify hearing and determination. If all of the lawsuits which are brought in the country—and that is practically what this is, were brought to trial, this commission would have to devote its times to trying lawsuits.

Mr. SIMS. Mr. Chairman, of course there are a great many rates filed against which there is no protest, and there will be none in the future. Men do not make protests against rates for merely captious reasons. The question of the gentleman from Pennsylvania [Mr. MOORE] whether some individual in California protests against putting into effect a rate on the Atlantic coast is illustrative. No such thing is contemplated, but the law which we are now amending points out who may make protests, and the gentleman from Wisconsin [Mr. ESCH] read that portion of the law. It is now exceedingly liberal, and if the commission has not got time to consider protests and give hearings on those protests before putting the rate in, the commission is a failure. I do not mean a personal failure; but the argument has been made that the protests will be so numerous that it will be impossible to hear them, and two more commissioners will not make it possible when these protests run into the hundreds of thousands, as gentlemen claim.

Mr. MOORE of Pennsylvania. That is the reason I had in mind in making the inquiry. Under the gentleman's amendment an individual anywhere in the country could file a protest, and that automatically would cause delay in the adjustment of rates.

Mr. SIMS. One individual. The laws prescribe what individuals, companies, and corporations may make these protests, and that has been the law all the time; and I am insisting that under the law as it now is and as it has been administered hundreds of rates have been put into effect for lack of protest, no protest or complaint being made against them, and that will be the way in the future. Shippers as a rule do not protest unless they think it is just and that the protest ought to be made. Individuals living around all over the country who have no interest are protesting against these rates. They have other things to entertain them besides that.

Mr. MOORE of Pennsylvania. I think the gentleman himself has often protested on the floor against too much power being given to one individual to drag other individuals all over the country in order to answer complaints before the Interstate Commerce Commission or before the courts.

Mr. SIMS. The present law authorizes the railroads to make all of their rates and only requires that they shall file them 30 days before the time they go into effect. The present law gives the commission the right of its own motion to suspend the proposed rates during the 30 days, and the present law gives them the right to suspend upon protest and complaint. It is in the general law. We have piled on to the Interstate Commerce Commission a vast amount of duties which do not relate to the making of rates, and the disposition has been to unload everything almost on the commission, and why? Because it has made such a character and reputation in the country for efficient public service in the interest of the public that the public wants them to go where they think they are going to get relief.

Mr. MOORE of Pennsylvania. Does the gentleman think it would relieve the Interstate Commerce Commission and enable them to do the necessary work Congress has hitherto imposed upon them if we were to take away from them now the physical valuation of the railroads of the country?

Mr. SIMS. As the gentleman knows, that valuation work is going on under the direction of the commission, but it is under a director, and not taking up the time of the commission.

Mr. MOORE of Pennsylvania. Does the gentleman contend that it does not take the minds of the commissioners away from their other work?

Mr. SIMS. When the case is brought before them, when it is being considered by them, yes, but that is a last year's bird's nest.

Mr. MOORE of Pennsylvania. I know, but it would be possible under this bill to relieve them of the work of physical valuation of the railroads.

Mr. ADAMSON. Mr. Chairman, with the permission of the gentleman from Tennessee, I would suggest to the gentleman from Pennsylvania that the valuation work probably will be entirely suspended during the war, because of the uncertain values. It is impossible to arrive at any permanent value.

Mr. MOORE of Pennsylvania. I was going to raise that very question, and so long as the gentleman from Georgia has raised it, with the permission of the gentleman from Tennessee, I would like to ask whether the committee has considered the propriety of relieving the commission of the physical valuation of railroads at the present time?

Mr. ADAMSON. We have considered it is not necessary to do so because it will operate anyway.

Mr. MOORE of Pennsylvania. Congress continues to appropriate money for that purpose.

Mr. ADAMSON. I do not think the gentleman will find Congress continuing to do so during the war.

Mr. MOORE of Pennsylvania. The country needs the engineers and the trained men who are in this service now for war service.

Mr. ADAMSON. My understanding is that is where they are going to be used, and it is not necessary for us to take any action.

Mr. SIMS. Mr. Chairman, I had proposed by reason of complaints made that this amendment was too broad, to amend by providing who should have the right to protest which was, by any person, firm, corporation, or association which under this act—that is the act to regulate interstate commerce—have the right to file an application for a change in a rate, fare, charge, classification or practice which is put into effect. Now, that amendment would certainly get away from this scarecrow that there are going to be men all over the country to protest against a change of a rate whether there is anything in it or not in which they are interested, but, as the gentleman from Pennsylvania said, the effect seems to be rather to restrict the present law, to limit it, than to broaden it. It would make it absolutely sure that nobody could make a protest or complaint who does not under the law have the right to complain of an existing rate after it is put into effect. Now, I want to say, this is a bill chiefly to increase the membership of the Interstate Commerce Commission, to make it consist of nine members instead of seven, so as to divide it up and permit it to sit in various parts of the country. The commission is not any part of the executive departments of this Government. It does not report to nor is it under the control of any Cabinet officer or any head of any department. It is an arm of Congress, created by Congress to do that which Congress does not have the time to do for itself, and within limits, rules, and regulations which are laid down by Congress they are to execute and carry them out within those limitations, and we have a right to say in the interest of the 100,000,000 of people that rates shall not be radically increased at a time when it is unquestioned, undisputed, and undenied that the railroads of this country are getting greater gross returns and greater net, than ever before in the history of this country. [Applause.]

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

Mr. SIMS. I do.

Mr. MEEKER. That being true, would it not be better for Congress to appoint the commissioners rather than turn it over to the Executive.

Mr. SIMS. Oh, there might be a lot of things Congress could do as well as the Executive, but the best thing for Congress to do is to do its part. Now here is an opportunity to do your part—

Mr. MEEKER. I am going to vote for the bill.

Mr. SIMS. Let this amendment go into this bill, so that those having the right to protest or complain shall have their protests or complaints heard before the rate goes into effect, and then you, through this arm of Congress, the commission, will be doing that which your constituents have a right to demand of you and for which there is a demand as wide as this country.

Mr. WALSH. Will the gentleman yield?

Mr. SIMS. I do.

Mr. WALSH. What is the necessity for increasing the salary? The CHAIRMAN. The time of the gentleman has expired.

Mr. ADAMSON. Does the gentleman desire more time?

Mr. SIMS. Five minutes.

Mr. ADAMSON. I yield the gentleman five minutes additional.

Mr. SIMS. I do not know that there is any necessity for it. There is no doubt the duties of the commission have greatly increased with the increased work of the commission, and I do not object to those who work faithfully being well paid for it.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. SIMS. I will.

Mr. JOHNSON of Washington. If the United States Government goes more and more into the use of commissions, calling them arms of Congress, and increases the number of commissioners and pays them salaries in excess of what Members of the House and Senate get, is it not almost certain that you will make the arm stronger than the body itself?

Mr. SIMS. I do not think so, if we are careful about the laws we pass. Adopt this amendment.

Mr. GREENE of Vermont. Will the gentleman yield?

Mr. SIMS. I will.

Mr. GREENE of Vermont. Will the filing of this protest which has to be heard mean that it can be employed as a means of obstructing a legitimate rate raise for some time perhaps?

Mr. SIMS. I certainly think not. That great body is not going to yield itself to the vagaries of evil-minded persons.

Mr. GREENE of Vermont. I did not mean to imply that; but might not the mechanics of the law be used by evil-minded persons outside as a means of delaying and obstructing?

Mr. SIMS. It is the existing law now, with the exception it is not made mandatory.

Mr. GREENE of Vermont. I understand; and that is the very point.

Mr. SIMS. There is this great rate increase now pending and probably the commission will suspend it or suspend it in part, but when a gentleman comes before this House, and especially a gentleman of the ability, knowledge, and experience of the gentleman from Wisconsin [Mr. ESCH], who believes that it is possible for the commission in 30 days to know whether this 15 per cent rate increase should go into effect without further hearings, if that does not require of the commission a practical impossibility, I do not know what would. The hearing that has been had has been a plea for a real hearing, a real investigation, and I want to say if that rate increase goes in that has been asked by the railroads without such an investigation, that there will be a clamor to abolish the Interstate Commerce Commission instead of increasing it. [Applause.]

And whenever a protest has been made, as in this case, and when it is proposed to pile 15 per cent on every pound of freight that is shipped, let it be food, clothing, or what not, without a hearing further than a mere preliminary hearing, you will hear of a storm in this country such as you have not heard in a long time. Pass this amendment which I am offering, and then the protestants will get an opportunity, if it becomes a law before the 1st day of July, to present their case.

The existing law provides that a rate may be suspended for 120 days by the commission or upon complaint or protest. There may be cases where there ought to be 120 days' suspension. Can you imagine a case where it can be better used than where there is a bald, bold demand to put a 15 per cent horizontal, flat-rate increase on the entire commerce of this country, at a time when if it were possible every vital food product ought to be carried free instead of being taxed 15 per cent over present rates?

In 1914 they got a 5 per cent rate in the eastern classification territory and a higher rate west of the Mississippi and in the South. If we are going to try to make up for the deficiencies in the operation of the railroads of this country by simply piling on increases of rate every time they say they need it, it is only a question of time when it will be practically impossible to move coal in this country from one section to another at a rate that can be made practicable to use it.

Mr. GREENE of Vermont. Will the gentleman pardon another interruption?

Mr. SIMS. Certainly.

Mr. GREENE of Vermont. I do not understand, after all, that the real crux of this matter is whether it shall be 30 days or 120 days of suspension. The question is whether the Interstate Commerce Commission shall be compelled under a mandatory law to suspend anyway. If it is optional with them, the matter of time cuts no figure. If it is mandatory, then that law can be used as an obstruction to any rate increase.

Mr. SIMS. There is no probability of such a thing happening, because the present law can be so used.

The CHAIRMAN: The time of the gentleman has expired.

Mr. ADAMSON. I yield five minutes more to the gentleman.

Mr. MOORE of Pennsylvania. It is difficult to get the gentleman's amendment, which was printed some time ago, but does not that amendment provide in effect that upon the complaint of anyone as to rates there shall be an automatic suspension of rates?

Mr. SIMS. Upon the complaint made by those authorized under existing law to make complaint.

Mr. MOORE of Pennsylvania. Does not that mean any person?

Mr. SIMS. It meant what the gentleman from Wisconsin [Mr. ESCH] read. That is the present law. The only question in this whole controversy is whether it shall be mandatory to suspend a rate.

Mr. MOORE of Pennsylvania. There is a rate case now pending before the Interstate Commerce Commission, and a decision is expected very soon—

Mr. SIMS. It ends the 1st of July.

Mr. MOORE of Pennsylvania. Would it not be possible under the gentleman's amendment for any individual to file a protest against that finding of the commission when it comes, and then

automatically suspend the action of the commission? Would it not be possible?

Mr. SIMS. We want to make it mandatory, because it will cover the present pending rate-increase case now before the commission. That is an immediate pressing demand.

Mr. MOORE of Pennsylvania. Then there is danger that a designing person, if you please, a blackmailer, could file a protest, and, being unknown to the commission, would automatically hold up the entire country?

Mr. SIMS. That is why I said that I proposed an amendment here which made it impossible for any such thing to be done. Now, gentlemen, you can take the responsibility, if you want to do so. I do not know whether the commission is going to suspend or not suspend in that case, but I know there are people in this country that think they have not had an opportunity to present their case.

Mr. MOORE of Pennsylvania. The gentleman refers to the existing law and suggests that we can find out there who can file the complaint. The law has been handed to me, and I read that any person, firm, corporation, or company, or association, or any mercantile, agricultural, or manufacturing society, or any organization may file a complaint. That means that a man in California can hold up the rates affecting the entire Atlantic seaboard, or a man in Pennsylvania can hold up the rates west of the Rocky Mountains.

Mr. SIMS. By any person, firm, or association which under the act would have the right to file an application for a change in the rate, fare, charge, or classification. That limits it to those who have the right to make the protest after it goes into effect.

Mr. MOORE of Pennsylvania. But the gentleman's amendment justifies a single complaint and holds up the proceedings meanwhile.

Mr. GREENE of Vermont. That would be only chasing one another around in a circle.

Mr. SIMS. This amendment confines it to persons in making the protest who would have a right to make the complaint after it became a rate.

Mr. GREENE of Vermont. What does it matter what their present legal estate is? I hope the gentleman will pardon me for consuming his time; I hope it is to some purpose. The question, as I understand it, is whether or not this thing shall be optional, so that the Interstate Commerce Commission shall use discretion as to whether this protest is made in good faith, or whether it is mandatory; and if it is mandatory, then the matter of the bona fides of the protest or complaint does not enter into it at all.

Mr. SIMS. I think the general law requires that those who protest must have an interest in the rate.

Mr. GREENE of Vermont. But the interest may not be a fair one.

Mr. SIMS. It is bound to be or it would not be protected by this law.

Mr. GREENE of Vermont. The law presumes that anybody making a protest is fair about it until shown to be unfair.

Mr. GILLETT. Any shipper could do it.

Mr. SIMS. Yes; they have the right to make complaint. Such action must come within 30 days, but the commission can limit the time of the suspension as it may be made to appear to them as necessary and proper and right, so that it would not be one of these so-called captious cases, even if one were made prima facie.

Mr. MOORE of Pennsylvania. It is not required to suspend it?

Mr. SIMS. Not for a specified time.

Mr. MOORE of Pennsylvania. I suggest to the gentleman that he is giving great latitude to those who might have a designing purpose.

Mr. GREENE of Vermont. And they might accomplish the purpose in one day.

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

Mr. SIMS. Yes.

Mr. COOPER of Wisconsin. In such a case as that supposed by the gentleman from Pennsylvania [Mr. MOORE] would there be any such danger of wrong being done to shippers of this country as there would be in legislation giving to railroad managers the power to base the rate?

Mr. SIMS. And without a hearing.

Mr. ADAMSON. Mr. Chairman, we passed a bill eight or nine years ago in this House to increase the membership of the Interstate Commerce Commission from seven to nine members, for the reason that the business was accumulating so rapidly that that commission was overburdened and could not with sufficient alacrity and dispatch attend to the business of the

country. That bill failed in the Senate. Two years ago we passed a bill almost identical in terms with the substitute now reported from the committee to the House. It went to the Senate and failed of passage. This year we introduced and the committee reported the same bill, but we sent a copy of it to the Senate, and the Senate committee reported it.

So this is the third time that the bill has come before this House in identical terms, with the exception of the subdivision of the commission in the bill the last two times. We endeavored to make as few changes as possible in the existing law. Our single purpose was to provide for the relief of the commission and the dispatch of business. Therefore we did not change the term or the salaries of the commission, or any of the rules or methods of practice, but merely provided that when increased to nine members the commission could be subdivided into three or more divisions and changed from time to time.

That bill, when it reached the Senate, received an important amendment. Under the present law, which has been on the books for some time, the commission has the discretion to make a suspension of rates when they are filed. Bear in mind that for 10 years after the decision of the Supreme Court which we thought emasculated the commission we worked to give the commission power to control rates. We finally succeeded in 1906 in giving to them the undoubted power which had been recognized by the courts. We reviewed and revised this interstate-commerce law twice—once in 1906 and once in 1910.

In both cases before the committee a strenuous fight was made to put on what in substance is now known as the Smith and Sims amendment. The committee—and Congress in both branches sustained the committee—held that the discretion of the commission ought not to be trammelled; that, if Congress was going to invest the commission with power to make rates, it ought to give them discretion and allow and require them to control the question; so that the committee refused—and on two occasions Congress affirmed their action—to make mandatory upon the commission the suspension of rates every time anybody requested it.

Now, the chief issue here presented to-day by the Smith-Sims amendment is, Shall Congress permit the commission to continue to exercise its discretion as to suspending rates, or will Congress take that out of their hands and make it mandatory?

Well, we are in the face of a great crisis, some people say. I do not want to get excited about these things. It is true a general proposition to make a general raise of 15 per cent is the most startling movement ever made before the commission, and it does seem that, if any proposition ought to be suspended, that ought; and it does seem, in view of our provision in the law to permit four months and then six months additional for hearings on the complete suspension of rates, that proposition ought to suggest that 30 days' preliminary investigation is not sufficient investigation on a proposition for the greatest increase ever offered in the country.

But there is another side to it. While I believe that the commission will suffer before Congress and before the country if it permits these rates to go into operation without suspension and investigation, I believe it would be a much more severe blow to the commission for Congress to anticipate adverse action in advance and strike them this legislative blow. I do not know that the commission is going to suspend the rates. This proposition in the Senate was made at the outset of a preliminary investigation by the commission as to whether or not they would suspend the rates. They have sat there for 30 days, constantly working—and killed one of the commissioners at work—trying to decide, and they are sitting now daily all day considering the evidence that they heard for 30 days to decide whether they will suspend the rates or not.

I have never doubted that they will suspend the rates. I have never doubted that they will find that there ought to be a longer period for hearing so important a case.

The matter came up in the Senate, and it occurred to some Senators that there was danger that the commission might not suspend the advanced rate, and in apprehension thereof that it was necessary to pass a law taking the discretion out of their hands. Well, sometimes it is right to be an alarmist, and I want to say for the distinguished gentleman representing Georgia in the Senate, of whom some slighting remark was made by some gentleman on the floor just now, that while I have known a great many Smiths in my life, I do not know any Smith equal to that man in ability or superior to him in character, and no other Smith need blush to be confused with him. I do not agree with him in all things. Great men make great mistakes, and the greater the man the greater the contrast appears between him and a false act if he makes a mistake, and therefore the mistakes of great men look larger than the mis-

takes of small men. Whether this is a mistake I will not say. It may be overzeal. I do not think it was necessary. I do not believe—and the committee of which I am a member agree with me—we do not believe it necessary in advance of action to say that we will change the law through fear that the commission will not suspend the rates. Now, I will tell you what our committee thought about this thing. Our committee thought that while this commission, created by us and charged with this duty, is engaged in considering the very proposition of suspending this 15 per cent increase, we ought not to trammel and embarrass the commission by legislating about the very act that we have charged them with the consideration of, but that we ought to pass the bill exactly as the House has passed it three times, if I remember correctly, and then in conference decide whether or not we could agree with the Senate, and confer with the commission as to what was right and proper to be done. I am free to say that the conference can not possibly conclude before Saturday night, and if the commission should be derelict in its duty and should fail to suspend these rates I do not hesitate to say that I will be willing, and the committee has so said in the report, to make some provision in conference to prevent an unjust increase in rates. The committee thought, and so reported, that the matter would be properly handled as they recommended.

Mr. JOHNSON of Washington. The gentleman is chairman of a very important committee.

Mr. ADAMSON. Yes.

Mr. JOHNSON of Washington. Let me suppose for a moment that each Member of the House of Representatives should rise in his place and make a statement similar to that which the gentleman has just made. What would be the probable effect of such a statement on the Interstate Commerce Commission?

Mr. ADAMSON. What is the gentleman's question?

Mr. JOHNSON of Washington. The gentleman proposed that if the Interstate Commerce Commission does not do so and so in regard to the proposed increase in freight rates he might accede to some legislation in conference that would punish them.

Mr. ADAMSON. I hope there will be no misunderstanding of my statement. My statement is that the conference will be in session probably until the end of the consideration by the commission, and that, if Judge SIMS is right, and if the Senate is right, something ought to be done. The matter will still be open for consideration, and we can determine it; and, as to the conference committee, I will say to the gentleman that the conferees who are members of the Committee on Interstate and Foreign Commerce never do anything without consulting the House and obtaining the approval of the House.

Mr. JOHNSON of Washington. I know that quite well.

Mr. GORDON. Is there not a law at present in existence that provides in substance that in all applications for increase of rate the existing rate shall be prima facie presumed to be just and reasonable?

Mr. ADAMSON. That is true; and in all cases of this kind, in investigations of proposed increases, the burden is on the party proposing the increase. The burden is on the party proposing the change in rate.

Mr. GORDON. Exactly.

Mr. ADAMSON. That is the existing law. Now, Mr. Chairman, I want to be fair and right in this thing. I have great respect for law and great respect for courts and great respect for the tribunals that we have created.

Is it right, before the commission has rendered its decision, which it is now considering with a view to announcing it this week, having only three more days—is it right to anticipate and apprehend that the commission is going to do something contrary to our views and pass a law in advance to control the commission? It would be little short of impeachment in advance of action, and I repeat respectfully that in the meantime, should it appear necessary to agree to anything touching this subject, there would be ample time then to do it, and we can then come back to either House with any action of the conference committee, and we can make any act of Congress take effect from the date of its approval as to rates, if we see proper to do so. But I insist that we ought now to pass this bill as the House has previously passed it.

Mr. CANNON. Will the gentleman allow me?

Mr. ADAMSON. Certainly.

Mr. CANNON. I am asking purely for information. In this investigation that is being made by the commission you anticipate a decision?

Mr. ADAMSON. Yes.

Mr. CANNON. You anticipate that it may be a 15 per cent advance?

Mr. ADAMSON. No, sir; I believe it will be a suspension.

Mr. CANNON. The commission have power to do either.

Mr. ADAMSON. Yes.

Mr. CANNON. That is, they have the power to suspend their decision for further investigation. How long have they been investigating?

Mr. ADAMSON. They have worked 30 days unceasingly, and part of the time have had two or three examiners outside hearing overflow witnesses.

Mr. CANNON. And now the gentleman's information is that they are going to decide it in two or three days; and his proposition is to wait, giving notice in the meantime that if they do not decide it our way we will hold them up?

Mr. ADAMSON. No; I say it is not necessary for us to act now, for several reasons, one of which is that we can not take final action until after they do, and then if people insist on action we will have a chance to take it if we want to.

Mr. CANNON. That is to say, if this commission that Congress created does not please us by its action concerning an increase of rates or a decrease of rates, as the case may be, we will give notice that we propose to nullify the whole thing by legislation.

Mr. ADAMSON. We still have jurisdiction in this bill, because the conferees can not report before that time.

Mr. CANNON. But I am speaking generally. We have created a commission and propose to give them notice that they must satisfy Congress or we will either put them out of office or nullify their action. Does not the gentleman think we had better repeal the law and let Congress fix the rates?

Mr. ADAMSON. I am not going to notify them of anything, but I am telling my colleagues that it is unnecessary in advance of their action to assume they are going to do wrong and change the law. I want to say to the gentleman from Tennessee that we still have the bill under our control after they have decided it.

Mr. ALEXANDER. Will the gentleman yield?

Mr. ADAMSON. Yes.

Mr. ALEXANDER. As I understand the gentleman's position it is to this effect: That if the commission permits the rates to go into effect now it would be an unsound exercise of their discretion and discredit the commission with Congress.

Mr. ADAMSON. No; I beg my friend's pardon, I have not said that. I say that after they act, whether it be one way or the other, if my friend from Tennessee still desires to legislate, the bill will be before Congress for final action.

Mr. ALEXANDER. Does the gentleman think it would be a sound exercise of their discretion to allow the rates to go into effect without further hearings?

Mr. ADAMSON. I do not; I think they ought to suspend the rates, and I believe they will.

Mr. JOHNSON of Washington. But suppose that they do not, this debate would lead them to infer that Congress might step in and take a hand.

Mr. ADAMSON. It could, but whether it will or not I do not know.

Mr. JOHNSON of Washington. It is serving such notice on the commission.

Mr. ADAMSON. No; they know as well as we do that Congress could pass a law if it wanted to. I have stated what I thought about it.

Mr. BORLAND. Will the gentleman yield?

Mr. ADAMSON. I will.

Mr. BORLAND. Has not the gentleman stated repeatedly that he did not intend to report any bill that was not a war emergency? What is the war emergency contained in this bill?

Mr. ADAMSON. This was the first bill proposed in the President's program.

Mr. BORLAND. What war emergency is there in this? The committee on transportation of the Council of National Defense is engaged in the regulation of the traffic of railroads.

Mr. ADAMSON. I will refer the gentleman to the President.

Mr. BORLAND. This specific bill was in the President's program?

Mr. ADAMSON. Yes.

Mr. BORLAND. That is the gentleman's justification for bringing it in?

Mr. ADAMSON. That is my answer; I do not need any justification. It is in line with the preparedness of the President's war program.

Mr. BORLAND. But the gentleman himself does not say that it is a war measure.

Mr. ADAMSON. The President asked Congress to come together in special session for a specific purpose, and this bill has been mentioned every time.

Mr. WALSH. Has not the gentleman from Missouri had a letter from the President on this matter?

Mr. BORLAND. No; not on this matter. When I do I will see that the gentleman from Massachusetts has notice of it.

Mr. CANNON. Mr. Chairman, I would like to ask the gentleman one more question for information.

Mr. ADAMSON. The gentleman has complimented me so much by saying that I could give him information that I gladly yield.

Mr. CANNON. How long have the freight rates been substantially as they are now?

Mr. ADAMSON. That is a hard question to answer, because they are raised in different ways all along the line by changing classifications and otherwise. The greatest general raise was the 5 per cent raise last year.

Mr. CANNON. Can the gentleman inform me how much rise there has been in proportion of the railways from the standpoint of cars, wages, maintenance, and so on. There is an impression, and I must confess without being very well informed that the railways on the average in this country are in a pretty bad way, that many of them a few months ago were in a condition where people who ride on them felt that it was not very safe, because they were not in good condition; that they were not earning enough to enable them to maintain them in good condition.

Mr. ADAMSON. The gentleman is propounding a large question and proposes to go into the very thing before the commission. If I should answer that question, I should say that it is said that many hundred thousand have been put into a propaganda to make the people believe just what the gentleman's question states, and that the whole thing is a bubble and will be punctured before the hearing is over. The rates were high enough for the present prices before the present prices were increased. They have been more profitable in the last 12 months than ever before in their history, and in February, when the railroads started to urge this upon the people through the commission, February had been sort of a poor month, but unfortunately for their case the business picked up in March and April and has been profitable ever since, and they are as prosperous as ever. Roads that do 80 per cent of the business of the country have plethoric treasuries. [Applause.]

Mr. ESCH. Mr. Chairman, I yield to the gentleman from New York [Mr. DEMPSEY].

Mr. DEMPSEY. Mr. Chairman, the Sims amendment proposes two things. The first proposition is that anyone can prefer a complaint to the commission, and the commission, exercising no discretion of its own, not being allowed to decide whether or not that complaint is well founded, whether it has any basis whatever, is required to try that as elaborately as if it were a good complaint. There are two reasons why that should not be done, as it seems to me: First, we appoint the Interstate Commerce Commission, and we all regard it as a great body. The country has come to look to it with confidence as being able and honest and fearless, adequate in its functions to determine the great questions which have been confided to it, and by this amendment we absolutely rob that commission of any discretion whatever and make it the creature of the statute, required to do a thing whether there is the slightest sense in doing it or not. I do not believe, nor do I believe the committee would agree, that a commission clothed with such great powers, occupying such a dignified position, should be robbed of all discretion and required to try every issue that is presented to it.

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

Mr. DEMPSEY. Yes.

Mr. GORDON. Suppose this amendment provided that the commission should not raise any rate above the existing rate without a hearing. Does the gentleman think that would be infringing upon the jurisdiction of the commission?

Mr. DEMPSEY. I do not think it would; but I do think that is a very different proposition.

Mr. GORDON. That is the law now.

Mr. DEMPSEY. I do not say whether that is the law or not, but I do say that it is essentially different and does not present the same question at all. I do say that increases of rates are vital, very serious, questions.

Mr. GORDON. And it ought to be fully considered upon the evidence.

Mr. DEMPSEY. Yes.

Mr. GORDON. Does the gentleman think that question can be fully considered in 30 days?

Mr. DEMPSEY. I say that a great many increases of rates could be properly and adequately considered and determined in three days. I do not say whether a specific question could be determined in 3 days, in 30 days, or in 300 days. The gentleman puts me a general question, and I must give him a general

answer. It is impossible to answer a specific question without the evidence as to that question.

Mr. GORDON. The gentleman is familiar with the law that the gentleman from Georgia [Mr. ADAMSON] just referred to?

Mr. DEMPSEY. Yes.

Mr. GORDON. That prima facie existing rates are reasonable and just?

Mr. DEMPSEY. Yes.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. GORDON. I beg the gentleman's pardon for taking up so much of his time.

Mr. ESCH. Mr. Chairman, I yield five minutes to the gentleman from Pennsylvania [Mr. DEWALT].

Mr. DEWALT. Mr. Chairman, I have some regard for the amendment proposed by the gentleman from Tennessee [Mr. SIMS], but in order that we may clearly understand the matter now before us, let us put concretely just what he desires. The whole gist of his amendment lies in the word "shall." In other words, he makes it compulsory and mandatory upon the Interstate Commerce Commission to have these investigations and hearings upon the request of anyone who may make a complaint.

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

Mr. DEWALT. Yes.

Mr. DEMPSEY. Suppose a shipper from one point on a line, we will say from Philadelphia, had had the question determined, and suppose the man at the next station wanted it determined, would he not have the right and could he not compel the commission, although the evidence had been presented, and the question absolutely determined in the first trial, to have a retrial and have it entirely determined the second time?

Mr. DEWALT. The original act does not go quite so far as that.

Mr. DEMPSEY. I am talking about the amendment of the gentleman from Tennessee [Mr. SIMS].

Mr. DEWALT. Oh, the amendment as he proposes it; yes. I thought the gentleman meant the powers that now exist.

Mr. DEMPSEY. No; I refer to the amendment proposed by the gentleman from Tennessee [Mr. SIMS].

Mr. DEWALT. Permit me to continue the argument for a moment, and I shall try to show the members of this committee how very drastic and how very futile at the same time this amendment would be. The present law is found to be as follows:

That any person, firm, corporation, company, or association, or any mercantile, agricultural, or manufacturing society or other organization, or any body politic or municipality, organization, or any common carrier complaining of anything done or omitted to be done by any common carrier subject to the provisions of this act, in contravention to the provisions thereof, may apply to the said commission.

Then the act goes on to say that thereupon the Interstate Commerce Commission may—not shall—go on with this investigation, and, after hearing, shall determine the facts, and then, if that be not satisfactory, a rehearing can be had. The gist of the Sims amendment is simply this, that you place upon the Interstate Commerce Commission the shackle of a mandatory order that they must at any time, upon the complaint of anyone, at any place, upon any subject, in regard to the raising or lowering of rates upon common carriers, make an investigation. The result of that would be simply this: The Interstate Commerce Commission now consists of seven people, as we all know. They have asked for two additional members. There have been hundreds of cases presented before them, and some of them are now pending, and if this course of proceeding is to be completed according to the Sims amendment there will be no end to such hearings, and the wheels of progress in regard to the matter would of necessity be stopped.

Let me say but one word more, Mr. Chairman, and then I have concluded. My friend from Tennessee was very laudatory in regard to the ability and probity of the Interstate Commerce Commission. There is not a man anywhere, who has any business, there is not a man in the House of Representatives who knows anything of their procedure, but is willing to concede that as an established fact. If, then, my friend concurs in that opinion, which is prevalent all over the country and established by their course of conduct for so many years, why could not my friend from Tennessee leave the discretion with that body, which has the confidence of the people, instead of impeding legislation and impeding progress by hampering them in their efforts? [Applause.]

Mr. ESCH. Mr. Chairman, I yield five minutes to the gentleman from Massachusetts [Mr. WINSLOW].

Mr. WINSLOW. Mr. Chairman, this question came before the committee as a proposition to make more effective and more prompt the work of the Interstate Commerce Commission, and

as a result the committee reported the bill now under discussion, which provided for the increase of membership of the commission by two and for a subdivision of their work. Such are the principal features of the bill, and virtually the only items being discussed, with the exception of the amendment and the amendment to the amendment proposed by Mr. SIMS.

There appears to be no doubt whatever as to the advisability of increasing the commission, and there has been but little, if any, objection to the idea of the subdivision of work. Both propositions are calculated to make possible a quicker completion of the undertakings which the commission is called upon to consider. Everybody knows that the members of the commission are overworked, that their conclusions are too slow for the public interests and for the convenience of those who have hearings before them. If an increase of the number of commissioners by two and an authorized subdivision of work can insure earlier decisions, it would seem to me best to encourage legislation in this direction and pass this bill. When we come, however, to the consideration of the Sims amendment, I think we come to a real stumbling block, and we have to face the trouble that is before this committee. Under existing law the commission can determine whether or not they want to yield to protests and have hearings.

As proposed by Mr. SIMS the commissioners must have hearings whether they approve or not at the request of people or organizations enumerated in the act, but the enumeration of those people and organizations seems to take in about anybody and everybody one can think of, so that by the time the amendment to the amendment and the original amendment might be adopted we would find ourselves back to the point where perhaps there would be virtually nobody, whether interested or otherwise, who could not file a protest against a rate upon which the commission must forthwith grant a hearing. The man who has much to do with business and who is considering methods other than dilatory knows perfectly well that the undertakings which would be forced upon the commissioners if they were obliged to have a hearing at the behest of anybody and everybody would be far in excess of anything they could accomplish with even a membership of nine. So I think it all gets down to a business consideration. Have we confidence in the commission; do we believe they are doing their work as fast as they could; do we want it done quicker; do we want to help them out or do we want to retard them? If we want to help them out; we must adopt some measures to lessen the work individually and increase the results of the commission. If on the other hand we want to retard their undertakings and put them further behind than ever, we have a chance to do that by letting any objector who thinks he has a grievance or an excuse force a hearing from the commission, contrary to their judgment or otherwise, and so on indefinitely. Under the present law 10 months represents the end of the time during which a protest can be argued. Under the Sims amendment, if it is passed, a hearing can go on indefinitely. I am sure this country at this time wants all of its organizations and departments conducted in such a way as to facilitate and expedite the business of the country, and I hope that there will be no technicalities of any kind which will hold back the legislation which this commission needs and for which the committee practically unanimously asked. [Applause.]

[Mr. JOHNSON of Washington addressed the committee. See Appendix.]

Mr. ESCH. Mr. Chairman, I yield six minutes to the gentleman from Pennsylvania [Mr. GRAHAM].

Mr. GRAHAM of Pennsylvania. Mr. Chairman and gentlemen of the committee, I do not know the relevancy of the argument just closed with relation to the bill and the amendment, and therefore I shall not make any comment upon private cars or upon extra food—

Mr. JOHNSON of Washington. Will the gentleman yield for a question?

Mr. GRAHAM of Pennsylvania. For a question.

Mr. JOHNSON of Washington. I did not intend that to be an argument, but two weeks ago, when this bill seemed to be going through on a greased track, I thought that during its consideration would be a good time to look into and discuss the valuation of railroads. I desired an hour; I got two minutes.

Mr. GRAHAM of Pennsylvania. I do wish, however, while not answering that argument, which has now been withdrawn, to say a word or two in relation to the report and the amendment.

I wish to support the report of the committee, and I would oppose the amendment of the member of the committee which has been the chief point of discussion in the debate here. It seems to me that there is occasion for an enlargement of the force of this Interstate Commerce Commission. They are indeed taxed to the uttermost in doing the great work which has been

placed upon them of regulating the transportation of this great country. The railroads of the country have submitted to and appreciate the work of this commission, and we have in operation, therefore, to-day a very successful method of regulation, which ought to be the chief end and aim of legislation upon this subject. In order, therefore, that the regulation may be more thoroughly carried out, let us increase the efficiency of the commission by increasing its numbers.

Mr. BORLAND. Will the gentleman yield?

Mr. GRAHAM of Pennsylvania. We should facilitate the doing of the work and the reaching of speedy conclusions, for deferred conclusion is the only thing specifically which I have heard commented upon adversely. And therefore if we can aid the attainment of quicker decisions by this legislation, I am heartily in favor of it.

Yes; I will yield to the gentleman.

Mr. BORLAND. Is not the aim of regulation, after all, by reducing unnecessary expense and unnecessary competition and discrimination and rebate, and so on, to finally reduce the rates to the ultimate shipper? Is not that the real regulation, and have we attained that under all this matter?

Mr. GRAHAM of Pennsylvania. The end ought to be equity and justice to both sides, and when the property is practically taken out of the hands of its stockholders and its normal managers, and the regulation of its charges and rates, and in a large degree its business is turned over to a commission, then I say it becomes the duty of that commission to behave with equity and justice. It is not a commission created solely for the purpose of reducing rates. If reducing rates works injustice, then the rates ought not to be reduced. It is the duty of that commission to stand as impartial judges, trying to work out a system with regard to the use of a public utility that should at once serve the interest of the shippers and not destroy the property of the bondholders and the stockholders of the various corporations.

Mr. BORLAND. Will the gentleman yield further?

Mr. GRAHAM of Pennsylvania. I have not the time.

Mr. BORLAND. Just a brief question. Have not the railroads prospered amazingly under this system of regulation? Have they not been very much more prosperous than ever before in their history?

Mr. GRAHAM of Pennsylvania. In some respects the railroads have been benefited by this regulation. If you ask me the particular question as to whether the railroads have prospered under it, I must, as a citizen observing the signs of the time, say that they have not prospered under it or else you would not have the Interstate Commerce Commission to-day considering the question of increase of rates that is made absolutely necessary for the welfare of these great transportation companies and the welfare of the community. And it is in order that that consideration shall not be blocked that this amendment ought not to be considered or passed. If this amendment is written into this law and the bill becomes the law, you put it in the power of any disgruntled man in the community to file a protest and hold up the hands of this commission and prevent an increase that is now demanded by the public as well as by the railroads. To-day the commission has a discretionary power, wisely lodged in it by the law. It may, if the prima facie appearance is such as to warrant it, declare that an advanced rate may become operative at once.

If, on the other hand, it has doubt about it, it can suspend the operation of the rate for a period of 120 days, or four months. At the end of that time, if the conditions are such that in its discretion further time is needed for the consideration of the main question, it can again postpone the action for a period of six months. Thus you have a limit put upon a discretion that ought not to be permitted to run on forever. And yet under the Sims amendment, as I read it, you remove all those restrictions besides taking away from the commission their discretion, and as my colleague from Pennsylvania [Mr. DEWALT] said, put bonds upon the commission and give them no power of discretion whatsoever. [Applause.]

The CHAIRMAN. The time of the gentleman has expired. All time has expired. The Clerk will read.

The Clerk read as follows:

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 com-

missioners, 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."

Mr. BORLAND. Mr. Chairman, I move to strike out the last word.

The more the framers of this bill argue for it the more apparent it becomes that there is probably reason for defeating it. We all recollect the genesis of the interstate-commerce act away back in 1887. We recollect also that it was full five or six years before it came into anything like effective enforcement and control over the commerce of the country. At that time the railroads were in the habit of giving secret rebates to every habitual shipper, every elevator man, every coal operator, every man who had a stable industry on their line of road. They would even give a special rate to any man who had a carload lot to ship, even if it were household goods. They were in the habit of giving cut rates to all excursions. They were in the habit of having railroad wars, carrying people from Chicago to Kansas City for a dollar, and throwing in a meal sometimes.

They were in the habit of papering the universe with passes, until every respectable white man in every community rode on a pass. No man liked to pay his fare, because it was a reflection on his business and social standing. [Laughter.] It cost the railroads of this country \$30,000 a year to print those passes, let alone distributing them.

Now, that was the condition of affairs when the Interstate Commerce Commission took hold of the railroads. The idea, of course, was that the little shipper must be getting it in the neck. The big shipper was getting a special rebate; the big shipper was getting a secret rate. Only one man could buy grain on a certain line of railroad, because he had a special rate. Only one man could ship coal on a certain railroad, because he had a special rate; and it was necessary to have a system of regulation that would give everybody a fair deal.

Now, what has been the result, practically? The result has been that to-day railroads are hauling more cars to a train, with a fewer number of human employees, than ever before in their history. There are more railroads in this country paying interest on their bonds than ever before. There are more of them paying interest on their stock than ever before in the history of the country. They will not give you a pass now under any circumstances, and political conventions have almost gone out of existence for lack of passes. [Laughter.] There is hardly a State in the Union that has not a direct primary now, having been constrained to abandon the assembling of State conventions because of lack of passes at the expense of the railroads. The railroads are getting clean money for their business. They are even charging traveling men for the transportation of their sample cases and trunks. They will charge you for everything. They charge for all excess baggage over 150 pounds. They will even charge you for a glass of water in the dining room before they get through with it. In short, they are making more money than ever before in their history, and that with a less number of employees, and they are hauling the largest amount of freight that they ever hauled.

Has any average shipper got a rebate or a discount in his rates? Not a dollar. Has any of this increased revenue to the railroads gone into the pockets of the American shipper? No. I am unable to find that a single dollar has gone into the pockets of an American shipper.

Now, it is proposed that nobody shall be allowed to complain of an increase in rates, once filed by the railroads, unless the Interstate Commerce Commission permits him to complain. I think that is the substance of this. Instead of giving the American shipper an absolute right to a hearing before an advance in the rate is made, he is not to have that right. I can not think of anything more preposterous.

What would happen if the rates were suspended automatically on the demand of a single shipper? Nothing, except that the old rates would remain in force, and prima facie they are reasonable and just. That is all that could happen. But they want to put advanced rates in force at the option of the railroads, and the shipper must go through a long and painful process, and perhaps to him an impossible process, before he can get a hearing, and then he is not always able to prove his case in the complicated conditions of American business. The case can only be proven by some large community or some great organization of business men. An ordinary individual shipper can not make out a case, even if he gets a hearing. Any man who knows anything about the matter knows fundamentally that that is a fact.

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

Mr. BORLAND. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

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

There was no objection.

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

Mr. BORLAND. Yes.

Mr. DEMPSEY. Are not all the rates classified, so that any shipper may know when he comes within a given class? He is not required to make an individual fight, is he?

Mr. BORLAND. Of course, the rates are classified, and if he does take a hand on a particular classification he does it for himself and in behalf of all shippers similarly situated.

Mr. RAYBURN. Mr. Chairman, will the gentleman yield there?

The CHAIRMAN. Does the gentleman from Missouri yield to the gentleman from Texas?

Mr. BORLAND. Yes.

Mr. RAYBURN. As I understood the gentleman, he said at the outset that the more he has read this bill the more he is convinced that it ought to be defeated. There is nothing in the gentleman's objection that militates against the bill. He has not pointed out any defect in the bill to which objection can be made.

Mr. BORLAND. The only point that has been debated here largely, I will say to the gentleman from Texas, is the Sims amendment.

Mr. RAYBURN. The gentleman has not stated whether he is for that or against it.

Mr. BORLAND. I am for it. I hope the gentleman is.

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

Mr. BORLAND. Yes.

Mr. ADAMSON. As to the remark the gentleman made just now about the difficulty of the shipper proving anything, I wish to call the gentleman's attention to the provision in section 15, that as to any increase of the rate since 1910 the burden shall be on the carrier. That is the existing law. That is not changed by this bill at all. It puts the burden on the carrier as to every rate since 1910.

Mr. BORLAND. Then what is the possible objection to the Sims amendment? The Sims amendment, as I understand it, would simply suspend the operation of those rates.

Mr. GORDON. These increases.

Mr. BORLAND. Yes; these increases—the gentleman from Ohio is correct—until a hearing could be had. Then why the opposition to the Sims amendment, if the existing rates are just?

Mr. ADAMSON. Mr. Chairman, partially answering the gentleman's question, I wish to say that there are 100,000 schedules filed every year, and a million or more different rates. If only a small part of that immense number were complained of, you would swamp the commission, and a great number of them might be matters that the commission, from data already in its possession, might be able to pass upon in a preliminary way without a suspension of the rate.

Mr. BORLAND. That was answered by the gentleman from New York [Mr. DEMPSEY] who said these rates were based upon certain fixed and known classifications. If a man complains of a rate, he complains of the whole classification. But there are two kinds of rates, what we call class rates and what we call commodity rates, and increases are frequently made in rates by the railroads by transferring a given article from a class rate to a commodity rate, and then changing it back again to a class taking a higher rate. Now, it is not always possible for anyone except a trained lawyer or a trained railroad man to follow these methods; but if this bill ought to pass at all—it does not seem to me that it is an emergency measure in any sense, and I had hoped to touch upon that, but I fear I may not have time—it seems to me if it passes at all it ought to pass with the Sims amendment. But just at this time it appears that the commission is going to be relieved to a large extent of the work of the valuation commission. The transportation committee of the Council of National Defense is taking a great deal of the traffic management off their hands, and it seems to me that there is no real emergency calling for the passage of the bill at this time.

Mr. GILLET. Mr. Chairman, the deplorable condition of the railroads which the gentleman has described before the institution of the Interstate Commerce Commission may have been true in his part of the country, but I am happy to say to him that it was not true of all the country. And one of the reasons for the inadequacy—

Mr. BORLAND. Mr. Chairman—

Mr. GILLET. I decline to yield. One of the reasons why the railroads to-day are not able to meet the emergency is the loss of public confidence in railroad investments of late years, so that railroads have not been able to keep up the trackage

and the cars and other equipment necessary for the immense transportation of to-day. But I did not mean to go into that. I gladly admit the great usefulness and the great advantages of the Interstate Commerce Commission, although I do not think it can be credited with all the improvements in railroad management since it was established. I recognize the fact that it has done away with great abuses which existed, and that it has been a great addition to the welfare both of the railroads and of the people. But while the gentleman from Missouri [Mr. BORLAND] is extolling the usefulness of the Interstate Commerce Commission, I can not see why he wants to reduce their power and limit their discretion, and why he is not willing to trust them to decide when they should have hearings and when they should make suspensions, instead of making a cast-iron rule that any disgruntled shipper or blackmailing lawyer may at any time bring forward a complaint and cause the delay necessary for a hearing.

As I read this bill when it came up the last time, I thought I should vote in favor of it. It seemed to me it was intended to facilitate and expedite the work of the commission in two ways—one by increasing the membership and the other by allowing the commission to divide its force—and I should be glad to support that proposition. But it seems to me that if this Sims amendment should go through, limiting the discretion of the commission and encouraging delays, the bill would do more harm than good. Now, the mere increasing of the size of the commission does not necessarily facilitate its work. The other day I was reading the life of Judge Story, one of the most brilliant men who ever sat in the Supreme Court, and I came across an interesting letter of his which I think is pertinent to this very point. This was in 1828, just after the size of the United States Supreme Court had been increased, and in writing to a friend he said this:

You may ask how the judges got along together. We made very slow progress and did less in this same time than I ever knew. The addition to our numbers has most sensibly affected our facility as well as rapidity of doing business. "Many men of many minds" require a great deal of discussion to compel them to come to definite results, and we found ourselves often involved in long and very tedious debates. I verily believe if there were 12 judges we should do no business at all, or at least very little.

And what Judge Story said of the Supreme Court of the United States I suppose applies to any other tribunal, and the mere fact of increasing the size of the Interstate Commerce Commission would not necessarily expedite business. But there is also in this bill a provision that the commission may divide itself into sections and in that way make use of its increased size. An increase in size without such a division into sections might obstruct its decisions and require longer deliberation and therefore cause delay instead of expedition, but by dividing itself up into separate tribunals its work can be hastened. Now I do not wish to be misunderstood. I agree with what the gentleman from Missouri [Mr. BORLAND] says about the great value of the Interstate Commerce Commission. They have done good work, and I believe that if we pass this bill as it stands, rejecting the Sims amendment and increasing their membership and allowing them to divide into sections, we shall thereby increase the expedition and increase the usefulness of this tribunal.

Mr. ADAMSON. I was going to suggest to gentlemen—I will not insist on a request—that as there appeared to be only one matter of great difference in the bill we might wait until we get to some actual amendment and then arrange to speak upon that.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

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 designated, 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 to 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.

"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 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 divert the commission of any of its powers."

Mr. GARRETT of Texas. Mr. Chairman, is this bill being considered by sections or by paragraphs?

The CHAIRMAN. It is being read by sections.

Mr. GARRETT of Texas. Then any paragraph would be subject to amendment after it is read?

The CHAIRMAN. Yes.

Mr. ADAMSON. Mr. Chairman, the first amendment that I wish to offer is on line 15, page 11, where the word "any" should be "an."

Mr. BORLAND. Mr. Chairman, I would like to ask the gentleman a question. The gentleman assumes that any of these paragraphs will be subject to amendment after being read?

Mr. ADAMSON. Yes.

Mr. BORLAND. I understood the gentleman from Texas to ask the question and was answered in the negative.

Mr. ADAMSON. Oh, no.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Georgia.

The Clerk read as follows:

Page 11, line 13, strike out the word "any" and insert the word "an."

The amendment was agreed to.

Mr. ADAMSON. Now, Mr. Chairman, I move to insert in line 16, page 12, after the word "thereof," the words "subject to the approval of the commission if demanded by either party interested."

The effect of it will be that one of the commissioners can not finally determine the case if either party demands a decision by the commission.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 12, line 16, insert after the word "thereof," the words "subject to the approval of the commission if demanded by either party interested."

Mr. SIMS. Mr. Chairman, I want to offer an amendment to the amendment.

Mr. STAFFORD. Mr. Chairman, I understood the chairman to say that these divisions of the commission would have authority to pass upon rates, on matters pertaining to the management of the road, and that these divisions might consist of one or more members.

Mr. ADAMSON. That is provided for on the next page.

Mr. STAFFORD. The gentleman's amendment only purposes to grant a review in case any party interested may request it. Does not the gentleman think that the commission itself should have the right to review a finding of a fraction of the commission or a division of the commission in case a substantial number of the commission may wish to review it?

Mr. ADAMSON. If the gentleman thinks that that would strengthen the matter, I will add "or on the motion of the commission itself."

Mr. STAFFORD. I suggest for the consideration of the gentleman an amendment to this effect: Line 23, add after the

word "whole" the words "subject, however, to review by the commission when ordered by the commission on petition of any party in interest or when demanded by not less than three members thereof."

Mr. ADAMSON. Why not add to the words that I have suggested "subject to the approval of the commission if demanded by either party in interest or on the motion of the commission itself"?

Mr. STAFFORD. On motion of three members of the commission.

Mr. ADAMSON. Or on the suggestion of three members of the commission.

Mr. GILLETT. Will the gentleman yield?

Mr. ADAMSON. Yes.

Mr. GILLETT. Does the gentleman mean by this that wherever either side is dissatisfied by the decision of one division they can take an appeal?

Mr. ADAMSON. I do not wish to suggest any appeal or litigation. But the party wants a decision eo instanti, and has it by a subdivision, and then he wants the entire commission to pass on it.

Mr. GILLETT. Will not the loser always take a chance of an appeal?

Mr. ADAMSON. Oh, no; nine-tenths of the cases will be decided by well-established principles, and will be satisfactory to both sides.

Mr. GILLETT. It looks to me as if the losing side would have nothing to lose and would take an appeal; and, therefore, what advantage you are trying to gain by dividing the commission into groups would be lost, for they will always take an appeal.

Mr. ADAMSON. I do not think it would be right for a subdivision of three to pass on an important case if a party demanded a decision by the whole commission.

Mr. GILLETT. Every man thinks his case is an important one, and if he loses he will want to appeal.

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

Mr. ADAMSON. I ask unanimous consent for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Georgia as modified.

The Clerk read as follows:

Page 12, line 16, after the word "thereof," insert "subject to the approval by the commission if demanded by either party interested or on the suggestion of three members of the commission."

Mr. MADDEN. Mr. Chairman, if I may be allowed, I think this ought to read "subject to the approval of the commission," without any additional language to it. In the first place, Mr. Chairman, I think that when the commission is authorized to make a division of the work, and they appoint committees, as I assume they are committees, they ought simply to authorize them to hold hearings, collate the facts, and then report the case to the commission and let the commission decide the case.

Mr. ADAMSON. The gentleman from Illinois has struck my original proposition, and the way I first wrote the amendment. I favor its reading in that manner as the gentleman from Illinois has suggested.

Mr. MADDEN. I would like to have the gentleman's amendment modified so that it will read "subject to the approval by the commission."

Mr. GREENE of Vermont. Will the gentleman yield?

Mr. ADAMSON. Yes.

Mr. GREENE of Vermont. If the modification proposed by the gentleman from Illinois is adopted, would that relieve the situation? Would it not put us back simply where we are now, because the entire commission would have to review the case?

Mr. ADAMSON. Every order passed by the subdivision would have to go to the entire commission.

Mr. MADDEN. Let us have the amendment read as modified.

Mr. ADAMSON. Mr. Chairman, I ask unanimous consent to so modify my amendment.

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

The Clerk read as follows:

Modified amendment by Mr. ADAMSON: Page 12, line 16, insert after the word "thereof" the following: "subject to approval by the commission."

Mr. RAYBURN. Mr. Chairman, the amendment the gentleman has suggested will not do what he intends.

Mr. ADAMSON. Yes; it will. It is a palladium over all.

Mr. RAYBURN. The gentleman's first amendment said upon demand of either party, but the amendment as accepted now at

the suggestion of the gentleman from Illinois [Mr. MADDEN] has nothing like that in it.

Mr. ADAMSON. It means that the subdivision may issue its order but be subject to approval by the commission, and if nobody ever calls attention to it the commission never objects to it.

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

Mr. GRAHAM of Pennsylvania. Mr. Chairman, I desire to offer a substitute for the amendment offered by the chairman of the committee, and perhaps it will meet with his approval. In line 16, after the word "thereof," insert these words:

An appeal may be allowed upon certificate of one of the commissioners of the subdivision, or by the commission upon the application of either interested party.

Just a word in explanation. That is following the analogy of the courts. If you simply leave this to the approval of the commission, they would take it and simply approve or disapprove without having the particular point that was in doubt called to their attention. This gives an opportunity so that if one of the commissioners has serious doubts about a proposition he may issue a certificate, and that would carry it by appeal to the whole commission, or the commission itself upon an application would consider whether or not an appeal should be allowed. It would be a short proceeding and would end the matter quickly, and would perhaps do better and more effective justice than if you leave the matter to the determination of the commission of its own motion, simply perfunctorily looking over the papers.

Mr. ADAMSON. The only objection I have to that is the one already stated, that we are trying to avoid unnecessary pleading and litigation, although generally I am in favor of litigation. We wanted to make this as easy and simple as possible, that this subdivision could do the work, if it was satisfactory to everybody, but if anyone was dissatisfied, or if the commission itself was dissatisfied, the commission would take it up and act upon it, and it can be done simply by mere annotation by anyone, without any formal appeal.

Mr. GRAHAM of Pennsylvania. I desire to have the substitute reported.

The CHAIRMAN. The gentleman from Pennsylvania offered a substitute, which the Clerk will report.

The Clerk read as follows:

Substitute offered by Mr. GRAHAM of Pennsylvania: Page 12, line 16, after the word "thereof" insert the following: "An appeal may be allowed upon certificate of one of the commissioners of the subdivision, or by the commission upon application of either interested party."

Mr. GREENE of Vermont. Mr. Chairman, that does not fit with the text.

Mr. GRAHAM of Pennsylvania. Mr. Chairman, I have offered it as a substitute in order to bring it before the committee. The amendment offered by the chairman of the committee was offered to follow the word "thereof," in line 16. It may be that not only his amendment but the substitute ought to find a more logical place in connection with the text in some other part of the section, but my remarks upon the merit of the proposition itself are these. I have used the word "may." It is not obligatory upon the commission to grant the appeal; it is not obligatory when the parties themselves apply to grant an appeal; and whenever a commissioner, having reasonable doubt about some particular question, certifies that, it brings it to the attention of the commission, with a finger pointing out the portion of the note that is the subject of doubt, and therefore, that would direct their attention to it, and there would be the benefit of having that particular thought or subject passed upon. Likewise, if application is made by either party it calls attention to the ground of the application, and the commission is not obliged to grant the appeal, but it may grant the appeal. If the reasons assigned for the appeal come to them with such force and power they will grant it, if it is a matter of justice, and if not they will decline it.

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

Mr. GRAHAM of Pennsylvania. Yes.

Mr. HAMILTON of Michigan. The gentleman suggests an appeal might be had upon the application of either interested party. Would it not be better to substitute the word "any" for the word "either"?

Mr. GRAHAM of Pennsylvania. Yes; and I ask unanimous consent to substitute the word "any" for the word "either" in the proposed substitute. I would further ask unanimous consent to offer the substitute to follow the word "obligations," in line 18, on page 12.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to modify his substitute. Is there objection? [After a pause.] The Chair hears none.

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

Mr. GRAHAM of Pennsylvania. Yes.

Mr. DEMPSEY. Mr. Chairman, the chairman of the committee called attention to this fact, that he thought that the substitute offered by the gentleman from Pennsylvania might be cumbersome. It contemplates, as it is now offered, an ex parte application, but to make it sure and plain that it is ex parte, I would suggest to the gentleman from Pennsylvania that he add to the substitute a provision that the certificate may be granted ex parte.

Mr. ADAMSON. If the gentleman will permit—

The CHAIRMAN. The time of the gentleman has expired.

Mr. DECKER. Mr. Chairman, I ask unanimous consent that the gentleman have one minute more. I would like to ask the gentleman a question or two about the amendment.

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

Mr. DECKER. The gentleman uses the word "appeal." Does the gentleman mean appeal in the strict sense of the word, or a rehearing? It does not mean an appeal involving the making up of a new record?

Mr. GRAHAM of Pennsylvania. No.

Mr. DECKER. The gentleman means a rehearing of the same case, a review?

Mr. SIMS. Would not the word "review" cover the case better than "appeal"?

Mr. GRAHAM of Pennsylvania. I think it would cover the case better.

Mr. STEVENSON. An appeal may be allowed, but it does not say an appeal to whom.

Mr. GRAHAM of Pennsylvania. The commission.

Mr. STEVENSON. An appeal to the entire commission; then that ought to be inserted.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. DECKER. I ask unanimous consent that the gentleman may have one minute in order that I may ask him a question.

Mr. ADAMSON. Mr. Chairman, I want to ask that the gentleman from Missouri be recognized; he is a member of the committee and addressed the Chair several times before, but before doing that I desire to have permission to make one remark. The gentleman from Pennsylvania, great scholar and lawyer that he is, I think fails to reach the matter exactly.

The CHAIRMAN. Does the gentleman from Missouri desire recognition?

Mr. ADAMSON. Just a minute and I will yield the floor.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that the gentleman from Pennsylvania may proceed for one minute. Is there objection? [After a pause.] The Chair hears none.

Mr. DECKER. Mr. Chairman, I do not so understand the import of the gentleman's amendment. Does his amendment mean upon application of any of the interested parties there may be a rehearing providing one of the commissioners shall so certify?

Mr. GRAHAM of Pennsylvania. No. My amendment is intended—

Mr. DECKER. Or either one of them; that is, a commissioner may send it up of his own volition?

Mr. GRAHAM of Pennsylvania. The same as a judge may certify a question of doubt.

Mr. DECKER. The party may send it up on his own motion?

Mr. GRAHAM of Pennsylvania. No; not send it up; but may make application.

Mr. DECKER. Who passes on his application?

Mr. GRAHAM of Pennsylvania. The commission.

Mr. DECKER. I do not understand yet. What I want to get at is, can any man who has had an adverse decision, simply by making a request, ipso facto, be entitled to a rehearing?

Mr. GRAHAM of Pennsylvania. No; my language is that he may make application for a review and the commission may allow it.

Mr. HAMILTON of Michigan. I think the language should be read again; I did not get it that way.

Mr. ADAMSON. Mr. Chairman, I think the gentleman from Pennsylvania has taken a hasty view of this matter. The commission is authorized to make its own rules and regulations about all these things within its jurisdiction and in the paragraph beginning at line 10, page 12, a subdivision is authorized to hear, decide, certify, and report certain things, and in respect thereto the division shall have the jurisdiction and powers of the commission. It is perfectly grammatical, and the most grammatical way is to make it read in accordance with my amendment. After the words "and in respect thereof" add the words, "subject to the approval of the commission," which

means the full commission, "the division shall have the jurisdiction and powers now or then conferred by law upon the commission." That is plain and simple, and having given jurisdiction to investigate and report those things, they would be authorized to issue an order, subject to the approval of the commission, which means the right of approval be established so that either party or anybody else or the commission itself may see that the approval is made or refused.

Mr. GRAHAM of Pennsylvania. Will the gentleman permit a question? My desire is to perfect the bill in any way I can and help in its passage, and in suggesting this language that is my only thought. Now, I see a difficulty in what the gentleman suggests that may be real, or it may be my imagination, but in this, that if it is subject to the approval of the commission they may make the most perfunctory approval imaginable. There is nothing in the proceedings to call the attention of the commission to what is a disputed or a contested subject, and the suggestion that I have made would have obviated that difficulty and still left it absolutely with the commission to approve or disapprove of it, because it would simply provide that the commissioner having a reasonable doubt of what had taken place could certify the existence of that doubt, and the commission may allow a hearing, or either party considering itself aggrieved may state the basis for its grievance and ask the commission to allow a review, and if the commission say "no," that is the end of it, and if the commission thinks it has merit in it, then he gets a rehearing. Now, it seems that brings more pointedly before the commission the question of the right for a review than the general language of mere approval.

Mr. ADAMSON. I concede the gentleman's good intention and I admire his great ability, but he is mistaken in thinking it necessary for us to put in any language about appeal. The commission makes rules and regulations about these things. We establish the right and make the right and power to issue these orders subject to the approval by the commission. There will undoubtedly be regulations made by the commission as to how they will be availed of by either party or by the commission. I think our committee did right in that matter, and I think the amendment I proposed is all sufficient.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LENROOT. Mr. Chairman, I desire to ask the gentleman a question as to the construction of his proposed amendment if inserted at the place proposed. It would then read:

And in respect thereof, subject to approval of the commission, the division shall have the jurisdiction and powers now or then conferred by law upon the commission.

Mr. ADAMSON. Read a little further.

Mr. LENROOT. I will.

And be subject to the same duties and obligations.

It seems to me that if it is inserted at that point it will not relate to orders made by the division at all, but merely as to the extent of the powers and jurisdiction which shall be exercised by the division. It seems to me that such an amendment as is to be made should be made to the next sentence, from lines 18 to 23, which deals with the making of orders.

Mr. STAFFORD. Mr. Chairman, I suggested to the chairman when I first interpolated him that the place for the amendment to go was after the word "whole." I suggest, "Subject to the review of the commission when ordered by the commission, by any party at interest, or when demanded by any party thereof."

Mr. ADAMSON. I should dislike to measure arguments with such linguists as my two friends from Wisconsin, but I would be willing to go before any literary tribunal as to whether or not it was the proper way to convey the meaning. You have to investigate and certify these things and then go on to another provision, "And subject to the approval of the commission, a division shall have all the powers to issue orders." They can hear and certify and report as much as they please, but before they can issue an order it must be subject to the approval of the commission.

Mr. LENROOT. Does not it give the full commission the right to limit any division as to the jurisdiction and powers and duties, and once having made an order the gentleman's amendment would not give the right of review of that order at all?

Mr. ADAMSON. You can not make an order except subject to the approval of the commission.

Mr. WALSH. Mr. Chairman, I move to strike out the last three words.

I desire to ask the chairman of the committee if he does not think that the language to be used should be "subject to review by the commission," and that those words should be inserted after the word "effect," in line 21?

Mr. ADAMSON. I do not think it would read as well. I read it all over and studied it maturely before I decided where to put it.

Mr. WALSH. If it is in the right place, does not the gentleman think the words should be "subject to review by" rather than "subject to the approval of"?

Mr. ADAMSON. That is a matter of words. I first had it "revision," but I take it the word "approval" means it all.

Mr. WALSH. "Approval" might imply that there remained nothing further to be done but for the commission to sign the findings or decision. The word "review" might imply that somebody would have the right to ask that the decision of the division or the record of the proceedings could be inspected or gone over by the entire board. And it is my idea we ought not to permit a minority of this body to pass upon important questions and to adjudicate finally upon such matters, but that there should be the right reserved to the parties interested to have the entire commission review the findings of the division, made up of a minority of the board.

Mr. HAMILTON of Michigan. Will the gentleman allow me to make a suggestion there?

Mr. WALSH. I yield to the gentleman from Michigan.

Mr. HAMILTON of Michigan. The language suggested by the gentleman from Georgia was this, "subject to approval by the commission." Now, carrying out the idea of the gentleman from Massachusetts [Mr. WALSH], how would it do to say "subject to the review and approval"?

Mr. WALSH. That would help it, but I still think it is in the wrong place.

Mr. HAMILTON of Michigan. As to the location, I believe the gentleman from Massachusetts [Mr. WALSH] and the gentleman from Georgia [Mr. ADAMSON] could get together on that.

Mr. GREENE of Vermont. Well, if you use the words "subject to approval" then you eliminate the sense of "disapproval," do you not?

Mr. MADDEN. That implies revision, does it not?

Mr. GREENE of Vermont. I am talking about the word "approval." All they can do is to approve it. If you want a general term that would include both approval and disapproval, it would be the word "review."

Mr. WALSH. I think the gentleman is correct in that.

Mr. MADDEN. If you do not approve you disapprove.

Mr. DECKER. Gentlemen of the committee, I wish to call your attention to the fact that what we are discussing here is not a matter of form of words only. There are two different ideas here presented.

Now, the object of this bill, as I understand it, is to facilitate the work of the Interstate Commerce Commission. You can do it in one of two ways.

You can have your subdivisions and give them some authority and let them do the work and pass upon it and finish it, subject to a review, provided one of these commissioners thinks there is something worth putting before the whole commission; or you can take the other method, as presented by the chairman, and let everything be subject to review. And let me suggest to you that, in my humble opinion, when you do that you have simply increased the number of officers in the United States and have not facilitated the transaction of business before the Interstate Commerce Commission.

That very principle is one of the things that causes the endless and unnecessary delay in the administration of justice in our courts to-day. You take the appellate courts in the State of Missouri to-day; we have an appellate court that passes on cases amounting to \$7,500, and we have a supreme court over all of them, and you can take a case from that appellate court to the supreme court, not because one of the litigants who has been ruled against wants it to go there, but he can take it by his application, provided one of the judges who has passed upon it has a reasonable doubt about the matter and thinks it ought to be passed upon by the higher court. But if you let the entire case go to the whole commission when any man who has been ruled against wants it to go there, I submit that then every case will be decided by the entire commission, and you will find you have not advanced the work of the commission by a single solitary day. The thing that has tended most to destroy the efficiency of this commission, in my humble opinion, is the fact that it is overburdened with work. The people of the country should have a decision.

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

Mr. DECKER. Yes.

Mr. WALSH. If this proposed amendment should be adopted, it would not require the whole commission to hold a new hearing. They would simply go over the decision that was made, and that might be done in a very brief time. They would not be required to call the witnesses.

Mr. DECKER. The answer to that is this, gentlemen, and I crave your attention: It means just one of two things, either that the entire commission will give a perfunctory approval, or else, if it gives an honest, conscientious, painstaking investiga-

tion of it, it will take just as long as it would if they started out and made the investigation in the first place. You can choose either horn of the dilemma. You can give it a perfunctory approval, and in that way hasten the work; but where the case is of vital importance and where the decision rendered is in conflict with the ruling of the entire commission and it ought to be called to the attention of all of them, in that case you will always find the commissioners willing to make a certification and allow the entire commission to pass upon it.

Mr. WALSH. Mr. Chairman, will the gentleman yield again?

Mr. DECKER. Yes.

Mr. WALSH. Does the gentleman know of any board or commission or tribunal in which a minority of it can make a final decision?

Mr. DECKER. That is where the gentleman makes his error, when you divide the country into divisions. If we think it wise, we can make the decision of a division final.

Mr. WALSH. Declaring it so would not make it so.

Mr. DECKER. They are our creatures. We are the creators of this commission. We can say that one man's decision shall be final, and that would be better than having the railroads of this country tied up and the commerce of the country stopped. Gentlemen, something must be done. You must move the wheels. The people must have a hearing.

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

Mr. BORLAND. Mr. Chairman, I ask unanimous consent that the gentleman may have two minutes more. I want to ask him a question.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. BORLAND. It is assumed that if this commission is divided into, say, three divisions, consisting of three commissioners each, they will be sitting in different parts of the country, hearing totally different cases without connection with each other.

Now, suppose a case arises where one of the litigants conceives that the ruling of a certain subdivision of the commission in his part of the country is utterly contrary to the ruling of the whole commission or contrary to the ruling of some other subdivision of the commission in some other part of the country. How can he get that entire hearing before the full commission by his own action?

Mr. DECKER. According to the amendment of the gentleman from Pennsylvania [Mr. GRAHAM] he could do that by calling attention to the inconsistency or difference in ruling to the commission or the subdivision that passed upon the case, and I assume that those men are honest enough either to reverse their own decision or ask the whole commission to make a new ruling.

Mr. BORLAND. Suppose the subdivision already has that question presented to them, that it is contrary to the ruling of the whole commission, and they contend that it is not, and they are in harmony with the previous ruling of the entire commission, and the litigant is still certain that they are wrong?

Mr. DECKER. The answer is simple. There must be an end of litigation and contest, and you must bow somewhere to somebody's decision. The same thing can be stated of the Supreme Court of the United States as to the Adamson law or as to any other law. There is always a dissenting opinion delivered, and they may say this is not in harmony with the opinion of the country. But we must bow to their decision.

Mr. WALSH. But in that case it is a decision of a majority and not a decision of a minority.

The CHAIRMAN. The time of the gentleman from Missouri has again expired.

Mr. DECKER. I want to answer that question, because it is important. I do not know that I will use all the time, but I would like to have five minutes. We are getting down to the meat of this matter.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri to proceed for five minutes more?

There was no objection.

Mr. ADAMSON. Mr. Chairman, before the gentleman from Missouri proceeds with his five minutes I would like to ask, in the interest of facilitating the debate, if the gentleman from Pennsylvania [Mr. GRAHAM] will give me his attention, will the gentleman be satisfied with the provision that will, in effect, say "subject to the decision of the commission under rules and regulations to be established by the commission"?

Mr. GRAHAM of Pennsylvania. I have sent up to the desk an amendment, and I would like, by unanimous consent, to have it read, embodying the language of the proposition.

Mr. ADAMSON. Is it a new proposition?

Mr. GRAHAM of Pennsylvania. It is substantially the same, but in new language.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to modify his substitute. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

Mr. GRAHAM of Pennsylvania offers to modify his substitute amendment as follows: Page 12, line 23, after the word "whole," insert: "Provided, That a review may be allowed by the commission upon certificate of one of the commissioners of any division or upon the application of any of the parties."

Mr. ADAMSON. Mr. Chairman, I ask that debate on this end after the gentleman from Missouri [Mr. BORLAND] has had his five minutes.

Mr. LENROOT. I will ask the gentleman to withdraw that request.

Mr. ADAMSON. At the suggestion of the gentleman from Wisconsin, I withdraw it.

Mr. DECKER. I do not want to take any more time or to seem contentious, but my objection to that substitute, as I understand it, is that upon the application of any litigant he may have the case passed on by the entire commission.

Mr. GRAHAM of Pennsylvania. He may apply for a review.

Mr. DECKER. To whom?

Mr. GRAHAM of Pennsylvania. To the commission.

Mr. DECKER. To the whole commission?

Mr. GRAHAM of Pennsylvania. Yes. They can hear it in chambers or ex parte, or they can hear it upon the papers alone.

Mr. DECKER. I do not know that I shall object to that. I suppose that is under the theory that the rules and regulations of the commission—

Mr. GRAHAM of Pennsylvania. They are not obliged to grant the review.

Mr. DECKER. I would not object to that. There is a point in the contention of the gentleman from Missouri [Mr. BORLAND] that we do not want to get the different subdivisions of the commission into conflict with each other, and I suppose that if a showing was made that a decision of one division in one part of the country differed from the decision of another division in another part of the country, then the whole commission would take up the decisions and reconsider them.

Mr. GARRETT of Texas. Will the gentleman yield for a question?

Mr. DECKER. I yield to the gentleman from Texas.

Mr. GARRETT of Texas. Do I understand the gentleman from Pennsylvania to say that the effect of his amendment would be that where one of the parties to a contest before the commission was dissatisfied with a decision, the right of that party to an appeal to the entire commission would depend upon whether or not one of the commissioners would certify his appeal?

Mr. GRAHAM of Pennsylvania. No; it is in the alternative. For instance, if there are three commissioners in a subdivision who hear a case, and one of them has a serious doubt as to the validity of the judgment that has been rendered, and so certifies, then the whole commission may order a review. Then, if either of the parties applies to the commission for a review, he may get it, but it is all "may" with the commission.

Mr. GARRETT of Texas. That is exactly the point. I am interested not in whether one of the commissioners is dissatisfied with the decision, but whether or not either of the parties may have the right of appeal.

Mr. GRAHAM of Pennsylvania. He has the right to appeal to the commission and to call the attention of the commission to the subject of his complaint, and, if they deem it sufficient, they may order a review; or, if not, they can deny it.

Mr. DECKER. I want to ask the gentleman from Texas a question: If every litigant has a right, on his own motion, to take an appeal to the whole commission, does the gentleman really think that the work of the commission will be hastened or that we will have decisions on these important questions any more quickly than we are having them now?

Mr. GARRETT of Texas. I will answer the gentleman in this way: If I understand the purpose of this act, it is that these subdivisions of the commission shall go into different parts of the country and have their hearings and make their rulings, and this bill provides that the ruling of one of these subdivisions shall become the ruling of the commission as a whole.

Mr. DECKER. Is that the case?

Mr. GARRETT of Texas. In that particular case. For instance, when they have a hearing in the State of Missouri, at that hearing all the facts concerning a certain rate are adduced.

Now, I contend that if the aggrieved party in that case feels that the decision, perhaps reached by a divided commission, is unjust, he ought to have the right, upon his motion, to have that case reviewed by the entire commission, if he wishes it, on the record as he had it made up before the subdivision of the commission.

Mr. DECKER. What would he do to-day in case he was aggrieved by a decision of the commission as it now exists?

Mr. GARRETT of Texas. The commissioner comes down here and hears the case by himself.

Mr. DECKER. Suppose they all rule against him?

Mr. GARRETT of Texas. He is out of court, and that ends it.

Mr. DECKER. How many commissioners are there to-day?

Mr. GARRETT of Texas. Seven.

Mr. DECKER. And in these divisions how many is it proposed to have?

Mr. GARRETT of Texas. Three.

Mr. ALEXANDER. But there may be only one under the bill.

Mr. COOPER of Wisconsin. Mr. Chairman, I ask unanimous consent to have the amendment read in my time, that we may know more about it.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The Clerk read the amendment.

Mr. COOPER of Wisconsin. Mr. Chairman, gentlemen will observe that it is to be left optional with the commission—"the commission"—to grant or not grant a review. Now, what do those words, "the commission" mean? The three commissioners who make the original decision are a part of the commission; and are they to take part in saying whether there shall or shall not be a review? If they are not, then the other six of the nine will grant or not grant a review, and the complaining shipper, in order to secure a review, must get a majority—that is, four—of those six members to grant his request. But, with the three who made the decision, opposed to having it reviewed, and talking to their fellow commissioners about its justice, the shipper might not stand very much of a chance if everything is to be left optional with "the commission."

Mr. HAMILTON of Michigan. Will the gentleman yield?

Mr. COOPER of Wisconsin. Yes.

Mr. HAMILTON of Michigan. May I suggest that the amendment proposes that the review may be had upon a certificate of one of the commission, or upon the application of any of the parties?

Mr. DEMPSEY. Oh, no; that is not what it means. Will the gentleman let me make a suggestion? In the State of New York we have three courts—the court of original jurisdiction, the court of intermediate or appellate jurisdiction, and the court of ultimate resort. To get to the court of ultimate resort from the court of intermediate jurisdiction we have to do one of two things—obtain a certificate of the intermediate court or of one of the judges of the court of ultimate resort. That is about what this would mean. We have never found a case that ought to go to the court of appeals that did not go.

As a matter of experience and observation I can assure the gentleman that the deserving cases, cases that are really doubtful in law and fact, do go and work out just about as this provision is drawn to work out, and it was drawn with the idea of making it similar to that provision.

Mr. COOPER of Wisconsin. Now, nobody wishes to harm the railroads. But it is well in discussing this section to remember that the increasing of railroad rates is practically the levying of a tax on the commerce of the country, the levying of a tax to make dividends for corporations. It is a tremendous power. The increasing of rates concerns not only the complainant who brings the case before the Interstate Commerce Commission, but also all of the people who are compelled to ship over the road. And many are compelled to ship over it. For a railroad is a monopoly of transportation, a monopoly that many businesses must of necessity use until something is invented for purposes of transportation to take the place of railroads. Shippers can no more escape paying railroad rates than they can escape paying Government taxes. And therefore a case before the Interstate Commerce Commission differs widely and fundamentally from an ordinary lawsuit between private individuals. A case involving the justice or injustice of railroad rates is one of serious public importance. And for this reason, always when the question is one of the increasing of rates and the determining whether the tax proposed to be thus collected is just or unjust, the final decision ought to be rendered by the full commission. And the law ought to provide for a review by the full commission of the decision of a division of three members as a matter of right, and not as a mere privilege, the granting of which is optional.

Mr. ADAMSON. While the gentleman is on the floor I want him to hear me ask the gentleman from Pennsylvania if we can not compose the differences and end this literary discussion with this proposition: To add, after the word "whole," in line 23, page 12, the following:

Provided, however, That the action of any division shall be subject to review and approval by the commission, and application therefor may be made by any of the parties affected thereby.

Mr. GRAHAM of Pennsylvania. I am willing to accept that. Mr. ADAMSON. Mr. Chairman, I ask unanimous consent to withdraw the other.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to withdraw his original amendment. Is there objection?

There was no objection.

Mr. ADAMSON. Mr. Chairman, I now offer the following amendment, which I send to the desk and ask to have read.

The CHAIRMAN. Does the gentleman from Pennsylvania withdraw his substitute?

Mr. GRAHAM of Pennsylvania. Yes; and I accept the one offered by the chairman of the committee.

The CHAIRMAN. Is there objection to the gentleman from Pennsylvania withdrawing his substitute?

There was no objection.

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

The Clerk read as follows:

Amendment offered by Mr. ADAMSON: Page 12, line 23, after the period in line 23, insert:

Provided, however, That the action of any division shall be subject to review and approval by the commission, and application therefor may be made by any of the parties affected thereby.

Mr. COOPER of Wisconsin. Mr. Chairman, ought not that to be "decision" instead of "action"?

Mr. ADAMSON. No.

Mr. SISSON. Mr. Chairman, I think an amendment like this certainly ought to go into this bill, when you increase the number and provide for a hearing and final decision on any matter by one of these subdivisions of the entire commission. If that is not done, you certainly will have confusion worse confounded. A man holding hearings in one section of the country and rendering an opinion with reference to a rate or decision in that section of the country might conflict with a rate or decision in other sections of the country, and therefore it is essential that some central mind in the seven or the nine members, if you make it nine members, shall make determination of these differences. Therefore the right ought to be in any member of these subcommittees to ask a review by the full commission, and every party, whether he is a party eo nomine in the litigation, or any of the interests that may be affected by the decision of the subcommittee, ought to have the right to have the full commission pass on important matters affecting the entire country. Therefore, in order that you may have harmonious decision, it is necessary that you should have the final mind determine all cases. If not, you will have too many decisions and too much confusion in matters of great concern, and it would be better, I submit, even though they get a little behind to have just a little delay and have a final decision upon the question, so that the whole country may know finally what the decision would be, because no man believes that the decision of one of these subcommittees is going to be submitted to by the millions of people that may be affected, because they would instantly begin another proceeding for the purpose of reversing what the three might do, if it was not in accordance with the interests of the country. Therefore I do not think that you will get anywhere with your subcommittees and make any progress, unless you shall have the subcommittee make the investigation and render its decision subject always to review by the entire commission.

Mr. CLARK of Missouri. Mr. Chairman, will the gentleman yield?

Mr. SISSON. Yes.

Mr. CLARK of Missouri. If you are going to have the whole commission pass on this matter in every case at last, what is the sense in increasing the number of the commission?

Mr. SISSON. I think there is a great deal of sense in it. In the first place, thousands of cases will be filed where the mere statement, perhaps, of the case will find a precedent already deciding the question. If the full commission simply has the right of review of the evils that I see in having a final decision rendered by the subcommittee, the full commission then would take the matter up and harmonize its decision with the decisions they hold to be correct in those particular cases, but it does not require a decision ab initio. It is simply like the review of a court.

Mr. CLARK of Missouri. Why can not three do that as well as nine?

Mr. SISSON. The three could do it, but the three might render one decision in one section of the country and another three another decision in another section of the country. Therefore, for all of the States, although you may have subordinate courts, there must be a court of final and ultimate jurisdiction to determine the matter.

Mr. COOPER of Wisconsin. And you could have more hearings going on at the same time where there are nine.

Mr. CLARK of Missouri. What good will it do to have the hearings going on all over the country with these subdivisions if the whole commission is to review the case at last?

Mr. SISSON. They do not have to do it.

Mr. CLARK of Missouri. But this would make it imperative.

Mr. SISSON. I do not think so. On the contrary, I think the amendment is so drawn that the evils I endeavored to point out that might come from an ultimate decision by the subcommittee, without being passed on by the full commission, could be taken care of under this amendment, because the right of the commission then would be absolute to deny a rehearing of the matter. It would be like a brief you file in a case in the Supreme Court.

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

Mr. SISSON. Mr. Chairman, I ask unanimous consent to proceed for two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SISSON. You get the points of difference at issue by the hearing of three, and the only thing then to be determined by the full commission would be the principle involved in any particular case. It would not mean that they would go through all the entire hearing, and all of the entire evidence. I think a great deal of progress can be made by having the subcommittees.

Mr. MILLER of Washington. And it would prevent conflicting decisions?

Mr. SISSON. Yes; and the purpose of having this commission pass finally on the matter would be that you could have a definite fixed rule all over the United States in reference to all questions of shipment.

Mr. CLARK of Missouri. Would these subcommittees be governed by a former decision of the whole commission, or would they set up their own Jacob's staff?

Mr. SISSON. If a subdivision should set up its own Jacob's staff, it ought to be reviewed. In the event that they follow the line of the full commission, the full commission could decide it that way, but if they set up a new Jacob's staff, it would take only a short time for the commission to settle it.

Mr. ADAMSON. One of the very purposes of this amendment is to enable the commission itself to see that all of the rulings are harmonized and accord with one another.

Mr. SISSON. It is essential that something of that sort should be in this bill. When you have three men or one man go and hear a case, there ought to be a matter of easy review.

Mr. COOPER of Wisconsin. Mr. Chairman, I ask unanimous consent that the amendment proposed by the gentleman from Georgia be again reported.

There was no objection, and the amendment was again reported.

Mr. TOWNER. Mr. Chairman, let me suggest to the chairman of the committee that he does not mean to insert that after the period. The period should be stricken out and a colon inserted.

Mr. ADAMSON. That is correct. I ask unanimous consent to modify the amendment by striking out the period and inserting a colon.

The CHAIRMAN. Without objection, the amendment will be so modified.

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia.

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

Mr. LENROOT. 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. LENROOT: Add after the Adamson amendment the following:

Provided further, That any order of a division reviewed by the commission as herein provided shall not become effective until approved by the commission, unless otherwise ordered by the commission.

Mr. ADAMSON. Mr. Chairman, I accept that.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin.

The amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin.

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

Mr. ADAMSON. Mr. Chairman, on page 13, line 3, as suggested by the Senator at the other end, which is correct, the language ought to be clarified a little. In line 3, beginning a little further back, it reads, "not less than three members shall sit in the hearing and participate in the decision." I wish to amend that language so as to read "not less than three members shall participate in the hearing and decision."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 13, line 3, after the word "shall," strike out the words "sit in the hearing and," and after the word "the" insert the words "hearing and," so it will read:

"In all proceedings relating to the reasonableness of rates or of alleged discriminations not less than three members shall participate in the hearing and decision."

Mr. COOPER of Wisconsin. That means that the sub-division—

Mr. ADAMSON. This is the entire commission.

Mr. ESCH. I wish to ask the chairman of the committee whether the use of the words "participate in the hearings" would necessitate the presence of the members of a division in a hearing in Chicago or St. Louis or San Francisco? In other words, would it require the members of a division to travel around the country, or will all these hearings have to be centered at Washington?

Mr. ADAMSON. Well, in this case it provides that three may hear the question of rates, and that all three must participate in a hearing and decision. Now, as to whether it means that some members of the commission can go out to lunch and leave the others and then come back, and little things like that, I do not think that will count.

Mr. ESCH. Here is the point. As the gentleman understands, a vast amount of testimony is now taken in railroad cases. That is taken by examiners who travel throughout the country, and they present their testimony to the commission with an abstract as to facts and as to principles of law. Then the commission or one of the commissioners accepts those findings of facts and principles of law and goes over the case and makes a report and then it goes up to the full commission. Under the amendment, it seems to me, three members of a division would have to travel around the country or else the hearings would have to be held in Washington.

Mr. ADAMSON. I do not think it means that. If three members sit and hear interrogatories they participate in the hearings. They sit and consider evidence. They may not hear the verbal witness, but they have his testimony and consider and act on it.

Mr. ESCH. Even that would be a tremendous task if they had to read the interrogatories taken by the examiners.

Mr. ADAMSON. This has been insisted on by the Senate, and they say we will never get by without it. I think we ought to have it.

Mr. ESCH. That is not conclusive to me.

Mr. ADAMSON. No. I do not think so; but—

Mr. LENROOT. I would like to ask if inserting the words "final hearings" might not accomplish all that is desired and remove a portion at least of the objection raised by the gentleman from Wisconsin?

Mr. ADAMSON. It seems to me this language makes it workable.

Mr. COOPER of Wisconsin. I would like to ask the gentleman from Georgia if he does not think there ought to be an amendment of this sort: In line 1, page 13, after the word "proceedings," insert the words "before any division"?

Mr. ADAMSON. No, sir. We are talking here about the entire commission in this paragraph, and we say they shall not make a subdivision to pass on rates of less than three and shall not make one to pass on valuation—they have it less than seven, but I am going to substitute a quorum.

Mr. COOPER of Wisconsin. Well, the gentleman means no division of the commission would consider rates?

Mr. ADAMSON. Shall not be less than three.

Mr. COOPER of Wisconsin. This says, "in all proceedings relating to the reasonableness of rates." A hearing before the commission would be a proceeding in regard to the reasonableness of rates.

Mr. ADAMSON. In all proceedings in regard to the reasonableness of rates not less than three members shall participate in a hearing.

Mr. COOPER of Wisconsin. That is a proceeding before a division of the full commission.

Mr. ADAMSON. We are talking about dealing with rates through the commission, and we are qualifying this subdivision by saying "not less than three shall participate."

Mr. COOPER of Wisconsin. But a proceeding before the full commission would be a proceeding relative to the rate. It ought to be amended by inserting, after the word "proceedings," on line 1, page 13, "in all proceedings before a division of the commission."

Mr. ADAMSON. May I say "before a division"? It means as it is now in a proceeding either before the whole commission or a division. I do not think you improve it any.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COOPER of Wisconsin. Mr. Chairman, I move to strike out the last word. I offer an amendment, which I send to the desk.

The CHAIRMAN. There is an amendment pending offered by the gentleman from Georgia [Mr. ADAMSON].

Mr. COOPER of Wisconsin. My amendment is not an amendment to the amendment. It is a regular amendment. I have no objection to the one offered by the gentleman from Georgia.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia [Mr. ADAMSON].

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

Mr. ADAMSON. Mr. Chairman, I have another committee amendment.

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

The Clerk read as follows:

Page 13, line 12, after the word "than," strike out the words "seven members" and insert in lieu thereof the words "a quorum." Strike out of the same line the word "sit" and insert in lieu thereof the word "participate," and in line 13 strike out the words "participate in the."

Mr. STAFFORD. Will the gentleman yield?

Mr. ADAMSON. Certainly.

Mr. STAFFORD. Do I understand that this language the gentleman suggests would be susceptible of an interpretation that on questions relating to the valuation of railroads and the like, as herein enumerated, that a quorum of a division—

Mr. ADAMSON. A quorum of the commission.

Mr. STAFFORD. It does not say that. There is nothing herein that restricts the hearing of the matters relating to valuation of property.

Mr. ADAMSON. I move to modify the amendment and say "a quorum of the commission."

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to modify his amendment. Is there objection? There was no objection.

Mr. STAFFORD. Why not insert the word "five"?

Mr. ADAMSON. That is easier.

The CHAIRMAN. The Clerk will report the modified amendment.

The Clerk read as follows:

Modified amendment offered by Mr. ADAMSON: Page 13, line 12, strike out the word "seven" and insert "five."

Mr. BORLAND. Mr. Chairman, I move to strike out the last word.

Mr. GARNER. Let us have the amendment voted on.

The CHAIRMAN. There is an amendment pending.

Mr. BORLAND. I am discussing the amendment. I desire to oppose it.

Mr. ADAMSON. I shall ask for a vote at the end of five minutes.

Mr. BORLAND. Mr. Chairman, we have spent the afternoon here now discussing verbal changes in this bill which comes from the Committee on Interstate and Foreign Commerce.

Mr. ADAMSON. Will the gentleman allow me to make the motion?

Mr. BORLAND. I will.

Mr. ADAMSON. I ask unanimous consent that after the five minutes occupied by the gentleman the debate shall be closed.

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

That is on this amendment to the amendment?

Mr. ADAMSON. That is right.

Mr. BORLAND. Mr. Chairman, we have spent the entire afternoon here, with a minority of the House, of course, discussing verbal changes in this bill that has come from the committee, and when we get through I undertake to say there will not be a man in the House that knows the legal effect of the language or has been able to keep in his mind all the various changes that are made. Yet every change in an important bill of this kind necessarily must affect very seriously the legal operation of the law. This is an amendment of the great interstate commerce act. It proposes a brand-new scheme, appar-

ently, of enlarging the commission and dividing it into subdivisions.

Now, I, for one, am not willing to give any three members of the commission, or any minority of the commission, a chance to establish an advance of 15 per cent in railroad rates or decide any other serious problem of that kind. Yet we came very nearly doing that as this bill came out of the committee, and if it had not been for a great deal of patient pulling and hauling here and discussion, of which we do not yet know the legal effect, we would have done that very thing.

Mr. ADAMSON. Mr. Chairman, will the gentleman yield a moment so that I may correct him? I gave notice two weeks ago of this identical amendment.

Mr. BORLAND. I do not yield. We have had a verbal controversy as to how many members would participate, and what a participation might mean, whether it would mean an attendance at the actual hearing or some other method of participation. It is perfectly apparent that this bill ought to go back to the committee. It is perfectly apparent that we ought not to take the risk, at this stage of the session, with only a minority of the House present, and in this informal way, of passing a law amending the great interstate commerce act and affecting every shipper in the United States. The bill ought not to pass in its present form. It ought not to have been brought up in its present form. It ought to have been more thoroughly considered. We ought to have had a report here which would have explained these particular changes and their effect upon the shipping interests of the United States. The shipping interests are not going to permit their rights to be foreclosed by the dividing of the commission into small divisions, sending them around to review some action about a blanket change of rate, or a change of classification, which in the last analysis is always an advance of rates.

The shippers of the country are interested in seeing those things. This tribunal was not created primarily to give the railroads of the country an advance of rates. It was created primarily to see to it that shippers should get a fair deal, and if it has not that as an excuse for its existence it has no excuse for its existence at all, because nobody doubts that the railroads can take care of their own end of it without the aid of the commission. The whole act has safeguards thrown around it so that the shippers do not suffer. I do not believe that we ought to divide this great commission, charged as it is now with great responsibility by the American people, and make separate divisions and scatter that responsibility before the American people so that nobody will be able to say on whose responsibility it is that there has been a change of rates.

The CHAIRMAN. The time of the gentleman from Missouri has expired. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The gentleman from Wisconsin [Mr. COOPER] has an amendment pending.

Mr. ADAMSON. The gentleman from Tennessee wants to offer an amendment, Mr. Chairman.

Mr. SIMS. Yes; I want to offer an amendment.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Wisconsin.

The Clerk read as follows:

Amendment offered by Mr. COOPER of Wisconsin: On page 13, line 1, after the word "proceedings," insert the following: "before any such division."

Mr. COOPER of Wisconsin. Mr. Chairman, I think the chairman of the Committee on Interstate and Foreign Commerce, the gentleman from Georgia [Mr. ADAMSON], will agree that this amendment ought to be adopted after he gives the bill a careful reading. By turning to the bottom of page 12 he will find this:

The secretary and seal of the commission shall be the secretary and seal of each division thereof.

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.

Now, then, that proceeding before the division of the commission can be appealed from, and then there will be a hearing before the full commission, or rather a quorum of the full commission.

Mr. ADAMSON. Mr. Chairman, will the gentleman state again his amendment?

Mr. COOPER of Wisconsin. Mr. Chairman, will the Clerk please read the amendment as I sent it up?

The CHAIRMAN. The Clerk will again report the amendment.

The Clerk read as follows:

Amendment offered by Mr. COOPER of Wisconsin: On page 13, line 1, after the word "proceedings," insert "before any such division."

Mr. COOPER of Wisconsin. The Clerk evidently has not my amendment. It was on a small piece of paper.

The Clerk read as follows:

On page 13, line 1, after the word "proceedings," insert "before such division."

Mr. COOPER of Wisconsin. It should be "any such division," because of language in the line before, "sent of each division thereof."

Mr. ADAMSON. Mr. Chairman, I accept that amendment.

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

The amendment was agreed to.

Mr. SIMS. Mr. Chairman—

The CHAIRMAN (Mr. THOMPSON). The gentleman from Tennessee.

Mr. STAFFORD. Mr. Chairman, I move to amend the pending amendment by striking out the word "such," and would like to be recognized.

Mr. COOPER of Wisconsin. It ought to be "such," because it is a division thereof.

Mr. STAFFORD. I move to amend the pending amendment.

The CHAIRMAN. The amendment has been agreed to, and the gentleman from Wisconsin arose after the gentleman from Tennessee [Mr. SIMS] had gotten recognition.

Mr. STAFFORD. Then I ask unanimous consent to offer my amendment, because it relates to the amendment which I assumed was pending when I rose to offer my amendment.

The CHAIRMAN. Does the gentleman from Tennessee yield?

Mr. SIMS. I yield to the gentleman from Wisconsin.

Mr. COOPER of Wisconsin. The word "such" ought to be in the amendment for the same reason that the word "thereof" appears at the bottom of the next page.

Mr. ADAMSON. I do not think it ought to be modified.

Mr. GARNER. The bill goes to conference, anyway. Let it go.

Mr. STAFFORD. Is there objection to my request?

The CHAIRMAN. The gentleman from Wisconsin did not have the floor. The gentleman from Tennessee had been recognized.

Mr. STAFFORD. I ask unanimous consent to offer my amendment.

The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from Wisconsin for the purpose of asking unanimous consent?

Mr. SIMS. If there is not going to be any fight over it, I will yield.

Mr. STAFFORD. I offer it as an amendment to the amendment that is pending.

Mr. ADAMSON. There is no amendment pending. The amendment has been agreed to.

The CHAIRMAN. The gentleman from Wisconsin [Mr. STAFFORD] asks unanimous consent to return to the amendment which has just been adopted for the purpose of offering an amendment. Is there objection?

There was no objection.

Mr. STAFFORD. Now, I move to strike out the word "such" from the amendment offered by my colleague.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Mr. STAFFORD moves to strike out the word "such" from the amendment of Mr. COOPER of Wisconsin just adopted, so that it will read "before any division."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. STAFFORD].

The question being taken, the amendment was rejected.

Mr. SIMS. Mr. Chairman, I offer the following amendment, at the end of line 13, page 13, and I will ask the Clerk to read the penciled interlineation as well as the typewritten words.

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

The Clerk read as follows:

After line 13, page 13, insert the following: "The second paragraph of section 15 of the act to regulate commerce"—

Mr. STAFFORD. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman from Wisconsin will state it.

Mr. STAFFORD. Will this prevent our perfecting the present section later in the consideration of this bill?

Mr. SIMS. No.

Mr. STAFFORD. This amendment that the gentleman offers is virtually a new section.

Mr. BORLAND. The understanding was that the whole section was subject to amendment.

The CHAIRMAN. Does the gentleman offer it as a new section?

Mr. BORLAND. No; as an amendment to the pending section.

The Clerk read as follows:

Insert, immediately after line 13, page 13, the following: The second paragraph of section 15 of the act to regulate commerce as amended is further amended so that the said second paragraph of said section 15 shall read as follows:

"Whenever there shall be filed with the commission any schedule stating a new individual or joint rate, fare, or charge, or any new individual or joint classification, or any new individual or joint regulation or practice affecting any rate, fare, or charge, the commission, upon its own initiative, may, and upon complaint or protest by any person, firm, corporation, or association which under this act would have the right to file an application for a change in the rate, fare, charge, or classification or practice should it go into effect, shall, at once, and if it so orders, without answer or other formal pleading by the interested carrier or carriers, but upon reasonable notice, enter upon a hearing concerning the reasonableness and propriety of such rate, fare, charge, classification, regulation, or practice; and pending such hearing and the decision thereon the operation of such schedule shall be suspended and the use of such rate, fare, charge, classification, regulation, or practice shall be deferred until after full hearing, and shall take effect only after the commission has found and declared the same to be just and reasonable, neither unjustly discriminatory nor unduly preferential or prejudicial nor otherwise in violation of the provisions of this act, and after full hearing the commission shall make such order in reference to said rate, fare, charge, classification, regulation, or practice as would be proper in a proceeding initiated after the rate, fare, charge, classification, regulation, or practice had become effective.

"The foregoing provision shall apply to all such schedules now on file with the commission, but which have not become effective, but shall not apply to any schedule filed in pursuance of an order of the commission.

"At any hearing involving a rate or fare which has been increased since January 1, 1910, or a rate or fare sought to be increased by any such schedule now on file, but which has not taken effect, or a rate or fare which is sought to be increased by any such schedule hereafter filed the burden of proof to show that the increased rate or fare, or the proposed increased rate or fare, is just and reasonable shall be upon the common carrier, and the commission shall give to the hearing and the stating of such questions preference over all other questions pending before it and decide the same as speedily as possible."

Mr. STAFFORD. Mr. Chairman, I make a point of order against the amendment.

Mr. KEATING. Mr. Chairman, I desire to make the point of order that there is no quorum present.

Mr. STAFFORD. Mr. Chairman, I wish to have pending the point of order that the amendment is not germane to this section.

The CHAIRMAN. Does the gentleman from Colorado make the point of order that there is no quorum present?

Mr. KEATING. I do.

Mr. BORLAND. Mr. Chairman, I move that the committee do now rise.

Mr. ADAMSON. I hope the gentleman will not be precipitate. We have a good deal of business to get through with.

Mr. BORLAND. I am not precipitate. It is 5.20 o'clock.

The CHAIRMAN. The gentleman from Missouri moves that the committee do now rise. The question is on the motion of the gentleman from Missouri.

The question being taken, the motion was rejected.

Mr. ADAMSON. We can get through with this thing in a few minutes.

The CHAIRMAN. The gentleman from Colorado makes the point of no quorum, and the Chair will count. [After counting.] Eighty-seven Members present, not a quorum.

Mr. ADAMSON. Mr. Chairman, I will ask for a minute to see if we can come to some understanding.

Mr. BORLAND. I make the point of order that nothing is in order except calling the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Alexander	Classon	Francis	James
Almon	Cooper, Ohio	Fraser	Johnson, Ky.
Anthony	Cooper, W. Va.	Fuller, Ill.	Johnson, S. Dak.
Anstett	Copley	Fuller, Mass.	Johnson, Wash.
Bacharach	Costello	Gallivan	Jones, Va.
Bacon	Crago	Gandy	Joul
Bankhead	Currie, Mich.	Gard	Kahn
Barnhart	Dale, N. Y.	Garrett, Tenn.	Kearns
Bathrick	Davis	Glass	Kelley, Mich.
Blackmon	Denison	Good	Kelly, Pa.
Bland	Dent	Goodall	Kennedy, R. I.
Blanton	Denton	Gordall	Key, Ohio
Boeber	Dill	Gray, N. J.	Kless, Pa.
Bowers	Doolling	Green, Iowa	Kitchin
Britten	Doremus	Griest	Kreider
Browne	Doughton	Hamill	Lee, Ga.
Buckner	Drukker	Hamilton, N. Y.	Leibach
Buchanan	Dunn	Hamlin	Lever
Burroughs	Eagan	Harrison, Va.	Linthicum
Butler	Eagle	Haskell	Longworth
Byrnes, S. C.	Elston	Hayes	McArthur
Byrnes, Tenn.	Estopinal	Heaton	McClintic
Campbell, Kans.	Evans	Helm	McCormick
Cantrill	Farr	Helvering	McCulloch
Capstick	Fess	Hill	McFadden
Carlin	Fields	Hollingsworth	McKenzie
Carter, Okla.	Fitzgerald	Houston	McLemore
Chandler, N. Y.	Flynn	Hull, Iowa	Maher
Church	Focht	Hutchinson	Mann
Clark, Fla.	Fordney	Ireland	Martin, Ill.

Mason	Peters	Scott, Pa.	Templeton
Miller, Minn.	Porter	Scully	Treadway
Morin	Pou	Sears	Vare
Mott	Powers	Shallenberger	Vestal
Mudd	Pratt	Sherwood	Volstead
Neely	Price	Shouse	Ward
Nelson	Furnell	Siemp	Watson, Pa.
Nicholls, S. C.	Ragsdale	Snell	Webb
Nolan	Reavis	Snyder	Whaley
Norton	Reed	Stedman	White, Ohio
Oliver, Ala.	Robinson	Steele	Wilson, Ill.
Olney	Rowland	Steenerson	Wingo
Osborne	Rubey	Sterling, Pa.	Wood, Ind.
O'Shaunessy	Rucker	Sullivan	Woodyard
Overmyer	Sanders, Ind.	Summers	Young, Tex.
Padgett	Sanders, La.	Swift	
Palge	Sanders, N. Y.	Switzer	
Parker, N. Y.	Scott, Mich.	Talbot	

The committee rose; and the Speaker having taken the chair, Mr. THOMPSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill S. 1816, finding itself without a quorum, had caused the roll to be called, and 241 Members answered to their names, and he presented a list of the absentees.

The committee resumed its session.

Mr. STAFFORD. Mr. Chairman, I want to have pending a point of order on the amendment of the gentleman from Tennessee.

Mr. ADAMSON. Mr. Chairman, I want to ask the gentleman from Tennessee if we can not agree on a limited time for debate.

Mr. STAFFORD. I do not think it is good practice in the legislative policy of this House to offer an amendment that amends section 15, when you are seeking to amend section 17 of the interstate-commerce act. It should be offered as a separate section. Saying that the section should be amended as follows—to have it inserted in line 13, as suggested by the gentleman from Tennessee—is an anachronism.

Mr. ADAMSON. I want to ask the gentleman if we can not agree on five minutes on a side for debate.

The CHAIRMAN. The gentleman from Wisconsin insists on his point of order.

Mr. STAFFORD. Yes; I make the point of order that the amendment is not germane to this section. I do not doubt for one minute that this amendment may be in order as a separate section.

Mr. SIMS. Mr. Chairman, I will offer it as a separate section.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to modify his amendment by offering it as a separate section. Is there objection?

There was no objection.

Mr. STAFFORD. Mr. Chairman, I offer a preferential motion to amend the section by striking out, in line 15, page 13, the figures "\$7,500" and inserting "\$5,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 13, line 15, strike out "\$7,500" and insert "\$5,000."

Mr. STAFFORD. Mr. Chairman, the committee seeks to increase the salary of the secretary of the commission from \$5,000 to \$7,000. The salary of the commissioners is \$10,000. There is no instance where the salary of any secretary of any other commission receives more than \$5,000. The secretary of the Federal Trade Commission, the secretary of the Farm Loan Board, the secretary of the Shipping Board, the secretary of the Tariff Commission all receive \$5,000 a year or less. It is only one case, it is true, but I protest against its being adopted here, in view of the fact that it will be used as a precedent for increasing the salaries of the secretaries of every other commission and the heads of the bureaus of the various departments. Think of it for a moment. The Assistant Secretaries of the Treasury, in whom are lodged much greater responsibility than in the secretary of this commission, who performs only ministerial duties, receive \$5,000 a year. The Assistant Postmasters General receive \$5,000 a year, and now you are seeking to raise here the salary of a man who has a life tenure of office from \$5,000 to \$7,000, when the members of the commission themselves, who are supposed to be versed in technical knowledge concerning railway matters, receive only \$10,000 a year. It is out of harmony with the salaries paid the commissioners. Even the Senate, when this proposal was presented by the Senate Commerce Committee at \$7,500, rejected it, and in the Senate bill which is here before you the salary was fixed at \$5,000. We can not in these times establish a policy of increasing the salary of any official when we are not increasing his burdens. The secretary of this commission, as the prior secretaries of the commission have been, is a good man no doubt. No one questions that; but he performs no work of any very

high order. He performs work of a ministerial character, not work requiring rare executive ability.

There are plenty of men in the country who can be found to perform this work at much less than \$5,000 a year. Are we here in the House, when the Senate has taken action against this increase, to vote to increase it to \$7,500? Are we to establish a new grade, and have the subcommittee in charge of the legislative, executive, and judicial appropriation bill, of which I am a member, confronted next year and at all times, when the heads of the departments come before us to increase the salaries of the heads of the bureaus and the Assistant Secretaries, with the argument that the House itself in war times, when we should be saving and economical, increased the salary of this secretary from \$5,000 to \$7,500?

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

Mr. STAFFORD. Yes.

Mr. HOWARD. Does the gentleman seriously compare the duties of the secretary of the Interstate Commerce Commission with the duties of the secretary of the Federal Trade Commission?

Mr. STAFFORD. I say here that the work of the Assistant Secretaries of the Navy, the work of the Assistant Secretaries of War, of the Assistant Secretaries of State, who receive only \$5,000 a year, the work of the Assistant Postmasters General, the work of all these assistants is far greater and more responsible than the work of the secretary of the Interstate Commerce Commission; and if we are going to establish a \$7,500 salary for this secretary, we must in consonance, when the legislative, executive, and judicial appropriation bill is before us, increase the salaries of these other officials to correspond. This is no time for us to increase salaries. This same committee two weeks ago brought in a proposal to increase the salary of the head of the War-Risk Insurance Bureau from \$5,000 to \$7,500, and in Committee of the Whole we voted down that recommendation after full discussion, participated in by the gentleman from Illinois [Mr. MANN] and others. It is not a pleasant task to rise here and call the attention of the committee to the fact that it will create this confusion in the future arrangement of salaries, but I think the House should have this information. The salary of this secretary should not at this time be increased.

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

Mr. ADAMSON. Mr. Chairman, I move that all debate upon this amendment now close.

The motion was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin.

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

On a division (demanded by Mr. ADAMSON) there were—ayes 114, noes 34.

So the amendment was agreed to.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Tennessee [Mr. SIMS].

The question was taken, and the amendment was rejected.

The Clerk resumed and concluded the reading of the bill.

Mr. ADAMSON. Mr. Chairman, I move that the committee do now rise and report the bill to the House as amended, with the recommendation that the amendments be agreed to and the bill as amended do pass.

Mr. ESCH. Mr. Chairman, I wish to offer an amendment.

Mr. ADAMSON. Mr. Chairman, I withhold the motion.

Mr. ESCH. I desire to move to strike out section 3. It has no relevancy. It was stricken out in the Senate.

Mr. ADAMSON. The gentleman is mistaken. There is no statute fixing the salary except at \$3,500. He is being paid \$5,000 in an appropriation bill, and this makes it statutory at the same time. I think the gentleman had better withdraw the amendment and let it be made statutory.

Mr. ESCH. Very well, if it does not make any difference—

Mr. ADAMSON. Mr. Chairman, I renew the motion.

Mr. BORLAND. Mr. Chairman—

The CHAIRMAN. Does the gentleman from Georgia yield?

Mr. ADAMSON. No, I do not. I move that the committee do now rise and report the bill to the House as amended, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. THOMPSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having had under consideration the bill S. 1816 had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. ADAMSON. Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross.

The question was taken, and the amendments were agreed to.

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

Mr. KEATING. Mr. Speaker, I desire to make a motion to recommit.

The SPEAKER. Wait until the Chair puts the motion.

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

Mr. KEATING. Mr. Speaker, I move to recommit the bill with instructions to the Committee on Interstate and Foreign Commerce to report the same back immediately with the Sims amendment, which is at the desk.

Mr. ADAMSON. I move the previous question on the motion.

Mr. KEATING. And I wish to have the amendment reported.

The SPEAKER. The gentleman from Georgia moves the previous question on the motion to recommit. The motion is to recommit the bill to the Committee on Interstate and Foreign Commerce with directions to report the same back instanter with the Sims amendment added.

Mr. KEATING. Which I ask the Clerk to report.

The SPEAKER. The Clerk will report the motion. The Clerk has not the amendment. It was carried off by one of the reporters to be copied.

Mr. SIMS. It is in the RECORD of the proceedings of the 13th of this month.

Mr. LENROOT. Mr. Speaker, I ask unanimous consent that the reading of the amendment be dispensed with.

Mr. KEATING. I object.

The SPEAKER. The amendment is here. The Clerk will report the motion.

The Clerk read as follows:

Mr. KEATING moves to recommit the bill to the Committee on Interstate and Foreign Commerce, with instructions to that committee to report the bill back forthwith with the following amendment:

Insert, immediately after line 13, page 13, the following: The second paragraph of section 15 of the act to regulate commerce as amended is further amended so that the said second paragraph of said section 15 shall read as follows:

"Whenever there shall be filed with the commission any schedule stating a new individual or joint rate, fare, or charge, or any new individual or joint classification, or any new individual or joint regulation or practice affecting any rate, fare, or charge, the commission upon its own initiative may, and upon complaint or protest by any person, firm, corporation, or association which under this act would have the right to file an application for a change in the rate, fare, charge, or classification, or practice, should it go into effect, shall at once, and if it so orders, without answer or other formal pleading by the interested carrier or carriers, but upon reasonable notice, enter upon a hearing concerning the reasonableness and propriety of such rate, fare, charge, classification, regulation, or practice; and pending such hearing and the decision thereon the operation of such schedule shall be suspended and the use of such rate, fare, charge, classification, regulation, or practice shall be deferred until after full hearing, and shall take effect only after the commission has found and declared the same to be just and reasonable, neither unjustly discriminatory nor unduly preferential or prejudicial, nor otherwise in violation of the provisions of this act, and after full hearing the commission shall make such order in reference to said rate, fare, charge, classification, regulation, or practice as would be proper in a proceeding initiated after the rate, fare, charge, classification, regulation, or practice had become effective.

"The foregoing provision shall apply to all such schedules now on file with the commission, but which have not become effective, but shall not apply to any schedule filed in pursuance of an order of the commission.

"At any hearing involving a rate or fare which has been increased since January 1, 1910, or a rate of fare sought to be increased by any such schedule now on file, but which has not taken effect, or a rate or fare which is sought to be increased by any such schedule hereafter filed the burden of proof to show that the increased rate or fare, or the proposed increased rate or fare, is just and reasonable shall be upon the common carrier, and the commission shall give to the hearing and the stating of such questions preference over all other questions pending before it and decide the same as speedily as possible."

The SPEAKER. The question is on the motion to recommit. The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. BORLAND. Division, Mr. Speaker.

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

The SPEAKER. Did the gentleman make the point of no quorum?

Mr. KEATING. I will withdraw it.

The House divided; and there were—ayes 51, noes 110.

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

The SPEAKER. The gentleman from Missouri [Mr. BORLAND] makes the point of no quorum, and the Chair will count. [After counting.] Two hundred and four Members are present; not a quorum. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call

the roll. Those in favor of this motion to recommit will when their names are called answer "yea," and those opposed will answer "nay."

The question was taken; and there were—ayes 76, noes 156, answered "present" 2, not voting 196, as follows:

YEAS—76.

Aswell	Gallagher	Lobeck	Sisson
Ayres	Garner	Lundeen	Smith, Mich.
Bell	Garrett, Tex.	McClintic	Stegall
Borland	Goodwin, Ark.	McKeown	Stephens, Miss.
Burnett	Gregg	Martin, La.	Thomas
Candler, Miss.	Hardy	Moon	Thompson
Caraway	Haugen	Morgan	Tillman
Cary	Hayden	Oldfield	Timberlake
Collier	Helm	Oliver, Ala.	Towner
Connally, Tex.	Hilliard	Quin	Van Dyke
Cooper, Wis.	Hood	Randall	Venable
Cramton	Huddleston	Rankin	Weaver
Crosser	Jacoway	Roberts	Wheeler
Dickinson	Johnson, Wash.	Romjue	Williams
Dominick	Jones, Tex.	Sabath	Wise
Doolittle	Keating	Schall	Young, N. Dak.
Dowell	Keheo	Sears	Zihlman
Ellsworth	Knutson	Shackleford	
Emerson	La Follette	Siegel	
Foster	LaGuardia	Sims	

NAYS—156.

Adamson	Fairfield	Lazaro	Russell
Anderson	Farr	Lea, Cal.	Sanders, Ind.
Ashbrook	Ferris	Lenroot	Sanford
Barkley	Fisher	Leshler	Scott, Iowa
Black	Flood	Little	Sells
Brand	Foss	Littlepage	Sherley
Brodbeck	French	Loneragan	Sloan
Browne	Garland	Lunn	Smith, Idaho
Browning	Gillett	McLaughlin, Mich.	Smith, C. B.
Brumbaugh	Glass	McLaughlin, Pa.	Smith, T. F.
Byrnes, S. C.	Glynn	Madden	Snook
Campbell, Pa.	Godwin, N. C.	Magee	Stafford
Cannon	Gould	Mansfield	Sterling, Ill.
Carew	Graham, Ill.	Mapes	Stevenson
Carlin	Graham, Pa.	Meeker	Stines
Chandler, Okla.	Gray, Ala.	Miller, Wash.	Strong
Clark, Pa.	Greene, Vt.	Mondell	Sweet
Claypool	Griffin	Montague	Switzer
Coady	Hadley	Moore, Pa.	Tague
Cooper, Ohio	Hamilton, Mich.	Moore, Ind.	Taylor, Ark.
Cox	Hastings	Mudd	Temple
Curry, Cal.	Hawley	Nicholls, S. C.	Tilson
Dale, Vt.	Hefflin	Oliver, N. Y.	Tinkham
Dallinger	Heintz	Overstreet	Vestal
Darrow	Hensley	Park	Vinson
Davidson	Hersey	Parker, N. J.	Voigt
Decker	Hicks	Phelan	Waldow
Dempsey	Houston	Platt	Walker
Denison	Howard	Polk	Walsh
Dewalt	Hulbert	Raney	Walton
Dies	Husted	Raker	Wason
Dillon	Igoe	Ramsayer	Watkins
Dixon	Kennedy, Iowa	Rayburn	Watson, Va.
Drane	Kennedy, R. I.	Riordan	Welling
Dupré	Ketner	Robbins	Welty
Dyer	Kincheloe	Rogers	White Me.
Edmonds	Kraus	Rose	Wilson, La.
Esch	Langley	Rouse	Wilson, Tex.
Fairchild, B. L.	Larsen	Rowe	Winslow

ANSWERED "PRESENT"—2.

Hull, Tenn.	Kinkaid
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NOT VOTING—196.

Alexander	Dill	Heaton	Mays
Almon	Dooling	Holvering	Miller, Minn.
Anthony	Doremus	Hill	Morin
Austin	Doughton	Holland	Mott
Bacharach	Drukker	Hollingsworth	Neely
Bacon	Dunn	Hull, Iowa	Neison
Bankhead	Eagan	Humphreys	Nichols, Mich.
Barnhart	Eagle	Hutchinson	Nolan
Bathrick	Elston	Ireland	Norton
Blackmon	Estopinal	James	O'Leary
Bland	Evans	Johnson, Ky.	Osborne
Blanton	Fairchild, G. W.	Johnson, S. Dak.	O'Shaunessy
Booher	Fess	Jones, Va.	Overmyer
Bowers	Fields	Juul	Padgett
Britten	Fitzgerald	Kahn	Paige
Buckner	Flynn	Kearns	Parker, N. Y.
Buchanan	Focht	Kelley, Mich.	Peters
Burroughs	Fordney	Kelly, Pa.	Porter
Butler	Francis	Key, Ohio	Pou
Byrns, Tenn.	Frear	Kings, Pa.	Powers
Caldwell	Freeman	Kitchin	Pratt
Campbell, Kans.	Fuller, Ill.	Kreider	Price
Cantrill	Fuller, Mass.	Lee, Ga.	Purnell
Capstick	Gallivan	Leibach	Ragsdale
Carter, Mass.	Gandy	Lever	Ramsey
Carter, Okla.	Gard	Linthicum	Reavis
Chandler, N. Y.	Garrett, Tenn.	London	Reed
Church	Good	Longworth	Robinson
Clark, Fla.	Goodall	McAndrews	Rodenberg
Classon	Gordon	McArthur	Rowland
Connelly, Kans.	Gray, N. J.	McCormick	Rubey
Cooper, W. Va.	Green, Iowa	McCulloch	Rucker
Copley	Greene, Mass.	McFadden	Sanders, La.
Costello	Griest	McKenzie	Sanders, N. Y.
Crago	Hamill	McKinley	Saunders, Va.
Crisp	Hamilton, N. Y.	McLemore	Scott, Mich.
Currie, Mich.	Hamlin	Maher	Scott, Pa.
Dale, N. Y.	Harrison, Miss.	Mann	Scully
Davis	Harrison, Va.	Martin, Ill.	Shallenberger
Denton	Haskell	Mason	Shierwood
	Hayes		Shouse

Sinnott	Steenerson	Templeton	White, Ohio
Slayden	Stephens, Nebr.	Treadway	Wilson, Ill.
Slemp	Sterling, Pa.	Vare	Wingo
Small	Sullivan	Volstead	Wood, Ind.
Snell	Sumners	Ward	Woods, Iowa
Snyder	Swift	Watson, Pa.	Woodyard
Stedman	Talbot	Webb	Young, Tex.
Steele	Taylor, Colo.	Whaley	

So the motion to recommit was rejected.

The Clerk announced the following pairs:

Until further notice:

Mr. LEVER with Mr. PETERS.
 Mr. BOOHER with Mr. TREADWAY.
 Mr. HELVERING with Mr. IRELAND.
 Mr. HARRISON of Mississippi with Mr. PAIGE.
 Mr. PADGETT with Mr. DUNN.
 Mr. BARNHART with Mr. FESS.
 Mr. STEELE with Mr. BUTLER.
 Mr. JONES of Virginia with Mr. HUTCHINSON.
 Mr. MAHER with Mr. PRATT.
 Mr. O'SHAUNESSY with Mr. KIESS of Pennsylvania.
 Mr. DALE of New York with Mr. KREIDER.
 Mr. OVERMYER with Mr. MCCULLOCH.
 Mr. TALBOTT with Mr. BACHARACH.
 Mr. KEY of Ohio with Mr. PARKER of New York.
 Mr. FLYNN with Mr. POWERS.
 Mr. BLACKMON with Mr. LEHLBACH.
 Mr. DOUGHTON with Mr. JUUL.
 Mr. GARRETT of Tennessee with Mr. MCKINLEY.
 Mr. STEPHENS of Nebraska with Mr. REAVIS.
 Mr. MARTIN of Illinois with Mr. MCARTHUR.
 Mr. HULL of Tennessee with Mr. HILL.
 Mr. ALMON with Mr. GEORGE W. FAIRCHILD.
 Mr. MANN with Mr. KITCHIN.
 Mr. CLARK of Florida with Mr. FULLER of Illinois.
 Mr. SAUNDERS of Virginia with Mr. HAYES.
 Mr. EAGAN with Mr. HULL of Iowa.
 Mr. RUCKER with Mr. KINKAID.
 Mr. EAGLE with Mr. HAMILTON of New York.
 Mr. RAGSDALE with Mr. PURNELL.
 Mr. SHOUSE with Mr. WARD.
 Mr. ALEXANDER with Mr. ANTHONY.
 Mr. BANKHEAD with Mr. AUSTIN.
 Mr. BATHRICK with Mr. SINNOTT.
 Mr. BLANTON with Mr. BLAND.
 Mr. BRUCKNER with Mr. BOWERS.
 Mr. BUCHANAN with Mr. BRITTON.
 Mr. CALDWELL with Mr. SCOTT of Michigan.
 Mr. CANTRELL with Mr. CAMPBELL of Kansas.
 Mr. CHURCH with Mr. SLEMP.
 Mr. CONNELLY of Kansas with Mr. CARTER of Massachusetts.
 Mr. CRISP with Mr. CHANDLER of New York.
 Mr. DENT with Mr. SNELL.
 Mr. DENTON with Mr. COOPER of West Virginia.
 Mr. DILL with Mr. COPLEY.
 Mr. DOOLING with Mr. COSTELLO.
 Mr. DOREMUS with Mr. CRAGO.
 Mr. ESTOPINAL with Mr. SNYDER.
 Mr. EVANS with Mr. DAVIS.
 Mr. FIELDS with Mr. DRUKKER.
 Mr. FITZGERALD with Mr. ELSTON.
 Mr. GALLIVAN with Mr. FOCHT.
 Mr. GANDY with Mr. FORDNEY.
 Mr. GARD with Mr. FRANCIS.
 Mr. GORDON with Mr. FREAR.
 Mr. HAMILL with Mr. FREEMAN.
 Mr. HAMLIN with Mr. FULLER of Massachusetts.
 Mr. HARRISON of Virginia with Mr. GRAY of New Jersey.
 Mr. HOLLAND with Mr. GREEN of Iowa.
 Mr. HUMPHREYS with Mr. GREENE of Massachusetts.
 Mr. JONES of Texas with Mr. GRIEST.
 Mr. LEE of Georgia with Mr. HASKELL.
 Mr. LINTHICUM with Mr. HEATON.
 Mr. McANDREWS with Mr. SWIFT.
 Mr. KELLY of Pennsylvania with Mr. JAMES.
 Mr. McLEMORE with Mr. JOHNSON of South Dakota.
 Mr. MAYS with Mr. KAHN.
 Mr. NEELY with Mr. KEARNS.
 Mr. OLNEY with Mr. KELLEY of Michigan.
 Mr. POU with Mr. KING.
 Mr. PRICE with Mr. LONGWORTH.
 Mr. ROBINSON with Mr. WILSON of Illinois.
 Mr. RUBEY with Mr. MCFADDEN.
 Mr. SANDERS of Louisiana with Mr. MCKENZIE.
 Mr. SAUNDERS of Virginia with Mr. MASON.
 Mr. SCULLY with Mr. MILLER of Minnesota.

Mr. SHALLENBERGER with Mr. MORIN.
 Mr. SHERWOOD with Mr. MOTT.
 Mr. SLAYDEN with Mr. WOOD of Indiana.
 Mr. STEDMAN with Mr. NICHOLS of Michigan.
 Mr. STERLING of Pennsylvania with Mr. NOLAN.
 Mr. SULLIVAN with Mr. NORTON.
 Mr. SUMNERS with Mr. TEMPLETON.
 Mr. TAYLOR of Colorado with Mr. PORTER.
 Mr. WEBB with Mr. RAMSEY.
 Mr. WHALEY with Mr. WOODYARD.
 Mr. WHITE of Ohio with Mr. RODENBERG.
 Mr. WINGO with Mr. ROWLAND.
 Mr. YOUNG of Texas with Mr. SANDERS of New York.
 Mr. KINKAID. Mr. Speaker, I voted "no." I am paired with Mr. RUCKER, of Missouri.

The SPEAKER. The Clerk will call the gentleman's name.
 The Clerk called the name of Mr. KINKAID, and he answered "Present."

The result of the vote was announced as above recorded.
 The SPEAKER. A quorum is present. The Doorkeeper will open the doors. The question is on the passage of the Senate bill.

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

Mr. BORLAND. A division, Mr. Speaker.
 The SPEAKER. The gentleman from Missouri asks for a division.

The House divided; and there were—ayes 168, noes 18.
 Mr. BORLAND. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Missouri makes the point of order that there is no quorum present. The Chair will count. [After counting.] Two hundred and five Members are present; not a quorum.

Mr. ADAMSON. Mr. Speaker, it is so near a quorum that I believe a demand for tellers would develop a quorum.

Mr. BORLAND. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The gentleman from Missouri moves that the House do now adjourn. The question is on agreeing to that motion.

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

Mr. ADAMSON. Mr. Speaker, I ask for tellers on the passage of the bill. I think we can get a quorum more quickly that way than by calling the roll. No matter which way the vote results it will develop a quorum.

Mr. BORLAND. Mr. Speaker, a parliamentary inquiry.
 The SPEAKER. The gentleman will state it.

Mr. BORLAND. Where the House is dividing, and it develops that there is no quorum present and the point of no quorum is made, does not that automatically require a call of the House?

The SPEAKER. It does.
 Mr. BORLAND. Then I object to interjecting any other business between the point of no quorum and the dividing of the House.

The SPEAKER. Has anybody interjected anything?

Mr. BORLAND. The gentleman from Georgia has done so by asking for tellers.

Mr. ADAMSON. The Speaker counted and announced the result, and I asked for tellers on the count.

The SPEAKER. The gentleman has a right to tellers, if he can get enough to stand up with him.

Mr. ADAMSON. I think I can do that.

The SPEAKER. The gentleman from Georgia demands tellers. All in favor of ordering tellers will rise and stand until they are counted. Evidently a sufficient number, and the gentleman from Georgia [Mr. ADAMSON] and the gentleman from Wisconsin [Mr. Esch] will take their places as tellers. Those in favor of the passage of this bill—

Mr. BORLAND. Oh, no; Mr. Speaker, this is a count to find whether there is a quorum present or not.

The SPEAKER. Members will pass between the tellers and be counted.

Mr. BORLAND. On what question, Mr. Speaker?

The SPEAKER. On the question whether there is a quorum here or not.

The Members passed between the tellers, and the tellers reported 205 Members.

Mr. ADAMSON. There are a good many who have not gone through.

The SPEAKER. The Chair can not make them go through.

Mr. ADAMSON. You can count them.
 The SPEAKER. No; the Chair can not count them.

Mr. BORLAND. Mr. Speaker, I move that the House do now adjourn.

Mr. ADAMSON. If the gentlemen who failed to go between the tellers will not get up and confess their presence, there will have to be an automatic call of the House.

Mr. THOMAS. I did not go through, and I am here.

Mr. ADAMSON. The call of the House is automatic.

The SPEAKER. The gentleman from Missouri [Mr. BORLAND] moves that the House do now adjourn.

Mr. ADAMSON. He made that motion some time ago, and it was voted down, and there has been no business since.

The SPEAKER. It is an automatic call on the passage of the bill. The Doorkeeper will lock the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 229, nays 12, answered "present" 2, not voting 187, as follows:

YEAS—229.

Adamson	Ferris	Little	Sells
Ashbrook	Fisher	Littlepage	Shackelford
Aswell	Flood	Lobeck	Sherley
Ayres	Focht	London	Siegel
Barkley	Foss	Loneragan	Sims
Bell	Foster	Lundeen	Sisson
Black	French	Lunn	Sloan
Bland	Garland	McClintic	Smith, Idaho
Blanton	Garrett, Tex.	McKeown	Smith, Mich.
Brand	Gillett	McLaughlin, Mich.	Smith, C. B.
Brodbeck	Glynn	McLaughlin, Pa.	Smith, T. F.
Browne	Godwin, N. C.	Magee	Snook
Browning	Goodwin, Ark.	Mansfield	Stafford
Brumbaugh	Gould	Mapes	Steagall
Burnett	Graham, Ill.	Martin, La.	Stephens, Miss.
Byrnes, S. C.	Graham, Pa.	Meeker	Sterling, Ill.
Campbell, Pa.	Gray, Ala.	Miller, Wash.	Stevenson
Candler, Miss.	Greene, Vt.	Montague	Stines
Cannon	Gregg	Moon	Strong
Caraway	Griffin	Moore, Pa.	Sweet
Carew	Hadley	Moore, Ind.	Switzer
Carter, Okla.	Hamilton, Mich.	Morgan	Tague
Cary	Hamlin	Nicholls, S. C.	Taylor, Ark.
Chandler, N. Y.	Hardy	Norton	Taylor, Colo.
Chandler, Okla.	Harrison, Miss.	Oldfield	Temple
Clark, Pa.	Hastings	Oliver, Ala.	Thompson
Claypool	Hawley	Oliver, N. Y.	Tillman
Coady	Hayden	Overstreet	Tilson
Coiler	Heflin	Park	Timberlake
Connally, Tex.	Heintz	Parker, N. J.	Tinkham
Connelly, Kans.	Helm	Phelan	Van Dyke
Cooper, Ohio	Hensley	Platt	Venable
Cox	Hersey	Polk	Vestal
Cramton	Hicks	Quin	Vinson
Crosser	Hood	Ragsdale	Voigt
Curry, Cal.	Houston	Rainey	Waldow
Dale, Vt.	Howard	Raker	Walker
Dallinger	Huddleston	Ramseyer	Walsh
Darrow	Hulbert	Randall	Walton
Davilson	Humphreys	Rankin	Wason
Decker	Husted	Rayburn	Watkins
Dempsey	Jacoway	Reed	Watson, Va.
Denison	Johnson, Wash.	Riordan	Weaver
Dewalt	Jones, Tex.	Robbins	Welling
Dickinson	Keating	Roberts	Welty
Dies	Kehoe	Rogers	Wheeler
Dillon	Kennedy, Iowa	Romjue	White, Me.
Dixon	Kennedy, R. I.	Rose	White, Ohio
Dominick	Kettner	Routse	Williams
Doolittle	Kincheloe	Rowe	Wilson, La.
Dupré	Kraus	Rubey	Wilson, Tex.
Dyer	La Follette	Russell	Wise
Edmonds	Langley	Sabath	Wood, Ind.
Ellsworth	Larsen	Sanders, Ind.	Woodyard
Esch	Lazaro	Sanford	Zihlman
Fairchild, B. L.	Lea, Cal.	Saunders, Va.	
Fairfield	Lenroot	Scott, Iowa	
Farr	Leshner	Sears	

NAYS—12.

Borland	Emerson	Hilliard	Thomas
Cooper, Wis.	Gallagher	LaGuardia	Towner
Dowell	Haugen	Schall	Young, N. Dak.

ANSWERED "PRESENT"—2.

Booher	Kinkaid
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NOT VOTING—187.

Alexander	Carlin	Good
Almon	Carter, Mass.	Goodall
Anderson	Church	Gordon
Anthony	Clark, Fla.	Gray, N. J.
Austin	Classon	Green, Iowa
Bacharach	Cooper, W. Va.	Greene, Mass.
Bacon	Copley	Griest
Bankhead	Costello	Hamill
Barnhart	Crago	Hamilton, N. Y.
Bathrick	Crisp	Harrison, Va.
Blackmon	Currie, Mich.	Haskell
Bowers	Dale, N. Y.	Hayes
Britten	Davis	Heaton
Bruckner	Dent	Helvering
Buchanan	Denton	Hill
Burrroughs	Dill	Holland
Butler	Dooling	Hollingsworth
Byrns, Tenn.	Doremus	Hull, Iowa
Caldwell	Doughton	Hull, Tenn.
Campbell, Kans.	Drane	Hutchinson
Cantrill	Drukker	Igoe
Capstick	Dunn	Ireland

James Johnson, Ky.	McKenzie	Peters	Snell
Johnson, S. Dak.	McKinley	Porter	Snider
Jones, Va.	McLemore	Pou	Stedman
Juul	Madden	Powers	Steele
Kahn	Maher	Pratt	Steenerson
Kearns	Mann	Price	Stephens, Nebr.
Kelley, Mich.	Martin, Ill.	Purnell	Sterling, Pa.
Kelly, Pa.	Mason	Ramsey	Sullivan
Key, Ohio	Mays	Reavis	Sumners
Kiess, Pa.	Miller, Minn.	Robinson	Swift
King	Mondell	Rodenberg	Talbott
Kitchin	Morin	Rowland	Templeton
Knutson	Mott	Rucker	Treadway
Kreider	Mudd	Sanders, La.	Vare
Lee, Ga.	Neely	Sanders, N. Y.	Volstead
Leibach	Nelson	Scott, Mich.	Ward
Lever	Nichols, Mich.	Scott, Pa.	Watson, Pa.
Linthicum	Nolan	Scully	Webb
Longworth	Olney	Shallenberger	Whaley
McAndrews	Osborne	Sherwood	Wilson, Ill.
McArthur	O'Shaunessy	Shouse	Wingo
McCormick	Overmyer	Sinnott	Winslow
McCulloch	Padgett	Slayden	Woods, Iowa
McFadden	Paige	Slomp	Young, Tex.
	Parker, N. Y.	Small	

So the bill was passed. The Clerk announced the following additional pairs: Until further notice: Mr. DRANE with Mr. CARTER of Massachusetts. Mr. CARLIN with Mr. FULLER of Massachusetts. Mr. CRISP with Mr. PAIGE. Mr. GARNER with Mr. MADDEN. Mr. GLASS with Mr. GREENE of Massachusetts. Mr. GALLIVAN with Mr. GRIEST. Mr. IGOE with Mr. RODENBERG. Mr. SULLIVAN with Mr. WATSON of Pennsylvania. Mr. SMALL with Mr. MONDELL. Mr. SLAYDEN with Mr. PORTER. On the vote: Mr. Pou (for) with Mr. ANTHONY (against). The result of the vote was announced as above recorded. On motion of Mr. ADAMSON, a motion to reconsider the vote by which the bill was passed was laid on the table.

VOTE ON RIVER AND HARBOR APPROPRIATION BILL.

Mr. KEATING. Mr. Speaker, I received a telegram to-day from the gentleman from West Virginia, Mr. NEELY, asking me to say to the House that if he had been here when the river and harbor bill was voted on he would have voted for the passage of the bill.

THE BELGIAN MISSION.

Mr. FLOOD. Mr. Speaker, I ask unanimous consent that the proceedings during the recess of the House to-day, including the address of Baron Moncheur and the Speaker, when the House received the Belgian commission, be incorporated in their proper place in the RECORD.

The SPEAKER. Is there objection? There was no objection.

CONTESTED-ELECTION CASE—BEAKES AGAINST BACON (H. DOC. NO. 219).

The SPEAKER. The Chair lays before the House the following letter from the Clerk of the House.

The Clerk read as follows: HOUSE OF REPRESENTATIVES, CLERK'S OFFICE, Washington, D. C., June 27, 1917.

The SPEAKER, House of Representatives, Washington, D. C.

Sir: I have the honor to lay before the House of Representatives the contest for a seat in the House of Representatives for the Sixty-fifth Congress of the United States for the second district, State of Michigan, Samuel W. Beakes v. Mark R. Bacon, notice of which has been filed in the office of the Clerk of the House, and also transmit herewith original testimony, papers, and documents relating thereto.

The Clerk has opened and printed the testimony in the above case. In compliance with the act approved March 2, 1897, entitled "An act relating to contested-election cases," such portions of the testimony in the above case as the parties in interest agreed upon or as seemed proper to the Clerk, after giving the requisite notices, have been printed and indexed, together with the notices of contest, and the answer thereto, and such portions of the testimony as were not printed with the original papers have been sealed up and are ready to be laid before the Committee on Elections.

Two copies of the printed testimony in the aforesaid case have been mailed the contestant and the same number to the contestee. The law in reference to the briefs of both the contestant and contestee has been complied with as far as possible upon receipt by the Clerk of said briefs.

So far as the briefs have been furnished to the Clerk, they are ready to be laid before the Committee on Elections upon the order of the House, together with a tabulated statement, which has been prepared by the Clerk, showing the number of pages of testimony and the present status of said contested-election case, and all papers in connection therewith.

Yours, respectfully, SOUTH TRIMBLE, Clerk of the House of Representatives.

The SPEAKER. The letter, together with the accompanying documents, will be printed and referred to the Committee on Elections No. 3.

HOOR OF MEETING TO-MORROW.

Mr. ADAMSON. Mr. Speaker, the gentleman from North Carolina [Mr. KIRCHIN] requested me before moving to adjourn to-day to call the attention of Members to his statement made yesterday morning, that it is only after the consideration of three other bills which he named that he expects the gentleman's agreement to which he referred to go into effect, and in compliance with the further request of the gentleman I now ask unanimous consent that when the House adjourns to-day it adjourn to meet to-morrow at 11 o'clock.

The SPEAKER. Is there objection?

Mr. BORLAND. Mr. Speaker, I object.

ADJOURNMENT.

Mr. ADAMSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 9 minutes p. m.) the House adjourned until to-morrow, Thursday, June 28, 1917, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Luetta J. Myers, widow of William P. Myers, deceased, *v. The United States* (H. Doc. No. 208); to the Committee on War Claims and ordered to be printed.

2. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Ralph Rahm, son of William Rahm, deceased, *v. The United States* (H. Doc. No. 209); to the Committee on War Claims and ordered to be printed.

3. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Harriet E. Norton, widow of Sequester R. Norton, deceased, *v. The United States* (H. Doc. No. 210); to the Committee on War Claims and ordered to be printed.

4. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication of the Secretary of Commerce submitting an estimate of appropriation for special regulation of commerce, Department of Commerce, for the fiscal years 1917 and 1918 (H. Doc. No. 211); to the Committee on Appropriations and ordered to be printed.

5. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of James S. Wright, guardian of Maude M. Bolster, insane daughter of Horace N. Bolster, deceased, *v. The United States* (H. Doc. No. 212); to the Committee on War Claims and ordered to be printed.

6. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Ynchausti & Co. *v. The United States* (H. Doc. No. 213); to the Committee on War Claims and ordered to be printed.

7. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Lydia F. Taylor, daughter of John G. Wilson, deceased, *v. The United States* (H. Doc. No. 214); to the Committee on War Claims and ordered to be printed.

8. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of owners of the steamship *Esparta v. The United States* (H. Doc. No. 215); to the Committee on War Claims and ordered to be printed.

9. A letter from the chief clerk of the Court of Claims, transmitting list of cases dismissed by the court (H. Doc. No. 216); to the Committee on War Claims and ordered to be printed.

10. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Albert H. Johnson *v. The United States* (H. Doc. No. 217); to the Committee on War Claims and ordered to be printed.

11. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Francisco Bale, widow of Hoad T. Bale, deceased, *v. The United States* (H. Doc. No. 218); to the Committee on War Claims and ordered to be printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. WINGO: A bill (H. R. 5247) granting the consent of Congress to the Sebastian bridge district to construct a bridge across the Arkansas River, at the foot of Garrison Avenue, at

Fort Smith, Ark.; to the Committee on Interstate and Foreign Commerce.

By Mr. ALEXANDER: A bill (H. R. 5248) to provide a preliminary survey of the Missouri River and its tributaries with a view to the control of its floods; to the Committee on Flood Control.

By Mr. BRITTEN: A bill (H. R. 5249) to amend section 10 of chapter 2 of the criminal code, in order to permit the conscription for military purposes of citizens or subjects of countries engaged in war with a country with which the United States is at war; to the Committee on Military Affairs.

By Mr. WILSON of Louisiana: A bill (H. R. 5250) granting the consent of Congress to the Pritchard-Wheeler Lumber Co., of Wisner, La., to construct a bridge across Bayou Macon, in Louisiana, at a point east of the town of Wisner, La.; to the Committee on Interstate and Foreign Commerce.

By Mr. HILLIARD: A bill (H. R. 5251) providing for the enactment of a credit union law in the District of Columbia by which the officers of such credit union shall be empowered to receive deposits from and make loans to the stockholders thereof; to the Committee on the District of Columbia.

By Mr. DRANE: A bill (H. R. 5252) to provide for a site and public building at Clearwater, Fla.; to the Committee on Public Buildings and Grounds.

By Mr. TAGUE: A bill (H. R. 5253) to amend an act entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States; to the Committee on Military Affairs.

By Mr. RAKER: A bill (H. R. 5254) authorizing permits to be issued for grazing purposes of public lands withdrawn for power sites; to the Committee on the Public Lands.

By Mr. LOBECK: Resolution (H. Res. 110) directing the Secretary of War to transmit to the House of Representatives the reports of the board appointed to select a site for the cantonment for the thirteenth district; to the Committee on Military Affairs.

By Mr. SIEGEL: Joint resolution (H. J. Res. 112) to provide further for the national security and defense by regulating the production, sale, and distribution of coal; to the Committee on Interstate and Foreign Commerce.

By Mr. CHURCH: Joint resolution (H. J. Res. 113) for the purpose of promoting efficiency, for the utilization of the resources and industries of the United States, for lessening the expenses of the war, and restoring the loss caused by the war by providing for the employment of a discovery or invention called "Garabed," claiming to make possible the utilization of free energy; to the Committee on Patents.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 5255) granting an increase of pension to Elias Wires; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5256) granting a pension to Corline O. Beum; to the Committee on Pensions.

By Mr. CANTRILL: A bill (H. R. 5257) granting a pension to Sarah Blackburn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5258) granting a pension to Jane Jameson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5259) granting an increase of pension to Milton H. Smith; to the Committee on Invalid Pensions.

By Mr. ROBERTS: A bill (H. R. 5260) granting a pension to Mrs. E. B. Crandall; to the Committee on Invalid Pensions.

By Mr. SANDERS of Indiana: A bill (H. R. 5261) for the relief of George W. Woodall; to the Committee on Claims.

By Mr. SELLS: A bill (H. R. 5262) granting a pension to Charles P. Jenkins; to the Committee on Pensions.

By Mr. THOMPSON: A bill (H. R. 5263) granting a pension to James G. Garland; 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 Mr. ALEXANDER: Petition of John F. Shepherd, Paul M. Culver, J. W. Perkins, D. H. Frost, and 132 others, of Plattsburg, Mo., favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. CALDWELL: Petitions of sundry citizens of the State of New York, favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. COOPER of Wisconsin: Memorial of Grand Council United Commercial Travelers of America, relating to postage on first and second class mail matter; to the Committee on Ways and Means.

Also, petition of C. A. Mael and others, of Racine, Wis., favoring food-control legislation; to the Committee on Agriculture.

Also, petitions of Wisconsin Retail Liquor Dealers' Protective Association, against national prohibition as a war measure; to the Committee on the Judiciary.

By Mr. CRAGO: Memorial of National Association of Fisheries Commissioners, with a view to conserving marine food life; to the Committee on the Merchant Marine and Fisheries.

By Mr. DALLINGER: Petition of National Association of Fisheries, favoring uniform laws to regulate the discharge of waste into streams and tidal rivers; to the Committee on the Merchant Marine and Fisheries.

By Mr. DENT: Petition of the people called Christadelphians of the United States, praying for exemption from military service; to the Committee on Military Affairs.

By Mr. ELSTON: Memorial of Newark Branch of Local No. 164, International Molders' Union of America, favoring food-control bills; to the Committee on Agriculture.

By Mr. HAMILTON of New York: Petition of 103 citizens of Jamestown, Chautauqua County, N. Y., favoring prohibition as a war measure and opposing war tax on same; to the Committee on the Judiciary.

By Mr. KENNEDY of Rhode Island: Resolution of New England Water Works Association, Boston, Mass., favoring war prohibition; to the Committee on the Judiciary.

Also, petition of Providence (R. I.) monthly meeting of the Society of Friends, favoring prohibition of use of grain and other foodstuffs in manufacture of alcoholic beverages; to the Committee on Agriculture.

Also, petitions of William A. Gunning and Mariner W. Smith, of Providence, R. I., favoring daylight-saving plan; to the Committee on Interstate and Foreign Commerce.

By Mr. LANGLEY: Petition of citizens of Paintsville, Ky., and vicinity, favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. LUNDEEN: Resolution of trustees of Minneapolis Institute of Fine Arts, E. C. Gale, vice president; the Library Board of Minneapolis, T. B. Walker, president; and the Minnesota Academy of Sciences, Frederic J. Wulling, vice president, urging that Congress amend the Federal estate tax act in accordance with the present policy of exemption from local taxation as well as exemption from the Federal income tax and from the former Spanish War inheritance tax, so as to exempt bequests for all educational, philanthropic, charitable, or religious purposes; to the Committee on Ways and Means.

By Mr. MAGEE: Petitions of Harold MacGrath and others of the city of Syracuse, N. Y., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Cassius L. Myers and other citizens of the village of Skaneateles, Onondaga County, N. Y., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Lincoln W. Dygert and many other citizens of the city of Syracuse, N. Y., favoring national prohibition; to the Committee on the Judiciary.

By Mr. O'SHAUNESSY: Petitions of Providence monthly meeting of the Society of Friends and New England Waterworks Association, favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. OSBORNE: Memorial of the California Prosperity League, comprising a membership of 147,860 members, protesting against any legislation that would prohibit the manufacture, the use, or sale of light wines and beers; to the Committee on Agriculture.

By Mr. PRICE: Petition of citizens of Easton, Md., relative to excessive price of coal; to the Committee on Interstate and Foreign Commerce.

By Mr. RAKER: Petition of citizens of Sonora, Cal., favoring prohibition; to the Committee on the Judiciary.

Also, petition of Meyer & Talbot Co., Los Angeles, Cal., in re letter postage; to the Committee on Ways and Means.

Also, petition of Woman's Christian Temperance Union, Riverside, Cal., urging the creation of effective zones around all military camps; to the Committee on Military Affairs.

Also, petition of Marie S. Brown, president Association of Collegiate Alumnae, Riverside, Cal., urging the creation of effective zones around all military camps; to the Committee on Military Affairs.

Also, petition of M. A. Pepon, D. Sc., San Diego, Cal., favoring plan to furnish Army and Navy with chiropodists; to the Committee on Military Affairs.

By Mr. REED: Petition of E. O. Haley, C. A. Swiger, F. P. Graham, Z. T. Fox, U. G. Robinson, S. K. White, F. E. Schulte, W. H. Wright, Newton Farr, C. M. Allen, and Earle Scott, wage earners of Wallace, W. Va., urging the passage of the Lever food-control bill; to the Committee on the Judiciary.

By Mr. ROWE: Petition of Rode & Horne Lumber Co., of Brooklyn, N. Y., opposing national war prohibition; to the Committee on the Judiciary.

Also, petition of medical board of the Kings County Hospital, Brooklyn, N. Y., favoring passage of House bill 4190; to the Committee on Patents.

Also, petition of the Fourth District Brooklyn Sunday School Union, Brooklyn, N. Y., favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. STRONG: Memorial of Miss Kathleen L. Goodfellow, Indiana, Pa., favoring prohibition of the manufacture and sale of alcoholic liquors during the war; to the Committee on the Judiciary.

By Mr. SINNOTT: Petition of Missionary Society, Methodist Episcopal Church South, favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. TAGUE: Petitions of various educational institutions of the United States, asking exemption from Federal taxation of philanthropic, religious, and educational bequests; to the Committee on Ways and Means.

By Mr. VOIGT: Petition of Sheboygan (Wis.) classes of the Reformed Church of the United States, asking Congress to define the purpose for which we are at war, and terms of peace, etc.; to the Committee on Foreign Affairs.

Also, petition of Wisconsin State Council of Defense, asking the Government of the United States to take over and operate the coal mines of the country; to the Committee on Interstate and Foreign Commerce.

SENATE.

THURSDAY, June 28, 1917.

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

Almighty God, we thank Thee that Thou hast given to us a place for service, and that Thou hast honored us in calling us to places where we can best serve our fellow men. We pray Thee to give to us a passion for this great work which Thou hast committed to our hands. Give to us the joy of seeing the service that we render so blessed and owned of God as that it may be of benefit to all our fellow men. Guide us this day. Give to us grace, gentleness, and brotherly kindness. Give to us unity of purpose and spirit, that this Senate may be the instrument in Thy hands for accomplishing Thy great purpose in the world. For Christ's sake. Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. BRADY 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 G. F. Turner, one of its clerks, announced that the House had passed the bill (S. 1816) to amend the act to regulate commerce, as amended, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a telegram in the nature of a petition from Painters' Local Union No. 47, of Indianapolis, Ind., praying for the passage of the so-called Lever food-administration bill, which was ordered to lie on the table.

He also presented telegrams in the nature of memorials from the National Retail Liquor Dealers' Association; from Joseph W. Arthur, of Philadelphia, Pa.; from W. E. Ratz, of Philadelphia, Pa.; and from the Malsters' Bureau of Statistics, representing the malting industry of the United States, of Chicago, Ill., remonstrating against the adoption of the prohibition amendments in the so-called food bill, which were ordered to lie on the table.

He also presented petitions of the West Philadelphia Woman's Christian Temperance Union; of the congregations of sundry churches of Madison, Wis.; of the State Fair Floral Co., of Sedalia, Mo.; of the congregation of the Washington Avenue Methodist Episcopal Church, of Pittsburgh, Pa.; of sundry citizens of Muskegon, Mich.; of the Woman's Christian Temperance Union, of Warrenton, Mo.; of the American Temperance Board, of Indianapolis, Ind.; and of Mrs. Almira D. Carieo, of Phila-