ing against national prohibition; to the Committee on the Judiciary.

By Mr. KENNEDY of Rhode Island: Petition of the Fort Dodge Grocery Co., of Fort Dodge, Iowa, favoring House bill 15986, relative to false statements in the mails; to the Committee on the Post Office and Post Roads.

By Mr. J. R. KNOWLAND: Telegrams from the German-American League of California; the Governing Board Associate Membership, Knights of the Royal Arch, San Francisco, Cal.; the executive committee representing 52 importers and wholesale liquor merchants and members of the Grain Trades Association of California, protesting against passage of House joint resolution 168, for national prohibition; to the Committee on the Judiciary.

By Mr. KORBLY: Petition of various voters of Marion County, Ind., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. LANGHAM: Petitions of sundry citizens of Garmans Mills, Clymer, and Tylersburg, all in the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

By Mr. LEWIS of Maryland: Petition of J. D. Devore, of Westernport, Md., against the passage of House joint resolution 168, to prohibit the sale of intoxicating liquors; to the Committee on the Judiciary.

Also, petition of various members of Olney Grange, at Olney, Md., in favor of Government ownership of telephones and telegraphs; to the Committee on the Judiciary.

By Mr. LIEB: Petitions of Peter Aschoff, of Evansville, signed by Louis A. Geupel, A. D. Riggs, C. O. Magenheimer, William Ruedlinger, Conrad Young, M. J. Hampton, John Grefe, John Joest, James M. Klee, P. J. Euler, G. J. Blanford, H. Lindenschmidt, L. J. Flittner, Frank H. Blomer, J. D. McCarty, Oscar Born, John Kalkenbrenner, F. A. Schoeny, John H. Engbers, J. C. Abshire, Harry Bowen, John A. Alphson, George Bell, John W. Murnahan, August Wilsbacher, and Peter Aschoff, all of Evansville, Newburg, and Boonville, Ind., protesting against the adoption of House joint resolution 168, Senate joint resolutions 88 and 50, and all similar prohibition measures introduced in Congress as an unwarranted interference with the rights of all American citizens and a usurpation by the Federal Government of a domestic question belonging to the several States; to the Committee on the Judiciary.

By Mr. LINDBERGH: Protest of sundry citizens of Staples, Minn., against passage of prohibition amendment; to the Committee on the Judiciary.

Also, protest of sundry citizens of Waverly, Minn., against prohibition amendment; to the Committee on the Judiciary.

By Mr. LOFT: Two petitions of sundry citizens of New York, against national prohibition; to the Committee on the Judiciary.

By Mr. MITCHELL: Petitions of 350 citizens of Boston, Marlboro, and Westboro, all in the State of Massachusetts, against national prohibition; to the Committee on the Judiciary.

By Mr. MOORE: Memorial of the National Association of Vicksburg Veterans, favoring a peace jubilee of North and South; to the Committee on Military Affairs.

Also, memorial of the Erie Chamber of Commerce, urging postponement of interstate-trade measure; to the Committee on the Judiciary.

Also, memorial of the Military Order of the Loyal Legion of the United States, reaffirming allegiance to our system of government; to the Committee on the Judiciary.

Also, memorial of the New York City Retail Merchants, favoring the passage of the Stevens bill (H. R. 13305); to the Committee on Interstate and Foreign Commerce.

Also, petition of the Federated Central Labor Union of New York City and Vicinity, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. MURRAY of Oklahoma: Petition of various Methodist Sunday Schools and Christian Sunday Schools of Bristow, Okla., favoring national prohibition; to the Committee on the Judiciary.

By Mr. NEELY of West Virginia: Petitions of the Center Branch Church, of Clarksburg; the First Presbyterian Church of Chester; the First Presbyterian Church of Follansbee; J. G. Shaw and 38 others, of Clarksburg; P. F. Cogar and 19 others, of Meadowbrook; G. M. Solomon and 25 others, of Bridgeport; O. F. Swiger and 25 others, of Wilsonburg; James Casey and 24 others, of Lost Creek; William Davis and 27 others, of Mount Clare; John Vincent and 6 others, of Gypsy; P. G. Stackpole and 26 others, of Haywood; E. D. Orr and 25 others, of Wallace; Leonidas Rhoades and 16 others, of Bristol, all in the State of West Virginia, for passage of House joint resolution 168, for national prohibition; to the Committee on the Judiciary.

Also, petition of the board of trustees of the Anti-Saloon League of West Virginia, urging passage of national prohibition amendment; to the Committee on the Judiciary.

Also, memorial of the Bar Association of Ohio County, W. Va., expressing confidence in the future and integrity of Hon. Alston G. Dayton, judge of the District Court of the United States for the Northern District of West Virginia; to the Committee on Rules.

By Mr. J. I. NOLAN: Petition of the J. Charles Green Co., of San Francisco, Cal., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. PAIGE of Massachusetts: Petitions of sundry voters of West Brookfield and Leominster, Mass., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. PLATT: Petitions of 80 citizens of Poughkeepsie, sundry citizens of Middletown, and 85 citizens of the twenty-sixth congressional district, all in the State of New York, against national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of Newburgh and Beacon, N. Y., favoring House bill 12928, to amend postal laws; to the Committee on the Post Office and Post Roads.

Also, petition of 50 citizens of Newburgh, N. Y., against Sabbath-observance bill; to the Committee on the District of Columbia.

Also, petitions of 8 citizens of Newburgh, 20 citizens of Leptondale, and sundry citizens of Wappingers Falls, all in the State of New York, favoring national prohibition; to the Committee on the Judiciary.

Also, petitions of various labor unions, manufacturing concerns, and 14 citizens of Middletown, N. Y., against national prohibition; to the Committee on the Judiciary.

By Mr. POWERS: Papers to accompany bill to remove charge of desertion against Elijah S. Howard; to the Committee on Military Affairs.

By Mr. SMITH of New York: Petitions of the Men's Club of the First Presbyterian Church and the Methodist Ministers' Association, of Buffalo, N. Y., favoring national prohibition; to the Committee on the Judiciary.

By Mr. TEMPLE: Petition of F. H. Philip, W. H. Patterson, and 92 other citizens of Beaver Falls; William I. Williams and other citizens of New Castle; sundry citizens of Amity; and C. J. May and 29 other citizens of Fallston, all in the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

By Mr. TEN EYCK (by request): Petition of F. J. Quinn, G. Thompson, and C. E. Vandercook, protesting against the Hobson, Sheppard, and Works resolutions; to the Committee on the Judiciary.

Also, petition of C. L. Vandercook and other citizens of the twenty-eighth congressional district of New York, protesting against the Hobson, Sheppard, and Works resolutions for national prohibition; to the Committee on the Judiciary.

SENATE.

MONDAY, *May 18, 1914.*

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

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

Almighty God, in all our undertakings we seek Thy guidance and blessing. We would be saved from the tragedy of prayerless lives, which would shut our eyes against Thy light and shut ourselves out into the infinite darkness. In Thy light we shall see light. We pray that Thou wilt lift up the light of Thy countenance upon us. If the light that is in us be darkness, how great is that darkness. O do Thou give us that divine illumination which will make clear and bright the path of life, that we may follow that way which shineth more and more unto the perfect day. For Christ's sake. Amen.

CHARLES A. CULBERSON, a Senator from the State of Texas, appeared in his seat to-day.

The Journal of the proceedings of Saturday last was read.

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

The VICE PRESIDENT. The Secretary will call the roll.

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

Ashurst	Burleigh	Colt	James
Bankhead	Burton	Culberson	Johnson
Borah	Chamberlain	Gallinger	Jones
Brady	Chilton	Gore	Kern
Bristow	Clapp	Hitchcock	La Follette
Bryan	Clark, Wyo.	Hughes	Lee, Md.

McCumber	Ransdell	Smith, Ariz.	Tillman
Martine, N. J.	Root	Smoot	Vardaman
Norris	Shafroth	Sterling	Walsh
O'Gorman	Sheppard	Stone	Warren
Overman	Sherman	Sutherland	Williams
Page	Shields	Thompson	Works
Poindexter	Shively	Thornton	

The VICE PRESIDENT. Fifty-one Senators have answered to the roll call. There is a quorum present. The Journal of the proceedings of Saturday last will be approved, subject to future correction.

PERSONAL EXPLANATION—TARIFF DUTY ON SUGAR.

Mr. RANSDELL. Mr. President, I rise to a question of personal privilege. In the Washington Post, a newspaper published in this city, there appeared on yesterday, the 17th instant, an article entitled "Ruled by Secrecy and Threats," and so forth, purporting to be a dispatch from James Creelman to the Evening Mail, of New York City, from which I ask the Secretary to read certain references to myself, which I have marked in the article I send to the desk.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

RULE OF PATRONAGE.

Business is halted all over the country. Multitudes have been thrown out of work. The Nation has been brought to the verge of war. But something like two-thirds of the presidential patronage is still held in reserve in Mr. Wilson's hands, and he is not averse to saying to a Congressman who hesitates in voting that he is willing to allow that Congressman's constituents to decide as to which of them is the party leader.

In searching for an explanation of the extraordinary power of the President over the unwilling Members of Congress I learned to-day the exact details of his attempt to force the Louisiana Senators to vote for free sugar in the tariff bill.

To understand the true significance of this scene it must be understood that the free-sugar schedule has already caused a loss of about $30,000,000 to Louisiana, and that it is estimated that the loss in the ruination of sugar-producing properties will reach $100,000,000 before the end of the year.

When the free-sugar schedule was under consideration Mr. Wilson asked Senator RANSDELL, of Louisiana; Mr. Ewing, the Louisiana national committeeman; and Representative BROUSSARD, of the same State, to come to the White House.

At that time the whole people of Louisiana were in a state of wild alarm over the prospect of the overwhelming State calamity involved in the free sugar scheme.

The Louisiana Democratic leaders had announced that Mr. Wilson had given his word that the Democratic platform promise that tariff changes were to be effected without injuring or destroying any legitimate industry was intended to apply to the sugar industry.

When Senator RANSDELL, Representative BROUSSARD, and Mr. Ewing reached the White House President Wilson asked Senator RANSDELL to vote for free sugar.

The Senator declared that he had made a solemn promise to his constituents to oppose free sugar, and that he could not violate his pledged word or betray the people he represented in the Senate.

THE PRESIDENT'S DEMAND.

Mr. Wilson then turned to Representative BROUSSARD and asked him to get Mr. THORNTON, the other Louisiana Senator, to vote for free sugar.

Mr. BROUSSARD said that Senator THORNTON was publicly pledged against free sugar, and that as he himself had also promised to oppose it it would be treason to his constituents to do as the President asked.

For an hour the Louisianians earnestly pictured to the President the great disaster to their State which would follow the removal of the protective duty on sugar.

In the end Mr. Wilson again asked Senator RANSDELL to vote for free sugar, saying that no individual Senator had the right to blockade a great party program, and once more Senator RANSDELL said that he would not violate his word or betray the interests of his constituents.

Then the President stood up. There was a smile on his face, but a cold look in his eyes and a hard ring in his voice.

"Very well, Senator," he said, "then you and I must, as it were, 'go to the mat'; but I want to let you know that if we are to fight it out I shall use every weapon at my command."

This direct presidential threat to a United States Senator concerning his vote—and I give literally the account of an eyewitness—and the fact that Mr. Wilson has reserved the bulk of his patronage for use at will may partly explain the otherwise unaccountable failure of the profoundly dissatisfied Democrats in Congress from breaking into open revolt as they see the widespread signs of approaching Democratic defeat at the polls.

Mr. RANSDELL. Mr. President, I do not know who furnished Mr. Creelman his information, but I can not, in justice to all concerned, permit this statement to pass without an explanation of the real facts.

There were several interviews last year between President Wilson and myself in regard to the tariff on sugar, and he endeavored to persuade me that party loyalty required me to vote for the tariff bill. I replied that it would be impossible to do so if sugar were placed on the free list, as I had made repeated pledges to the people of Louisiana during my campaign for the Senate in 1911 and 1912 that if elected I would do everything possible to retain a reasonable duty on sugar, and I felt in honor bound to carry out those promises on the faith of which many persons in the sugar section of the State had supported me.

At the meeting referred to between the President, Col. Ewing, Mr. BROUSSARD, and myself, the main point discussed was whether sugar should be placed on the free list at once or after the lapse of three years. Col. Ewing, Mr. BROUSSARD, and I all made strong pleas for a delay of three years in the maturity of the free-sugar clause, and, without securing any promise to that effect from Mr. Wilson, we left him under the belief that sugar would not be free for three years.

I can not recall everything said by the President at this meeting and on the other occasions when we discussed the tariff, but I am sure he never attempted to coerce me by threats in regard to patronage or otherwise. He presented his views forcibly, as he always does and as he had a right to do, and I replied in like manner, but there was no unpleasantness between us.

Since Mr. Wilson's inauguration there have been vacancies in four presidential offices in Louisiana which are regarded as senatorial patronage—two district attorneys, a United States marshal, and collector of internal revenue—all four of which have been filled by the advice and to the entire satisfaction of Senator THORNTON and myself. The highest salaried of these positions—internal-revenue collector—was given to my very intimate friend, John Fauntleroy, about two months ago at my special request. Moreover, the six officials appointed by the Treasury Department under the income-tax service in Louisiana were selected on the suggestion of Senator THORNTON and myself, and neither of us has any complaint on the score of patronage.

LOCATION OF FEDERAL RESERVE BANKS.

The VICE PRESIDENT. The Chair lays before the Senate a communication from the reserve bank organization committee, transmitting, in response to a resolution of April 14, 1914, copies of briefs and written arguments made by each city applying for the location of a Federal reserve bank, together with a poll of the votes taken by the banks and the reasons relied upon by the organization committee in fixing the boundaries of reserve districts and locating the reserve cities, and so forth.

Mr. HITCHCOCK. I ask that the usual number of the communication may be printed.

The VICE PRESIDENT. Without objection, the communication will be printed and lie on the table.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed a bill (H. R. 15762) making appropriations for the Diplomatic and Consular Service of the Government for the fiscal year ending June 30, 1915, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented petitions of sundry citizens of Fairfield, Knoxville, Deep River, Malcom, Sanborn, Perry, and Monticello, in the State of Iowa; of Topeka, Dodge City, and Lakin, in the State of Kansas; of Orleans, Duncanville, Yates City, Carrollton, Springfield, and Bethany, in the State of Illinois; of Terre Haute, Ind.; of Minneapolis, Kasota, and Slaton, in the State of Minnesota; of Yuma, Bayfield, Wray, and Denver, in the State of Colorado; of Dutch Neck and Paterson, in the State of New Jersey; of Moneta, Cal., of Cochranton, Pa., of Portland, Oreg., of Palmyra, N. Y., of Fruitland, Idaho, of Dayton, Ohio, of Las Vegas, N. Mex., of Cleveland, N. C., and of New Lisbon, Wis., praying for the adoption of an amendment to the Constitution to prohibit polygamy, which were referred to the Committee on the Judiciary.

Mr. BURTON presented memorials of sundry citizens of Ohio, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Ohio, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. OVERMAN presented a petition of university students of North Carolina, praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. KERN presented memorials of sundry citizens of Indiana, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Evansville, Ind., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

He also presented a petition of the congregation of the Castle United Brethren Church, of Elkhart, Ind., praying for the enactment of legislation providing for censorship of moving-picture films, which was referred to the Committee on Education and Labor.

Mr. COLT presented petitions of sundry citizens of Rhode Island, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. LODGE presented petitions of sundry citizens of Malden, Boston, and New Bedford, all in the State of Massachusetts, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented resolutions adopted by the Board of Aldermen of Chelsea, Mass., favoring the enactment of legislation to provide for the retirement of superannuated civil-service employees, which were referred to the Committee on Civil Service and Retrenchment.

Mr. BRANDEGEE. I have received a letter from the secretary of the Rochester Chamber of Commerce, transmitting a resolution adopted by the board of trustees of that chamber, expressing its attitude with reference to certain proposed trust legislation. I do not ask to have the communications read, but I ask that they may be printed in the RECORD and referred to the Committee on the Judiciary.

There being no objection, the communication and accompanying resolution were referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

THE ROCHESTER CHAMBER OF COMMERCE,
May 15, 1914.

The Hon. FRANK B. BRANDEGEE,
United States Senate, Washington, D. C.

MY DEAR SIR: We respectfully submit herewith for your information as a member of the Senate Committee on Interstate Commerce a resolution adopted by the board of trustees of the Rochester Chamber of Commerce, expressing its attitude with reference to certain proposed trust legislation.

The occasion of the resolution was the submission for referendum vote to the constituent bodies of the Chamber of Commerce of the United States of a report in regard to the proposal to create an interstate trade commission.

Very truly, yours,

THE ROCHESTER CHAMBER OF COMMERCE,
ROLAND B. WOODWARD, *Secretary.*

Resolution adopted by the board of trustees of the Rochester Chamber of Commerce, May 9, 1914.

Whereas all men connected with business—employers, employees, and investors—and with them the progress and prosperity of the entire country, are suffering from undue interference on the part of the Government; and

Whereas industrial and mercantile enterprises, legitimate and beneficial in their relation to all the people, are being prosecuted under a strained and forced application of existing law, sufficient for the proper regulation of business if wisely and temperately administered:

Resolved, That the Rochester Chamber of Commerce, being opposed not only to the trade-commission bill but also to the so-called omnibus antitrust bill, as unnecessary, harrassing, and harmful to legitimate business, refrains from voting on referendum No. 7, except to protest vigorously against the recommendation of the special committee that the bill be enacted into law.

Mr. ROOT presented memorials of sundry citizens of New York, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of New York, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of New York, N. Y., praying for an appropriation of $100,000 to enforce the law for the protection of migratory birds, which was referred to the Committee on Appropriations.

Mr. BRYAN (for Mr. FLETCHER) presented petitions of sundry citizens of Florida, California, Maine, and Ohio, praying for the adoption of a new coinage system, which were referred to the Committee on Banking and Currency.

Mr. DU PONT presented petitions of sundry citizens of Harrington and Frederica, in the State of Delaware, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. PAGE presented a petition of the congregation of the Advent Christian Church, of Rutland, Vt., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. SHIVELY presented petitions of sundry citizens of Orland and South Bend, in the State of Indiana, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of the Saxonia Singing Society and the Lakeside Aid Society, of Fort Wayne, Ind., praying for the enactment of legislation providing for the retirement of superannuated civil-service employees, which were referred to the Committee on Civil Service and Retrenchment.

VIRGINIA MILITARY INSTITUTE.

Mr. BRYAN, from the Committee on Claims, to which was referred the bill (S. 544) for the relief of the Virginia Military Institute of Lexington, Va., reported it with an amendment and submitted a report (No. 528) thereon.

BILLS INTRODUCED.

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

By Mr. SMITH of Arizona:

A bill (S. 5585) for the establishment of a national park near, adjacent to, and in connection with the Salt River project, in the State of Arizona, fixing its boundaries and prescribing restrictions upon its use and occupancy (with accompanying papers); to the Committee on Public Lands.

By Mr. BRANDEGEE:

A bill (S. 5586) for the relief of the legal representatives of John Egan and others; to the Committee on Claims.

By Mr. BURTON:

A bill (S. 5587) granting an increase of pension to Elizabeth A. Jones (with accompanying papers); to the Committee on Pensions.

By Mr. KERN:

A bill (S. 5588) to provide for the establishment and maintenance of mining experiment and mine safety stations for making investigations and disseminating information among employees in the mining, quarrying, metallurgical, and other mineral industries, and for other purposes; to the Committee on Mines and Mining.

By Mr. CHAMBERLAIN:

A bill (S. 5589) to authorize the construction and maintenance of a dike on South Slough, Lane County, Oreg.; to the Committee on Commerce.

By Mr. HOLLIS:

A bill (S. 5590) granting an increase of pension to Mary Healy; and

A bill (S. 5591) granting a pension to Abbie Avery (with accompanying papers); to the Committee on Pensions.

By Mr. MARTIN of Virginia:

A bill (S. 5592) for the relief of the heirs at law of Samuel G. Curtis and Elizabeth G. Curtis; to the Committee on Claims.

By Mr. ROBINSON:

A bill (S. 5593) granting an increase of pension to William H. Fuller; to the Committee on Pensions.

By Mr. SHIVELY:

A bill (S. 5594) granting an increase of pension to George M. Swango (with accompanying papers); and

A bill (S. 5595) granting an increase of pension to William Hurley; to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. LODGE submitted an amendment proposing to increase the appropriation to further promote and develop the foreign and domestic commerce of the United States, etc., from $75,000 to $85,000, intended to be proposed by him to the legislative, etc., appropriation bill, which was ordered to lie on the table and be printed.

He also submitted an amendment intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. BRYAN (for Mr. FLETCHER) submitted two amendments intended to be proposed by him to the river and harbor appropriation bill, which were referred to the Committee on Commerce and ordered to be printed.

Mr. HUGHES submitted an amendment intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. RANSDELL (for Mr. SIMMONS) submitted an amendment intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. MARTINE of New Jersey submitted an amendment proposing to increase the salaries of 16 privates on the police force for the Senate Office Building from $1,050 to $1,200 each, etc., intended to be proposed by him to the legislative, etc., appropriation bill, which was ordered to lie on the table and be printed.

Mr. SHIELDS submitted two amendments intended to be proposed by him to the river and harbor appropriation bill,

which were referred to the Committee on Commerce and ordered to be printed.

Mr. WILLIAMS submitted an amendment authorizing the Secretary of the Interior to enroll on said citizenship rolls all persons identified as Mississippi Choctaws, etc., intended to be proposed by him to the Indian appropriation bill, which was ordered to lie on the table and be printed.

He also submitted an amendment relative to members of the Choctaw and Chickasaw Nation of Indians in Oklahoma, etc., intended to be proposed by him to the Indian appropriation bill, which was ordered to lie on the table and be printed.

Mr. STONE. I ask leave to have inserted in the RECORD a very able article written by Mr. Crammond Kennedy, citing certain authorities against arguments which have been made in reference to the tolls repeal bill, and especially against the one made by the junior Senator from New York [Mr. O'GORMAN].

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

[From the Washington Herald, Sunday, May 17, 1914.]

SCORES O'GORMAN TOLLS ARGUMENT.

(By Crammond Kennedy.)

To the editor of the Washington Herald:

Senator O'GORMAN builds up his argument in favor of exemption from Panama Canal tolls on a narrow and insecure foundation. In order to show that vessels in the coastwise trade are not included in the phrase "vessels of commerce and war" as used in the Hay-Pauncefote treaty the learned Senator says, "There is a manifest distinction between vessels of commerce and 'coastwise trade,'" and then he cites a definition of commerce from Wharton's Law Dictionary to the effect that "commerce relates to our dealings with foreign nations, colonies, etc.," and trade "to mutual dealings at home." He cites also the Encyclopedia Britannica and the International Encyclopedia to the same effect, and, assuming that these "British authorities" furnish conclusive tests of the sense in which the phrase "vessels of commerce" is used in the Hay-Pauncefote treaty, he says:

"A 'vessel of commerce' is therefore a vessel engaged in international trade."

This sounds quite conclusive, but it depends, of course, on the conclusiveness and relevancy of the authorities cited. The Encyclopedic Dictionary defines commerce as "trade, traffic; the exchange of articles for each other or money"; and adds that "when the word is used with an extended meaning it signifies mutual exchange, buying and selling, whether abroad or at home."

MEANING IS DOUBLE.

So in the Century Dictionary (cited in 133 Ind., 60, 93; 18 L. R. A., 502) commerce is defined as—

"Interchange of goods, merchandise, or property of any kind; trade; traffic; used more especially of trade on a large scale, carried on by transportation of merchandise between different countries or between different parts of the same country, distinguished as foreign commerce and internal commerce."

It is only in a limited sense that commerce means foreign or colonial trade. In a general sense commerce and trade are used interchangeably for traffic in merchandise at home and abroad. Thus, in his "Advice to Sir George Villiers," Lord Bacon used "trade" in the sense of domestic and foreign commerce:

"I come," he said, "to the sixth part, which is trade, and that is either at home or abroad. And I begin with that which is at home, which enableth the subjects of the kingdom to live and layeth a foundation to a foreign trade, by traffic with others, which enableth them to live plentifully and happily."

The American Yearbook treats of "domestic commerce on the canals," "coastwise commerce," and "commerce on the Great Lakes," as well as "foreign commerce." And Senator O'GORMAN himself, in a subsequent part of his argument, says that "the domestic commerce of the United States exceeds that of any other nation," and that "more than 40,000,000 tons passed through the Soo Canal in 1912."

ANSWER IS CONSTITUTION.

But we have the highest legal authority for the proposition that the meaning of "commerce" can not be confined, as Senator O'GORMAN contends in the earlier and basic part of his argument, to "international trade." By the Constitution of the United States Congress has power "to regulate commerce with foreign nations and among the several States and with the Indian tribes."

"Commerce," said Chief Justice Marshall (Gibbons *v.* Ogden, 9 Wheat., 1, 189), "describes the commercial intercourse between nations and parts of nations in all its branches and is regulated by prescribing rules for carrying on that intercourse."

In another celebrated case (Brown *v.* Maryland, 12 Wheat., 446) the same great magistrate, speaking for the Supreme Court of the United States, and referring to the constitutional grant, said:

"It is not, therefore, matter of surprise that the grant should be as extensive as the mischief, and should comprehend all foreign commerce and all commerce among the States."

So the Senator's attempt to limit the meaning of "commerce" to international trade is blocked by the Constitution itself and its greatest expounder.

Nor does the distinguished Senator from New York seem to be any less astray when he says:

"Under international law the word 'vessel' when used in a treaty, unless the contrary meaning is clearly apparent, refers only to vessels engaged in international or over-seas trade. It does not relate to vessels engaged in local or domestic trade."

An examination of the treaties between the United States and other countries in which the word "vessels" is used seems to demonstrate that there is no such rule or principle of "international law" as the learned Senator asserts. If he were right, what need would there be to insert in so many of our treaties in which the word "vessels" is used, an express provision that the coastwise trade is excepted? Take, for example, our treaty of 1829 with Austria, which repeatedly mentions "vessels of the United States," and "Austrian vessels," but which provides in article 7:

TREATY PROVES ARGUMENT.

"It is expressly understood and agreed that the coastwise navigation of both the contracting parties is altogether excepted from the operation of this treaty and of every article thereof."

This express exception occurs in more than a score of our treaties regarding the rights and privileges of "vessels of the United States," and of the other high contracting parties.

Treaties for the protection of vessels from pirates include all kinds of vessels—fishing vessels and traders, whether over-seas or coastwise. So with statutes. Could it be said, with any show of reason, that coastwise vessels, because not expressly mentioned, were not included in the act of Congress of March 3, 1819, to protect the "commerce of the United States," or that they were not among the "merchant vessels of the United States," which, with their crews, were to be protected, under that act, from piratical aggressions and depredations?

It is in connection with the case of Olsen *v.* Smith that Senator O'GORMAN contends that, under international law, the word "vessels," when used in a treaty, unless the contrary meaning is clearly apparent, refers only to vessels engaged in international or over-seas trade; but it seems clear that it was on no such principle, but rather on the ordinary rules applicable to the construction of treaties, that the case was decided by the Supreme Court of the United States.

BRITON CLAIMED EXEMPTION.

In Olsen *v.* Smith the question was whether a British vessel in the foreign trade was not entitled, at the port of Galveston, to the benefits of a State statute and of the Revised Statutes of the United States, exempting coastwise steamships of Texas and the United States from certain regulations in regard to pilotage, by virtue of the treaty of 1815 between the United States and Great Britain, which provides that "no higher or other duties or charges shall be imposed in any of the ports of the United States on British vessels than those payable in the same ports by vessels of the United States." It clearly appears, from the treaty of 1815, that it was dealing exclusively with British and United States vessels in the foreign trade, and the case was not decided on the ground that the word "vessels" was not comprehensive enough to include vessels in the coastwise trade, or that there was such a rule of international law as that asserted by Senator O'GORMAN, but because it appeared from the treaty itself that, as aforesaid, it was dealing only with vessels of the two countries in the foreign trade. Both countries at that time reserved their coastwise trade for their own vessels, respectively, and the treaty provides expressly, in opening the East India ports to United States vessels, that the permission granted for that purpose, in article 3, is "not to extend to allow the vessels of the United States to carry on any part of the coasting trade of the said British territories," and that their "going with their original cargoes, or part thereof, from one of the said principal settlements to another shall not be considered as carrying on the coasting trade."

INTENTION MUST GOVERN.

It was doubtless because of this clearly expressed intention to confine the reciprocal benefits of the treaty of 1815 to vessels in the foreign trade, and not because the word "vessels" necessarily excluded coastwise vessels, as contended by Senator O'GORMAN, that the Supreme Court decided as it did.

In treaties, as in other contracts, the intention must govern, and the intention is to be discovered from the treaty as a whole.

The Supreme Court pointed out in Olsen *v.* Smith that no discrimination had been made by the authorities in Texas between British and United States vessels in the foreign trade, the only classes of vessels with which the treaty of 1815 is concerned. And it seems to have been with reference to that treaty for the reciprocal treatment of vessels of the same class, which had been set up in the case, that the court said, by Chief Justice White:

"Neither the exemption of coastwise steam vessels from pilotage, resulting from the law of the United States, nor any lawful exemption of coastwise vessels created by the State law concerns vessels in the foreign trade, and therefore any such exemptions do not operate to produce a discrimination against British vessels engaged in foreign trade and in favor of vessels of the United States in such trade."

So in the Texas Court of Civil Appeals below Chief Justice James observed:

"The exemption has not been extended to American ships engaged in foreign commerce, and until this is done British vessels of the same character are equally subject to our statute."

While the treaty of 1815 shows clearly that the negotiators had the two kinds of trade and the two classes of vessels in mind, and did not intend to include the coastwise shipping of either country in the phrases "vessels of the United States" or "vessels of Great Britain," there is nothing whatever in the Hay-Pauncefote treaty to suggest that the idea of exempting the coastwise shipping of the United States from the payment of tolls had ever been in the minds of the negotiators, the only mention of merchant vessels in the treaty being in the covenant that the canal shall be free and open to "the vessels of commerce and war of all nations observing these rules, on terms of entire equality." If any exception had been intended, it would have been the easiest and most proper thing to have inserted after the words "on terms of entire equality" in the treaty the words "excepting only such vessels as shall be engaged exclusively and bona fide in the coastwise trade of the United States." This would have been in accordance with the express exceptions of the coastwise trade written into more than a score of our treaties in regard to shipping with other nations, as hereinbefore stated.

Not only is there no mention or suggestion of coastwise trade or coastwise vessels distinctively in the Hay-Pauncefote treaty now in force, but, as has been said so often, when a motion was made in the debate on the earlier Hay-Pauncefote treaty in executive session of the Senate to amend the treaty by reserving the right to exempt the coastwise shipping of the United States from the payment of tolls, it was voted down by a large majority.

WOULD BAR OUT OTHERS.

If the term "vessels of commerce" used in the Hay-Pauncefote treaty does not include vessels in the coastwise trade, as contended by Senator O'GORMAN, then a British vessel desiring to coast south from Halifax to Colon and north from Panama to Vancouver would have no right to go through the canal, because only "vessels of commerce and war" are mentioned in the treaty, and the words "vessels of commerce" according to Senator O'GORMAN, mean only vessels "engaged in international trade." "The treaty," says the Senator, "speaks of 'vessels of commerce and of war.' The two classes of vessels referred to," he continues, "would necessarily exclude vessels that are neither vessels of

commerce nor vessels of war. And for the reasons indicated the treaty excludes vessels in the coastwise or domestic trade. They are not vessels of commerce within the authorities cited."

This, then, is where the argument of the Senator leads him—vessels in the coastwise or domestic trade of the United States can pass through the canal free, under the act of Congress, without contravening the treaty, but vessels in the coastwise or domestic trade of Great Britain are excluded from the canal by the treaty itself, as interpreted by the Senator. This would certainly be "discrimination" with a vengeance.

The Senator's argument leaves it clearer, if possible, than it was before that "vessels of commerce," as used in the Hay-Pauncefote treaty, must include vessels engaged in the coastwise trade of the United States, and that if it had been the intention of the negotiators to exclude them from the provisions of the treaty, they would have expressly excepted them, in accordance with the precedent established by the numerous treaties in which the exception of the coastwise trade, made in article 6 of the treaty with Austria, is followed.

Other criticisms of the Senator's argument could be made, but it only needs to be added here that, like all who oppose the repeal of the exemption, Senator O'GORMAN ignores the position maintained before the world by the United States in regard to neutralization and equal terms for the Isthmian Canal for nearly a century. Her official utterances have been collated elsewhere. Only three of them will be mentioned here.

EARLIER DICTUMS CONCLUSIVE.

Under instructions from Mr. Clayton, Secretary of State in 1850, Mr. Rives assured Lord Palmerston that the United States "sought no exclusive privilege or preferential right of any kind in regard to the proposed communication," but desired "to see it dedicated to the common use of all nations on the most liberal terms and a footing of perfect equality for all."

Gen. Cass, Secretary of State in 1857, said to Lord Napier, when the controversy in regard to the true meaning and intent of the Clayton-Bulwer treaty was at its height:

"The United States, as I have before had occasion to assure your lordship, demand no exclusive privileges in these passages, but will always exert their influence to secure their free and unrestricted benefits, both in peace and war, to the commerce of the world."

"Nor in time of peace," said Mr. Blaine, while Secretary of State, in 1881, "does the United States seek to have any exclusive privileges accorded to American ships in respect to precedence or tolls through an interoceanic canal any more than it has sought like privileges for American goods in transit over the Panaman Railway under the exclusive control of an American corporation."

In repealing the exemption the United States would simply be keeping her plighted faith, not at the behest of England, but of her own conscience and for her own sake.

Mr. CHAMBERLAIN. Mr. President, I wish to state that on Friday next, after the routine morning business, I shall address the Senate, with its permission, on the subject of the Panama Canal tolls.

Mr. JONES. Mr. President, I desire to announce that on Monday next, May 25, after the routine morning business, I shall address the Senate upon the Panama Canal question.

HOUSE BILL REFERRED.

H. R. 15762. An act making appropriations for the Diplomatic and Consular Service of the Government for the fiscal year ending June 30, 1915, was read twice by its title and referred to the Committee on Appropriations.

TRANSPORTATION OF PARCEL-POST MATTER.

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from a preceding day, which will be stated.

The SECRETARY. Senate resolution 363, by Mr. SMITH of Georgia, requesting the Joint Committee on Postage on Second-Class Mail Matter and Compensation of Transportation of Mails to report.

Mr. SMOOT. In the absence of the Senator from Georgia I suggest that the resolution go over.

The VICE PRESIDENT. Without objection, the resolution will go over without prejudice.

PANAMA CANAL TOLLS.

Mr. O'GORMAN. I ask unanimous consent that the Panama Canal tolls bill be laid before the Senate.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14385) to amend section 5 of an act entitled "An act to provide for the opening, maintenance, protection, and operation of the Panama Canal and the sanitation of the Canal Zone," approved August 24, 1912.

Mr. SUTHERLAND. Mr. President, when the Panama Canal act was before the Senate two years ago I supported the provision exempting the coastwise shipping of the United States from the payment of tolls. In so doing I was influenced, as I think the Senate was influenced, not so much by a consideration of the economic policy of the exemption considered by itself as I was by the far more important question as to the right of the American Government to deal in its own way with American shipping passing through the canal unhampered by treaty stipulations. My vote was intended to be an assertion of my confident belief in the existence of that right far more than it was of my belief in the wisdom of the precise manner in which the right was then specifically exercised.

The economic wisdom of exempting our ships engaged in the coastwise trade is by no means free from doubt. Much can be said upon either side of that proposition. If it were possible to vote upon that question dissociated from the graver question of our rights under the Hay-Pauncefote treaty I should feel the necessity of investigating the subject more thoroughly than I have thus far done, but as the matter is now presented I shall vote against the repeal of the exemption clause, basing my vote primarily upon what I conceive to be the necessity of reasserting with emphasis the American right under the treaty, and leaving myself free to consider the economic side of the subject when, if ever, it may be determined solely upon its merits apart from the protest to which we are forced to respond and which directly challenges our right to determine it at all.

To vote for the repeal now, as I interpret the situation, would be to concede in the most deliberate manner our want of legitimate power to allow the exemption, however wise or necessary we may conceive such action to be. Unless we are simply trifling with the subject, the action of Congress upon this bill will announce the permanent view of Congress respecting the extent of its powers under the treaty and not its temporary view respecting the specific way in which those powers should be exercised. It is true that the President declares in his message that the exemption constitutes a mistaken economic policy, but his appeal for a reversal of our former action is based upon the assertion that whatever we may think of the matter "everywhere else the language of the treaty is given but one interpretation, and that interpretation precludes the exemption." And he tells us that "we ought to reverse our action without raising the question whether we were right or wrong, and so once more deserve our reputation for generosity and for the redemption of every obligation without quibble or hesitation." Let us not beguile ourselves. It is to this appeal and no other that we must respond. To repeal the exemption while asserting the right to grant it is simply to dodge the issue.

According to the President's view our former action is regarded everywhere outside the United States as a breach of our national word. If this be true, a reversal of our former action must be regarded everywhere as an acknowledgment of our wrongdoing and as a deliberate and well-considered admission that our construction of the treaty was erroneous, and the construction of those "everywhere else" is right. It is therefore idle to pretend that if the pending bill be passed we can ever again with decency enact an exemption law. We should deal with the question without equivocation. The challenge of the world, the justness of which the President asks us to concede, is not against the economic wisdom of the action which we have taken, but it is against our righteous authority to take the action at all. This challenge should be met with that high candor which befits a great people intelligent enough to determine for themselves what are their rights and what are their obligations and courageous enough to vigorously assert the former and just enough to ungrudgingly perform the latter.

If this bill shall be enacted into law, whatever we may think about it—to borrow the felicitous phrase of the President—"everywhere else" our action will be given but one interpretation and that will be that it constitutes an admission of the accuracy of the President's claim that our former action was in violation of the treaty, because "everywhere else" they will regard only what the President has said and what we have done. To repeal the exemption now and reimpose it at some more auspicious time hereafter will be to stand convicted in the eyes of the world of having engaged in a piece of rather disreputable sharp practice and expose us to that contempt which is always the penalty for shiftiness and evasion.

The Senator from Missouri [Mr. STONE], shrewdly suspecting a political pitfall in the pathway selected by the President, has presented to his colleagues a series of skillfully drawn plans and specifications for reaching the same point by a less dangerous route; but he deceives nobody, not even himelf. He speaks as one who leads a company of bold and adventurous spirits in an attack upon the twin monsters of monopoly and subsidy; but everybody understands that, in fact, he follows the President in an inglorious abandonment of an American right.

The Senator from North Carolina [Mr. SIMMONS], also apprehensive and likewise resourceful, has proposed a little amendment, by which—to slightly alter the figure of speech—that sagacious and skillful pilot would steer the Democratic bark along the crooked channel of political expediency so as to escape the Scylla of capitulation to Great Britain on the one hand and the Charybdis of repudiation of the White House upon the other.

What is the amendment which the distinguished Senator from North Carolina proposes? It is, in substance, that nothing in this act—which, of course, repudiates the American and accepts the foreign interpretation of the treaty, else it would not be

"in support of the *foreign* policy of the administration"—is to be "considered or held as waiving, impairing, or affecting any treaty or other right possessed by the United States." And this proviso the Senator offers with the simple and pathetic faith of a child who surrenders its toys to a friend, relying upon a resolution of thanks for its future amusement. The Senator from North Carolina is a serious-minded man, with slight leanings in the direction of any form of frivolity—wholly without guile or "purpose of evasion"—and therefore may not lightly be charged with a desire to perpetrate a confidence game on the trusting gentleman who occupies the White House or readily be suspected of presuming overmuch on the traditional obtuseness of the British mind in the presence of an American joke; but, sir, when we repeal a law for the express purpose of confessing that we had no right to pass it, the attachment of a string in the form of a declaration that in so doing we have no intention of surrendering any right seems so inconsequential that I am quite unable to see how even the austere reputation of the Senator from North Carolina can save us from the suspicion that we are indulging in a little legislative badinage for the mere sake of the intellectual exercise.

When the lady of Byron's creative genius, "Whispering, 'I will ne'er consent'—consented," she proceeded under no self-delusions. She understood her own lack of fortitude in the presence of temptation. She exhibited a certain degree of verbal reluctance—definite in form but deceptive in substance—for the sake of appearances, but there seems to have been no doubt in the mind of the veracious recorder of the incident that her capitulation was complete.

But this later, if no less enchanting, coquette, the Senator from North Carolina, who, while yielding to the presidential blandishments, whispers into the bill an amendment in the nature of an *ex post facto* proviso to the effect that nothing in the circumstances of his fall shall be construed as impairing, affecting, or waiving any of the virtuous proclivities which he still possesses, seems to be laying the foundation for a plausible but specious contention that he had not yielded at all but simply engaged in a more or less mild and perfectly harmless flirtation "in support of the foreign policy of the administration."

And so, Mr. President, Senators upon the other side of the Chamber may indulge in such sophistry as their ingenuity may suggest, but the President's appeal is definite and can not be met by any oblique approach. He says, it is true—and I repeat it for the sake of emphasis—that the exemption constitutes a mistaken economic policy from every point of view, as well as being in plain contravention of the Hay-Pauncefote treaty, but he immediately adds:

> But I have not come to urge upon you my personal views. I have come to state to you a fact and a situation. Whatever may be our own differences of opinion concerning this much-debated measure, its meaning is not debated outside the United States. Everywhere else the language of the treaty is given but one interpretation, and that interpretation precludes the exemption I am asking you to repeal.

And in view of this situation he tells Congress what it ought to do.

> The large thing to do—

He says—

> is the only thing we can afford to do, a voluntary withdrawal from a position everywhere questioned and misunderstood. We ought to reverse our action without raising the question whether we were right or wrong, and so once more deserve our reputation—

Not for *economic wisdom*, it will be observed, but—

> for *generosity* and for the *redemption of every obligation without quibble or hesitation.*

And then to clinch the matter and put it beyond the peradventure of a doubt he says:

> I ask this of you in support of the *foreign* policy of the administration.

We are to pass this bill, then, in support of the *foreign policy* of the administration, and the President makes it clear that this means we are to accept the English interpretation of the treaty and abandon our own. If the Simmons amendment, therefore, means that we intend to declare that we *temporarily* accept the English construction for the sake of helping the administration out of some serious though undisclosed foreign complication, intending to reassert our own construction after the diplomatic embarrassment shall have passed, then we ought to say so in plain words and not render ourselves contemptible by adopting a proviso so vague and so disingenuous that it will of necessity arise to plague our successors when they come to deal again with a problem which we lack the candor or the courage to settle decisively now once for all.

Now, mark, we are to do this thing "without raising the question whether we were right or wrong." That is, we are not to consider the evidence; we are not to weigh the arguments pro and con; we are not to use our reasoning faculties for the purpose of arriving at a just determination; we are to abdicate our functions as legislators charged with the responsibility of our action; we are to lay aside our well-considered and settled convictions, if we have any, without raising the question whether we are right or wrong and withdraw from our former position, not because we have made an economic mistake, not in the interest of the American people, but because, and only because, that "position is everywhere questioned and misunderstood." And this is to be done not in pursuance of a sound *domestic* policy but in support of the *foreign* policy of the administration. Thus the issue is defined and limited by the presidential petition as clearly and conclusively as an issue was ever limited and defined by a bill in a court of equity, and the Senate is called upon to render judgment upon that issue, and no other.

Mr. President, in the history of free government no such astounding proposition has ever before been presented to a great legislative body as this demand of the President that we shall reverse our action "without raising the question whether we were right or wrong." To comply with it would be so utterly subversive of every consideration of self-respect that even those who intend to capitulate will raise the question and make a pretense of justifying their action upon defensible grounds before acceding to the President's request.

I had supposed that outside of England there was very little feeling on the subject. Certain it is that no other country has concurred with the English protest in any formal way. If there be any real sentiment in favor of the British view, these other countries have exhibited no anxiety to make it known. But the President in effect tells us that "everywhere else" outside the United States the language of the treaty is given but one interpretation, and that interpretation harmonizes with that of Great Britain.

Sir, I do not undervalue the opinions of the world outside our own borders. We should, of course, give heed to the views of Great Britain and of the other Governments, if any there be, who share them. These opinions are not to be ignored. Neither are they to be obsequiously followed. In the final analysis the question is not whether our position meets with the dissent or the approval of the world, but whether the opinions which the President thinks prevail in those undefined and comprehensive but hitherto unsuspected regions, extravagantly described as "everywhere else," are right. "A decent regard to the opinions of mankind," of which we have heard so much from time to time during this discussion, does not mean a blind and fatuous surrender of our own convictions. It only demands that these opinions should be considered and weighed in a mood neither truckling nor truculent, but in that serious and open-minded spirit which seeks to know the truth with the courageous determination to declare it without regard to the character of its reception.

I imagine the author of the Declaration of Independence, if he were now in the flesh, would look with some degree of astonishment upon the present attempt to utilize his immortal phrase as a justification for surrendering an American right to a foreign opinion. Certainly, as it appears in that historic document, it admits of no such construction. It was used in a far braver and sturdier sense. If we will take the trouble to refresh our memories, we shall find that what the fathers thought "a decent regard to the opinions of mankind" required them to do was simply to "declare the causes which impel them to the separation" from Great Britain. But the evidence was weighed by the fathers alone and the sufficiency of the causes was determined by them without reference to what might be thought about the matter "everywhere else." The separation was declared as an accomplished fact and not as a tentative proposition submitted for outside consideration. It was to go forward, and did go forward, wholly without regard to the opinions of mankind as to the justice or soundness of the causes. In deference to the opinions of mankind the fathers went no further than to announce what they had done and to lay before the world the reasons for their action, but the action itself was final—the American view was unchangeable, whether the world approved or not.

And so, Mr. President, I am brought to the consideration of the real question which the Senate is called upon to decide, and that is whether we have the right to exempt our coastwise traffic from the payment of tolls and not whether such exemption is wise from the purely domestic point of view. The correct determination of this question requires the careful consideration of two treaties, namely, the Clayton-Bulwer treaty of April 19, 1850, and the Hay-Pauncefote treaty of November 18, 1901.

Under the Clayton-Bulwer treaty it was agreed by the United States and Great Britain substantially as follows: (1) That neither of the parties would ever obtain or maintain for itself any exclusive control over a certain ship canal then in contemplation between the Atlantic and Pacific Oceans through Nicaragua; (2) that neither of the parties would maintain any fortifications commanding the canal or in the vicinity thereof, or occupy, fortify, or colonize, or assume or exercise any dominion *over any* part of Central America; (3) that neither would acquire rights or advantages in regard to commerce or navigation which should not be offered on the same terms to the citizens or subjects of the other; (4) that both parties should protect the canal during its construction and after its completion, and should guarantee the neutrality thereof so that it should forever be open and free, and the capital invested secure; (5) that they would use their influence with governments possessing territory which the canal should traverse to induce them to facilitate the construction of the canal and to procure free ports at each end thereof; (6) that the parties should invite other States to enter into similar stipulations to the end that these other States might share in the honor and advantage of having contributed to the building of the canal; (7) that the parties were to give their support and encouragement to those first offering to commence the canal with the necessary capital; and, finally, by article 8 it was agreed as follows:

The Governments of the United States and Great Britain having not only desired, in entering into this convention, to accomplish a particular object, but also to establish a general principle, they hereby agree to extend their protection, by treaty stipulations, to any other practicable communications, whether by canal or railway, across the isthmus which connects North and South America, and especially to the interoceanic communications, should the same prove to be practicable, whether by canal or railway, which are now proposed to be established by the way of Tehuantepec or Panama. In granting, however, their joint protection to any such canals or railways as are by this article specified, it is always understood by the United States and Great Britain that the parties constructing or owning the same shall impose no other charges or conditions of traffic thereupon than the aforesaid Governments shall approve of as just and equitable; and that the same canals or railways, being open to the citizens and subjects of the United States and Great Britain on equal terms, shall also be open on like terms to the citizens and subjects of every other State which is willing to grant thereto such protection as the United States and Great Britain engage to afford.

It will be seen that this treaty, so far as its substantive provisions are concerned, dealt with a specific canal and that it was clearly stipulated: (a) That the canal should be protected by the Governments of the United States and Great Britain not only during its construction but afterwards in its operation; (b) that other nations were to be invited to join in this protection; and (c) that the canal should be open to Great Britain and the United States and other Governments willing to grant such protection upon equal terms. This treaty contemplated the construction of a canal, not by the signatory Governments or either of them or by any Government, but by private parties, and it constituted in effect a contract between two parties by which each was to share equally in the burdens and equally in the benefits, and other Governments were to share equally in these benefits only upon the condition that they assumed an equal share of the burdens.

It will be observed, furthermore, that the effective provisions of the treaty not only relate exclusively to a particular canal but the self-denying agreement as to fortifications, colonization, and dominion applies only to Central America and does not include the Isthmus of Panama, across which our canal has been constructed. The only reference to the Isthmus is contained in article 8, and that contains not a present agreement but a stipulation for a future agreement by which the protection of the high contracting parties will be extended to any other practical communications, whether by canal or railway, across the Isthmus which connects North and South America. The Isthmus, of course, does not and never did form any part of Central America. It was formerly included in New Granada and afterwards constituted one of the States of Colombia, a South American Republic. I can not understand upon what theory it can be successfully claimed that the United States was precluded by any provision of the Clayton-Bulwer treaty from constructing and exclusively operating in any manner it saw fit a canal across the Isthmus. The provisions of this treaty with reference to joint protection, equality of benefit, and inhibition against the assumption or exercise of dominion by either of the contracting parties apply by precise and specific terms to Nicaragua, Costa Rica, the Mosquito Coast, and any part of Central America, and nowhere else. The Isthmus was deliberately left to be dealt with in the future, the only agreement being, not that the parties *do presently* extend, but that they *will thereafter* extend their protection by treaty stipulation—that is, by subsequent agreement—to any canal or railway across the Isthmus.

It is axiomatic that a promise in general terms to make an agreement can not be enforced, and this is obvious from the very nature of the matter, since an agreement to make an agreement necessarily presupposes that the minds of the parties have not yet met upon the terms, else there would have been an agreement and not a mere engagement to agree. Such an arrangement between private parties could not be specifically enforced by a court of equity, nor could damages for a breach be awarded by a court of law, since neither court could possibly know what the final agreement of the parties would be, and no judge could make an agreement for them. Either party to such an understanding may effectually prevent its being made operative by insisting upon conditions which the opposite party is unwilling to accept

The view of the matter which I have just stated seems to have been that in the mind of Mr. Hay. I find that in the statement which was prepared by him and sent to Senator Cullom, at that time and for a long time thereafter chairman of the Committee on Foreign Relations, speaking of a clause which had been suggested by Great Britain, he says:

The clause so proposed was regarded by the President as more far-reaching than the purpose demanded and as converting the vague and indefinite provisions of the eighth article of the Clayton-Bulwer treaty—which only contemplated future treaty stipulations to be entered into when any other route should prove to be practicable—into a very definite and certain present treaty which would fasten the crystallized rules of this treaty upon every other interoceanic communication across the Isthmus; and as perpetuating in a much stricter and more definite and more extended form, by a revision and reenactment of the eighth article, the mischievous effects of the Clayton-Bulwer treaty, of which it was the desire and hope of the United States to be relieved altogether.

Mr. WILLIAMS. Did Secretary Hay use the word "reenactment" there?

Mr. SUTHERLAND. Yes; "by a revision and reenactment of the eighth article"; that is, it was Secretary Hay's view that the amendment proposed by the British Government would have resulted in that; but that amendment was not accepted by our Government.

In this connection it is worthy of note that many years ago a railroad was constructed across the Isthmus, which afterwards came into the ownership of the United States, and, although this railroad has been thus operated for many years, it does not appear that Great Britain has ever sought a compliance on the part of the United States with the provisions of article 8, although these provisions apply quite as clearly to a railway as they do to a canal—an apparent recognition of the unenforceability of the agreement to agree or a virtual abandonment of it.

So far as I know, there never has been a suggestion from Great Britain or from anywhere else that the treaty stipulations referred to in the eighth article should be entered into with reference to the Panama Railway.

As it seems to me, therefore, if the Clayton-Bulwer treaty had been left in force and the Hay-Pauncefote treaty had never been adopted, the United States would have been within its rights in acquiring the practical ownership of the canal strip, building the canal across it, and exclusively controlling and operating it upon such terms as it saw fit to impose. I can not escape the conclusion that as the matter has finally turned out the Hay-Pauncefote treaty, instead of removing an obstruction and clarifying the situation, in reality had the effect of complicating the situation, which otherwise would have been perfectly clear. The Hay-Pauncefote treaty was, however, adopted, and we must submit to its terms, however unwise or oppressive they may turn out to be.

Let me pause long enough at this point to indulge in an observation of a more or less speculative character. Under the Clayton-Bulwer treaty there is no doubt that Great Britain and the United States would have been entitled *inter se* to the use of any canal which might have been constructed upon exactly identical terms. They had each contributed in identical proportions to the burden which they had jointly assumed. It was therefore natural that each should share to the same extent in the resulting benefits. The Clayton-Bulwer treaty, however, was superseded, and a new treaty was adopted, under which the United States took upon itself the entire burden, and Great Britain was relieved for all time to come of every vestige of it. Moreover, at least so far as the Isthmus of Panama and the canal across it, which has finally been constructed, were concerned, Great Britain in consenting to abrogate the Clayton-Bulwer treaty yielded up no substantial right whatsoever, for, as I have already shown, the Clayton-Bulwer treaty did not relate to the Isthmus, except by a nebulous and unenforceable tentative agreement looking to some future arrangement.

In this state of affairs, Great Britain having been relieved from her share of the burden which the United States assumed, we should naturally expect that Great Britain would cease to

be entitled to an equal and identical participation in the benefits, since such participation would be obviously inequitable. It would certainly be an example of unusual and extravagant generosity under these circumstances for the Government of the United States to have consented not only to take over all the burdens of the Clayton-Bulwer treaty, but to spend $400,000,000, taken from the pockets of its taxpayers, upon a more or less doubtful enterprise with the understanding that it and its citizens should never participate in the beneficial use of the canal to a greater extent than Governments and citizens of Governments that had never spent a dollar and were burdened with not the slightest care or responsibility respecting the enterprise. And yet, reduced to its naked simplicity, this is the precise proposition which the proponents of the British construction of the Hay-Pauncefote treaty must establish. I submit that under every rule of interpretation recognized by lawyer or layman, such a view of the matter ought never to be sustained except upon language so clear and unambiguous as to irresistibly exclude any other just conclusion.

With this observation, let us examine the Hay-Pauncefote treaty; and, first of all, it will be observed that by the very first article of that treaty the Clayton-Bulwer treaty is unconditionally abrogated. Article 1 of the Hay-Pauncefote treaty unconditionally provides—

> The high contracting parties agree that the present treaty shall supersede the aforementioned convention of the 19th of April, 1850.

Thus the Clayton-Bulwer treaty entirely disappears, save in so far as and only to the extent that any of its provisions may have been carried by repetition into the Hay-Pauncefote treaty. In other words, the question now at issue is to be determined by the provisions which are to be found within the four corners of the Hay-Pauncefote treaty alone.

There is no suggestion in the Hay-Pauncefote treaty looking to the perpetuation of any part of the Clayton-Bulwer treaty beyond a mere recital, contained in the preamble, of an intention not to impair the "general principle" of neutralization established in article 8. Of course the mere preliminary recital of an intention to accomplish a given result does not accomplish it; an intention to agree is not an agreement. We must look to the substantive part of the treaty and not to its preamble to determine what binding obligations the parties have entered into. The recital may be used to reflect light upon the meaning of the agreement wherever that meaning is in doubt, but it can not be used to supply a clear omission nor to attach to these obligations a meaning of which they are clearly not susceptible.

Precisely what was meant by the expression "general principle of neutralization established in article 8" it is difficult to determine, since a careful reading of that article fails to disclose a single provision which can be described by the term "neutralization" as that term is ordinarily understood. The terms "neutral," "neutrality," and "neutralization" in their ordinarily accepted sense apply only to a condition of war. The obligations of neutrality are negative in character. If a State is neutral, it is simply bound not to assist either of the belligerents. If territory is neutralized, it can not be utilized by either of the belligerents to carry on its military operations. By article 8 of the Clayton-Bulwer treaty the United States and Great Britain agree that, at some indefinite time in the future, they will make another treaty by which they will extend their protection to any other canal or railway, and declare that in granting such protection the parties shall receive equal treatment from the owners of the canal or railway. The article, therefore, contemplates some form of joint protection as a substantive obligation, and equal treatment as a consequential result, neither of which, under any known definition of that term, means neutralization. That precise term in this connection appears for the first time in the preamble to the Hay-Pauncefote treaty, which I have already referred to.

When we come to article 3 of the Hay-Pauncefote treaty, we discover that, whatever was meant by "neutralization," it is something entirely different from any of the stipulations contained in article 8. Under the first draft of this treaty, which was submitted to the Senate in 1900, the provision was that "the high contracting parties * * * adopt as the basis of neutralization the following rules," which are then set forth. Under the treaty as finally adopted, the provision is not that the *high contracting parties*, but that the *United States alone* adopts as the basis of neutralization the rules. This change is not formal, but substantial. It at once takes from Great Britain her contractual relationship to the canal, and puts her in the position, so far as the rules are concerned, of a stranger to it. The United States then, as the owner and controller of the canal, adopts the rules under which the canal is to be used.

I have already said, but I repeat, for the point can not be overemphasized, that by the abrogation of the old treaty and the adoption of the new the requirement for joint protection and the joint responsibility for the neutralization entirely disappeared. That burden and responsibility, as well as every other burden and responsibility, was lifted from the shoulders of Great Britain and imposed exclusively upon the United States. To the mind trained to the consideration of legal principles it will at once occur that the obligation to protect and to guarantee neutrality, which constituted the consideration for the continuing right to receive equal treatment, having ended, the right would end also, for it is fundamental that a failure of consideration for a continuing obligation *ipso facto* puts an end to the obligation. And, moreover, it would seem that, inasmuch as article 8 of the Clayton-Bulwer treaty at the most recognized the right of Great Britain and other nations to use the canal on equal terms with the United States in consideration of their obligation to furnish joint protection, that when this obligation terminated the right to equality of treatment went with it as a necessary consequence, and this, I take it, would be universally conceded were it not for the provisions of the Hay-Pauncefote treaty, which I shall now proceed to examine.

The introductory clause of article 3 is as follows:

> The United States adopts, as the basis of the neutralization of such ship canal, the following rules, substantially as embodied in the convention of Constantinople, signed the 28th October, 1888, for the free navigation of the Suez Canal; that is to say:

The first paragraph following this introductory clause reads as follows:

> 1. The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

It must at once strike the critical mind that this paragraph has not the slightest thing to do with neutralization. It simply provides for equality of treatment of all nations which observe the rules. The introductory clause is that the United States adopts as the *basis of neutralization* of such ship canal the following rules. Paragraphs 2 to 6, inclusive, embody provisions applicable to a condition of neutralization. They are substantially as follows:

2. The canal shall never be blockaded, nor any right of war exercised or act of hostility committed within it. The United States, however, may maintain military police along the canal to protect it.

3. Vessels of war of the belligerents are not to revictual or take stores in the canal except so far as may be strictly necessary. The transit of vessels through the canal is to be effected with the least possible delay.

4. No belligerent may embark or disembark troops or munitions or materials of war in the canal except in case of accidental hindrance of the transit, and in such case the transit to be resumed with all possible dispatch.

5. The provisions of this article are to apply to waters adjacent to the canal within 3 marine miles of either end. Vessels of war of a belligerent may not remain in such waters longer than 24 hours, etc.

6. The plants, buildings, etc., necessary to the construction, maintenance, and operation of the canal are to be deemed part of it for the purposes of this treaty, and in time of war as in time of peace shall enjoy complete immunity from attack or injury by belligerents.

It is evident, therefore, that the first paragraph is not one of the *rules* contemplated by the introductory clause. That paragraph constitutes not one of the rules, but simply the formal tender of the use of its canal which the United States makes to every nation which shall observe the rules which are set forth in the succeeding paragraphs. This is manifest upon an analysis of the language. The canal is to be open to the vessels of all nations observing the rules, namely, the rules adopted as the basis of neutralization, upon equal terms, so that no such nation shall be discriminated against. As a tender of the use of the canal upon certain conditions this is understandable. Regarded as a rule to be observed by those invited to use the canal, it is meaningless. It is a provision incapable of observation by anybody except the United States. It is not set forth as a rule to be observed as a condition precedent to the use of the canal, but it is a declaration of the purpose of the United States to allow the canal to be used upon equal terms by all nations who obey the rules adopted by the United States, which are then set forth in detail. Moreover, that this is not one of the rules adopted by the United States as the basis of the neutralization of the canal is made manifest by the clause which immediately follows, namely, that the rules so adopted are "substantially as embodied in the convention of Constantinople." An examination of the convention of Constantinople

will disclose that paragraphs 2 to 6, inclusive, of article 3, are there substantially embodied, while nothing in the nature of paragraph 1 is to be found in that convention.

I know it has been asserted here several times that there was a provision in the convention of Constantinople for equal tolls. The Senator from Connecticut [Mr. MCLEAN], a very careful student, made that same statement in his address the other day. And yet the convention of Constantinople will be searched in vain to find any such provision. In the preamble to that convention there is a recital that these various signatory powers, "wishing to establish by a conventional act a definite system destined to guarantee at all times and for all the powers the free use of the Suez Maritime Canal, and thus to complete the system," and so forth, and article 1, which is the only article which directly bears on the subject, is as follows:

The Suez Maritime Canal shall always be free and open, in time of war as in time of peace, to every vessel of commerce or of war, without distinction of flag.

So the provision of that convention is for the free use of the canal; that it shall be open to all nations without respect to flag; but there is no provision whatsoever looking to equal tolls or equal charges. The Hay-Pauncefote treaty recites that "as the basis of such neutralization the following rules" are to be "substantially as embodied in the convention of Constantinople," and it is significant that when we examine that convention we find that rules 2, 3, 4, 5, and 6 are substantially embodied, but paragraph 1 finds no counterpart in the Suez convention at all.

Let us look at paragraph 1 again, from another angle. The canal is to be open to the vessels of commerce and of war of *all nations observing these rules*. The proponents of the repeal bill necessarily take the position that the United States itself is included within the term "all nations," from which it must logically follow that the United States, although the owner and in sole possession of the canal, may use it only upon condition that it observes its own rules, a doctrine which, if not incomprehensible, is, to say the least, unique.

If the owner of a picture gallery were to enter into a written stipulation with another individual in which he should, among other things, declare that for the protection of his property he adopts the following rules: First, that all persons observing the rules should be entitled to visit the gallery and view the pictures upon equal terms; second, that no person should be admitted except between the hours of 10 in the morning and 6 in the afternoon; third, that the pictures should not be handled, and so on—I suppose no one would insist that the first paragraph, which provides for the observance of the rules as a condition upon which visitors may be admitted to the gallery, itself constitutes one of the rules to be observed by the visitors; and I suppose, moreover, that no one would insist that the owner who made the rules would be included in the term "all persons," and therefore bound to observe the rules in order to inspect his own pictures, or that if he fixed an entrance fee of 50 cents he would be bound to pay this to himself or stay out of the gallery.

It is conceded by the proponents of this bill that the rules contained in paragraphs 2 to 6, inclusive, are not such as the United States is bound to observe as a condition to its own use of the canal upon equal terms with other nations, and this is obvious when we consider their nature, but if the words "all nations" include the United States, it technically and logically follows that if the language be strictly followed the United States must itself observe the rules or bar itself from the canal. The conclusion is, of course, so practically absurd that the mind at once rejects it, but the fact that this conclusion, as a matter of dry logic, does inevitably follow from the premise that the expression "all nations" includes the United States is persuasive, if not demonstrative, that the claim with regard to the comprehensive character of the term "all nations" is fallacious.

If, on the other hand, paragraph 1, as well as the succeeding paragraphs, are all to be treated technically as rules, and the United States, as the owner and controller of the canal, is not bound to observe the last five, by what principle of construction is it bound by the provisions of the first? How can the provision that "all nations" observing these rules—not one of the rules, but all of them—be so arbitrarily dismembered as to mean all nations, *including* the United States, as to the first rule, and all nations, *excluding* the United States, as to the other five? A position which results in such manifest inconsistency surely can not be accepted without question. The United States adopts the rules, and agrees that all nations observing them shall have the right to use the canal upon terms of equality. Who is to determine whether any given nation is observing the rules, so as to be entitled to this right? Obviously the United States. But if the United States is included within the term "all nations" it must observe its own rules in order to be allowed to use its own canal, and so, sir, this is the *reductio ad absurdum* to which we must finally come; that the United States in some given instance, at some future time, will submit to the United States the question as to whether the United States is observing its own rules, and the United States, having determined that the United States is not doing so, will utilize such force as may be necessary to prevent itself from using its own canal pending the development of a more amenable disposition.

Again, the provision is that the canal is to be open to the vessels of commerce *and of war* of all nations, and so forth. If this applies to the United States, literally the vessels of commerce and of war are to be treated precisely alike. This absurdity is so manifest that no one insists upon it. It is conceded, I think, by everybody that the United States can not be required to pay tolls for its ships of war. The very word "payment" involves necessarily two parties—one who makes the payment and another who receives it. How can the United States pay itself for the use of its own property by its own ships of war? The question, of course, answers itself. The proposition is as foolish as though applied to the case of an individual. An individual can not pay himself anything. He may go through the idle ceremony of taking a dollar from one pocket and putting it into another pocket, but that does not constitute payment. The dollar remains in the same custody. It has not been subtracted from the possessions of one and added to the possessions of another. And so the advocates of repeal admit, as they must admit, that it was never intended that the United States should pay tolls for its war vessels. They recognize the futility of such a requirement—the logical and physical impossibility of complying with it—but they insist that no such impossibility exists in the case of privately owned American ships of commerce. Let that be granted, since it is true. What then? We have not altered the logical aspect of the matter in the least. The requirement does not apply to war vessels, they say, because of the impossibility of performance. Of course, it is impossible of performance and so manifestly incapable of performance that it must have been apparent to those who framed the language.

The men who framed the provisions of the treaty were skilled in the use of words. They would know that if the phrase "all nations" included the United States in the case of ships of commerce, the same phrase logically must include ships of war as well, because it is used to qualify both indifferently. Are we to convict these men, skilled in the meaning of language, trained in the exact use of words, of the crass stupidity which would be involved in the use of terms which, grammatically and dialectically considered, regulate two subjects in the same way, but which carry two diametrically opposite meanings in their practical application?

I do not, of course, doubt that even if the phrase "all nations" includes the United States, so that we can grant no exclusive favors to American ships of commerce, we are not precluded from exempting our warships from the payment of tolls which are exacted from other nations for their ships of war, although ships of commerce and ships of war are included together under the same identical provision. This would follow from the nature of the relationship of the Government to its own property and which would render any other course a practical impossibility. It is just as impossible legally and physically for a government as it is for an individual to make payment to itself, but what I am insisting upon is that what is so clear to us must have been equally clear to those who wrote the treaty. Hence, if they understood that they were making provision whereby the United States would be precluded from granting exclusive privileges to American ships of commerce they must have understood that by the same provision they were in terms prohibiting the United States from granting similar privileges to its ships of war, and thus ostensibly requiring an impossible thing to be done.

A performance so manifestly stupid is inconceivable, and yet if the words "all nations" were intended by those who used them to include the United States, its ships of commerce and its ships of war stand, in their theoretical obligations, upon exactly the same footing with one another and both upon the same footing with the ships of commerce and of war of every other nation; but in practical application our ships of commerce must pay while our ships of war must escape payment under precisely the same treaty provision, one class in *compliance* with the terms of the treaty and the other in *violation* of the same terms. And this paradoxical situation would result because a number of learned diplomats, after a year or two of negoti-

ation and consideration, found themselves incapable of intelligibly expressing their thoughts about a very simple matter.

The interpretation which results in an absurdity so gross as to convict the makers of this treaty of deliberately writing into it a provision clearly and indisputably impossible of performance surely should be avoided if possible, and it can be avoided only by interpreting the language as applying in identical manner to both classes of ships. In other words, we must assume that it was not intended by any language which appears in the treaty to require the United States to perform an impossible thing—namely, to pay for the passage of its own warships through its own canal—and that inasmuch as no different or other language is used with reference to ships of commerce, logically a similar intention must be assumed in their case as well, and this does no violence to the natural and grammatical sense of the words, but, on the contrary, harmonizes them and renders intelligible what would otherwise be unintelligible.

Let me again advert to the introductory clause of article 3. The language is—

> The United States adopts as the basis of neutralization of such ship canal the following rules—

And so forth.

I have already said that neutralization is a term which in its ordinary acceptation applies only to a condition of war; and when we consider that the rules which follow do in fact relate to this condition, we would unhesitatingly assign to this word its usual meaning were it not for the fact that the preamble to the treaty apparently recognizes it as meaning something else. That preamble is to the effect that the high contracting parties desire to remove any objection arising out of the Clayton-Bulwer treaty to the construction of the canal "without impairing the 'general principle' of neutralization established in article 8 of that convention." This obliges us to examine article 8 for the purpose of ascertaining what general principle of neutralization is therein contained, since on the principle that *expressio unius est exclusio alterius* every principle or provision of article 8 which does not relate to neutralization is to be excluded.

Strictly speaking, there are only two general principles covered by article 8. One is joint protection, and the other is equality of treatment. It requires no argument to show that neither protection nor equality of treatment constitutes neutralization; so that, if we give the word its usual significance, the recital in the preamble respecting the general principle of neutralization becomes nugatory. It is impossible, with due regard to accurate terminology, to describe the condition whereby one nation agrees to furnish to every other nation a particular service or a particular commodity upon equal terms as "neutralization."

But let us attempt to give some meaning to the term, nevertheless. If it was intended to be used not in its international but in some popular or colloquial sense, even then it could imply nothing more than a condition of indifference. And under any construction which we can imagine, the term "neutralization" can only apply to others than the owner of the territory or property which is neutralized. Inasmuch as the provision of article 8 for joint protection had been nullified the only principle which could possibly remain would be that of equal treatment, and if it had been intended that the United States was to accord to the ships of other nations the same treatment which it accorded to its own, the simple thing would have been to have declared an intention not to impair the general principle of equal treatment.

It is significant, in this connection, that the word "neutralization" is not used in article 8 of the Clayton-Bulwer treaty. There was no need of any such expression there, because article 8 contemplated a condition of equality, both as to burdens and benefits among the parties and those to become parties to the arrangement. But under the Hay-Pauncefote treaty one of the parties was to become the owner, or at least the absolute controller, of the canal, and the use of the word "neutralization" to describe the relationship of this owning or controlling nation to the nonowning, noncontrolling nations, while not happy, is not altogether inappropriate. Whatever else it means, its use in this preamble effectually disposes of the contention that it binds the United States to enforce upon itself the same treatment which it exacts from other nations in their use of the canal. Territory or property can not be neutral to the owner or sovereign of the territory or property. It can, from the nature of things, only be neutral as to others. Under the most liberal construction imaginable, neutralization means and can mean nothing more than a particular status with relation to third parties. It can do no more than connote the course of conduct which the owner shall observe toward others—namely, that they shall be treated alike—not his course of conduct toward himself.

We are sometimes told that when the first Hay-Pauncefote treaty was under consideration an amendment offered by Senator Bard proposing to reserve to the United States the right "to discriminate in respect of the charges of traffic in favor of vessels of its own citizens engaged in the coastwise trade" was considered and disagreed to, and it is vigorously insisted that this was equivalent to a declaration that without this amendment no such discrimination could rightfully be made. It has been shown, however, by the statements of many Senators who participated in the discussion and voted at the time, that the amendment was disagreed to not because it was undesirable, but because it was regarded as unnecessary, the position being that the United States would have this right without the amendment. Whether this position was right or wrong, the original draft of the treaty did not pass, and the treaty as it finally was adopted was a different instrument. Under the latter there was an article specifically superseding the Clayton-Bulwer treaty. Every provision which in any manner recognized the contractual relationship of Great Britain or any other country to the canal was eliminated. The United States, speaking as the owner, alone adopted the rules for its use. When this final draft was submitted to the Senate it must have been there considered that there was no longer any doubt that the United States would have the power to favor the coastwise traffic of its citizens, because no attempt was made to bring about an amendment similar to that offered by Senator Bard. There were undoubtedly many Senators who strongly desired that the United States should have this right, and they must have considered that the necessity of specifically reserving it had been obviated by the changes made in the final draft or an effort would have been made to secure the right by amendment. When the first treaty was before the Senate the Bard amendment, in spite of the fact that it was then insisted that it was unnecessary, received 27 votes in the Senate, many Senators voting against it who believed in the principle of it but who regarded it as unnecessary. The treaty was sent back remodeled. The British Government sent a draft over to us, which we amended in some particulars. Finally the draft was completed as it eventually was ratified. When that last draft was laid before the Senate it is utterly inconceivable that if it were not clear to the 27 Senators who had voted for the original Bard amendment that the necessity of that amendment had been entirely obviated by the later draft some Senator would not have offered it in the Senate, but no Senator did so.

I am not unmindful of the fact that some of those concerned in the negotiation of this treaty now tell us that it was the understanding that under it the United States should have no right to exempt its privately owned ships of commerce from the payment of tolls if exacted from the citizens of other countries. I do not doubt that these gentlemen think so, and yet the contemporary memoranda and correspondence will be searched in vain for any direct and unequivocal evidence in support of their recollection.

Whatever may have been the opinions of the negotiators of the treaty respecting equality of tolls, it must not be lost sight of that these views were with reference to the first draft, which failed of ratification. Mr. Choate's opinion, the editorial in the Spectator which has been quoted, the suggestions of Mr. White and the others, whatever they may be worth—and personally I think they are of no great value—were all either with direct reference to the original draft of the treaty or with regard to suggested changes in that draft and before the final draft had been completed. It does not appear that any such opinion was expressed as to this final draft, by which the relations of the United States and other nations to the canal were expressed in radically different terms.

That these changes did alter the situation in this regard, I think, is borne out, if not established, by the statement of Lord Lansdowne in his letter of October 23, 1901, in which, after discussing some of the amendments which had been considered, he says:

> His Majesty's Government were prepared to accept this amendment, which seemed to us equally efficacious for the purpose which we had in view, namely, that of insuring that Great Britain should not be placed in a less advantageous position than other powers, which—

I suppose that means "while"—

> it stopped short of conferring upon other nations a contractual right to the use of the canal.

The anxiety of Lord Lansdowne seems to have been that Great Britain should occupy a position as advantageous as other powers, not that she should stand upon an equality with the United States.

It is, moreover, somewhat remarkable that if this latter condition of affairs was intended the treaty should not have precisely so provided instead of being drawn in such a way as to apparently mean something else. The framers of the Clayton-Bulwer treaty seem to have had no difficulty in giving clear expression to their intention in this respect. By that treaty it was expressly provided that the contemplated canal "being open to the citizens and subjects of the United States and Great Britain on equal terms, shall also be open on like terms to the citizens and subjects of every other State which is willing to grant thereto such protection as the United States and Great Britain engage to afford." This is clear, definite, and certain. Under it there can be no doubt that the exemption of American ships from payments exacted from foreign ships would have violated the treaty, and this would have applied to ships of war as well as ships of commerce, for the owner of the canal being a third party, the United States, could have made payment, a thing which it can not now do, since as owner it has combined in itself inseparably the attributes of both payer and payee. When we turn to the Hay-Pauncefote treaty, however, we find no such language, the provision there being that the canal shall be "open to the vessels of commerce and of war of all nations observing these rules"—that is, the rules adopted by the United States—"on terms of entire equality." If it had been intended that the canal should be open to the ships of all nations on terms of equality with those of the United States it would have been as easy to have said so as it was in the case of the Clayton-Bulwer treaty, but instead of saying it the framers of the Hay-Pauncefote treaty adopted a form of expression which, unless violence be done to the natural import of the language, must be construed as putting the United States, as owner, in the attitude of tendering to all other nations observing its rules the use of its canal upon equal terms with one another.

This view of the matter, moreover, is to my mind strongly supported by a piece of circumstantial evidence to which I invite the attention of the Senate. Senators will recollect that there were three separate and distinct drafts of the Hay-Pauncefote treaty—(1) the draft signed February 5, 1900, amended by the Senate and never ratified; (2) the draft submitted by the English Government on August 3, 1901; and (3) the completed treaty of November 18, 1901. The first draft of the treaty provided that "the canal shall be free and open * * * to the vessels of commerce and of war of all nations on terms of entire equality, so that there shall be no discrimination against any nation or its citizens or subjects in respect of the conditions or charges of traffic or otherwise." The second draft, submitted by the English Government, provided "the canal shall be free and open to the vessels of commerce and of war of all nations *which shall agree to observe these rules* on terms of entire equality, so that there shall be no discrimination against any nation *so agreeing*, or its citizens or subjects, in respect of the conditions or charges of traffic or otherwise. *Such conditions or charges of traffic shall be just and equitable.*" It will be seen that the following clauses were interpolated in the English draft: After the words "all nations" there was inserted "which shall agree to observe these rules," after the words "any nation" was inserted "so agreeing," and at the end of the paragraph "Such conditions or charges of traffic shall be just and equitable." Under the first draft the language was "*The high contracting parties* * * * adopt as the basis of such neutralization the following rules," and so forth. Under the English draft this was changed to read "*The United States* adopts as the basis of neutralization of such ship canal the following rules." and so on.

When the English draft was prepared it is perfectly apparent that the draftsman understood that the United States stood, upon the one side, as the owner and controller of the canal proposing certain rules for its use, and that all nations except the United States stood upon the other side as nonowners entitled to use the canal upon equal terms *inter se*, upon the condition that they agree to observe the owner's rules. That this was the understanding of the draftsman is made clear by his use, after the words "free and open to the vessels of commerce and of war of all nations," of the expression "which shall agree to observe these rules," and, after the words "so that there shall be no discrimination against any nation," of the expression "so agreeing," since a provision for an agreement conclusively implies two parties. One party can not agree with himself. The canal was to be open to the vessels of all nations which shall *agree* to observe the rules. With whom were they to agree? Obviously with that party which, as the owner of the canal, had adopted the rules. But if the United States is embraced within the term "all nations" then we must convict this draftsman of an attempt to provide that the United States must agree with itself to observe its own rules, since the right to use the canal is conditioned upon such an agreement.

It is true that in the final treaty as ratified and proclaimed this expression "which shall agree to observe these rules" was stricken out and there was inserted in its place the words "observing these rules," but this change was made to remove the objection that under the provision for an agreement the other nations would occupy a contractual relationship to the canal; and the change does not at all weaken the significance of the use of the original expression as indicating the understanding that the term "all nations" did not include the United States.

I think that position is strengthened by the further provision in the English draft that "such conditions or charges of traffic shall be just and equitable." That was not in the original draft of the treaty. It seems to be a recognition upon the part of Great Britain that the treaty had been so framed that the United States stood upon one side and all nonowning nations upon the other side; that the United States would be entitled to favor its own shipping if it saw fit; and in view of that circumstance, in view of that change in the treaty, Great Britain insisted that there should be a specific provision in the treaty that "such conditions or charges of traffic shall be just and equitable," because it is hardly to be supposed that if the United States had no power to deal differently with its own shipping it would make charges which must apply to its own shipping which were not just and equitable; but, having a right to discriminate, then England recognizes the wisdom of having some specific provision which will require the United States, in dealing with other nations, to make tolls that will be just and equitable.

Under the Clayton-Bulwer treaty it will not be doubted that any Government, out of its own treasury, might have paid the tolls upon the ships of its citizens, though if some paid and some did not at once a condition of inequality would result; but it would not have been a violation of the treaty. So it can not be doubted that under the Hay-Pauncefote treaty any nation may in the same way pay the tolls for the ships of its citizens. If the United States therefore can not do the same thing, not equality but inequality results. But it seems to be conceded that there is nothing in the treaty which will interfere with the payment of subsidies by the United States to its privately owned ships of commerce, and these subsidies could, of course, be the exact equivalent of the tolls. In other words, the United States is perfectly free, in effect, to reimburse out of its Treasury the owners of American coastwise ships passing through the canal for the amount which they have paid in tolls. It may exact the payment at the entrance and return it at the exit.

We have been told by the courts many times that the law regards the substance and not the form of things. It is insisted that we can not exempt our own ships from the payment of tolls, but it is conceded that we may actually pay them, provided we go through the perfectly idle ceremony of first collecting the amount and then paying it back in the form of a subsidy; and yet if we are forbidden to exempt our coastwise vessels from payment, what is this but an evasion? We may do this not because it does not, in fact, constitute an exemption, for it does, but because it can not be conceived that the United States has yielded up the right—which remains with every other Government—to encourage and build up its merchant marine by the payment of subsidies from the National Treasury. Every nation in the world may pay the tolls for its ships of commerce, and so may we, but only, it seems, by going through the vain proceeding of first compelling payment and then restoring it.

We will all agree that we are forbidden to exempt the ships of Germany, for example, while compelling the ships of England to pay. Suppose we should first collect from German ships and also from English ships, and then provide by law for the payment to the owner of every German ship out of our Treasury of an amount equivalent to the tolls. Is it not clear that there would be in fact a discrimination against English ships, because in that case, looking beyond the matter of *form*, we should discover that in *substance* we had exempted German ships and compelled English ships to pay? The conceded fact that we may lawfully adopt that identical course with reference to our own ships without violating the treaty, although in substance it amounts to exempting our own ships and compelling others to pay, constitutes very persuasive evidence that what we can accomplish indirectly by repayment we can legitimately accomplish directly by exemption.

If it were made unlawful for a baker to give away bread to anybody unless he gave it to everybody, surely he would violate the prohibition if he first exacted from everybody the purchase price and immediately returned the amount to some.

But, when learned Senators argue that there is in fact a real and substantial difference between tweedledee and tweedledum,

I am, of course, bound to assume that they, at least, clearly apprehend the difference, however tenuous it may seem to the mind of the practical man; and so when they tell us that it is a shameless breach of our treaty obligations to relieve an American ship from the payment of tolls by the simple and direct method of not collecting it, but that we are preserving the national honor by collecting the amount from the ship as it sails in at one end of the canal and returning it as the ship sails out at the other end of the canal, I must, of course, accept that as an appeal to my reason and not to my sense of humor. Nevertheless, I fancy that if the manager of a railroad, forbidden to grant free transportation to a passenger, should sell him a ticket at the beginning of the journey and return the purchase price to him at the end of the journey, that manager would have some difficulty in convincing a court that he had not come into collision with the statute.

The President tells us that "we ought to reverse our action without raising the question whether we were right or wrong, and so once more deserve our reputation for generosity * * *." Well, Mr. President, generosity is a very fine and noble attribute, but it occurs to me that if this question is to be determined by an appeal to the canons of generosity it is possible that some other people may well be asked to consider the subject from that point of view. Our people have been taxed to the extent of nearly half a billion dollars to build this canal. In the beginning we could not foresee, nor could anybody foresee, whether the enterprise would be a success or a disastrous failure. We took the risk. We paid forty millions of dollars for the French rights. We paid Panama for the canal strip and have bound ourselves to make an annual payment to that Government of $250,000 for all time to come. If a slide occurs in the Culebra cut we must remove it at whatever cost. If an overflow of the Chagres River in the season of torrential flood shall damage the canal our money must repair it. If, sir, a great earthquake shall some day bring about the utter destruction of the canal the whole stupendous loss must fall upon us. The British treasury will remain intact. Under the most favorable conditions the canal will never be financially profitable. We have opened it upon equal terms to all the nations of the world. We have bound ourselves—and we shall observe the obligation—to make no charges which are not just and equitable. I submit, sir, that whatever may be our other shortcomings, we are not open to the charge of being ungenerous. And yet, after all this, the President of the United States comes to us and appeals to us to deny to the ships of our own taxpayers, engaged in a trade exclusively among our own people, the right to go through our own canal free of charge.

And, after all, it is only nominally free of charge. The benefits of cheaper freight rates, to which this exemption will contribute, will inure to all our people, and it is their money which has built the canal and their money which must maintain it. And so they have already paid, and paid heavily, for the perpetual use of the canal. The man who buys a house does not continue to pay rent, for that would be to pay twice.

The Good Book says, "If any man sue thee at the law and take away thy coat, let him have thy cloak also," but the President summons us to join him in a surrender of the entire sartorial wardrobe without waiting for the scriptural decree of even partial liability, and this, too, regardless of the fact that the property does not belong to him or to us. We are not dealing, in this case, sir, with our own rights or property. We are here in a *representative* capacity. The rights which the President calls upon us to surrender in the name of generosity are not his rights or our rights at all, but the rights of the American people, of which he and we are but the temporary guardians. A trustee may be as free as he pleases with his own, but he holds no commission to be generous with that which belongs to his cestui que trust. When we deal with our own we may give with a generous hand; when we deal with the rights of the people we must hold with a jealous hand until they conclude to surrender them.

Mr. President, for the reasons which I have thus so inadequately given, I intend to vote against this bill. I sincerely hope it may be defeated, but I am not one of those who think that such action upon our part should end the matter. Whether we can agree upon anything else, we should at least be able to agree that there are two sides to the question and that those who favor the repeal are not necessarily truckling to Great Britain, any more than those who oppose the repeal are playing fast and loose with the national honor. I have very positive opinions on the subject, but I frankly concede that they may be wrong. Some of the greatest lawyers in this body, as well as in the country, entertain opposing views. The question is fairly debatable. It is therefore a matter which can never be satisfactorily determined until it shall have been decided by an impartial tribunal. I have not the slightest hesitation in saying that I should vote to submit it to arbitration.

We have been ratifying arbitration treaties with all the great countries of the world. We have taken a foremost part among the civilized nations in advocating the desirability of settling international disputes by the orderly methods of arbitration rather than by force. We owe it to our own sense of consistency to practice in the present case what for so many years we have so strenuously preached as a general theory. The question itself is one peculiarly and strikingly appropriate for the application of the principle. It comes within the very letter of the arbitration treaties which we have so recently renewed, since it relates to the interpretation of a treaty and does not come within any of the exceptions, for it does not involve our vital interests, or our national honor, or our independence, or the interests of third parties. Obviously it does not affect our independence or the interests of third parties.

To say that the question whether we shall exact the payment of certain sums of money from a class of our citizens or exempt them from payment involves a question of vital interest is to juggle with the plain meaning of words. A *vital* interest is, as the adjective implies, one which affects the life—financial, political, or otherwise—of the Republic, and obviously this matter does not. To see in such a controversy an assault upon the national honor is to lose all sense of proportion. How can the national honor be affected by an honest dispute about the meaning of a contract? The national honor requires that we should stand for our rights under as well as apart from our treaties, but it does not require that we should doggedly insist upon being the sole interpreter of treaties to which others are parties and which define their rights as well as ours. Does not the national honor demand that we shall keep our treaty engagements, and is not one of the most recent of these engagements that which provides for the arbitration of disputes about the meaning of treaties?

The word of a nation, like the word of an individual, is a very sacred thing, to be kept inviolate at whatsoever sacrifice. To break it in the name of national honor is to be twice dishonored—once when we break it at all, and again when we seek to justify the breach in the name of honor. If this question involves the national honor, it is difficult to imagine any case which would not, and a term which, it must be supposed, was intended to have some definite meaning or it would not have been employed, at once assumes a flexibility so extreme as to become utterly meaningless, no longer constituting a barrier against the shafts of insult and shame, but a convenient, though fallacious, refuge behind which we may retreat whenever we lack confidence in the strength or justice of our contentions.

For myself I can not conceive how it is possible consistently with good faith to decline to submit this controversy to arbitration. To do so will be to repudiate a score of arbitration treaties, most of which we unanimously renewed only a few days ago. It will be to confess that when we agreed to arbitrate differences relating to the interpretation of treaties, we meant only such differences as we might thereafter select. It will be to admit that while we outwardly promised to keep the faith we inwardly resolved to betray. Reserving the right to invoke the national honor as a shield against outrage, we shall interpose it between ourselves and an inconvenience.

I know it is sometimes urged that it will be impossible to secure an impartial tribunal to which this question may be submitted. To insist upon such a claim is itself almost an impeachment of the integrity of all the great lawyers and statesmen of the world. I am sure that we could safely submit this question to the consideration of a tribunal composed exclusively of English judges in secure confidence that a just and righteous determination would be made. I am equally sure that it could be submitted to our own Supreme Court with similar confidence, and I for one would unhesitatingly agree to submit it to a tribunal composed of an equal number of American and English judges.

That we are fully justified in our contention as to the true interpretation of this treaty I have no doubt, and I have no fear of the result of such an arbitration. But whatever the result may be, we should be willing to arbitrate the case or make open confession that our advocacy and our adherence to the principle of international arbitration was a diplomatic pleasantry never intended to be taken seriously.

The difference between repealing this exemption and submitting the dispute to arbitration is radical, for in the one case we unconditionally and weakly surrender "without raising the question whether we were right or wrong," while in the other we assert that we were and are right and not wrong and submit our contentions to the impartial scrutiny of a tribunal upon

whose conclusions we have, in the most solemn form, engaged ourselves to rest.

And there, Mr. President, I for one take my stand. Unwilling to admit that we have been wrong where I feel sure we have been right, but recognizing that a judge in his own case, however conscientious, may still err, I will gladly submit our cause to the arbitrament which we have ourselves defined with confident reliance upon a just and righteous determination.

Mr. BRANDEGEE. Mr. President, I do not wish to enter upon a discussion of this question at present. The Senator from Utah has referred, however, to the communication of John Hay to the late Senator Cullom, which was dated the 12th day of December, 1901. It appears on page 53 of Senate Document No. 474, Sixty-third Congress, second session, which was sent here from the State Department in part in response to a resolution which I introduced and in part to a resolution introduced by the Senator from Nebraska [Mr. NORRIS]. I do not wish to occupy the time of the Senate to read the letter from the late Secretary Hay. I will, however, read one paragraph of it, and then ask leave to print it in the RECORD, inasmuch as the Senator from New York [Mr. O'GORMAN] put two similar matters in the RECORD a few days ago on the other side of the question. I read now from page 60 of the document:

But the President was apprehensive that such a provision would give to the other nations the footing of parties to the contract and give them a contract right to the use of the canal. And in view of the action of the Senate on the former treaty, striking out article 3, which provided for bringing the treaty, when ratified, to the notice of other powers and inviting them to adhere to it, which seemed to mean practically the same thing, he believed that the proposed provision would meet the same fate. This was represented to His Majesty's Government, and it was also insisted on the part of the United States that there was a strong national feeling among the peoples of the United States against giving to foreign powers a contract right to intervene in an affair so peculiarly American as this canal when constructed would be: that, notwithstanding the similar provision in the Clayton-Bulwer treaty, no foreign powers in the 50 years that had elapsed had effectively intimated a desire to participate in or contribute to the construction of the canal; that no other power had now any right in the premises, or anything to give up or part with as the consideration for acquiring such a contract right; that they must rely upon the good faith of the United States in its declaration to Great Britain in the treaty that it adopts the rules and principles of neutralization therein set forth, and that it was not quite correct to speak of the nations other than the United States as being bound by the rules of neutralization set forth in the treaty; that it was the United States which bound itself by them as a consideration for getting rid of the Clayton-Bulwer treaty, and that the only way in which they were bound by them was that they must comply with them if they would use the canal.

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

[Personal—Not of record—Original not in department files.]

DEPARTMENT OF STATE,
Washington, December 12, 1901.

MY DEAR MR. CULLOM: The treaty with England in respect to the construction of a ship canal between the Atlantic and Pacific Oceans, which the President has sent to the Senate, is the result of careful negotiations conducted between the two Governments since the receipt of Lord Lansdowne's dispatch of the 22d of February last, whereby His Majesty's Government declined to accept, for the reasons therein stated, the former convention of February 5, 1900, as amended by the Senate on the 20th of January, 1901. Under the instructions of the President I have signed on behalf of the United States the treaty now prepared.

The Clayton-Bulwer treaty of 1850, which contemplated the construction of a canal under the joint auspices of the two Governments, to be controlled by them jointly, its neutrality and security to be guaranteed by both, was almost from the date of its ratification the subject of frequent discussion and occasional irritation between the two Governments. Nearly half a century elapsed without any step being taken by either toward carrying it into practical effect by the construction of a canal under its provisions. Instead of being, as was intended, an instrument for facilitating the construction of a canal it became a serious obstacle in the way of such construction. In the meantime the conditions which had existed at the time of its ratification had wholly changed. The commerce of the world had multiplied manyfold. The growth of the United States in population, resources, and ability had been greater still. The occupation and development of its Pacific coast and its commercial necessities upon the Pacific Ocean created a state of things hardly dreamt of at the date of the treaty. At last the acquisition of the Hawaiian and the Philippine Islands rendered the construction of the canal a matter of imperative and absolute necessity to the Government and people of the United States, and a strong national feeling in favor of such construction arose, which grew with the progress of events into an irrevocable determination to accomplish that object at the earliest possible moment.

The incident of one of our great ships of war lying in the North Pacific being ordered to join our fleet in the West Indies in time of actual war, and being obliged for that purpose to round Cape Horn, when through an Isthmian canal she could in much less than half the time have reached the scene of action in which she was destined to take part, was an unanswerable illustration of the urgent and immediate need of such a canal for the protection and safety of the interests of the United States. But the Clayton-Bulwer treaty stood in the way. Great Britain did not manifest, and it is believed did not entertain, the remotest idea of joining or aiding in such a work. The United States was able to bear alone the entire cost of the canal, but was apparently prohibited by the existing treaty from undertaking the enterprise which, although carried out at its own expense, would redound to the benefit of the world's commerce quite as much as to its own advantage. The President, loyal to treaty obligations, was unwilling to countenance any demand, however widespread, for proceeding with the construction of the canal until he could obtain by friendly negotiation, on which he confidently relied, the consent of Great Britain to the abrogation of the Clayton-Bulwer treaty, or such a modification of its terms as would enable the United States untrammeled to enter upon the great work whose successful accomplishment was vitally necessary to its own security, and would benefit the people of all other nations according to their respective interests in the commerce of the world.

Such was the situation in which the negotiations for the supersession of the treaty were commenced and have been conducted, and we can not but recognize the fair and friendly spirit in which the successive overtures of the United States toward that end have been met by Great Britain. It has been my firm and constant hope throughout these negotiations that a solution of this difficult and important question between the two Governments would finally be reached which, instead of disturbing the amicable relations which have recently existed and ought always to exist between the United States and Great Britain, would make them more friendly still, and I believe that the treaty now presented, if finally established, will have this desired effect.

It is unnecessary to recall the discussions and negotiations which resulted in the making of the treaty of February 5, 1900, its deliberate consideration by the Senate, the amendments proposed by that body as a condition of its ratification by the United States, and its rejection as so amended by the British cabinet.

In rejecting the amended treaty, in the memorandum of February 22, 1901, Lord Lansdowne gave evidence of the sincere desire of His Majesty's Government to meet the views of the United States and earnestly deprecated any final failure to come to an understanding on this important subject.

Reciprocating these friendly intentions and determined, if possible, to devise a form of treaty which should reconcile the conflicting views which had proved fatal to that of 1900, I prepared and submitted to Lord Pauncefote in March last, for the consideration of his Government, a project for a treaty which, after long and careful consideration and negotiation, has been so perfected as to receive the approval both of the President and of the British Government in the form now presented.

The points on which there was failure to agree in the former treaty consisted of the amendments proposed by the Senate and were three in number:

First. The insertion of the clause relating to the Clayton-Bulwer treaty "superseding" the same;

Second. The addition of the clause providing that the stipulations and conditions of the first five clauses of the third article, as to the neutrality of the canal, should not "apply to measures which the United States may find it necessary to take for securing by its own forces the defense of the United States and the maintenance ' public order"; and

Third. The omission of the invitation to other powers to adhere to the treaty when ratified.

Although on all three of these important points the opposing views of the Senate and of the British Government were most emphatic, I deemed it not impossible that a project might be framed which would satisfy both, without a sacrifice of any essential principle on either side and that the supreme importance of the end in view would justify the attempt.

In the new draft of treaty the clause superseding the Clayton-Bulwer treaty was made the subject of a separate article and was submitted to the consideration of the British Government upon terms which would permanently secure the neutrality of the canal for the use of all nations on terms of entire equality and at the same time would relieve Great Britain of all responsibility and obligation to enforce the conditions which, by the former treaty, had been imposed upon or assumed by her jointly with the United States. And to this end instead of the provision that the United States alone adopted them and undertook the whole of that burden.

Second. No longer insisting upon the language of the amendment, which had in terms reserved to the United States express permission to disregard the rules of neutrality prescribed when necessary to secure its own defense—which the Senate had apparently deemed necessary because of the provision in rule 1 that the canal should be free and open "in time of war as in time of peace" to the vessels of all nations—it was considered that the omission of the words "in time of war as in time of peace" would dispense with the necessity of the amendment referred to, and that war between the contracting parties or between the United States and any other power would have the ordinary effect of war upon treaties and would remit both parties to their original and natural right of self-defense and give to the United States the clear right to close the canal against the other belligerent and to protect it by whatever means might be necessary.

Third. While omitting to invite other nations to adhere to the treaty when ratified, and so to acquire contract rights in the canal, it was thought that the provision that the canal should be free and open to all nations on terms of entire equality, now that Great Britain was relieved of all obligation to defend such neutrality, would practically meet the objection which had been made by Lord Lansdowne to the Senate's third amendment, viz, that Great Britain was thereby placed in a worse position than other nations in case of war.

Fourth. In view of the facts that the enormous cost of constructing the canal was to be borne by the United States alone; that when constructed the canal was to be the absolute property of the United States, and to be managed, controlled, and defended by it; and that now by the new project the whole burden of maintaining its neutrality and security was thrown upon the United States, it was deemed fair to omit the prohibition contained in the former treaty forbidding the fortification of the canal and the waters adjacent.

Fifth. The sixth clause of article 3 was retained, which provides that "in time of war as in time of peace" the canal itself shall enjoy complete immunity from attack or injury by belligerents, in the belief that such a provision was in the general interest of commerce and civilization and that all nations should and would regard such a work as sacred under all circumstances.

With the exception of the changes above enumerated, which were made to reconcile conflicting views, care was taken to preserve in the new draft the exact language which had already passed the Senate without objection, and so far as known without criticism. The draft of the new treaty was transmitted by Lord Pauncefote to Lord Lansdowne, and its treatment by him manifested a most conciliatory spirit and an earnest desire to reach a conclusion which should be satisfactory to the United States, if this could be done without departing from the great principle of neutrality, including the use of the canal by all nations on equal terms, for which Great Britain had always contended.

After months of careful deliberation he announced the readiness of himself and his colleagues to approve the form and substance of the new treaty, with certain amendments hereinafter referred to. He recognized the important bearing upon all the questions involved of the change by which Great Britain was to be relieved of all the burden and responsibility of maintaining the neutrality and security of the canal, which were to be wholly assumed by the United States as the owner of this great work of public improvement built at its own cost. He considered that the abrogation of the Clayton-Bulwer treaty, which had been inserted by way of amendment in the former treaty without any previous opportunity for consideration of the matter by Great Britain, would not now be regarded as inadmissible if sufficient provision were made in the new treaty for anything in the Clayton-Bulwer treaty which it was any longer of material interest to Great Britain to preserve.

In this connection he referred to the fact that the new treaty contained no stipulation against the acquisition of sovereignty over the territory through which the canal should pass, and that, although the former treaty as approved by Great Britain before its amendment by the Senate had contained no such stipulation, it had left undisturbed that portion of article 1 of the Clayton-Bulwer treaty by which the two Governments agreed that neither would ever occupy, or fortify, or colonize, or assume, or exercise any dominion over Nicaragua, Costa Rica, the Mosquito Coast, or any part of Central America; and also to article 8 of the Clayton-Bulwer treaty, which is referred to in the preamble of the new treaty and in that of the original treaty of February 5, 1900, as amended by the Senate, as establishing the "general principle" of neutralization, which was not to be thereby impaired.

It was claimed that if Great Britain were now to be called upon to surrender the interests and the principle thus secured by what remained of the Clayton-Bulwer treaty, there should be, in view of the character of the treaty now to be concluded and of the "general principle" of neutralization thus reaffirmed in the preamble, some clause inserted agreeing that no change of sovereignty or other change of circumstances in the territory through which the canal is intended to pass shall affect such "general principle" or release the parties, or either of them, from their obligations under this treaty, and that the rules adopted as the basis of neutralization shall govern so far as possible all interoceanic communication across the Isthmus. He therefore proposed, as an additional article, on the acceptance of which His Majesty's Government would probably be prepared to withdraw their objections to the formal abrogation of the Clayton-Bulwer treaty, the following, viz:

"In view of the permanent character of this treaty, whereby the 'general principle' established by article 8 of the Clayton-Bulwer convention is reaffirmed, the high contracting parties hereby declare and agree that the rules laid down in the last preceding article shall, so far as they may be applicable, govern all interoceanic communication across the isthmus which connects North and South America, and that no change of territorial sovereignty or other change of circumstances shall affect such general principle or the obligations of the high contracting parties under the present treaty."

The clause so proposed was regarded by the President as more far-reaching than the purpose demanded and as converting the vague and indefinite provisions of the eighth article of the Clayton-Bulwer treaty—which only contemplated future treaty stipulations to be entered into when any other route should prove to be practicable—into a very definite and certain present treaty which would fasten the crystallized rules of this treaty upon every other interoceanic communication across the Isthmus; and as perpetuating in a much stricter and more definite and more extended form, by a revision and reanactment of the eighth article, the mischievous effects of the Clayton-Bulwer treaty, of which it was the desire and hope of the United States to be relieved altogether.

The President considered that now that a canal between the two oceans was actually about to be built, it was sufficient for the treaty now to be concluded to provide for that alone; that there was hardly a possibility of more than this one canal ever being built between the two oceans—that in that remote and almost impossible contingency the rules and principles governing the use and status of the canal to be constructed under this treaty would be regarded as precedents for the consideration of the parties if they should be approved and sanctioned by experience and by the judgment of the commercial nations; but that for the present a convention for the building of one canal at the cost of the United States for the equal benefit of them all was all that could be wisely attempted. He not only was willing but earnestly desired that the "general principle" of neutralization referred to in the preamble of this treaty and in the eighth article of the Clayton-Bulwer treaty should be perpetually applied to this canal. This, in fact, had always been insisted upon by the United States. He recognized the entire justice and propriety of the demand of Great Britain that if she was asked to surrender the material interest secured by the first article of that treaty, which might result at some indefinite future time in a change of sovereignty in the territory traversed by the canal, the "general principle" of neutralization as applied to the canal should be absolutely secured, and that a clause should be added to the draft treaty by which the parties should agree that no change of sovereignty or of international relations of the territory traversed by the canal should affect this general principle or the obligations of the parties under this treaty.

These views were in substance submitted to Lord Lansdowne on the part of the United States, and, after considerable discussion and deliberation, the following additional clause, to be known as article 4 of the new treaty, was agreed upon as a substitute for that proposed by him:

"It is agreed that no change of territorial sovereignty, or of the international relations of the country or countries traversed by the before-mentioned canal, shall affect the general principle of neutralization or the obligations of the high contracting parties under the present treaty."

It transpired, in the course of the discussion already referred to, that, although the draft of the new treaty mentioned no particular route which the canal should traverse, there was an apprehension that, as the canal had been so often referred to as the Nicaragua Canal, and the intended treaty as the Nicaragua Canal treaty, it might possibly be claimed that it would not apply to a canal by the Panama route or by any other route, if any such should be selected. But it had always been the purpose of the President that the treaty should apply to the canal which should be first built, by whichever or whatever route, and when this apprehension was communicated to the President he declared such to be his purpose, and, to exclude all doubt, it was agreed that the preamble should be amended by inserting, after the word "oceans," the words "by whatsoever route may be considered expedient."

His Majesty's Government recognized the material importance of the changes from the former treaty as amended by the Senate, by the omission of the Senate amendment that the first five rules of neutrality should not apply to measures which "might be found necessary to take for securing by its own forces the defense of the United States," and by the omission, as an offset thereto, of the words "in time of war as in time of peace" from rule 1, and of the stipulation prohibiting the erection of fortifications commanding the canal or the waters adjacent. These changes, in the first place, removed what Lord Lansdowne had criticized as a dangerous ambiguity in the former treaty as amended, of which one clause permitted the adoption of defensive measures, while another prohibited the erection of fortifications.

The obvious effect of these changes is to reserve to the United States, when engaged in war, the right and power to protect the canal from all damage and injury at the hands of the enemy, to exclude the ships of such enemy from the use of the canal while the war lasts, and to defend itself in the waters adjacent to the canal, the same as in any other waters, without derogation in other respects from the principles of neutrality established by the treaty; and it was clearly recognized by His Majesty's Government "that contingencies may arise when, not only from a national point of view but on behalf of the commercial interests of the whole world, it might be of supreme importance to the United States that they should be free to adopt measures for the defense of the canal at a moment when they were themselves engaged in hostilities."

The omission of the words in the former treaty by which Great Britain was bound jointly with the United States to maintain the neutrality of the canal enabled His Majesty's Government to waive their former objection insisted upon under the former treaty as amended by the Senate, to an agreement which permitted the United States in time of war or apprehended war to interfere with the canal or its use, as its interests might require, while Great Britain alone, in spite of her vast commercial interests, was precluded from taking any measures to secure her interests in or near the canal. By the omission of the words "in time of war as in time of peace," in the event of the remote and well-nigh impossible contingency of a war between the United States and Great Britain, each party is remitted to its natural right of self-defense, but, even in that emergency, by force of the sixth clause of article 3—which is the only clause in the treaty by its terms expressly applying in time of war as in time of peace—the plant, establishment, buildings, and all works necessary to the construction, maintenance, and operation of the canal shall be deemed to be part thereof, and shall enjoy complete immunity from attack or injury by the enemy, and from acts calculated to impair their usefulness as part of the canal.

Finally, the absence from the draft treaty of any provision for the adherence of other powers was at first strenuously objected to by the British Government. It protested against being bound by stringent rules of neutral conduct not equally binding upon other powers, and to remedy this proposed the insertion in rule 1, after the word "nations," of the words "which shall agree to observe these rules," so as to make it read that "the canal shall be free and open to the vessels of commerce and of war of all nations, who shall agree to observe these rules, on terms of entire equality, so that there shall be no discrimination against any nation so agreeing," etc.

But the President was apprehensive that such a provision would give to the other nations the footing of parties to the contract and give them a contract right to the use of the canal. And in view of the action of the Senate on the former treaty, striking out article 3, which provided for bringing the treaty, when ratified, to the notice of other powers and inviting them to adhere to it, which seemed to mean practically the same thing, he believed that the proposed provision would meet the same fate. This was represented to His Majesty's Government, and it was also insisted on the part of the United States that there was a strong national feeling among the peoples of the United States against giving to foreign powers a contract right to intervene in an affair so peculiarly American as this canal when constructed would be; that, notwithstanding the similar provision in the Clayton-Bulwer treaty, no foreign powers in the 50 years that had elapsed had effectively intimated a desire to participate in or contribute to the construction of the canal; that no other power had now any right in the premises, or anything to give up or part with as the consideration for acquiring such a contract right; that they must rely upon the good faith of the United States in its declaration to Great Britain in the treaty that it adopts the rules and principles of neutralization therein set forth, and that it was not quite correct to speak of the nations other than the United States as being bound by the rules of neutralization set forth in the treaty; that it was the United States which bound itself by them as a consideration for getting rid of the Clayton-Bulwer treaty, and that the only way in which they were bound by them was that they must comply with them if they would use the canal.

It was further insisted that the proposed provision was much more objectionable than the third article of the former treaty, which was struck out by the Senate, for that only invited the other powers to come in and become parties to the contract after ratification. But the proposed provision would rather compel the other powers to come in and agree in the first instance as a condition precedent to any use of the canal by them.

These views were appreciated, and a modification suggested on the part of the United States to Lord Lansdowne's proposed amendment was accepted which omits the words "which shall agree to observe" and substitutes for them the word "observing," and omits the words "so agreeing" and inserts the words "observing," and omits the words "so agreeing" and inserts "such," before "nations," in the next line, so as to make the provision read: "The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality, so that there shall be no discrimination against any such nation," etc. Thus the whole idea of contract right disappears, and any nation whose ships refuse or fail to observe the rules will be deprived of the use of the canal.

The further amendment proposed by Lord Lansdowne, and taken from the eighth article of the Clayton-Bulwer treaty, that the conditions and charges of traffic on the canal shall be just and equitable, was so obviously reasonable that it was accepted by the President as soon as suggested.

I am, etc.,

JOHN HAY.

Mr. BRANDEGEE. Mr. President, I have received a short letter from the State Department explaining how they came into possession of the letter just read, and I ask unanimous consent that I may have a letter addressed to me from Mr. Robert Lansing printed with it, as it explains the matter.

The VICE PRESIDENT. In the absence of objection, that will be done.

The letter referred to is as follows:

DEPARTMENT OF STATE,
Washington, May 18, 1914.

Hon. FRANK B. BRANDEGEE,
United States Senate.

DEAR SENATOR BRANDEGEE: Referring to your oral inquiry at the Department of State this morning, I have the pleasure to say that the copy of the letter from Secretary Hay to Senator Cullom, dated December 12, 1901 (printed in S. Doc. No. 474, 63d Cong., 2d sess.), was made from Secretary Hay's private press-copy book, page 227, which was loaned to this department for the purpose through the courtesy of the late Mrs. Hay. There is on file in the Department of State a record of the manner in which copy of the letter was obtained.

I am, my dear Senator,
Very sincerely, yours, ROBERT LANSING.

Mr. BRANDEGEE. Now, Mr. Hay was the man who drew this treaty. The negotiation for the supercession of the Clayton-Bulwer treaty of 1850 was begun by him. Mr. Hay directed all the correspondence and instructed our foreign ambassadors about it. It bears his name. He is dead. Ex-Senator Cullom, to whom he wrote this letter, is also dead. But this letter was written while John Hay was Secretary of State, when the existing Hay-Pauncefote treaty was reposing in the Committee on Foreign Relations, of which the late Senator Cullom was then chairman, and was notice to the chairman of the Senate Committee on Foreign Relations that the man who negotiated this treaty on behalf of the Government considered that we were bound by these rules. I think that is of considerable significance as being the view taken by the man out of whose brain the whole project emanated, and who was given direct and entire charge of all the negotiations at the time, and who was at that time trying to get the Senate, by way of a favorable report from the Committee on Foreign Relations, of which Senator Cullom was the chairman, to accept his treaty. It is said in this letter that the rules were intended to be binding upon the United States.

Mr. LODGE. Mr. President, I have listened with great interest, as we all have, to the very able argument of the Senator from Utah [Mr. SUTHERLAND]. I was especially struck with the point he made in regard to the convention of Constantinople, but it seems to me he overlooked the facts in regard to the tolls of the Suez Canal—that those, of course, were not settled by the convention. Those were settled by the concession to the French company, and of course the convention naturally said nothing about it, because they dealt with the canal as built in the first concession. It provided, after making a sharing of the profits, in article 6:

ART. 6. The tariff of the right of way through the Suez Canal arranged by the company and the Viceroy of Egypt, and levied by the company's agents, always is to be the same for all nations, no one nation being able to stipulate for any advantage to its own profit in particular.

In the second act of concession—I do not remember the date; it is not important—it is provided:

1. The dues to be levied without exception or favor upon all vessels under like conditions.
2. The tariff to be published three months before being put into force in all the capitals and the principal ports of commerce of the countries concerned.
3. For the special navigation dues the maximum of 10 francs a ton for vessels and 10 francs a head for passengers not to be exceeded.

Then on the 19th of March, 1866, the Sultan issued a firman, in which he states—

That we grant our sovereign authorization for the execution of the canal by the said company on the conditions prescribed in that agreement.

And makes that all an integral part of the firman which, of course, gave it the effect of the law. Thus the matter of tolls was settled by the concession of the Egyptian and French Governments to the De Lesseps Co., and were embodied in the Sultan's firman, and when the convention of Constantinople dealt with it, it dealt with the canal under those conditions, of course.

Mr. SUTHERLAND. The convention, however, did not in any way say that the tolls should be equal.

Mr. LODGE. Certainly not.

Mr. SUTHERLAND. While as a matter of fact they are equal.

Mr. ROOT. Mr. President——

Mr. SUTHERLAND. I yield to the Senator from New York.

Mr. ROOT. Before the Senator from Utah concludes his observations, I wish to call his attention to article 12 of the convention of Constantinople of October 29, 1888, which is the convention to which I suppose he refers. Article 12 is as follows:

The high contracting parties, by application of the principle of equality as regards the free use of the canal, a principle which forms one of the bases of the present treaty, agree that none of them shall endeavor to obtain with respect to the canal territorial or commercial advantages or privileges in any international arrangements which may be concluded.

Mr. SUTHERLAND. I was not unaware of that provision of the treaty; but it has not any reference to equality of tolls. Each nation is to have a right——

Mr. LODGE. Commercial equality was put into it.

Mr. WILLIAMS. Equality of treatment of commerce.

Mr. SUTHERLAND. It does not say equality of treatment.

Mr. LODGE. Certainly. These concessions are conditions under which the Suez Canal was built. The whole world knew it, and the convention knew it when they made it, and they took the canal built under those concessions, and they did not set aside the concessions. Those are binding on the Suez Canal to-day. That firman of the Sultan is binding on the Suez Canal.

Mr. SUTHERLAND. I do not doubt, as I started to say, that the tolls are equal for all ships that pass through the canal. I was simply referring to the language of the convention itself as reflecting light upon the provision of the Hay-Pauncefote treaty. It is that—

The United States adopt as the basis of the neutralization of such ship canal the following rules—

"Substantially as embodied in the convention of Constantinople," and we find that the five rules are embodied in that convention, while, as I have shown, the first paragraph is not embodied in the convention.

Mr. WILLIAMS. It seems that article 12 of the Constantinople convention, as read by the Senator from New York, under the provision that none of these powers will seek commercial advantage for ships flying under one flag as against ships flying another flag. Also that each bound itself to seek and accept no "commercial advantage." If imposing upon some a less charge for transit than were paid by the ships of another would not be granting to that power a commercial advantage, what else would it be?

Mr. SUTHERLAND. It is perfectly apparent that the thing the convention stipulated for was free and open use of the canal for all nations. It was to be open to them all, and neither was to seek any special advantage over the other by any international arrangement.

Mr. WILLIAMS. What is the precise language?

Mr. SUTHERLAND (reading):

That none of them shall endeavor to obtain with respect to the canal territorial or commercial advantages or privileges in any international arrangements which may be concluded.

Mr. WILLIAMS. Yes; that is it, "commercial advantages or privileges."

Mr. SUTHERLAND. But the language of the first paragraph of our treaty is:

1. The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic or otherwise.

There is no such stipulation, as I understand it, in the convention of Constantinople.

Mr. O'GORMAN. I ask that the canal bill be temporarily laid aside in order that the Agricultural appropriation bill may be proceeded with.

Mr. WILLIAMS. Mr. President, before that takes place, though I will not object to it in a moment, I wish to say this: Speaking for myself, I listened with very much interest to the argument of the Senator from Utah [Mr. SUTHERLAND]. It was acute, metaphysical, able, lawyer like, as his arguments usually are.

It is needless to say I do not agree with the main part of his argument. I think that in the main part of it he was misled by a double middle so palpable that everybody will recognize it. He dwelt upon the absurdity of "the United States Government charging itself tolls." The double middle is his use of the words "the United States." The double sense is this, in one sense as the owner and constructor of the canal and in another sense as being identical with American citizens owning ships passing through the canal and paying tolls. The United States would not be paying themselves, or "itself," as he calls them, tolls, but American shipowners would be paying the United States Government tolls. Not absurd at all, that! Only in that sense could the United States be said to be paying "itself"—that is, by calling the owners of the ships belonging to American citizens and paying into the Treasury of the United States tolls for passing through the canal—the United States. Needless to say those citizens of the United States—those shipowners—are not the United States Government, not even the population of the United States, not even a respectably large portion of the population.

But I did not intend to dwell upon that part of the Senator's speech, though I think if Senators will examine his entire argument it will be found that that is the fallacy which underlies it all the way through, and is the same fallacy which others have committed. I rose mainly for the purpose of indorsing one thing that he said—his expression of willingness to leave

the disputed meaning of the treaty to international arbitration. I hope that the Senator will introduce a resolution requesting the Executive to negotiate an arbitration treaty and to submit it to the Senate. Under our treaties, not only with Great Britain but with more than a dozen other nations, we are bound to submit the interpretation of treaties to arbitration. Whichever way this vote may go, it will not settle the question of our legal power, and I want the question of our legal right under the treaty afterwards settled by some impartial international tribunal, so that at any time in the future the question shall not raise its horrid front once more. There might be and should be in international decision of it. If we repeal the exemption, I want an international decision of it. If we do not repeal it, I want an international decision of it. This vote will not interfere with that. I shall be very glad when the Senator introduces a resolution of that sort, and I shall be one Senator to vote for it.

I agree with him that if we are not prepared to submit to arbitration the question of the interpretation of treaties, then we have been speaking one voice to the world and another voice to God; we have been making a verbal pretense which does not accord with a mental reservation. I want, moreover, to see how many Senators there are who shall contend that we have the right to exempt the coastwise ships from tolls who yet insist on our being the judges in our own case solely and dogmatically, despotically, and insolently, I might say, by refusing to leave it to an impartial international tribunal to say which one of the two interpretations is right, ours or that of the other high contracting party. I was glad the other day to hear the junior Senator from Iowa [Mr. KENYON] say that he would be one of us to submit this question of treaty interpretation to arbitration.

Now, one sentence more and I am through. If that spirit had been earlier shown in the Senate; if a disposition to leave this matter to international arbitration had been shown; if the contrary had not been voiced—notwithstanding our solemn treaties, which should be inviolate in their sanctity—this question in its present shape would not now be here at all. So all that Senators will have to do is to show their faith in their interpretation, supported by so many labored and ingenious arguments, by their works and vote for a submission of that interpretation to arbitration. A judge of the Supreme Court of the United States and a judge of the highest court in Great Britain, and a third party selected by the two, or two of each and a fifth selected by the four, would be a fair tribunal. Any other tribunal that we choose to constitute which will be in our opinion impartial will do.

Of course, the proposition of the Senator from Montana [Mr. WALSH] to submit it solely to our Supreme Court would not be fair to Great Britain any more than a proposition to submit it to her king's bench or lord high chancellor would be to us.

No nation with any pride or self-respect would ever consent to leave the interpretation of a treaty to which it was a sovereign party exclusively to the decision of the nationals of the other party.

Mr. SUTHERLAND. Mr. President, before we pass to another subject I want to say just another word with reference to the article of the Suez convention to which the Senator from New York [Mr. ROOT] called attention. Article 1 of that convention provides that—

> The Suez Maritime Canal shall always be free and open, in time of war as in time of peace, to every vessel of commerce or of war without distinction of flag.

I take it the meaning of that provision is not that there shall be equality of treatment—that is, so far as this provision is concerned; I am not speaking of some other—but under this provision there is no requirement of equality of tolls or equality of treatment. It is merely that it shall be free and open to all and all shall have a right to go through.

Article 12 says:

> The high contracting parties, by application of the principle of equality—

It does not stop there—

> by application of the principle of equality as regards the free use of the canal.

That is the principle of equality that is to be kept in mind; that is, they are all to have an equal right to the free use of the canal. It is to be open to them all. But that, standing alone, not speaking of other arrangements outside the treaty itself but under this treaty, that does not involve equal treatment as regards conditions or charges. It simply refers to the principle of equality as regards the free use of the canal.

Mr. ROOT. Would the Senator from Utah think it was equality as regards the free use of the canal to charge a German ship nothing and a French ship its entire value?

Mr. SUTHERLAND. The canal would be free and open; they could go through.

Mr. ROOT. But there would not be equality as regards the free use.

Mr. SUTHERLAND. If the Senator is right about that, if the stipulation that the canal shall be "free and open" to all ships means that they must go through upon equal terms, then I do not see why the Hay-Pauncefote treaty did not stop there instead of adding "on terms of entire equality, so that there shall be no discrimination, and so forth, in respect of the conditions or charges of traffic, and so forth."

Mr. WORKS. Mr. President, as the Senator from Mississippi [Mr. WILLIAMS] has insisted that the Senate should show its faith by its works, I want to say that I agree entirely with the Senator from Utah [Mr. SUTHERLAND], that whatever may be the outcome of the controversy that is now on in the Senate, I think the Government owes it to itself to see that this matter is submitted to arbitration. I very thoroughly agree with the argument made by the Senator from Utah, tending to show that we have not in anywise violated the treaty with Great Britain. I think his argument in that respect is absolutely unanswerable, but there is a difference of opinion with respect to it. So far as this present controversy is concerned, we can do but one thing, and that is to assert our conviction one way or the other upon this single question as to whether the act should be repealed or not. The question of arbitration does not enter into that in any way whatever unless we bring it in.

I hope before this debate is over the question of arbitration may in some way be directly submitted to the Senate, so that it may be voted upon.

Mr. LODGE. If the Senator will allow me, I will state that the Senator from Nebraska [Mr. NORRIS] has offered such an amendment.

Mr. WORKS. I am aware of that.

Mr. O'GORMAN. I renew my request that the canal bill be temporarily laid aside.

The VICE PRESIDENT. Without objection, the unfinished business will be temporarily laid aside.

AGRICULTURAL APPROPRIATIONS.

Mr. GORE. I ask that House bill 13679, the Agricultural bill, be laid before the Senate and proceeded with.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13679) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1915.

The VICE PRESIDENT. The pending amendment, upon which the yeas and nays have been ordered, is on page 18, in the item for investigating the ginning, handling, grading, baling, gin compressing, and wrapping of cotton——

Mr. McCUMBER. There does not seem to be a quorum present to vote upon the pending proposition. Therefore I suggest the absence of a quorum.

Mr. GORE. I should like to inquire if the demand for a quorum can be made after the yeas and nays have been ordered on the amendment of the committee. Unless something else had transpired, the yeas and nays having been ordered, the call of yeas and nays will secure the presence of a quorum. I hope the Senator from North Dakota will not raise the point.

The VICE PRESIDENT. That is not the rule. The rule is that after a roll call has been begun no business shall be transacted.

Mr. GORE. That is the practice. I do not think it is the rule.

The VICE PRESIDENT. The roll call on the pending amendment was concluded on Saturday, and it disclosed the absence of a quorum. Now the Senator from North Dakota suggests the absence of a quorum, and the Secretary will call the roll.

Mr. SMITH of South Carolina. If the Senator will pardon me, there was a roll call subsequent to the yea-and-nay call, which disclosed that there was no quorum, and on the call there was a quorum present.

Mr. SMOOT. And then, after a brief executive session, the Senate adjourned.

The VICE PRESIDENT. There is no doubt about the right of the Senator from North Dakota to call for a quorum. The Secretary will call the roll.

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

Ashurst	Burton	Fall	Kern
Bankhead	Catron	Gallinger	Lee, Md.
Borah	Chamberlain	Gore	Lippitt
Bradley	Chilton	Hitchcock	Lodge
Brady	Clapp	Hollis	McCumber
Brandegee	Clark, Wyo.	Hughes	Martin, Va.
Bristow	Crawford	Johnson	Martine, N. J.
Bryan	Cummins	Jones	Newlands
Burleigh	Dillingham	Kenyon	Norris

O'Gorman	Root	Smith, S. C.	Walsh
Overman	Shafroth	Smoot	Warren
Page	Sheppard	Sutherland	Weeks
Pittman	Sherman	Swanson	West
Poindexter	Smith, Ariz.	Thompson	Williams
Pomerene	Smith, Ga.	Thornton	
Ransdell	Smith, Md.	Tillman	

The PRESIDING OFFICER (Mr. OVERMAN in the chair). Sixty-two Senators have answered to their names. A quorum is present. The question is on agreeing to the amendment proposed by the committee, on page 18, on which the yeas and nays have been ordered.

Mr. BRISTOW. I ask that the amendment may be stated, so that we may understand it.

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. It is proposed by the Committee on Agriculture and Forestry, on page 18, beginning in line 13, to strike out "$80,580" and to insert "$180,580: *Provided*, That of the sum thus appropriated, $100,000 shall be used for furnishing the primary markets in the cotton-growing States with a set of the samples as standardized by the Government, and a sample of the bleached and unbleached yarns made from the different grades, showing the waste, tensile strength, and bleaching quality thereof."

Mr. JONES. Mr. President, I understood that an amendment had been proposed to that amendment. Am I wrong about that? I ask that question of the Senator from South Carolina.

Mr. SMITH of South Carolina. Mr. President, there is no amendment proposed to that amendment. I stated before the vote was taken that I should move to insert, after the sum "$100,000," the words "at the discretion of the Secretary of Agriculture," so that that officer might use his discretion; but I understand that with this appropriation that goes pro forma; that the Secretary of Agriculture will use his discretion in placing the appropriation where it will be properly taken care of.

Mr. JONES. The Senator from South Carolina, then, as I understand, proposes no change as to that?

Mr. LODGE. Mr. President, I raise the point of order that debate is not now in order.

The PRESIDING OFFICER. The point of order is well taken. The Secretary will call the roll.

The Secretary proceeded to call the roll.

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

Mr. CHILTON (when his name was called). I have a general pair with the Senator from New Mexico [Mr. FALL]. In his absence, I withhold my vote.

Mr. McCUMBER (when Mr. GRONNA's name was called). My colleague [Mr. GRONNA] is unavoidably absent. Were he present, my colleague would vote "yea" on this amendment.

Mr. STONE (when his name was called). I have a standing pair with the Senator from Wyoming [Mr. CLARK], and therefore I withhold my vote.

Mr. SHAFROTH (when the name of Mr. THOMAS was called). I desire to announce the unavoidable absence of my colleague, the senior Senator from Colorado [Mr. THOMAS], and to state that he is paired with the senior Senator from New York [Mr. ROOT].

Mr. TILLMAN (when his name was called). I have a general pair with the Senator from Wisconsin [Mr. STEPHENSON]. I transfer that pair to the Senator from Oklahoma [Mr. OWEN] and vote "yea."

Mr. WARREN (when his name was called). I have a general pair with the senior Senator from Florida [Mr. FLETCHER]. I therefore withhold my vote.

Mr. WEEKS (when his name was called). I have a general pair with the junior Senator from Kentucky [Mr. JAMES]. If that Senator has not voted I will withhold my vote.

The PRESIDING OFFICER. The junior Senator from Kentucky has not voted.

Mr. WEEKS. Then I withhold my vote.

Mr. WILLIAMS (when his name was called). I have a pair with the senior Senator from Pennsylvania [Mr. PENROSE]. In his absence, and not knowing how he would vote if present, I withhold my vote.

The roll call was concluded.

Mr. LIPPITT (after having voted in the negative). I have a general pair with the junior Senator from Montana [Mr. WALSH]. I notice he has not voted, and so I will withdraw my vote.

Mr. DU PONT. I have a pair with the senior Senator from Texas [Mr. CULBERSON]. Inasmuch as he is absent from the Chamber, I withhold my vote.

Mr. CRAWFORD. Has the senior Senator from Tennessee [Mr. LEA] voted?

The PRESIDING OFFICER. The senior Senator from Tennessee has not voted.

Mr. CRAWFORD. Having a general pair with that Senator, I withhold my vote.

Mr. TOWNSEND. I desire to announce the absence of my colleague [Mr. SMITH of Michigan], who is paired with the junior Senator from Missouri [Mr. REED].

Mr. CHILTON. I desire to announce the absence on account of illness of the senior Senator from North Carolina [Mr. SIMMONS]. He is paired with the Senator from Minnesota [Mr. CLAPP].

Mr. KERN (after having voted in the affirmative). I transfer my pair with the Senator from Kentucky [Mr. BRADLEY] to the Senator from Ohio [Mr. POMERENE] and will allow my vote to stand.

Mr. MARTINE of New Jersey. I am requested to announce the pair existing between the Senator from Illinois [Mr. LEWIS] and the Senator from Minnesota [Mr. NELSON].

Mr. GALLINGER. I have a pair with the junior Senator from New York [Mr. O'GORMAN]. He has not voted, and therefore I withhold my vote.

Mr. SMOOT. I desire to announce the unavoidable absence of the Senator from Connecticut [Mr. McLEAN], of the Senator from Minnesota [Mr. NELSON], of the Senator from Wisconsin [Mr. STEPHENSON], of the Senator from West Virginia [Mr. GOFF], of the Senator from Pennsylvania [Mr. OLIVER], and of the Senator from California [Mr. PERKINS]. All have general pairs, the Senator from Connecticut [Mr. McLEAN] with the Senator from Montana [Mr. MYERS], the Senator from Minnesota [Mr. NELSON] with the Senator from Illinois [Mr. LEWIS], the Senator from Wisconsin [Mr. STEPHENSON] with the Senator from South Carolina [Mr. TILLMAN], the Senator from West Virginia [Mr. GOFF] with the Senator from Alabama [Mr. BANKHEAD], the Senator from Pennsylvania [Mr. OLIVER] with the Senator from Oregon [Mr. CHAMBERLAIN], and the Senator from California [Mr. PERKINS] with the Senator from North Carolina [Mr. OVERMAN].

The PRESIDING OFFICER (Mr. OVERMAN in the chair). The present occupant of the chair desires to state that he is paired with the Senator from California [Mr. PERKINS]. Not knowing how the Senator from California would vote, if present, the occupant of the chair withholds his vote.

Mr. WILLIAMS. I will transfer my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the Senator from Oregon [Mr. LANE] for the purpose of getting a quorum, and I vote "yea."

Mr. CLARK of Wyoming. I have a general pair with the senior Senator from Missouri [Mr. STONE]. In the absence of that Senator, I withhold my vote.

The result was announced—yeas 38, nays 8, as follows:

YEAS—38.

Ashurst	La Follette	Ransdell	Sterling
Borah	Lee, Md.	Robinson	Swanson
Bryan	McCumber	Shafroth	Thompson
Burleigh	Martin, Va.	Sheppard	Thornton
Catron	Martine, N. J.	Sherman	Tillman
Cummins	Newlands	Shields	Vardaman
Gore	Norris	Smith, Ariz.	West
Hollis	Page	Smith, Ga.	Williams
Johnson	Pittman	Smith, Md.	
Kern	Poindexter	Smith, S. C.	

NAYS—8.

Bristow	Hughes	Lodge	Smoot
Burton	Jones	Shively	Townsend

NOT VOTING—49.

Bankhead	du Pont	McLean	Simmons
Bradley	Fall	Myers	Smith, Mich.
Brady	Fletcher	Nelson	Stephenson
Brandegee	Gallinger	O'Gorman	Stone
Chamberlain	Goff	Oliver	Sutherland
Chilton	Gronna	Overman	Thomas
Clapp	Hitchcock	Owen	Walsh
Clark, Wyo.	James	Penrose	Warren
Clarke, Ark.	Kenyon	Perkins	Weeks
Colt	Lane	Pomerene	Works
Crawford	Lea, Tenn.	Reed	
Culberson	Lewis	Root	
Dillingham	Lippitt	Saulsbury	

The PRESIDING OFFICER. No quorum has voted. The Secretary will call the roll.

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

Ashurst	Catron	Gallinger	Lane
Bankhead	Chamberlain	Gore	Lodge
Bradley	Chilton	Hollis	McCumber
Bristow	Clapp	Hughes	Martine, N. J.
Bryan	Cummins	Johnson	O'Gorman
Burleigh	Dillingham	Jones	Overman
Burton	du Pont	La Follette	Page

Pittman	Sherman	Smoot	Warren
Poindexter	Shields	Swanson	Weeks
Pomerene	Shively	Thompson	West
Ransdell	Smith, Ariz.	Townsend	Works
Shafroth	Smith, Ga.	Vardaman	
Sheppard	Smith, S. C.	Walsh	

The PRESIDING OFFICER. Fifty Senators have answered to their names. A quorum of the Senate is present. The question is on agreeing to the amendment reported by the committee, on which the yeas and nays have been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

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

Mr. CHILTON (when his name was called). I make the same announcement as on the previous vote of my general pair with the Senator from New Mexico [Mr. FALL]. In his absence, I withhold my vote.

Mr. WARREN (when his name was called). I again announce my pair with the Senator from Florida [Mr. FLETCHER] and withhold my vote.

Mr. WEEKS (when his name was called). I again announce my pair with the junior Senator from Kentucky [Mr. JAMES], and withhold my vote.

The roll call was concluded.

Mr. CRAWFORD. I again announce my pair with the senior Senator from Tennessee [Mr. LEA], and, in his absence, I withhold my vote.

Mr. DILLINGHAM. I will inquire whether the senior Senator from Maryland [Mr. SMITH] has voted?

The PRESIDING OFFICER. The Chair is informed he has not.

Mr. DILLINGHAM. Then I withhold my vote, having a pair with that Senator.

Mr. DU PONT. I again announce my pair with the Senator from Texas [Mr. CULBERSON], and withhold my vote.

Mr. SMITH of Georgia. I have a general pair with the senior Senator from Massachusetts [Mr. LODGE]. I do not know that he would consider it applicable to this matter, but still I transfer the pair to the junior Senator from Maryland [Mr. LEE] and vote. I vote "yea."

Mr. CHILTON. I transfer my pair with the Senator from New Mexico [Mr. FALL] to the Senator from Nevada [Mr. NEWLANDS], and vote "yea."

While I am on my feet I desire to announce the necessary absence of the senior Senator from North Carolina [Mr. SIMMONS] on account of illness. He is paired with the Senator from Minnesota [Mr. CLAPP].

Mr. ROBINSON. I am requested to announce the unavoidable absence of the Senator from Delaware [Mr. SAULSBURY], and to state that he is paired with the Senator from Rhode Island [Mr. COLT].

Mr. TOWNSEND. I desire to repeat the announcement of the absence of my colleague [Mr. SMITH of Michigan], who is paired with the junior Senator from Missouri [Mr. REED]. I wish this announcement to stand for the day.

Mr. SHAFROTH. I desire to announce the unavoidable absence of my colleague [Mr. THOMAS], and to state that he is paired with the senior Senator from New York [Mr. ROOT].

Mr. WILLIAMS. I transfer my pair with the Senator from Pennsylvania [Mr. PENROSE] to the Senator from Oklahoma [Mr. OWEN] and vote. I vote "yea."

Mr. WALSH (after having voted in the affirmative). I did not note in the recapitulation of the vote whether the Senator from Rhode Island [Mr. LIPPITT] had voted. I desire to inquire whether he has voted?

The PRESIDING OFFICER. The Chair is informed he has not voted.

Mr. WALSH. I have a pair with that Senator, and am therefore obliged to withdraw my vote. If permitted to vote, I should be glad to vote "yea."

Mr. BANKHEAD (after having voted in the affirmative). I have a pair with the junior Senator from West Virginia [Mr. GOFF]. In his absence, I withdraw my vote.

The PRESIDING OFFICER. That will break a quorum.

Mr. BANKHEAD. If that is true, then I will allow my vote to stand if it requires my vote to make a quorum.

Mr. WALSH. I feel impelled, then, to allow my vote to stand as well, inasmuch as it is necessary to make a quorum.

The result was announced—yeas 39, nays 10, as follows:

YEAS—39.

Ashurst	Catron	Hollis	McCumber
Bankhead	Chilton	Johnson	Martin, Va.
Bradley	Clapp	Kenyon	Martine, N. J.
Bryan	Cummins	Kern	O'Gorman
Burleigh	Gore	La Follette	Page
Pittman	Sheppard	Smith, S. C.	Vardaman
Poindexter	Sherman	Sterling	Walsh
Ransdell	Shields	Swanson	West
Robinson	Smith, Ariz.	Thompson	Williams
Shafroth	Smith, Ga.	Thornton	

NAYS—10.

Bristow	Hughes	Shively	Works
Burton	Jones	Smoot	
Gallinger	Pomerene	Townsend	

NOT VOTING—46.

Borah	Fletcher	Myers	Simmons
Brady	Goff	Nelson	Smith, Md.
Brandegee	Gronna	Newlands	Smith, Mich.
Chamberlain	Hitchcock	Norris	Stephenson
Clark, Wyo.	James	Oliver	Stone
Clarke, Ark.	Lane	Overman	Sutherland
Colt	Lea, Tenn.	Owen	Thomas
Crawford	Lee, Md.	Penrose	Tillman
Culberson	Lewis	Perkins	Warren
Dillingham	Lippitt	Reed	Weeks
du Pont	Lodge	Root	
Fall	McLean	Saulsbury	

So the amendment of the committee was agreed to.

The PRESIDING OFFICER. The Secretary will read the next amendment.

Mr. SMOOT. Mr. President, the Senate has voted that this amendment is in order. It has also voted upon the merits of the amendment. I made a point of order against this amendment, as I did in the case of the amendment on page 70 of the bill. The Chair ruled that the amendment on page 70 was subject to a point of order, and it went out of the bill upon my making the point of order.

I thought, of course, that in making these points I was well within the rules of the Senate. The Chair thought so, too; but the matter was submitted to the Senate, and the Senate decided otherwise. I also believed that in doing so I would receive the support of certain Senators who had told me that the bill was not only a vicious measure, but one that ought to be referred back to the committee, and that items of this sort never ought to appear in the bill.

If I have the right to do so, I should like to ask the Chair please to submit to the Senate the question of the point of order on the amendment on page 70 of the bill. I do not believe Louisiana ought to be discriminated against. I know she is suffering to-day from the effects of legislation that was passed by the Senate. If any part of the United States needs assistance and help, it is Louisiana. If we are going to give all that is asked by every State for every purpose, and if paternalism is to run mad in the Senate, I do not want to be the means of keeping from that suffering community any money that may be carried by an appropriation bill.

The PRESIDING OFFICER. The amendment having been held by the Chair out of order, the present occupant of the chair declines to resubmit the question.

Mr. SMOOT. Then, after the bill gets into the Senate, of course, the amendment can be offered.

The PRESIDING OFFICER. The Secretary will read the next amendment.

The SECRETARY. The text of the bill after the amendment just agreed to reads as follows——

Mr. GORE. I wish at this juncture to say—and I call the attention of the Senator from Utah to the statement—that the Senator from Louisiana will offer a modified amendment when we have finished the consideration of committee amendments. I ask that the Secretary may read the amendment on page 73.

Mr. SMOOT. We are not yet through with this amendment. The whole amendment went over, and I desire to offer an amendment to the committee amendment.

Mr. GORE. The junior Senator from Missouri [Mr. REED] desires to be present when this amendment is taken up. For that reason I ask that it be passed over for the present, and we will proceed with the other amendments in his absence.

Mr. SMOOT. Just so it is understood that we will go back to the amendment. I have no objection.

The PRESIDING OFFICER. Without objection, the committee amendment will be passed over.

The SECRETARY. The amendment on page 73, at the foot of the page, was passed over. It reads as follows:

To enable the Secretary to print and publish certain maps, heretofore prepared and now in the possession of the Department of Agriculture, and the reports accompanying the same, relating to the location, extent, and other features of kelp beds on the Pacific coast, $7,000.

Mr. GALLINGER. Mr. President, it is manifest that this amendment would be subject to a point of order; but I am not going to make the point of order, because I think it would disarrange some matters that have been fixed up in the Senate in connection with this bill.

Mr. SMOOT. Mr. President, I am not going to make a point of order on the amendment, although I believe it would lie.

I wish to say to the Senate that this is a dangerous proposition. The Committee on Appropriations appropriates hundreds of thousands of dollars for the Department of Agriculture for printing just such items as this. If we are going to come in, on another appropriation bill, and appropriate money for printing maps for the Agricultural Department, I do not know where it is going to end.

Evidently, however, there is no intention whatever of holding the bill to its rightful purposes; and if one section of the country is to have everything on earth it asks for, even to the protection of bumblebees, I am not going to object to this.

The PRESIDING OFFICER. The question is upon agreeing to the amendment offered by the committee.

The amendment was agreed to.

The PRESIDING OFFICER. The Secretary will read the next amendment.

The SECRETARY. On the last page of the bill, the committee proposes to insert the following:

That the lump-sum appropriations now available or herein made for the field work of the Department of Agriculture, including appropriations for the administration of the national forests, for hog-cholera demonstrations, and for preventing spread of moths, shall be available for the purchase, maintenance, and repair of motor vehicles and motor boats necessary for the proper and efficient conduct of the work; said vehicles and boats shall be used exclusively for official service, and any other use shall constitute a misdemeanor punishable by fine of not more than $1,000 or imprisonment of not more than six months.

Mr. GALLINGER. Mr. President, on a former occasion, and in calling attention to another amendment, I said that it was the most extraordinary amendment on the most extraordinary bill that I had ever seen submitted to the Senate. I think I ought to modify that statement now, and say that here is a still more extraordinary amendment. I do not know why the department wants motor boats to carry out the provisions for the administration of the national forests, or for hog-cholera demonstrations, or for preventing the spread of moths. The national forests are not on the ocean.

Mr. WARREN. Some of them are—in Alaska.

Mr. GALLINGER. The Senator behind me says some of them are in Alaska. I do not know how it may be as to them, but I suppose people can go overland in Alaska; can they not?

Mr. WARREN. They usually use boats.

Mr. GALLINGER. The Senator from Wyoming suggests that in Alaska they actually need boats to reach the forests, and perhaps that is so. That modifies my suggestion to that extent. I think we had better say "for the administration of the national forests in Alaska," however, if we are going to put in the provision at all.

Now, what about the hogs? Are they on the streams of the country or in the ocean?

Mr. WARREN. Mr. President, the Senator seems to be directing his remarks to me.

Mr. GALLINGER. The Senator corrected me in the other respect, and I thought the Senator might have some information on this point.

Mr. WARREN. The hog-cholera expert is here, and he can answer.

Mr. KENYON rose.

Mr. WARREN. I shall occupy only a moment.

As I understand the language of the amendment, it is for motor boats to use in the waters of Alaska and possibly in those of the State of Washington and part of Oregon; it is for vehicles to use in traversing the country in remedying hog cholera and other diseases that take men from one point to another.

Mr. KENYON. Mr. President——

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

Mr. GALLINGER. Yes; I yield cheerfully.

Mr. KENYON. I thought the Senator was through.

Mr. GALLINGER. No; I wanted to call attention to a matter that concerns my own section of the country. There is not much in this bill that does.

Mr. WARREN. Perhaps the Senator is speaking of moths.

Mr. GALLINGER. Yes.

Mr. WARREN. I take it that the same idea prevails there. The men in charge of the work go from orchard to orchard, or from place to place, with motor vehicles instead of horse-drawn vehicles.

Mr. GALLINGER. I have never seen a vehicle of that kind used for that purpose, but perhaps they are going to do it.

The amendment contains the words "and for preventing spread of moths." The thing that strikes me as rather peculiar in that connection is that the committee should have forgotten the boll weevil. They propose, in other words, to divert a portion of the appropriations for the administration of the national forests, for hog-cholera demonstrations, and for preventing the spread of moths to providing motor vehicles and motor boats necessary for the proper and efficient conduct of the work.

It occurs to me that it would be better legislation if we should provide these motor boats and motor vehicles, if they are needed, in a separate item. I apprehend, however, that there might be danger of the Senate not agreeing to that, because the Senate is rather prejudiced against this motor-vehicle business, as we have had occasion to know in connection with the District of Columbia appropriation bill and the legislative appropriation bill. It seems to have occurred to somebody, however, that on this general item they might work in part of the appropriations given for these other purposes, and in that way get these motor boats and motor vehicles, when they might fail to get them if a direct appropriation were offered for them.

It occurs to me that this is a bad form of legislation, and I want to say to those who framed this amendment, whoever they may be, that when they undertake to punish anybody for using these motor boats and motor vehicles otherwise than for strictly official service, they will fail to accomplish anything, because all these vehicles that we provide—and there are scores of them—are used for all kinds of purposes, and in all human probability always will be. I do not believe anybody will ever go to prison for using them for other than official purposes.

It is something like a matter that came to my attention a while ago, where a gentleman in public life was somewhat rebuked by his clerk on the ground that he was not strictly observing the franking privilege, because he was sending almost all of his correspondence under frank. His reply was: "Why, those letters may lead up to public business later on." [Laughter.] So, in this case, it may lead up to something, and that provision does not amount to anything.

I am only going to call attention to the matter, however, in a modest way. I have failed, as have some other Senators, to get any reasonable amendments to this bill. It has been ordained, I apprehend, that it shall pass pretty much as it has been written. I do want, however, to amend this amendment by taking a little of the boll-weevil appropriation and using it for repairing motor boats, too. I know of no reason why it should be taken from the appropriation for preventing the spread of moths.

Now, let me call attention to that matter. The moth appropriation has been slightly reduced from that of last year, but the boll-weevil appropriation was increased to some extent in the bill as it came from the House, and $150,000 more has been added to it here. We in the North think that these moths are destroying quite as much property as the boll weevil is, and that we ought to have a fair show.

At the proper time I intend to offer an amendment increasing the appropriation for the extermination of those destructive pests, the brown-tail and the gypsy moths. At the present time I content myself with moving to insert, after the words "spread of," in line 5, the words "the boll weevil and." With that amendment, whatever happens to it, I shall be content, so far as this amendment is concerned, to leave it to the Senate to put it in or vote it out, as the Senate sees fit.

Mr. GORE. Mr. President, I wish to suggest that the reason why the pending amendment has been proposed is that the legislative appropriation bill carries a provision, as I understand, which prohibits the use of any moneys for the purchase of automobiles or motor cycles without special authorization. In the field work in connection with the Forestry Service automobiles and motor cycles are indispensable for the proper conduct of the service, and in some instances motor boats, where there are rivers traversing the forests. This is the reason which has impelled the committee to offer the present amendment. It would be absolutely impossible to administer the service without these means of communication.

I send to the desk a letter from the department which, I think, in some measure will justify this "extraordinary" amendment.

The PRESIDING OFFICER. Does the Senator desire the letter read?

Mr. GORE. Yes, sir.

The PRESIDING OFFICER. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

PURCHASE OF MOTOR VEHICLES.

On page 74, line 1, insert the following:

"That the lump-sum appropriations now available or herein made for the field work of the Department of Agriculture, including appropriations for the administration of the national forests, for hog-cholera demonstrations, and for preventing spread of moths, shall be available for the purchase, maintenance, and repair of motor vehicles and motor boats necessary for the proper and efficient conduct of the work; said vehicles and boats shall be used exclusively for official service, and

any other use shall constitute a misdemeanor punishable by fine of not more than $1,000 or imprisonment of not more than six months."

This amendment was passed over at the suggestion of Senator KENYON.

The department requested that this provision be inserted in our appropriation bill, in view of the provision of section 5 of the legislative, executive, and judicial appropriation act, which prohibits the purchase, maintenance, or repair of motor-propelled vehicles without specific authority therefor. To properly carry out the work of the department it is absolutely necessary to have motor vehicles, especially in connection with the administration of the national forests, preventing the spread of the gipsy moth, etc. The department now has a number of motor vehicles in the field service, and it would seriously handicap the work unless the above provision is enacted into law.

Mr. KENYON. Mr. President, I do not wish to interrupt the Senator from Oklahoma, but I should like to make a remark or two in reply to the inquiry of the Senator from Wyoming [Mr. WARREN].

Mr. GORE. I have nothing further to say.

Mr. KENYON. I have been curious to understand this amendment, as to how motor vehicles and motor boats were to be used in the proper administration of hog-cholera remedies. The language seems to cover that.

Mr. GORE. Mr. President——

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

Mr. KENYON. I do.

Mr. GORE. Of course there will be no necessity for motor boats in connection with the hog-cholera appropriation. I think they generally use motor cycles in connection with that service. When a farmer in one part of the county needs this serum the Government agents in such cases can go out on a motor cycle, or otherwise; that is the purpose which the committee had in view. The committee has since suggested that the clause relating to hog cholera might be eliminated from the amendment.

Mr. KENYON. I had supposed that while probably motor boats could not now be used in the hog-cholera work because of the absence of streams, yet when the river and harbor bill came in we might see the pertinency of this matter, as undoubtedly that bill will provide for the creation of streams and rivers where the Almighty has not provided them, and motor boats might be used there.

Mr. GORE. Mr. President——

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

Mr. KENYON. I do.

Mr. GORE. Does the Senator understand that rivers and harbors are at all essential to navigation? [Laughter.]

Mr. KENYON. I do not know that they are; but the rivers and harbors bill seems to be essential to certain congressional districts. [Laughter.]

Mr. REED. Mr. President——

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

Mr. KENYON. I yield to the Senator from Missouri. He seems to have a quizzical expression on his face.

Mr. REED. Mr. President, this seems to be a very remarkable bill. It has broken all precedents. I wish to ask the Senator from Iowa if he does not think that instead of having motor boats and motor vehicles, an antiquated if not obsolete form of transportation, we ought to adopt aeroplanes? Especially is that true when it comes to the question of capturing moths. How else will we catch them?

Mr. KENYON. The motor boat might be used in preventing the spread of moths, or in investigating the terrors of the snapping turtle, though I think that is not covered in this bill. Here are " motor vehicles." That will cover automobiles, I assume, which we have decided the District of Columbia Commissioners shall not have. They will be very useful in the hog-cholera work, and they will be useful to chase the festive cigarette beetle, which we have taken care of in this bill, or possibly to go out and meet the onslaught of the prairie dogs, marshaled in formidable array, or to investigate the diseases of squirrels and cockroaches and things of that character. [Laughter.]

This is a perfectly amazing provision, Mr. President. The number is not limited. The entire fund can be used for these purposes.

Mr. BRISTOW. Mr. President——

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

Mr. KENYON. I do.

Mr. BRISTOW. Does not the provision cover aeroplanes? The Senator from Missouri seemed to think it did not. It evidently does. Is not an aeroplane a motor vehicle?

Mr. KENYON. I am a little in the air on that proposition. [Laughter.]

Mr. REED. In view of the fact that this is a highly remedial statute I presume it will be given a liberal construction, and therefore it might include aeroplanes and dirigible balloons.

Mr. GALLINGER. I think a balloon could hardly be called a motor vehicle, but an aeroplane could.

Mr. BRISTOW. It depends on the kind of a balloon, does it not?

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Missouri?

Mr. KENYON. I will give up the floor to the interesting colloquy.

The PRESIDING OFFICER. The Senator from Kansas [Mr. BRISTOW] is entitled to the floor.

Mr. REED. With the kindness of the Senator, I wish to settle this legal question for the Senator from New Hampshire. If there is a doubt as to dirigible balloons being included—and there must be a doubt if the Senator's mind raises one—I suggest that the bill ought to be recommitted in order that the committee may prepare a proper amendment so as to include dirigible balloons and leave no doubt in the mind of anyone.

Mr. BRISTOW. I did not mean to take the Senator from Iowa off his feet, because he was delivering what I regarded as a very sensible criticism upon this bill. I merely wanted to supplement some things that had been said.

We have been trying here for a number of years to cut out the unwarranted extravagance that Government officials have fallen into since the automobile has become such a desirable pleasure vehicle; but here, in the face of the war that the Senate has been making upon this inordinate desire to utilize public funds for private purposes, there is proposed an amendment which breaks down all restrictions and permits the Agricultural Department to buy any kind of motor vehicle it wants for any purpose.

Mr. GALLINGER. And any number.

Mr. BRISTOW. And any number, and to use for that purpose almost any appropriation that it has, and then it commits the ridiculous folly of saying that if any man uses one of these conveyances for anything but official purposes he shall go to jail. It is so utterly ridiculous that it is strange that it should ever come from a committee of the Senate.

If it is necessary, as the Senator from Oklahoma believes, that some of these modern methods of transit should be used by the Department of Agriculture for official purposes, let the bill specify where their use is justified, naming the particular places and purposes for which they are to be used. A blanket provision like this, however, is an invitation for every man who can induce some of his superiors to believe that on some official trip he might make a little better time in a motor vehicle than by the regularly established way of travel, to get an automobile for that purpose, and then he will use it as a pleasure carrier. You can see them all over this town. Why, there was a report made here not long since that indicated, I think, that there are about 350 automobiles in use in the District of Columbia that are paid for at public expense. It is a national scandal, and nothing else, and ought not to be helped along by an amendment like this in this bill.

Mr. GORE. Mr. President, I have enjoyed the Irish wit that has been scintillating here for the illumination of the Senate on this subject. I rather think, however, the Senator from Kansas has misapprehended the purpose of this amendment. It does not enable anyone connected with the Agricultural Department to purchase any sort of a motor cycle or automobile for use in the city of Washington. It expressly limits the application of funds for that purpose to machines to be used in connection with the field service.

I shall not retort in kind about the ridiculousness of these amendments, but shall assume that every Senator knows—at least, every Senator who knows anything—that the Forest Service could not be administered without means of conveyance of some character. In case of fire the conveyances ought to be capable of as much speed as possible, in order to arrest such conflagrations. It is utterly unimaginable that the service could be administered with efficiency without such means of transportation. They have them now. They have automobiles now, they have motor cycles now, and they use them now; and the Government has not been plunged into bankruptcy, either by the purchase or by the use of these vehicles in connection with the Forestry Service. On account of a provision in the legislative bill, however, they can not have repairs made to the machines they now own, and they can not purchase others whenever they become indispensable.

In order to meet that situation and in order to avert the catastrophes which have occurred with too much frequency in the past, this provision has been inserted in the bill. Senators

know that forest fires aggregating millions of dollars of loss have occurred in this country from time to time. I believe one Agricultural bill appropriated a million dollars to enable the Secretary to wage war against forest fires. Now we make appropriations for that purpose and at the same time deny the facilities for transportation or the means of conveyance in order to carry on this service, which every Senator knows is absolutely indispensable. It is a part of the fixed policy of the Government. Of all absurdities, it would be the most absurd to tie the hands of the department, to set aside forest reserves worth millions of dollars, and then, out of peewee enconomy, if I may so call it, deny the department the facilities for arresting forest fires and diminishing the enormous loss which frequently occurs from that cause.

So far as hog cholera is concerned, we recently appropriated half a million dollars for the arrest of hog cholera and for the dissemination of information and serum which will enable the farmer to wage war against that calamity. I think the Senator from Iowa [Mr. KENYON] had some part in that needful legislation. The purpose of introducing this amendment was to enable those who are to serve the farmer in case of exigency to reach his farm without loss of time, so that the half million dollars may be expended efficiently and not wasted.

Yet we are to higgle over a small appropriation to make this service efficient. We higgle over everything that goes to the farmer as if it were a king's ransom. Only this morning a committee reported out a pension bill of $7,000,000, and courageous and chivalrous Senators will vote for that bill and yet will scruple here over a trifling appropriation which is essential to special services that are of importance to the Government and of importance to the people.

There is no appropriation carried in the pending amendment.

Mr. REED. Mr. President, I think we ought to treat this provision seriously and ought not to indulge in Irish wit or Iowa wit or Kansas wit or Missouri wit, but we ought to indulge in a little common sense.

Mr. GORE. In the Senate?

Mr. REED. The Senator suggests "in the Senate." Well, in view of the provisions of this bill, if it is to pass in its entirety I would say it would be well enough for those who advocate it to abandon the rule of common sense and just let it go through on some other basis.

Now, about the commonest thing in the world is to ask to have something done and insist that it shall be done because it is brought forward under the name of some good object or purpose or in the name of some estimable class of our people.

I ought perhaps now to pause and withdraw or qualify the statement I made a moment ago, because it would seem unkind to the Senator from Oklahoma, and I did not so mean it; but the words "sense" and "senseless" have recently been bandied around so frequently that we involuntarily fall into the habit of using them. I do not mean to say that my good friend in the making of this bill has been guilty of senseless conduct, but I do say that in my humble judgment there are a number of provisions in this bill that ought not to be here. The fact that this is an agricultural bill ought not to be used to cover up real and substantial objections. Whatever the farmer is entitled to let us by all means give him. Whatever will tend to promote the general welfare through the promotion of agriculture we are justified in appropriating money for. But it does not follow that we shall vote for every appropriation suggested simply because it is said to be for the benefit of the farmer.

In my opinion this particular provision is not for the benefit of the farmer, but for the convenience, the delectation, the delight, and the recreation of certain employees of the Agricultural Department, and that not one single substantial benefit will come to the farmer from it.

Let us take the illustration furnished by the Senator from Oklahoma. He states that it is necessary to have motor vehicles in order to go to the relief of the farmer when the hog cholera has made its appearance. It is a little difficult to discuss that in polite and parliamentary language, but I am going to try to do it. Does anybody assume that hog cholera breaks out in an instant of time, spreads itself over an entire community like a consuming flame, and that the saving of five minutes of time is essential to the prevention and arrest of the disease? One would, from the arguments adduced, imagine that hog cholera rode on the wings of the wind and traveled miles in a few seconds. I am not posing at all as a hog-cholera expert or an agriculturist of learning, but I may be permitted to remark that the way hog cholera makes its appearance is that some morning a farmer goes out and finds one or two of his pigs coughing. He does not know just what is the matter with them for a day or two; it may be not for a week or two. If he suspects it is hog cholera what is there for him to do? If he has a telephone he calls up the place where the serum is kept and asks them to send him some of it by parcel post, and it gets there that afternoon; or if he is in an unusual hurry he can take his own automobile and go after it; or if he belongs to that humble class—which is becoming rarer every day in the country—that does not own automobiles, he puts a boy on the old gray mare and sends him after the serum, and the boy gets back the same day, even long before it is certain whether the pigs have cholera or a cold.

Now, are we given to understand that the Agricultural Department claims that they must have a corps of experts all the time sitting in automobiles, ready charged, and waiting so that upon the instant they can fly like the lightning across the prairies and deliver hog-cholera serum? Does not everybody know that that is a pretext, a sham, and a fraud, and utterly ridiculous?

These motor boats are for what purpose? I will tell you the purpose. Fines or no fines, penalties or no penalties, the purpose of the motor boat is for some gentlemen to go fishing in. Are we going to chase down the Egyptian moth on motor boats? Are we to run down the ravenous and destructive beetle with motor boats? It looks a good deal more to me like an excursion for soft-shell crabs than it does for Egyptian beetles.

The Senator tells us that we have forest fires and must have these improved methods of locomotion to put out the fires. Where do the forest fires occur? It may be a violent presumption, but I assume that they occur in a forest; and if they do occur in a forest, it is a matter of common experience laid up among the fundamentals and covered with the dust of ages that there are not very many good roads out in the woods. In the city of Washington we have not yet adopted motor vehicles to carry our fire engines to fires, and why? Although we have these miles of beautiful paved streets, level as the floor, and although powerful machinery has been constructed for the purpose of moving the fire apparatus with great rapidity, and although moments frequently make the difference between the loss of thousands of dollars and a loss of nothing at all, we still on these paved streets have not adopted the motor vehicle for our fire department. Why? Because we need something besides speed even where we have perfect streets. We need reliability; and it is an open question to-day whether the horse is not better than the automobile, taken night after night and day after day and year after year, for transporting fire apparatus in a city. But when you get out in the country, out in the forest reserves, up in the mountains of Colorado, above the clouds in many instances, and you talk about traveling rapidly with an automobile, it is perfectly patent that it can not be done except in a few places.

The opportunity to use such vehicles in a practical way will be very limited. The utilization of them for the purpose of putting out fires, carrying hog-cholera serum, or running down the Egyptian moth must be a very limited use. But there is a broad, a general, a universal use; a constant, a consistent, an eternal, and everlasting world without end demand. That demand is found in the desire of the gentlemen who work for the Government to ride around at the Government expense and who would like to have a Government motor boat, an automobile, a bicycle, a flying machine to do it in.

I am disgusted with this sort of legislation. I saw the Senate spend two days' time debating the question of buying a new automobile for the Vice President of the United States, and then vote it down. Although the Vice President is here at the immense expense necessarily attaching to his office, although he is required in obedience to his official duties to go from one part of the city to another and to make many calls, social and otherwise, and although every department head in the city of Washington either has a team or two teams of horses or an automobile, yet we saw the Senate turn down a proposition to buy a new automobile for the Vice President of the United States. Possibly if we pass this bill we might have the Agricultural Department appoint the Vice President purveyor in chief of hog-cholera serum and transfer to him the use of an automobile. [Laughter.]

Mr. President, the Senator says this clause carries no extra appropriation. Oh, yes, it does, or it would not be here. If there is no money to be expended under it, then it is a dead letter and the ink was wasted that was used in printing it. It appropriates every dollar carried in several sections of the bill that is not used otherwise; so if there is any surplus left out of any such other appropriations the employees of the Agricultural Department can buy automobiles with it. If they want the automobile more than they want to carry on the work—if the desire for rapid transportation is greater than the desire to carry out some specified object of this bill, they ca

buy the automobile and let the object go. Here is the language:

That the lump-sum appropriations now available or herein made for the field work of the Department of Agriculture, including appropriations for the administration of the national forests, for hog cholera demonstrations, and for preventing spread of moths shall be available for the purchase, maintenance, and repair of motor vehicles and motor boats necessary for the proper and efficient conduct of the work.

Of course, the decision of the gentleman who wants the machine is final, binding, and conclusive, and from it there is no appeal. Once the machine is ordered, that is the end of the matter.

Truly, this bill is strangely and wonderfully made.

The PRESIDING OFFICER. The question is on the adoption of the amendment offered by the Senator from New Hampshire [Mr. GALLINGER] to the amendment proposed by the committee.

Mr. BRADY. Mr. President, if this Agricultural appropriation bill has served no other purposes, it has furnished opportunity for some Senators to display a large amount of original wit, considerable sarcasm, and in some instances it has displayed a lack of knowledge as to the real needs and wants of the farmer and the real intention of the Agricultural Department in handling the appropriations made in the bill.

Some of the Senators seem to think that it is almost criminal to have a new motor cycle and a boat or two for the purpose of carrying the men representing the Government over different parts of the country for the work they have to do. This is no new appropriation. It simply specifies what we may do with a lump sum from the different appropriations.

I am opposed, as a general rule, to lump-sum appropriations. I am certainly opposed to a lump-sum appropriation when it can possibly be avoided. I believe that every appropriation should be made for some specific purpose; but there are many instances when that can not be done. In the past the practice has been very general to make appropriations in lump sums, and it has been impossible to get away in one session from that practice. The paragraph now under discussion provides—

That the lump-sum appropriations now available or herein made for the field work of the Department of Agriculture, including appropriations for the administration of the national forests, for hog cholera demonstrations, and for preventing spread of moths shall be available for the purchase, maintenance, and repair of motor vehicles and motor boats necessary for the proper and efficient conduct of the work.

I do not believe that any Senator believes that the Department of Agriculture or the Secretary of Agriculture or the Assistant Secretary of Agriculture, who especially has charge of this work, for one moment would lend themselves to the purpose of securing holiday or free rides or boat fishing excursions for the employees of that department. If there is any department of the Government that is handled with economy, with care, and with efficiency, it is the Agricultural Department. This appropriation says:

And repair of motor vehicles and motor boats necessary for the proper and efficient conduct of the work.

These vehicles and these boats will be used for no other purpose than when they are absolutely necessary in the work to be done.

Mr. GALLINGER. Mr. President——

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

Mr. BRADY. Certainly.

Mr. GALLINGER. It will be observed that there is no limit to the purchase of motor vehicles. There is a broad provision in the bill for the purchase of those vehicles, but there is no limitation, or so far as I can determine, no supervision. Now, I will ask the Senator from Idaho, who very likely knows all about this matter, how do they get these vehicles? Does the Secretary of Agriculture recommend them or act upon the recommendation of some subordinate as to the purchase of them?

Mr. BRADY. The Assistant Secretary of Agriculture appeared before the committee and stated to the committee that they had been very careful, indeed, relative to the purchase of these motor vehicles, and they had not purchased motor vehicles in any case except where they thought it would be a saving to the Government. In other words, we will take some one engaged in farm-demonstration work. While the amendment calls for motor vehicles and some other vehicles, the real work to be done is in the farm-demonstration work. A man thus engaged must necessarily keep a horse and buggy or a horse and a spring wagon or a team and a buggy in order to go over the country and visit the different farms. That team will have to be fed all winter. A motor vehicle simply requires an expenditure while the machine is in motion, and the department thinks, and I agree with them, that it would be a great saving to the Government to have motor vehicles whenever a showing of economy can be made.

Mr. GALLINGER. Mr. President——

Mr. BRADY. And in no other case would he recommend it. I yield to the Senator.

Mr. GALLINGER. I can understand that, so far as motor cycles are concerned, but does the Senator mean to say that, even if an automobile is used for six months of the year, it is cheaper than it would be to maintain a horse for the entire year?

Mr. BRADY. Most certainly it is. That has been demonstrated beyond a doubt. I am glad the Senator asked the question, because I know he asked it in good faith.

Mr. GALLINGER. I have done so.

Mr. BRADY. In a farming community when you use a team you can not drive and stop and visit men for any length of time worth while and drive to exceed 30 to 40 miles a day. Thirty miles is a good long distance to go in a day with a team, while you can travel three or four times that far with a motor cycle.

Mr. GALLINGER. I agree with that.

Mr. BRADY. You can take an automobile and travel at the rate of 20 miles an hour without any risk of danger whatever.

Mr. GALLINGER. That presupposes that the machine will go.

Mr. BRADY. They too often go a little faster than that.

Mr. GALLINGER. I have had experience.

Mr. BRADY. I was going to say the demonstrators can do three times as much work in the same length of time with an automobile or motor cycle. There is absolutely no question but that it is a great saving. The men who do this work of farm demonstration are not given to joy riding. They are not given to going out and having a good time, but they are men picked from the rural walks of life, men who have devoted their lives to agriculture and who have an interest in the work. They do not use automobiles on the farms in the country one time in a thousand where they should not use them.

Mr. REED. Mr. President——

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

Mr. BRADY. In a moment. In order to prevent that, we have put a penalty of not more than $1,000 fine and six months in jail in case they do so. I yield to the Senator from Missouri.

Mr. REED. Does the Senator suppose that the men who are going to run these automobiles are practical farmers engaged in farm work? How do they get into the Agriculture Department? I do not know of any way by which the farmer breaks into the Agriculture Department.

Mr. BRADY. You will find a great many practical farmers in the Agricultural Department. The demonstrators all have a special training for the work they have to do.

Mr. REED. Does not every one of them have to pass a civil-service examination? Is it not all covered in the civil service? Are not the places being filled up now with that class of men?

Mr. BRADY. Yes; but they have to show that they understand practical farming or else they can not pass the examination.

It is all right to talk about the horny-handed farmer in being connected with the Department of Agriculture. However, the fact remains that the farmer appreciates what the Agricultural Department is doing for him and has been doing for him in the years gone by.

Some may sneer at him; others may treat his calling with levity, but the farmer, the man behind the plow, is the bulwark of our country. And it is a mistake to say that the farmer does not appreciate and enjoy modern improvements. He avails himself of every opportunity to secure knowledge, and the farmers of this country would not tolerate for a moment a "lily-handed" representative of the Government endeavoring to give them instruction. The men who give instruction in farm-demonstration work are practical men with actual agricultural experience, and the department knows it would be useless to send men of any other character to give farm demonstration.

Mr. REED. Do not let us get the idea into our heads—I hope the Senator has not got it—that the old horny-handed farmers are going to have these automobiles and that they are the men who are going out to demonstrate farm work. That has been turned over to the civil-service gentlemen, to a man with lily fingers and education, who passes a civil-service examination, and who would not recognize the difference between a Jersey cow and a Holstein unless he looked at the picture in his book.

Mr. SMITH of South Carolina. Mr. President, will the Senator from Idaho yield to me a moment?

Mr. BRADY. I yield to the Senator.

Mr. SMITH of South Carolina. I think I stand here as perhaps a practical representative of the agricultural classes in that I do nothing else but farm. I do not think there is a clause in the bill fraught with more practical benefit, if used judiciously, by reason of the conditions throughout the South, and I presume in the West as well, and in the Middle States. Let us take the hog cholera. The Senator from Missouri said a moment ago that if a hog began coughing, the next morning or the next day, it may be a week after, a diagnosis can be made. I say it is all over then; the old carcass is carried out.

Mr. REED. Mr. President——

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

Mr. BRADY. I yield.

Mr. REED. Does the Senator say that a hog dies of cholera in one day?

Mr. SMITH of South Carolina. Yes; I have seen them die in less than a day, if it is a genuine case of cholera.

Mr. REED. The Senator is thinking about Asiatic cholera.

Mr. SMITH of South Carolina. No; I am talking about hog cholera. It was not Asiatic in my State when it cleaned out my herd. They die at once, and they are carried out.

Mr. MARTINE of New Jersey. I think the Missouri hog is entirely another breed and another class. [Laughter.]

Mr. SMITH of South Carolina. I think that must be the case.

Mr. REED. Mr. President, the trouble is that these senatorial farmers have allowed their hogs to have the cholera six or eight weeks before they suspected it, and did not really know that they had it until they died. Consequently they think it is a speedy and fatal disease, but it is not.

Mr. SMITH of South Carolina. Mr. President——

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

Mr. BRADY. I yield to the Senator from South Carolina.

Mr. SMITH of South Carolina. If the Senator from Idaho will permit me, I may in my own time have something to say on this question, but we are here attempting to legislate as best we may for the general benefit of the agricultural classes. I am here to state, as a practical farmer, living a considerable distance from a railroad, what is the condition when there appears a certain disease for which there is provision made for stamping it out. In my county town, for instance, 20 or 30 miles away, there is established, as necessarily must be the case, headquarters representing the Agriculture Department. I phone there or I telegraph there for some one to come to diagnose glanders, for instance. That is not provided for here, but I use it as an illustration. A disease appears among my cattle or hogs. The army worm has made its appearance. The department has studied this question under our appropriations and they are immediately called to give me the necessary information. I would have to wait upon the schedule of the railroad train, 4 or 5 miles away. In the meantime, if the department is provided with these modern facilities of rapid transportation, some one who is able to give me the information can be at my place before the railroad could reach the nearest station.

Mr. REED. Mr. President——

Mr. SMITH of South Carolina. Just one moment. If in the meantime there threatens to be a rapid spread of the disease, the one who has charge of the rapid means of transportation can carry this knowledge throughout the rural communities where they have not facilities for railroad transportation. In farming, as well as in law, the element of all modern business is the element of time and distance. I do not see why there should be a balking at availing ourselves of rapid transportation through the rural districts such as is afforded by the motor cycle or the automobile or any other means that may be employed in order to stamp out that which confronts the farmer with disaster and losses to him. If there be sickness in the family or if there be threatened danger to the life of the individual which is predicated upon the spread of some disease, we invoke the most rapid means of transportation.

Mr. REED. Mr. President——

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

Mr. SMITH of South Carolina. I can not do that without the permission of the Senator from Idaho.

Mr. BRADY. I yield.

Mr. REED. I should like to ask the Senator from South Carolina if the country doctor, who treats men and women and who doctors folk, as a common and general thing is provided with an automobile?

Mr. SMITH of South Carolina. He is provided with an automobile in South Carolina; and if he is not he does not catch the case. I will ask the Senator from Missouri this question: If you were attacked with a case of acute indigestion or some other stomach trouble, and you thought you were face to face with death, would you prefer to deal with some fellow driving an old gray horse or with some man with an automobile?

Mr. REED. I would have in the ordinary districts of the country, in a majority of instances, to risk the man with the horse, because I think it is safe to say that there is not 20 per cent of the country doctors who have these vehicles, though they may have them in the Senator's State. The Senator says that after they have discovered this disease they must get around and let the neighborhood know of it. If they have so many automobiles in the Senator's State, let me ask him if they have any telephones?

Mr. SMITH of South Carolina. We have telephones.

Mr. REED. Well, would it not be quite feasible to telephone around the neighborhood and to tell the farmers?

Mr. SMITH of South Carolina. I should like to ask the Senator from Missouri if they travel on telephones in Missouri?

Mr. REED. No; but the news travels on telephones.

Mr. SMITH of South Carolina. What good does news do, if you have not got a man to demonstrate the use of the serum?

Mr. REED. The Senator from South Carolina has stated what they want is an automobile, so that when they found there was cholera they could run around the neighborhood and tell the rest of the folk.

Mr. SMITH of South Carolina. Can you telephone the serum?

Mr. REED. No; but you can telephone the information.

Mr. SMITH of South Carolina. Precisely; but you have not got the serum.

Mr. REED. I will tell you that if you did telephone the information that the serum was necessary the farmers would gather in very quickly to get it.

Mr. BRADY. Mr. President——

Mr. REED. I recognize the fact that we are trespassing upon the time of the Senator from Idaho.

Mr. BRADY. I should like to conclude my remarks.

Mr. SMITH of South Carolina. Mr. President——

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

Mr. BRADY. I yield.

Mr. SMITH of South Carolina. The point I make is this: There is not a facility for the propagation of news and the betterment of the agricultural districts which is not felt in every home in every city and throughout the whole country; and yet, as the Senator from Oklahoma [Mr. GORE] well said the other day, when we come to the question of appropriating money for the betterment of the agricultural classes there are actually Senators who stand up here and speak about making appropriations to eradicate bedbugs! I should imagine, Mr. President, that if there were not a sufficient appropriation made and if great attention is not given to agriculture along practical lines, the cost of living and the profits that accrue to some of the professional men will be more materially reduced than they now are. I shall not, however, go into that, but with the permission of the Senator from Idaho I will close with this statement: I believe, as a practical thing, that as to the use of the motor cycle in the eradication of these forms of disease amongst animals and insects and plant life, we could not appropriate money to a better use than to give these officials who have the practical knowledge of how to eradicate these pests the facilities to transport themselves rapidly, and to go to the rescue of those upon whom the production of the clothing and the food and the welfare of this country depend.

Mr. KERN. Mr. President——

Mr. BRADY. I yield to the Senator from Georgia.

Mr. WEST. I do not ask the Senator to do so. That is all right.

Mr. KERN. Mr. President——

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

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

Mr. KERN. I want to inquire whether any amendment has been provided which limits the amount of this appropriation?

Mr. GORE. I will say that there is not any provision which limits the appropriation. The Senator seems to regard this as the launching of a new policy of the department as to automobiles and motor cycles. It is simply to avoid the contingency of being forbidden to repair machines that they already have or to purchase others when they become indispensable. It is simply the continuation of the present policy; and no large expenditure is contemplated under this provision. The Secretary of Agriculture stated that most of the machines that are actually needed in the administration of the service cost less

than a thousand dollars each. They seem to me to be entirely indispensable to the successful administration of affairs.

Mr. KERN. Will the Senator from Idaho permit me a moment further?

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

Mr. KERN. It is true, doubtless, that the Department of Agriculture has automobiles; it is true that all of the departments have automobiles; it seems that the purchase of automobiles has become such a very common matter with the heads of departments and the heads of bureaus that the people of the country are beginning to complain about it.

There are many things in this bill to which I do not subscribe, and there are many things in all of these appropriation bills to which I do not subscribe. It seems to me there is extravagance in almost every page of this bill.

Mr. GORE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Oklahoma?

Mr. KERN. I will do so in a moment. On almost every page of every appropriation bill there is extravagance. I have remained silent as to this bill because it pertains to the interests of the farmer; but when it comes to giving to the Secretary of Agriculture or to any other officer of this Government a free rein to go out in the markets and buy all of the automobiles he wants—because the words "motor vehicles" are used in the bill—to buy all the automobiles he desires, at his own discretion and on the recommendation of the underofficials who want to use them, I think it is time to draw the line.

I am opposed to this amendment unless there shall be some limitation embodied in it curtailing the power somewhere and limiting the extent to which the Secretary may exercise this right. I think it is going entirely too far; and so far as I am concerned, I draw the line on this provision which gives the unlimited right to these officials to go out and buy all the automobiles they may desire.

Mr. GORE. Mr. President——

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

Mr. BRADY. I yield to the Senator from Oklahoma.

Mr. GORE. I think possibly the Senator from Indiana has overlooked the fact that these automobiles and motor cycles are limited to use in the field service. It is not proposed to authorize the Secretary of Agriculture to purchase automobiles for use in the District of Columbia. My understanding is that they have no automobiles in connection with the department, except possibly a motor truck. This is limited to field service and to automobiles actually needed in the administration of the service. The Senator from Indiana will readily realize that in connection with forest fires and the administration of the Forest Service these motor vehicles are indispensable where the distances are considerable.

Mr. KERN. I have understood that the automobiles in use by all the departments are presumed to be limited to official use, and yet everybody understands that they are not so limited. It is a matter of common comment and general knowledge that the automobiles which are in use in the District of Columbia by the heads of departments and bureaus are not limited to official use, and it is because of experience in that line that I regard it as a dangerous proposition to give this power to the Secretary of Agriculture, or to any other officer, only limited by the phrase "official use."

Mr. GORE. That is not the only limitation. The Senator from Indiana will observe that it is limited to field service, which excludes the District of Columbia. No purchase of automobiles could be made under this amendment for use in the District of Columbia.

Mr. KERN. Mr. President, I do not understand that the men engaged in the field service necessarily live in the District of Columbia or that their operations are in the District of Columbia. A man in Indiana who is connected with this service is provided with an automobile, as is the man in Ohio, the man in South Carolina, the man in Michigan, or the man in Wisconsin. Wherever there are fields for service, there these automobiles may be brought into play, and the power is given to the heads of departments to buy all that are needed.

Mr. McCUMBER and Mr. VARDAMAN addressed the Chair.

The PRESIDING OFFICER. To whom does the Senator from Idaho yield?

Mr. BRADY. I yield to the Senator from North Dakota, who asked me to yield to him some time ago.

Mr. McCUMBER. I want to ask the Senator from Idaho one or two questions as to what has been done with reference to this amendment and how it came to be in this bill. I think you can destroy any good measure by merely ridiculing it; it is the easiest thing in the world; but I assume that this amendment was not put into this bill unless some one recommended it, and I understand that it was recommended by the Assistant Secretary of Agriculture. Am I right in that understanding?

Mr. BRADY. That is correct.

Mr. McCUMBER. And the other day Senators on the other side of the Chamber were making long and very fine addresses concerning the wonderful intelligence, character, foresight, and economy of the Assistant Secretary of Agriculture and proposed to raise his salary because of his remarkable efficiency. He is the same Assistant Secretary of Agriculture, is he not, whom they are now criticizing in this bill because they fear that he will buy all of the automobiles that are for sale in the country?

Let me ask the Senator another question. Is there not provision in this bill for experts to drive over the States of Ohio, Indiana, Missouri, and over other States for the suppression of hog cholera, to give the necessary and proper advice to the farmers, and is not that true also with reference to farm demonstration work all over the United States? Am I correct in that?

Mr. BRADY. Yes; the Senator is entirely correct.

Mr. McCUMBER. If that is true, does not the Senator himself know, and does not every other Senator who has any knowledge at all as to the cost of transportation in this country know, that to accomplish the same amount of work you can purchase a cheap automobile—by "cheap" I mean a small automobile——

Mr. WARREN. A motor cycle.

Mr. McCUMBER. No; an automobile that can be purchased for $450 or $500 or $600, with which you can drive over the entire country and cover five times as many miles in a day as you can in driving with a horse and wagon, and the absolute cost of it would not be one-half or one-quarter of what it would cost you to do the same work with a team of horses.

Mr. BRADY. That is true.

Mr. McCUMBER. Now, if that is true—and I know from absolute experience that it is true—then I submit that the Secretary of Agriculture in recommending this provision as a matter of economy is on the right track, and so long as we provide in this bill for a large increase in the number of inspectors who must travel over the country, and so long as we appropriate large sums for the suppression of hog cholera and half a hundred other things, necessitating the conveyance of experts of the department over the entire United States, the principles of economy, not to mention other considerations, demand that we should have a cheaper transportation than horse transportation is to-day.

I admit that if you purchase a very high-priced automobile, a Packard or a machine of that kind, weighing 4 or 5 tons to start with, and with a high cost of upkeep, it might not be as cheap as driving a single horse over the country, but by purchasing a small, light automobile the department will be enabled to accomplish from four to five times as much work in a day, with no more expense than there would be to take a team and drive over the same locality.

Mr. BRADY. And there would be no expense except during the time the automobile was running.

Mr. McCUMBER. The cost of keeping a team, Mr. President, during the winter would be at least from two to three times as much as it would cost for all your work done by automobile in the summer.

Mr. KERN. Mr. President——

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

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

Mr. KERN. I should like to inquire of the Senator from North Dakota if he ever heard of a department head—and such officials have bought scores and hundreds of automobiles—buying a cheap machine like the Ford?

Mr. McCUMBER. I have not tried to follow that; but I think, if they have any sense of efficiency, of cheapness, and of economy, they would not attempt to buy a large, expensive automobile to drive over the country; and I am assuming that the Assistant Secretary of Agriculture, who has been praised so highly upon the floor of the Senate, would be capable of determining what was an economical automobile to be used in taking the agents of the department over the country.

Mr. KERN. Mr. President, I inquired when I first arose if there was any limitation in the provision as to the amount that might be expended for this purpose. I find there is not.

Mr. McCUMBER. I want to say to the Senator that there is a limitation.

Mr. KERN. I found there was none at all.

Mr. McCUMBER. There is a limitation which should be sufficient for a faithful and efficient officer of the Department of Agriculture, and that limitation is found in the words, "neces-

sary for the proper and efficient conduct of the work." That ought to be enough to guide the Secretary of Agriculture in keeping within proper limits.

Mr. KERN. I think not.

Mr. McCUMBER. If it will not, it ought to.

Mr. KERN. If there were adopted an amendment that would limit the cost in some way, so as not to give the department full range to spend all the money they desired for this purpose, I would not object, because I recognize the force of what the Senator has said in reference to the economy of the automobile—the cheap automobile—over the horse and wagon; but my objection to the amendment reported by the committee is that there is no limitation at all, and I think there ought to be one.

Mr. BRISTOW. Mr. President——

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

Mr. BRADY. I should like to get an opportunity to conclude my remarks, but I will be glad to yield to the Senator from Kansas.

Mr. BRISTOW. I should like to inquire of the Senator if the condition of the weather and how much mud there is in the road does not make a good deal of difference where you use motor cycles and automobiles? Indeed I think that if the horse doctors or the hog doctors are called out on a rainy day in some sections of the country they would have to hire a livery team, and let their automobiles remain in the stall until the roads dried.

When you come right down to the practical application of this item, of course, the motor vehicles provided for are to be used for the convenience and pleasure of the officers of the Government who want to use them in that way. We know, as a matter of fact, in the practical application of automobile privileges that the officials of the Government use them for the pleasure of themselves and their families more than they do for official purposes. In this city Government officials will make use of street cars and let their wives and daughters use Government vehicles to make their calls in. That is what happens, and that will happen in every place where the Government furnishes a lot of automobiles to officials to be run at public expense. They will be used for their convenience, and then we are called upon to vote this unlimited, unjustifiable extravagance in the name of the American farmer.

Do you think the farmer does not know when the Government, which he pays to maintain, is being imposed upon? You can not fool him by saying that these automobiles are being bought for his pleasure and his profit. He knows better. They are not being bought for that purpose; but money that could be used for his advantage and for his benefit is appropriated for the purpose of buying automobiles for public officers.

Mr. BRADY. Mr. President, I feel that the great trouble with some Senators is the fact that they do not really understand the real intent and purpose of this particular provision of the bill. I would be one of the last Senators in this body to advocate the adoption of this amendment for one moment if I thought the privileges given here would be abused. As the Senator from Kansas [Mr. BRISTOW] has well said, there are over 200 automobiles in use by officials here in the city of Washington. All the money that will be expended for automobiles, motor cycles, and motor boats for the millions and millions of farmers will not cost one-half of the amount of money appropriated for automobiles to be used by officials in the city of Washington.

The Senator from Indiana [Mr. KERN] asked a question as to the limitation of this appropriation. It was a proper question to ask, and I hope I can explain it to his satisfaction. The Assistant Secretary of Agriculture appeared before the committee and advised us that there were some lump-sum appropriations, the entire amount of which could not be used for the purposes for which they were appropriated, small fractions of such appropriations being left over, and he stated that he would like to have provision made in this item so that such amounts could be used for the purpose of buying extra motor cyles and things of that character. At his suggestion there was incorporated in the amendment the provision:

> Said vehicles and boats shall be used exclusively for official service and any other use shall constitute a misdemeanor punishable by a fine of not more than $1,000 or imprisonment of not more than six months.

That was not put in here simply for a word picture. The Assistant Secretary of Agriculture meant what he said when he told us he would be the first man to punish any official of the department who would use one of the motor vehicles proposed here to be authorized for any other than official business.

I desire to say a word about the thousand dollars for a motor boat. Senators who speak about this in such a light way I fully believe do not understand what such boats are used for. I do not presume that the men in the Forest Service or the farmers are fools enough to think that motor cycles can be used to fight a forest fire or go through the timber, but there are large forests with lakes in the center of them, and there may be 15 or 25 guards on one side of the lake, and a fire may start on the other side. It is absolutely necessary that they get across the lake in the quickest time possible, and they can do it in no more expeditious way——

Mr. REED. Mr. President——

Mr. BRADY. Just a moment—than by the use of one of these motor boats. Motor boats are in use now by the department. This is not the inauguration of the policy. It is the intent of the Assistant Secretary or of the Secretary of Agriculture to purchase not to exceed one more boat; and that is the reason why the price of it has been limited.

Mr. CLARK of Wyoming. What limit is there?

Mr. REED. Mr. President, I should like to ask——

Mr. BRADY. I yield to the Senator from Missouri.

Mr. REED. I should like to ask how many lakes are there of the kind the Senator has just described in all the forest reserves?

Mr. BRADY. That would be a hard question to answer. In my State there is one lake 30 miles long and from 3 to 6 miles wide——

Mr. REED. Oh, well, there are thousands of them, as a matter of fact, are there not?

Mr. BRADY. There are thousands of lakes, I presume; not that many, I imagine, in forest reserves, but there are a great number of lakes where there is no possible way to protect the timber in any other way except by using boats. However, they are not all situated in that manner.

Mr. REED. I understand—and I am not asking these questions at all with any other purpose than eliciting information—that there are single counties in the State of Minnesota, not in a forest reserve, however, containing lakes numbering above a hundred, and in all of the forest reserves of the country there must be thousands of lakes. If the only way to protect the timber is, as the Senator says, to have a boat upon a lake, so that you can run across it rapidly, it occurs to me that we will have some thousands of motor boats to purchase, or else there will be no protection on the great majority of these lakes. Manifestly putting a boat upon a lake out in the Senator's State might be all right on that lake, but it would be no benefit to another lake some distance away. If we are going to put motor boats upon these lakes, let us treat them all alike and give each of them motor boats. If that is to be done, I think that our American boat yards and shipyards will be engaged in a very lucrative business in the near future.

Mr. CLARK of Wyoming. Will the Senator from Idaho yield to me for a moment?

Mr. BRADY. I yield to the Senator.

Mr. CLARK of Wyoming. The Senator spoke of the limitation of the cost. What is the limitation of the cost?

Mr. BRADY. I will read:

> That the lump-sum appropriations now available or herein made for the field work of the Department of Agriculture, including appropriations for the administration of the national forests—

And so forth. This provides for the use of the unused portions of lump-sum appropriations.

Mr. CLARK of Wyoming. Yes; but the Senator, before he was interrupted by the Senator from Missouri, referred to a limitation of the cost to a thousand dollars.

Mr. BRADY. I simply referred to what the Assistant Secretary of Agriculture said to the committee.

Mr. CLARK of Wyoming. I have another question that I desire to ask. Has the Senator, or the committee, made any estimate of the percentage of the total lump-sum appropriations that would be used in this work?

Mr. BRADY. I do not think the committee made any particular estimate; but I understood the Assistant Secretary of Agriculture to say that the amounts to be so used would be very small—just what is necessary for the official service incident to the department.

Mr. CLARK of Wyoming. Does not the Senator think that it would be well to limit even the discretion of the Secretary of Agriculture?

Mr. GORE. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Oklahoma?

Mr. BRADY. I yield to the Senator.

Mr. CLARK of Wyoming. I would like to get through with my questions first.

Mr. GORE. What I want to say is pertinent to what the Senator is inquiring about.

Mr. CLARK of Wyoming. Very well.

Mr. GORE. I understand at the present time there has been provided and the department already has in the Forestry Service 2 automobiles and 10 motor cycles, so that the purchase of these machines is not intended to embark the Government upon a new policy. They are already equipped with what they need; but in case the motor vehicles now owned should require repairing the department does not want to be helpless so that they can not make the repairs, and in case they should need an additional motor cycle they desire to be in a situation to buy one without special legislation upon the subject. I am afraid Senators have unleashed their imaginations here and fancied that the department intended to buy out several automobile concerns in order to equip the department.

Mr. CLARK of Wyoming and Mr. WEST addressed the Chair.

The VICE PRESIDENT. To whom does the Senator from Idaho yield?

Mr. BRADY. I yield to the Senator from Wyoming.

Mr. CLARK of Wyoming. I am sure that I have not unleashed my imagination at all. I simply asked a very definite, practical question, as to whether or not there was any estimate made by the department or whether the committee had made an estimate as to what percentage of the general lump-sum appropriations carried in this bill would be available or would probably be used under this particular appropriation.

Mr. GORE. Mr. President, the Senator can probably make his own estimate from the figures I have just suggested.

Mr. CLARK of Wyoming. There is absolutely no estimate whatever.

Mr. GORE. I suggested that they have at present 2 automobiles and 10 motor cycles. That is the present equipment. The amendment under discussion is simply to enable the department to maintain its equipment up to the present standard of efficiency.

Mr. CLARK of Wyoming. Instead of vesting an absolute discretion in the Secretary of Agriculture to use all the lump-sum appropriations, if he thinks it necessary, does not the Senator think it would be well to limit the amount that could be so used, say, to 10 per cent of the lump-sum appropriations?

Mr. GORE. I have no objection to that whatever. I think the figures indicate that the department have pursued a conservative policy, and I have no doubt——

Mr. CLARK of Wyoming. There are no figures.

Mr. GORE. And I have no doubt they will continue to pursue a conservative policy; but if any Senator is afraid that extravagance might run riot I am perfectly willing that the limitation be made.

Mr. CLARK of Wyoming. I am not particularly afraid, Mr. President; but here we have an appropriation that covers all the lump-sum appropriations in this bill. Fifty per cent of the hog-cholera appropriation, 50 per cent of the lump-sum appropriation for the Forestry Service, 50 per cent for various other items, could legally be used by the Department of Agriculture for the purpose of this amendment.

We have no estimate as to what may be necessary; we have no notice, particularly, that anything is necessary. The chairman of the committee himself says the appropriation is only needed for upkeep, while the provision itself says it is for the purchase of machines. Now, what are we to consider?

Mr. GORE. The Senator misunderstood me if he understood me to say that it was limited to the upkeep. I said it was to maintain the equipment at its standard of efficiency. That is what I said, and what I continue to say.

Mr. President, I understand that the department has had this power in the past, and I have never heard of any protracted debate, nor have I ever seen the fears of Senators so much excited or agitated heretofore in regard to it. My understanding is that Agricultural appropriation bills in the past have granted this power, and that it has not been abused. Senators have never seemed to draw it in question in the past. I have no objection, however, since they have been seized with this sudden fit of economy, to fixing the maximum so that the Secretary can not abuse this power to buy Ford automobiles or automobiles of other concerns necessary for this purpose. If that will allay the agitation of Senators, I think it would be eminently fitting and proper.

Mr. WEST. Mr. President——

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

Mr. BRADY. I yield to the Senator.

Mr. WEST. I suggest that, in order to limit this matter, we could insert a proviso in the amendment reading—

Provided, That there shall not be an expenditure to exceed $25,000.

Mr. BRADY. That suggestion, I think, would be entirely acceptable to the committee, or I think the suggestion of the Senator from Wyoming would be equally acceptable, for the reason that we know that the Secretary has no thought of using any greater amount than that.

In conclusion, I wish to say that, of course, it is not possible for all the Members to have the information that the committee had relative to this matter. I think this has demonstrated conclusively that where we have committee hearings, as a result of which amendments are inserted, it is well to have the hearings taken down in shorthand and printed for the benefit of the Senate. Then the other Members of the Senate will understand the conditions as we understand them.

This amendment was placed in the bill with the thought of using the amounts left over from lump-sum appropriations simply to purchase a few additional motorcycles and other necessary equipment. The Secretary stated to us positively that he would buy only one motor boat. There was one particular place where he wanted to use a motor boat, and he believed it was necessary. The Senators here are not to blame for not having that information, but that was the statement that he made to us and that is why I favored this amendment.

I believe the farmer is entitled to just, fair, and equitable consideration, and no more. I am quite sure that he does not ask or expect any more, but I do believe that it is our duty to give him what is his just due. When we have appropriated this large amount, I think it is only fair and equitable that we should make some plan by which this knowledge can be diffused at the least possible expense; and that was certainly the thought in putting this amendment into the bill.

While I have no authority to speak for the committee, so far as I am concerned I should be perfectly willing to accept either the suggestion of the Senator from Georgia [Mr. WEST] or the suggestion of the Senator from Wyoming [Mr. CLARK] and limit this amount so that there can be no abuse of the authority. There is absolutely no doubt, however, that they do need these vehicles as provided in this amendment.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from New Hampshire?

Mr. BRADY. I yield to the Senator from New Hampshire.

Mr. GALLINGER. Did I understand the Senator to say that there was no stenographic report of the hearings before the Committee on Agriculture and Forestry?

Mr. BRADY. There was not.

Mr. GALLINGER. I will say to the Senator or to the chairman of the committee that it seems to me that this is a bill where there ought to be a stenographic report. We have it on almost all the other appropriation bills. I think the Senator from Idaho is quite right in saying that some of us do not understand this question as the committee understands it. Possibly, had the hearings been reported, we would have been so enlightened by reading the hearings that we would have saved a good deal of time to-day.

Mr. GORE. Mr. President, I may say that I was impelled by an extreme sense of economy not to incur the expense incident to having a report made of the hearings; but from this time forward I shall not withhold illumination from the Senator from New Hampshire, because I am satisfied we might thereby expedite the debate sufficiently to save a great many thousand dollars, perhaps more than we have saved by our manifestations of economy in regard to these amendments.

Mr. GALLINGER. Mr. President, I am gratified to have the chairman of the committee assure us that in the future the hearings before the Committee on Agriculture and Forestry will be reported and printed. I think that ought to be done, and I join with the Senator in saying that very likely it will be a matter of economy. It does not cost a great deal to have the hearings reported and printed, and it has cost a good deal to discuss this one this afternoon. If we have been discussing it because of insufficient information or misconception of the facts in the case, we are not to blame for that, because all I have been doing has been to try to secure information with a view of satisfying my own mind that this is a wise appropriation. It did not so appear to me in the first place, and it does not so appear to me now; but possibly I am mistaken about it.

Mr. BRADY. Mr. President, I wish to say, in conclusion, I fully agree with the Senator from New Hampshire that on account of the Members of the Senate not having the same information we have they do not favor this amendment. I do not believe there is a Senator on this floor who, if he could have been present and could have heard the statements and explanations offered by the Assistant Secretary of Agriculture, would have hesitated a minute to give the small amount that will be used under this amendment.

While, as I have said before, I have no authority to say what shall be done by the committee, I should be very glad,

indeed, to have the chairman of the committee state what he is willing to do about inserting a limitation in a manner that will satisfy everybody.

Mr. KENYON. Mr. President——

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

Mr. BRADY. I do.

Mr. KENYON. I should like to ask the Senator from Idaho a question before he takes his seat. I was called from the Chamber, and did not hear all of the speech he was making; but do we understand him to say that there are no automobiles to be purchased, but that this is simply to carry the automobiles now owned by the Department of Agriculture?

Mr. BRADY. No; I do not so understand the situation.

Mr. KENYON. I understood the Senator in that way.

Mr. BRADY. It is to keep the work up to its present efficiency. If an automobile is worn out, the Secretary desires authority to purchase a new one, and I think he intends to get some new motor cycles. I certainly understood him to say in the committee that he intended to get only one motor boat for some particular place in one of the forest reserves where he thought it was very essential that the department should have it.

Mr. KENYON. Then I am in error in understanding the Senator to say that no automobiles are to be purchased. There are automobiles to be purchased, as the Senator understands?

Mr. BRADY. There will be some automobiles purchased.

Mr. KENYON. Is there any restriction upon the kind of automobiles, or the expense of the automobiles? Are they to be Pierce-Arrows, such as the Senator enjoys, or are they to be Ford automobiles, such as some of us hope to be able to buy some time?

Mr. BRADY. The Secretary said he would not favor purchasing any automobile that cost to exceed from four to six hundred dollars.

Mr. KENYON. From four to six hundred dollars?

Mr. BRADY. Yes; that they would not need any more expensive automobiles than that, and that he would not purchase automobiles costing any more than that sum.

Mr. KENYON. But there is no limitation of that kind in this clause.

Mr. BRADY. No; there is nothing of that kind in the amendment, and that is the reason why I think the suggestion of the Senator from New Hampshire is a good one—that we should have these committee hearings reported and printed, so that the other Members of the Senate may understand and know what we heard in the committee.

Mr. KENYON. I wish we could understand it as the members of the committee understand it.

Mr. BRADY. I know quite well that if the Senator from Iowa had been present he would have favored this amendment, after hearing the statement of the officials representing the department.

Mr. GALLINGER. If the Senator will permit me, he will recall the fact that the Assistant Secretary of Agriculture, who gave this valuable information to the committee, has resigned; and it will not be for him to purchase these automobiles in the future, but for some new Assistant Secretary, who may entertain more liberal views.

Mr. BRADY. Mr. President, even though I am a Republican, I have sufficient confidence in the present administration to believe that we shall have an honest and efficient Assistant Secretary of Agriculture.

Mr. SHERMAN. Mr. President, I should like to make an inquiry before the Senator from Idaho takes his seat. If I understand correctly the information laid before the Senate, it is that the officer making the expenditure has unlimited discretion, as far as this bill is concerned, if enacted into law. Is that correct?

Mr. BRADY. That is correct, within the present limits. I will ask the chairman of the committee to answer the question, as he has the information at hand.

Mr. SHERMAN. Let me make a further inquiry, then, from the Senator. Has he the figures or the information in regard to the sum of money covered by this omnibus power that is limited only by the discretion of the purchasing officer?

Mr. BRADY. We have been attempting to give that information to the Senate this afternoon so far as we have been able. As I said before, the chairman of the committee has more information on that point than I have, and I shall be glad to have him answer the question, as I think he has the information on his desk.

Mr. GORE. Mr. President, I will merely repeat what I have already said, that this amendment continues the power which has heretofore existed. Under that power the Forestry Service, I believe, has purchased 2 automobiles and 10 motor cycles. Under an amendment carried in the legislative bill the department could not repair these 2 automobiles and 10 motor cycles, and if an additional machine should become necessary it could not make the purchase.

That is the sole object of the amendment. The power has not been abused in the past. The Department of Agriculture has proven itself worthy of this confidence in the past, and I have no doubt it will prove itself worthy of this confidence in the future. The 2 automobiles and 10 motor cycles illustrate that fact.

For my part, I have no indisposition to continue this trust. If, however, Senators fear the department may be seized with a fit of extravagance and may purchase several hundred thousand automobiles, I have no reluctance to fixing a limit to quiet any uneasiness that may exist.

Mr. SHERMAN. What I wish particularly to inquire is as to the amount of money in the bill that might be affected by this discretionary power. I have made a rough estimate of it. I do not intend that my estimate shall be taken as accurate, but I believe it approximates accuracy. I think the omnibus discretionary power that the adoption of this amendment would vest in the purchasing officers of the department affects between four and five million dollars of the appropriation.

Mr. GORE. It is simply a continuation of the power that already exists. It is to prevent that power being stricken with paralysis by the legislative bill, thus impairing the efficiency of the service.

Mr. REED. Mr. President, the Senator from Illinois is very moderate in his figures. This provision reads:

> That the lump-sum appropriations * * * made for the field work of the Department of Agriculture, including appropriations for the administration of the national forests, for hog-cholera demonstrations—

And so forth.

The one item of appropriation for the administration of the national forests alone covers $5,558,256.

Mr. WARREN. Mr. President, the Senator will understand that it does not appropriate so much in a lump sum, and this language refers only to the lump sums.

Mr. REED. Each of the various items of the Agricultural bill carries a lump sum with it, and they therefore would be covered by this proposition.

I am not criticizing the Senator. I simply say he was very moderate in his statement.

Mr. SHERMAN. Mr. President, I was particularly directing the inquiry to the lump-sum or gross-sum appropriations, because they are the ones that are specifically embraced in this amendment.

A very cursory examination will show that about 25 per cent of the entire bill is affected by this amendment leaving a discretionary power of purchase. I do not say it will be abused. In many things I am willing to trust, and we must trust, the discretionary power of the heads of departments. It is not, however, the right way to make appropriations.

We are passing an appropriation bill here, or so much of it as this amendment affects. There is no limitation in it as to the number of machines that may be purchased, or the kind of motor boats or other vehicles of transportation. It is all left to the discretionary power of the purchasing officer, whoever he may be; and that discretionary power may be scattered through a great number of hands as it radiates and percolates down from the head of the department. Where this power of purchase will finally land, whether it will be in somebody who is investigating the best way of pulling stumps, or investigating boll weevils, or the most expeditious way of killing prairie dogs or exterminating other noxious insects or dangerous carnivorous animals, is something that nobody on the top of the earth so far has been able to give any accurate information about, so far as I have been able to learn.

This bill covers a very great variety of subjects. It is a sort of omnibus bill for the entire Agricultural Department. When I look through the vast number of purposes for which this money is to be expended, I am rather disposed to think some limitation ought to be put on this committee amendment if we are to arrive at anything like accuracy in appropriating money.

Mr. GORE. Mr. President——

The VICE PRESIDENT. Does the Senator from Illinois yield to the Senator from Oklahoma?

Mr. SHERMAN. Certainly.

Mr. GORE. I proposed—I think the Senator has come in since—that the amendment be amended by adding a proviso at the end of the paragraph to the effect that the expenditure for this purpose shall not exceed $25,000.

Mr. SHERMAN. I will join the Senator in authorizing some reasonable expenditure.

To continue where I left off, however, in order that the RECORD may contain briefly the reasons for such an amendment, the field work would include the investigation of sheep diseases and sheep dipping. That might cover, in the western country, a very great mileage and a very great necessity for divers kinds of machines, expensive and otherwise. It covers the investigation of ticks on a great variety of domestic animals, cattle and other range animals, and other vermin and ravenous parasites of different kinds, including lice. That is a very extensive subject where they are well bottomed in their investigations on live stock. It includes the investigation of horse breeding, the different varieties of stallions, and so forth. That would include every place, not only in the western country but everywhere else, where horses are raised either for ornament or for utility. It includes ostrich farms and ostrich investigations in Arizona and California. The distances in that country are very great. It includes an investigation of the diseases of ginseng. It includes an investigation of diseased bark on chestnut and pine trees. It includes an investigation of the diseases of flax, forage, and various field grasses. It includes an investigation of broom corn, which extends over a very wide area of country, all the way from Oklahoma to eastern Illinois. It includes an investigation of botany and botanical specimens that are good either for food for domestic animals or for the cure of various complaints to which the human family may be subject. It includes a study of cactus plants and dry-area products, together with an investigation——

Mr. GORE. Mr. President——

The VICE PRESIDENT. Does the Senator from Illinois yield to the Senator from Oklahoma?

Mr. SHERMAN. Yes, sir.

Mr. GORE. I have procured an estimate from the department as to the number and cost of the automobiles and motor cycles that might be necessary. They estimate for eight motor cycles, costing a total of $2,274, and two automobiles, costing $1,250 each. I suppose a limitation of that amount, or perhaps a little in excess of that amount, would be satisfactory.

Mr. SHERMAN. If there be some limitation on the number of vehicles purchased and the price per vehicle, I can see where it might effect some economies in operation, as the Senator from North Dakota says; but what we are objecting to is the unlimited expenditure of money, subject only to the discretion of the head of a department.

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

Mr. SHERMAN. Certainly.

Mr. BRADY. Would the Senator be satisfied to vote for this amendment providing the amount were restricted, say, to $10,000?

Mr. GORE. Mr. President, I do not think any such amount as that would be necessary.

Mr. SHERMAN. I should like to have some limitation put on the amount to be expended for each machine. If not, one bureau would be profiting at the expense of another.

Mr. GORE. Mr. President——

The VICE PRESIDENT. Does the Senator from Illinois yield to the Senator from Oklahoma?

Mr. SHERMAN. Certainly.

Mr. GORE. I have no objection to limiting the amount. The estimate here calls for about $3,400 or $3,500. I should like to place the limit a little in excess of that amount, so that I may ascertain more definitely the exact amount, and in conference I will adjust it to the exact prospective requirement. I would suggest a limitation of $10,000 for the present, and if that should prove more than will be necessary it can be reduced later.

Mr. WARREN. Did I understand the chairman of the committee to suggest $10,000?

Mr. GORE. Yes.

Mr. WARREN. I think that would be a reasonable request.

Mr. GORE. I think that is more than is necessary.

Mr. WARREN. If the chairman will allow me a moment, of course this debate has contributed a great deal to the gayety of nations, as a debate always does upon the brown-tail moth, the gypsy moth, and so forth; but there is no use in trying to evade the fact that there is a necessity for a certain number of these motor cycles and inexpensive automobiles, properly used, in the field. If the Senator will accept or offer an amendment that the amount used for this purpose shall not exceed $10,000, I think the matter may be passed upon without delay.

Mr. BRADY. I think the committee would be satisfied with that amendment.

Mr. GORE. I move that amendment, then—

Provided, That the amount thus expended shall not exceed $10,000.

I may say that I will undertake to reduce that amount in conference if we find that it exceeds the probable demands for the service.

Mr. REED. Mr. President, that is over twice the amount that was estimated.

Mr. WARREN. Mr. President, the estimate did not include repairs. Of course there is quite an amount needed for repairs.

Mr. REED. I think all of this paragraph is subject to a point of order. I am very loath to make the point of order, but I think the Senator ought to be perfectly content with the amount of $5,000, because the so-called estimate does not go above $3,400, I understand. I think, therefore, $5,000 is a reasonable limit.

Mr. GORE. I may say to the Senator that if we make it $10,000 we can reduce it in conference, whereas if we make it $5,000 we can not increase it.

Mr. WARREN. I hope the Senator will make the limit $10,000. As he has remarked, if it shall appear that it can be reduced in conference, of course it should be reduced; but there are repairs and supplies that are constantly called for in connection with all of the machines that the department now owns. I agree with the chairman in the statement that it is necessary to state specifically in this bill some amount that can be used, or they will not be able to run the machines they now have in case there is the slightest injury that makes necessary an expenditure for repairs.

Mr. GORE. Mr. President, I move the adoption of the amendment I have mentioned.

The VICE PRESIDENT. There is an amendment pending. It is the amendment proposed by the Senator from New Hampshire [Mr. GALLINGER]. The pending amendment will be stated.

The SECRETARY. Before the word "moths," on line 5, it is proposed to insert the words "the boll weevil and."

Mr. GALLINGER. I simply desire to say that, as the appropriation for the boll weevil in this bill is so much larger than that for moths, there is no reason why that appropriation should not share in accomplishing the desired result.

I hope the amendment will be agreed to.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from New Hampshire to the amendment of the committee.

The amendment to the amendment was agreed to.

The VICE PRESIDENT. The Senator from Oklahoma proposes an amendment to the amendment, which will be stated.

The SECRETARY. The Senator from Oklahoma [Mr. GORE] proposes to add, at the end of the paragraph, the following proviso:

Provided, That the total amount to be expended for such vehicles and boats, under the provisions of this paragraph, shall not exceed the sum of $10,000.

Mr. WALSH. Mr. President, I suggest to the Senator from Oklahoma that that had better go in after the semicolon after the word "work" in line 7.

Mr. GALLINGER. Yes; that is right.

The SECRETARY. It is proposed to insert, after the word "work," in line 7, the words just read.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Oklahoma to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. GORE. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 14, line 16, in the appropriation relative to "Meat Inspection, Bureau of Animal Industry," it is proposed to strike out "$300,000" and insert "$390,000."

Mr. GORE. Mr. President, I ought to say in connection with this amendment that the tariff law which was enacted in October last—October 3, I believe—required the inspection of imported meats. The estimate of the Department of Agriculture was submitted to the Department of the Treasury about that time. It was impossible for them to foresee the amount that would be necessary for the enforcement of that statute. The requirements have exceeded their estimates. For that reason the Secretary of Agriculture has transmitted to the committee the estimate embodied in the amendment which I have just sent to the desk. It is now estimated that $90,000 additional will be required.

I have here a letter from the department on the subject, in case any Senator should desire to hear it read. Otherwise, I will have it printed in the RECORD without reading.

The matter referred to is as follows:

DEPARTMENT OF AGRICULTURE,
Washington, April 30, 1914.

Hon. THOMAS P. GORE,
United States Senate.

DEAR SENATOR GORE: I desire to call your attention to section 545 of the tariff act of October 3, 1913, which places meat and meat products upon the free list and provides that no imported meat shall be admitted into the United States unless the same is healthful, wholesome, and fit for human food, and contains no dye, chemical, preservative, or ingredient which renders the same unhealthful, unwholesome, or unfit for human food, and unless the same complies with the rules and regulations of the Secretary of Agriculture.

The rules and regulations promulgated under the provisions of this section on October 4, 1913, require that a careful physical inspection and examination shall be made of each consignment except certain small quantities. Chemical analyses are also required to be made to determine the presence of unhealthful or unwholesome ingredients. It is also necessary for inspectors to supervise the destruction for food purposes of all meats offered for entry and refused admission into the United States or to see that the same is exported by the consignee as provided by section 545. This inspection and supervision requires the services, either continuous or intermittent, of a large force of employees at a great number of points throughout the United States. This work is regarded as very important in the protection of the health of the consuming public and increasing the food supply of the country.

The passage of this act has resulted in a great increase in the importation of meat and meat products, as will be seen from the attached table showing the quantity of imported meat inspected by employees of the Bureau of Animal Industry from October 3, 1913, the date on which the tariff act was passed, to March 31, 1914. The amount of inspection work necessary to properly carry out the provisions of the act has correspondingly increased. It is estimated that the additional sum of $90,000 will be required to meet this contingency. It is urgently recommended, therefore, that the item for meat inspection, on page 14, lines 10 to 20, inclusive, of the Agricultural appropriation bill be amended by increasing the amount from $300,000 to $390,000. A statement showing in detail how it is proposed to expend the additional sum of $90,000 is inclosed herewith.

At the time the estimates were submitted and the hearings held in connection with the appropriation bill it was impossible to estimate with any degree of accuracy the amount which would be required to properly carry out the provisions of section 545. While it is true that the bill as passed by the House provides an additional sum of $100,000 for meat inspection, this sum was intended for the most part to provide for the promotion of deserving employees engaged in meat inspection and for such further inspection work, other than that made necessary by the passage of section 545, as may be required from time to time in providing for the inspection of establishments within the United States.

Unless additional funds are provided as requested above for the inspection of imported meat and meat products, the effect will be to reduce the $100,000 in proportion to the cost of the inspection of these imported meats.

Very truly, yours, D. F. HOUSTON, *Secretary.*

Imported meats and meat food products inspected by employees of the following stations from Oct. 3, 1913, to Mar. 31, 1914.

	October.	November.	December.	January.	February.	March.
Augusta, Ga.				151,755	4,321	7,063
Austin, Minn.				41		
Baltimore, Md.	80,612	80,452	27,825	24,901	25	
Bismarck, N. Dak.				1,975	21,967	47,022
Boston, Mass.	933,453	2,617,080	2,687,242	2,232,610	2,708,409	2,697,041
Brightwood, Mass.	60,630	57,813	20,200		82,335	20,520
Brooklyn, N. Y.	63,956	613,682	4,946,830	2,563,504	3,700,448	12,895,621
Buffalo, N. Y.	207,955	156,349	75,944	70,192	34,515	56,961
Burlington, Vt.			1,216			
Chicago, Ill.	937,772	2,651,676	1,506,220	380,874	112,140	421,378
Cleveland, Ohio	20,058			37,327	544	40,978
Cortland, N. Y.		87,146	23,496		48,221	97,214
Detroit, Mich.	48,064	78,720	50,645	30,437	5,089	3,297
El Paso, Tex.	15,272	40,858	25,417	142,966		
Hartford, Conn.		84,119	24,000	20,107	46,822	20,371
Houston, Tex.					56,633	
Jersey City, N. J.	141,711	523,451	356,771	141,249	88,234	61,180
Kansas City, Kans.		105,863	22,399	66,774		
Los Angeles, Cal.		19,071				
Louisville, Ky.			23,773			
Malone, N. Y.			1,626			
Memphis, Tenn.		22,253	22,948			
Milwaukee, Wis.		1,020	996	1,020		
Nashville, Tenn.		105			55	
National Stock Yards				26,022		
Newark, N. J.	84,708	106,769	50,428		25,164	25,112
New Haven, Conn.	63,818	20,117				
New Orleans, La.		241		19,294		
New York, N. Y.	2,620,872	3,556,057	4,875,290	7,103,260	2,943,312	14,839,222
Norfolk, Va.		76,462	39,368	24,166	20,166	
Ogdensburg, N. Y.		2,232	1,112	1,732	208	272
Paterson, N. J.		20,281				
Philadelphia, Pa.	125,171	174,957	118,701	59,775	136,564	192,055
Pittsburgh, Pa.	23,962		69,610	18,766	31,893	42,161
Port Huron, Mich.	296	600	836	1,210	717	676
Portland, Me.		27,155				
Portland, Oreg.		29,932	33,385	29,890	438	93
Providence, R. I.				100		223

Estimated cost of the inspection of imported products.

Augusta	$500
Baltimore	500
Boston	4,200
Buffalo	2,400
Chicago	5,000
Detroit	2,000
Kansas City	1,000
New York City (includes Brooklyn and Jersey City)	25,000
Philadelphia	2,000
San Francisco	3,500
Seattle	1,200
Washington	200
Other stations	5,000
Total	52,500
Laboratory examination for added substances and prohibited preservatives	20,000
Equipment (stamps, brands, labels, branding ink, etc.)	5,000
Traveling expenses from Washington and to Washington for conferences and instructions	1,500
Total	79,000
Add to allow for contingencies and growth	11,000
Total	90,000

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Oklahoma.

The amendment was agreed to.

Mr. PITTMAN. Mr. President, does that complete the committee amendments?

The VICE PRESIDENT. The Chair is unable to state.

Mr. WEST. Mr. President, when the bill is in the open Senate I desire to offer two amendments.

The VICE PRESIDENT. The bill is not in the open Senate as yet.

Mr. PITTMAN. I will ask the chairman of the committee whether the committee amendments are completed?

Mr. GORE. I desire to offer two other amendments which have been suggested by the department, and then we will revert to one amendment which was passed over. Unless objection be made, I will take that course. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The Secretary will state the amendment.

The SECRETARY. On page 61, at the end of line 21, after the word "Congress," it is proposed to insert:

Provided, That hereafter all correspondence, bulletins, and reports for the furtherance of the purposes of the act approved May 8, 1914, entitled "An act to provide for cooperative agricultural extension work between the agricultural colleges in the several States receiving the benefits of an act of Congress approved July 2, 1862, and the acts supplementary thereto, and the United States Department of Agriculture," may be transmitted in the mails of the United States free of charge for postage, under such regulations as the Postmaster General from time to time may prescribe, by such college officer or other person connected with the extension department of such college as the Secretary of Agriculture may recommend to the Postmaster General.

Mr. REED. Mr. President, I do not like to object to an amendment offered in that way. This is an extension of the franking privilege. As I catch it from the reading, it extends the franking privilege to the teachers of agricultural colleges, and so forth. I think an amendment of that kind ought to be printed, and we ought to be allowed to see it. We all know that the franking privilege has been grossly abused by Senators and Representatives. If they have abused it, what may we expect of private individuals?

When I say "abused by Senators and Representatives," I mean only that the franking privilege has been put to uses far beyond those which were contemplated when the privilege was created. I have in mind one speech which was sent out by one organization for the purpose of promoting ideas satisfactory to that organization. There were 1,750,000 copies of that speech distributed. I have in mind that a great book was prepared and sent out by the sugar interests; that numerous speeches were made in one or the other branch of Congress and circulated, not by Congressmen, but by some society or organization. I might extend these illustrations at some length. It seems to me that it is better not to enlarge this franking privilege. It seems to me we ought to be circumscribing it.

Mr. GORE. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Oklahoma?

Mr. REED. I do.

Mr. GORE. I wish to suggest that this authority is granted under rules and regulations to be prescribed by the Postmaster General. It is, however, limited to one officer connected with this extension work, and who bears authority under the Smith-Lever Act.

The purpose was to bring to the farmers themselves the benefits of the research and extension work which should be wrought out under that organization. But, if the Senator objects, I shall not insist on the amendment, and therefore withdraw it.

Mr. REED. I should like to have a chance to consider it.

The VICE PRESIDENT. The amendment is withdrawn.

Mr. WARREN. I ask to offer an amendment on the part of the committee, which I send to the desk. It is to come in on page 59, after line 20.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 59, after line 20, insert:

The Secretary of Agriculture is hereby authorized to lease, for terms not exceeding 10 years, buildings or parts of buildings in the District of Columbia necessary for the accommodation of the Department of Agriculture, if by so doing he is able to secure substantial reductions in rentals and better accommodation for the business of his department.

Mr. WARREN. The amendment comes directly under the appropriation for rent of buildings, and will greatly reduce the rental.

Mr. STONE. I should like to inquire of the Senator from Wyoming, who is familiar with the facts, as to the number of buildings now occupied by the Agricultural Department, where they are located, and their capacity.

Mr. WARREN. I do not know that I would be able to give the location of each one, as to street and number, but the list is here. The amount of rental is $108,329. It is found on page 59 of the bill. The rental for the Bureau of Animal Industry is $2,220; for the Bureau of Plant Industry, $26,420; for the Forest Service, $25,075; for the Bureau of Chemistry, $17,320; for the Bureau of Soils, $306; for the Division of Publications, $5,000; for the Office of Solicitor, $2,160; for the Office of Experiment Stations, $5,000; for the Office of Public Roads, $3,500; for additional rent in cases of emergency for any bureau, division, or office of the department, $21,328.

Mr. STONE. I had occasion recently to go to the Bureau of Chemistry, and I noticed as I rode on the street that there were several structures of considerable magnitude, the signs over the doors showing what they were, and one and all were under the Department of Agriculture. Does the Senator know whether the buildings to which I refer are rented or whether they belong to the United States?

Mr. WARREN. The property of the United States consists of the two large white buildings not connected and two or more red brick buildings very near them. The others are rented buildings.

I desire to say, if the Senator will allow me, that this rental proposition is one that I grieve over, as other Senators do. We ought to erect the necessary buildings, and not rent them. We are paying nearly $400,000 in the District of Columbia for rental in the different departments. We have greatly reduced the rent in some of the departments by authorizing the department, as we propose now to do, to rent longer than for one year at a time. For instance, the entire building that the Navy Department occupies was provided for by a similar amendment on an appropriation bill, except that the rental should not exceed a certain number of cents a square foot, naming a low figure. We have also provided for the building in which the Department of Commerce is located. This amendment endeavors to assemble these buildings at a much lower rent, and it will greatly facilitate the business. It will probably cost less in clerical force. That is the intent of the amendment.

Mr. STONE. Does the Senator know the number of buildings rented for the use of the department?

Mr. WARREN. The number is not given here, but the objects are given for which they are rented. Some are very small and other are of considerable capacity, and in some cases the department rents portions of buildings.

Mr. STONE. I take it that a separate building is not provided for each division.

Mr. WARREN. Oh, no; in fact, a division occupies only a portion, and sometimes the rest of the building is rented to other parties.

Mr. STONE. I thought we had so much ground about the Agricultural Department buildings, with three or four very large buildings there devoted to the use of that department, the buildings owned by the Government ought to be sufficient to reasonably meet the requirements of any one of the departments without going outside and renting a number of other buildings. I am not informed as to the facts, and for that reason I was making the inquiry.

Mr. WARREN. The Senator will understand that these buildings are already rented. We have already appropriated the money for the next year and, under the amendment, if the Secretary can carry out what he believes he can do, under offers made, he can greatly reduce this sum.

Mr. GALLINGER. Mr. President, just a word. I have often wondered whether we will ever have adequate facilities for housing any of the departments of the Government, however many new buildings we put up. We made that large appropriation for the Agricultural Department only a few years ago, and with those two magnificent new buildings constructed and the old buildings, still there is not enough room. Take the Navy Department. They were housed in the State, War, and Navy Building for a long time. They got the Mills Building, a very large building, on Pennsylvania Avenue. I suppose they will continue to occupy it.

Mr. WARREN. Oh, no. A new building has been erected and the rental is about one-third less per foot than they were paying.

Let me say further to my colleague on the committee, that the lease of the Mills Building was about to expire, and the Secretary of the Navy asked us to appropriate for the next year alternatively, so that he could use it there or rent a new building. There was a raise of some 25 per cent demanded. The renting for a few months was necessary in order to have this greater building built. So there has been a great reduction and a great enlargement of space.

Mr. GALLINGER. I was not aware of the fact that the Mills Building had been entirely vacated.

Mr. WARREN. By the Navy Department?

Mr. GALLINGER. By the Navy Department.

Mr. WARREN. I think the Panama Canal offices are still there, but the Navy Department has, I think, entirely vacated the building.

Mr. GALLINGER. I had the impression that it was still being occupied by some officials at the expense of the Government. Then, this new building has been constructed on G Street near Pennsylvania Avenue, a magnificent building. I do not know how much it cost. It is a large building.

Mr. STONE. That belongs to the Department of Commerce.

Mr. WARREN. It does not belong to the Government.

Mr. GALLINGER. It is a rented building, constructed by private parties, I understand. I refer to the building on G Street a little west of the State, War, and Navy Building. That is entirely rented. The Senator says they have saved some rental by taking the new building rather than the Mills Building. I am glad to know that. I wonder that they did not put up a building large enough to accommodate all the wants of the Navy Department. We have gone over all this time and time again, and it has been discussed here a great deal. The Committee on the District of Columbia has given it a great deal of consideration, but I have never seen where any economies have been reached.

Mr. WARREN. May I correct the Senator?

Mr. GALLINGER. Certainly.

Mr. WARREN. The Senator must have misunderstood me. The Navy leased one of the buildings which is situated beyond the State, War, and Navy Building. Now, the other building near Pennsylvania Avenue is occupied by the Department of Commerce.

Mr. GALLINGER. Yes; I understand that.

Mr. WARREN. And the Department of Commerce in moving there vacated the new building across from the New Willard on Fourteenth Street and also vacated the building near here which was used for the census. It vacated several others.

Mr. GALLINGER. I understand that that has been a very wise disposition, because the building that was occupied by the Census Office never ought to have been occupied by human beings in summer time.

Mr. WARREN. If the Senator will allow me further, it was obtained exactly in the same way I propose now. We are to see if we can reduce the rent of that building—a part of it at 35 cents a square foot and the balance of it at 37 cents a square foot.

Mr. GALLINGER. I am very glad to know that. So, after all, the committee has succeeded in saving the Government something in the matter of rentals. The rentals in this District have been enormous, and they have not only been enormous, but, to my mind, they have been wicked. The owners of buildings have held the Government up in many instances and have charged rentals that have been beyond all reason. Now, if the new building to which the Senator calls my attention, which was constructed by private parties on G Street NW., were rented so as to have a low rental per square foot, that is a very wise thing. I congratulate the Senator and his colleagues in having accomplished that result.

But, after all, this matter of rentals, which has been discussed over and over again, ought to be taken up in some way and investigated to the bottom, so that we could find out whether the Government is paying fair rentals or unfair rentals. However, in constructing new buildings I have very little faith that when we add a new building for any department we are not going to find that it would be occupied immediately and that then they would want to rent a building somewhere in addition. That has been the way it has gone. I think if this matter is to be investigated, every building used by the Government ought to be examined carefully to find out whether the floor space is wisely distributed and to ascertain whether the space might not be economized.

Mr. PAGE. Mr. President, I think we have perhaps placed ourselves under some obligation to men who have built office

buildings for the Government, and unless we are very careful in regard to what we do here I surmise we are entering into a project to help some real estate man to construct a new building and get a long-time rental from the Government. Personally I do not think we ought to enter upon a matter of this kind without full consideration. This amendment, I have not any doubt, the Senator from Wyoming thinks is a proper amendment.

Mr. WARREN. Mr. President, if the Senator will allow me, this is not a new matter. It is a matter that is estimated for, a matter thoroughly understood. The way these other building were obtained—we had before the committee the offers of two or three—they would guarantee rental at that price, and I think in every case somebody got the contract at a still lower figure. So there is nothing in this matter in the interest of any real estate venture. This is not only estimated for, but estimated in the regular way. It comes up from the Treasury Department. They state that they can immediately save from $25,000 to $30,000 in just changing a portion from one building to another, but they can not get the fittings up without taking the building for more than one year. Without specific authority there can be no lease made for a longer period than a year, and in no case except as the money is appropriated.

Mr. SHAFROTH. I will ask the Senator from Wyoming whether the usual clause in the making of a regular lease is contained in the amendment which he offers, namely, that the Government reserves the right to terminate the lease at any time?

Mr. WARREN. It does; but it is not contained in the amendment as I have offered it. Take the Post Office Department, for instance. Every lease has that written in. Of course, when you are seeking to build such buildings as are now being constructed for the Department of Commerce and the Navy Department, you enter into, say, a five-year lease. On the other hand, I will ask the Senator if he ever knew anybody to get any remuneration from the Government, or any redress, if they moved out before the end of the term?

Mr. SHAFROTH. It may be that redress has never been given, yet, as a matter of fact, if the Government does enter into a contract for a specific term, and breaks the contract, it seems to me it is liable for the damage. I have understood that the clause which provides for a long term is not distasteful to people who want to rent their property, even if there is a clause contained in it that the Government can revoke the lease; and the reason why they want a long-term clause is that in 9 cases out of 10 it will not be revoked. Therefore the Government does get the benefit of having the lower price by reason of a long-term lease, and yet, at the same time, if contingencies should arise that would make it imperative for the Government to move out, it would have the privilege of doing it. I have understood that those leases are favored by the very men who lease property to the Government.

Mr. WARREN. I think they are not specially favored but always accepted, and with a sort of general understanding. Take the War Department: They lease with an option that they may have the building from year to year at the same price for 10 years, while the Government is free at the end of any year to quit the building. Yet the other party is bound for the 10 years by this option. A great many of the leases are that way.

Mr. SHAFROTH. And if the Government gives a notice of six months or a year of the termination of a lease, it is evidently of value to the man who has the property.

Mr. SMOOT. I should like to call the Senator's attention to the amendment offered by him, for it seems to me it is exactly the same amendment found on page 73, with the exception that the proviso in the amendment on page 73 is not included in this amendment.

Mr. WARREN. The Senator is mistaken. I will tell him the difference.

Mr. SMOOT. Just a minute. The proviso of that amendment reads:

> That each lease shall contain a provision that the same can be determined by the Secretary of Agriculture at any time on 30 days' notice.

I understood that that was satisfactory to the Secretary of Agriculture, but I also understood the chairman of the committee having the bill in charge to say that that amendment would save the Government $2,500 a year; that the plans are already prepared, the money arranged for, and the owners are perfectly willing to have that proviso in. Am I mistaken on that point?

Mr. WARREN. The Senator or some Senator made a point of order, which was immediately acted upon by the Chair, and it went out on a point of order as legislation. The word "hereafter" was in, which made it, of course, a standing statute, and the clause which the Senator has read was in. Now, in order to make it a limitation and not legislation, this amendment is offered with the word "hereafter" left out, and in the interest of economy the proviso is omitted.

I have no objection whatever, if Senators feel that the amendment should contain a provision to give the Government the privilege of canceling the leases, but I think the notice should be longer than 30 days. I am willing to accept that amendment to the amendment, but in the form that this is presented it is a limitation, and it is not legislation. It simply affects this bill for the next fiscal year.

Mr. SMOOT. Mr. President——

Mr. SHAFROTH. Will the Senator read his amendment as he has drawn it?

Mr. SMOOT. In listening to the amendment being read I did not catch the elimination of the word "hereafter." I notice now, since the Senator has called attention to it, that that would make a change. What I wanted to call attention to was the proviso, because, as I understand, the men who have had the plans prepared for the building desire to lease it——

Mr. WARREN. If I may interrupt the Senator right there, I want to say that I have never yet approved of the Government specifically agreeing to bind itself in reference to the plans for a particular private building, because I felt that it was better to allow competition in the matter. While we have heretofore had before us, as the Senator says, plans, specifications, locations, and amounts which we felt were satisfactory if we could not do better, we have in each case so legislated that the Government could call for bids; but if nobody was ready to offer greater facilities for the money, the plans first submitted have been accepted.

Mr. SMOOT. Certainly.

Mr. WARREN. That is my idea of the amendment.

Mr. SMOOT. That is true; and this amendment is in exactly the same position as are all other provisions of this kind that have been acted upon by the Senate in the past. The only reason why I brought the matter to the attention of the Senate was that I thought with that proviso inserted there would be an advantage to the Government in case it should desire to occupy the buildings for the full 10 years, and for the further reason that I understood that the parties who had offered the buildings intended to save the Government $2,500 a year, and they did not object to the proviso.

Mr. SMITH of Georgia. Mr. President, I should like to hear read the amendment offered by the Senator from Wyoming [Mr. WARREN].

The VICE PRESIDENT. The amendment proposed by the Senator from Wyoming will be stated.

The SECRETARY. On page 59, after line 20, under the head of "Rent in the District of Columbia," it is proposed to insert the following:

> The Secretary of Agriculture is hereby authorized to lease for terms not exceeding 10 years buildings or parts of buildings in the District of Columbia necessary for the accommodation of the Department of Agriculture, if by so doing he is able to secure substantial reductions in rentals and better accommodation for the business of his department.

Mr. SMITH of Georgia. Mr. President, I offer this amendment to the proposed amendment:

> *Provided*, That each lease shall contain a provision that the same can be determined by the Secretary of Agriculture at any time on 90 days' notice.

Mr. WARREN. Will not the Senator from Georgia make that six months? That is short enough.

Mr. SMITH of Georgia. I would not object to six months.

Mr. WARREN. I am willing to accept the amendment providing for six months.

Mr. SMITH of Georgia. Mr. President, I am opposed to any lease that handicaps the Government in putting up its own buildings. I know the Government can erect buildings just as cheaply as anybody else can, or it ought to be able to do so, and could do so if it would use common sense. We already have the ground. I am opposed to all this leasing business. I am opposed to holding back the construction of a Government building on the ground that we must have a Grecian temple every time——

Mr. WARREN. I agree entirely with the Senator from Georgia.

Mr. SMITH of Georgia. One moment. I merely wish to finish now what I have to say. I repeat, I am opposed to holding back the erection of Government buildings upon the theory that each time we must have a Grecian temple. I earnestly desire to see adopted the policy of putting up our business buildings for the use of the Government which we can put up at a small cost. We have the ground, and we can certainly do so and accommodate the departments with every facility they need at a less cost than we should have to pay as rent. We shall have no taxes to pay, because we contribute a large part to the District upon the half-and-half principle. We shall have

no ground to buy, for we already have the ground. If we would abandon the idea that each building must be an extravagantly constructed architectural wonder and adopt a business course we ought within the next two or three years to afford every accommodation which the Government needs in the District in our own buildings.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Georgia.

Mr. SHAFROTH. I would suggest to the Senator from Georgia that the term be extended. I think that the word "terminate" is better than the word "determine" in his amendment, so that the amendment would provide that each lease shall contain a provision that it may be terminated by the Secretary of Agriculture at any time on six months' notice.

Mr. SMITH of Georgia. I do not object to six months' notice, for unless we are to construct buildings for our own use and for the accommodation of the Government departments it is just as well to get a good building, and it will take from 6 to 12 months' time to construct a suitable building. A suitable building for any of these departments to meet its wants could be finished in 12 months' time.

Mr. PAGE. Mr. President, I do not know that I am correct in regard to this matter, but my understanding of it is that certain builders here in the city wish to erect a building and to lease it to the Government. There are buildings here which have been erected for the Government's use; they have been erected to please particular departments and have been built under specifications provided by the Government. Unless there is some good reason why we should terminate the leases of such buildings and erect new ones I do not think the amendment should be adopted in fairness to the men who have erected the buildings the Government now leases.

I know very little about parliamentary law, but it does seem to me that the proviso which I have before me is general legislation on an appropriation bill, and I submit that point of order.

Mr. WARREN. I hope the Senator will not make that point. The amendment is a limitation, and not legislation. If the Senator will allow me, he will find on examination that this is the condition: We are renting certain buildings and parts of buildings which are not fireproof. This proposition is designed to gather together in a fireproof building at a less rental and with better facilities bureaus which may now be scattered in a number of buildings. I know of no better way to bring that about than to proceed along the line indicated by the amendment. We have so provided in a number of instances and have been able to reduce rentals in some cases from ninety-odd cents a square foot to thirty-five cents.

Mr. PAGE. The men who have an interest in this matter have asked me if it was before the committee, and have said that if it was they wanted to be heard. We have had our meetings of the committee and we did not pass finally upon this matter. Now it comes in here at this late hour. While I say that I desire to submit to the better judgment of my friend the Senator from Wyoming, I am going to ask the attention of the Chair——

Mr. WARREN. The Senator from Vermont is mistaken in saying that the committee did not have this matter before them and consider it. It was considered, and was in the bill in a different form.

Mr. PAGE. In a different form?

Mr. WARREN. Yes.

Mr. PAGE. I should like to ask the attention of the Chair to the matter. I submit for the consideration of the Chair that the amendment proposed by the Senator from Wyoming is general legislation on an appropriation bill. The amendment reads:

> The Secretary of Agriculture is hereby authorized to lease, for terms not exceeding 10 years, buildings or parts of buildings in the District of Columbia necessary for the accommodation of the Department of Agriculture, if by so doing he is able to secure substantial reductions in rentals and better accommodation for the business of his department.

I believe with the Senator from Georgia, that the time is coming in the very near future when we ought to erect and own all the buildings which the Government needs; but I do not believe that we would be doing a wise thing to make a contract for a term not exceeding 10 years and then provide that the lease can be terminated on short notice. We will be expected to keep a building so leased for 10 years, unless there is some good reason why we should not, for when we make such a contract with men who are to erect the building we shall probably foreclose ourselves from terminating that lease, because we have asked them to build it under the expectation and the promise that we will keep it for 10 years if there is no good reason why we should not do so. I submit the point of order, Mr. President.

Mr. WARREN. Mr. President, I should like to be heard on the point of order.

The VICE PRESIDENT. The Chair has about reached the conclusion that the Chair should rule on the point of order or should not. The Chair is of the opinion that the point of order is not well taken, for the amendment is just the same as if it were an appropriation for the rental of buildings.

Mr. SMITH of Georgia. Mr. President, I desire to say just one word in connection with the statement of the Senator from Vermont [Mr. PAGE], because I would vote against this provision if I agreed with him that the parties erecting the building had any right to continue to claim the Government as a tenant after six months' notice was given. I would not for one moment vote for a 10-year lease that was to be continuous. I would not vote for this lease now if I thought it was to continue for 10 years. The proviso expressly declares, and becomes part of the contract, that we can terminate the lease on six months' notice. The parties who put up the building for the Government under this provision do so at their own risk; they do so understanding that we in our contract of lease have stipulated that at any time we conclude that it is to the interest of the Government not to use that building, after six months' notice the lease ends. It is only with that clause in it that I am willing to vote for the amendment. I think, if we do our duty, the party putting up this building will not rent it to the Government for 10 years.

A small sum of money, relatively speaking, properly expended will accommodate the extra wants of the department. Five hundred thousand dollars properly expended will erect a modern fireproof office building with 400 rooms in it. Three per cent on that sum is the estimate that we could well consider as the cost to the Government, which is very much less than any such building costs the Government when we rent it.

No private citizen can rent a building to us as cheaply as we can build it and own it for ourselves. The private citizen must buy the land, which in all probability would cost as much as the building. The Government has the land. The private citizen must pay taxes on it; the Government provides its part of the tax on the half-and-half principle; so that necessarily the Government can build and own its own quarters with economy and a saving of half as compared to the private renter. The only reason that it has not been done is that what is everybody's business is nobody's business.

I do hope, as the chairman of the Public Buildings and Grounds Committee is present, that he will signalize the work of his committee within the next 12 months by taking steps to terminate leases and to erect buildings for the Government in the District of Columbia.

Mr. SWANSON. Mr. President, I will say in this connection that I fully concur in what the Senator from Georgia has so well stated. The Government pays between six hundred and seven hundred thousand dollars annually in rentals in the city of Washington. At 3 per cent that represents the interest on about $20,000,000; in other words, the Government could easily afford to issue bonds to the extent of $20,000,000 for the erection of buildings and secure quarters far surpassing those now occupied by it in rented buildings. I do not believe it would take $10,000,000 for this Government to erect all the buildings needed in Washington for storage and all other purposes.

I have requested each department to send me a statement of the amount of space they at present rent, the estimated cost of the buildings rented, the assessed value of such buildings, and how much space each department needs for office and storage purposes. These statements have come to me. I have submitted them to the Supervising Architect, and requested him to systematize them, so as to show how much storage and how much office space is needed for the different departments in Washington; how much space is at present rented; the cost and the rate in rentals, together with the value of the buildings, and then to submit with the information thus furnished a scheme for the erection of buildings, stating where they should be located, their nature and purpose, and for what department intended to be used; so that the committee can bring before Congress a bill that will obviate any necessity for continuing to rent quarters for the Government in Washington.

Mr. PAGE. If I may interrupt the Senator, I should like to ask if he has any idea that any responsible corporation, firm, or individual would construct a building such as is contemplated in the amendment proposed by the Senator from Wyoming, designed especially for Government use, unless they had some assurance that the Government would occupy it for the 10 years provided in the amendment?

Mr. SWANSON. The Government never had any difficulty in securing all the buildings it desired constructed without any such terms as indicated, for the simple reason that Congress has been so slow in appropriating money to erect buildings for

the use of the Government in Washington that those who erect buildings for the Government feel that if they ever lease a building to the Government the lease will run for a great many years. I think the Government would make a mistake to lease any building for 5 or 10 years without the privilege, when it sees proper, of terminating the lease and constructing its own building.

Over half the expense of constructing buildings in Washington is incurred in the purchase of the land. The Government has all the land it needs to construct buildings in Washington, and, as the Senator from Georgia has well said, the Government pays no taxes on its buildings. The tax rate in Washington is about 1½ per cent.

Mr. GALLINGER. Mr. President, on the point of the Government owning land, is the Senator sure that we have enough available land on which to construct buildings?

Mr. SWANSON. I am satisfied that the Government has all the land needed for the construction of its buildings.

Mr. GALLINGER. Undoubtedly the Government has acreage enough, but is it so situated that we can economically use it?

Mr. SWANSON. I think so. We have the Plaza here on which many handsome buildings may easily be constructed.

Mr. GALLINGER. We have just spent $3,000,000 or $4,000,000 purchasing additional land to enlarge the parking system about the Capitol. Does the Senator think that we should proceed to erect public buildings on that land?

Mr. SWANSON. I think the parking system will be more beautiful if surrounded by handsome buildings on all sides. I think that when we erect around the Plaza a group of buildings such as there are now on certain parts of the Plaza, it will be more beautiful than it otherwise would be.

Mr. GALLINGER. I am not quite sure that I would not agree with the Senator as to that point; but I think, when we undertake to do it, we will have a great deal of difficulty in persuading the Congress that we ought to do so. I have had a little experience—not much—in that direction. I thought that we ought to put the buildings—for which we have purchased land at a very high cost on Pennsylvania Avenue between Fourteenth and Fifteenth Streets—on Capitol Hill, somewhere near the Capitol, but when the question came up as to appropriating the money for that purpose, there did not seem to be any sentiment in favor of it, and we went down on Pennsylvania Avenue and spent, I do not know how much, but $2,000,000 or $3,000,000 probably, to buy land on which to erect Government buildings. The Senator will recollect the fact that there has been an agitation that swept even this body off its feet that we should buy all of the land on the south side of Pennsylvania Avenue, and we have passed bills here appropriating, I think, $15,000,000 for that purpose, but nothing came of them except that we did buy the one block to which I have referred.

Mr. SMITH of Georgia. Can the Senator state how many front feet there are in that block?

Mr. GALLINGER. The entire frontage between Fourteenth and Fifteenth Streets, as I understand, and running back to the Mall.

Mr. SMITH of Georgia. That is about 300 feet by 600 feet, is it not?

Mr. GALLINGER. I should think likely it is about that.

Mr. SWANSON. There is ample space there to erect what was contemplated—a building for the Department of Justice, the State Department, and the Supreme Court.

Mr. GALLINGER. That was the purpose, but we did not do it.

Mr. SWANSON. If that were done, however, we would save a great deal of the rental that is now paid.

Mr. GALLINGER. My suggestion was that we did not put it on Government-owned land, but we went and bought that land for the purpose.

Mr. SWANSON. What I am requesting the Supervising Architect's Office to do is to ascertain the amount of the rentals we now pay, to make an estimate of the amount of space that is needed for the future, to make an estimate of what it will cost the Government to construct the buildings, to ascertain where they could be located with a view to both economy and architectural beauty, and to suggest a complete plan for housing all the governmental activities in Washington.

Mr. GALLINGER. If the Senator will permit me, I will say that the Senators are undoubtedly engaged in a very worthy purpose; but when the real, practical question comes before Congress I am afraid they will find there will be a great reluctance to invade this Plaza, or the addition that will be made to the Capitol Park, for the purpose of having buildings placed on it.

Mr. SWANSON. I am not agitating that. I am leaving that to the Supervising Architect's Office, constructors, people who are well posted as to the location of the Government land and what is available, to make a report on the matter, so that we can stop paying rent. It does seem to me that for the Government to pay between six and seven hundred thousand dollars rental in the city of Washington is a most extravagant expenditure for the space and facilities it obtains.

Mr. GALLINGER. The Senator will recall the fact that when we constructed the Senate and House Office Buildings we had to purchase the land at a very high cost. We did not find Government land on which we could place those buildings. While personally I have thought many times that we ought to have grouped our buildings on Capitol Hill, which would have been much more convenient for all of us, yet that has not been the policy; and I feel reasonably assured in my own mind that when we come to construct these buildings as a rule we will have to buy land on which to place them.

Mr. McCUMBER. Mr. President, while the Senator has the floor I should like to ask him a question or two, as he has given us some suggestions indicating a purpose on the part of the Committee on Public Buildings and Grounds.

Several years ago I think a commission of architects or otherwise were selected to make a report upon a general system of buildings and location of public buildings in the city of Washington, to formulate a system which it might require fifty or a hundred years to complete. They proceeded to do their work. They made models, one of which is over in the Congressional Library now, and another one, I think, down in one of the museums, showing just where these buildings were to be located, and the general lines, using, I presume, for the most part, Pennsylvania Avenue as the center of a long row of those buildings, and going to the extent even of indicating the style of the buildings.

I had supposed that all of our new buildings that were being erected were erected in places in pursuance of that general plan to beautify the city and make it one of the most beautiful cities in the world. Am I to understand now that that plan is to be abandoned, and that we are to put up buildings haphazard, of all kinds and all dimensions, as though the demon of discord had smiled upon the architectural designs of this city, without reference to any plan or any system whatever——

Mr. SWANSON. I thought the Senator wanted to ask me one question. He has asked two or more already.

Mr. McCUMBER. And that we are to put up cheap buildings, as indicated by the Senator from Georgia, because they can be less expensively put up than these Grecian temples, and so forth?

Mr. SWANSON. I judge the Senator is going to ask three questions.

Mr. McCUMBER. It is a pretty long question, but I have to give the ideas that are in my mind, so that the Senator can get more full information on the subject.

Mr. SWANSON. If the Senator will permit me at this stage, since he has asked nearly 20 questions, I will say that there are different kinds of buildings that the Government needs. Its office buildings ought to be of architectural beauty; but three-fourths of the buildings it is paying rent for are simply buildings used for storage purposes. The various departments have to store various kinds of documents, purchases, and things like that.

I see no occasion for having extravagant and handsome buildings for that purpose. I think the Department of Justice ought to have a handsome building, but I see no occasion for having a handsome building, of architectural beauty and fine columns, to be used for the storage of paper, old documents, or seed which is sent out in a year.

My idea was to get the Supervising Architect's Office, both from an architectural standpoint and from a business standpoint, to segregate the two; to find out where to locate buildings for storage purposes which are not very expensive, simply for convenience in business purposes, and then such buildings as are needed for office purposes. The demand for buildings for office purposes is not very large. If we will construct a building for the Department of Agriculture, there is no other one specially needed that has not been provided for.

Mr. OVERMAN. There is the Department of Commerce and the Department of Labor.

Mr. SWANSON. The Department of Commerce and the Department of Labor are newly organized departments. Those two departments need buildings. The Department of State needs some enlargement.

Mr. McCUMBER. The particular purpose for which this provision of the bill is to be enacted into law is to rent a building for certain purposes. Does the Senator mean to convey the idea that it is merely for the purpose of storing old papers?

Mr. SWANSON. Some buildings are.

Mr. McCUMBER. I mean this building.

Mr. SWANSON. I was not in the Chamber when this amendment was read. I simply entered into the debate on account of the discussion of the general construction of buildings in the city of Washington in response to a suggestion made by the Senator from Georgia [Mr. SMITH]. I do not know what this amendment is. I do not know what its provisions are. I was not in the Senate at the time that particular matter was discussed.

Mr. McCUMBER. The Senator from Georgia stated a short time ago that we could erect for some four or five hundred thousand dollars a building that would contain a thousand rooms.

Mr. SMITH of Georgia. Oh, no; the Senator has missed my statement on each side.

Mr. McCUMBER. Very well.

Mr. SMITH of Georgia. I said $500,000 and 400 rooms.

Mr. McCUMBER. Very well.

Mr. SMITH of Georgia. And I state again that a 10-story handsome, modern office building, as handsome as you will find in any of the cities of the United States, can be built for $500,000—a building of handsome finish, marble inside, with 400 rooms in it averaging from 18 to 20 feet square.

Mr. McCUMBER. And what outside? We have marble inside. Now, what would we have outside—bricks?

Mr. SMITH of Georgia. Part marble, part granite——

Mr. OVERMAN. Indiana limestone.

Mr. SMITH of Georgia. No; I would not agree to that. I want to be excused from any more Indiana limestone. I would suggest granite and hard-pressed white brick.

Mr. OVERMAN. Does the Senator mean that the Government could do that? A private individual could.

Mr. McCUMBER. Does the Senator think we want any more pressed-brick buildings? Do we want another one of these buildings like the Pension Office in the city of Washington? Have we not passed that stage?

Mr. SMITH of Georgia. I regard that as a very common building.

Mr. McCUMBER. I think it is an uncommonly abominable building.

Mr. SMITH of Georgia. The Senator can not exceed my view in his expression as to its architecture or its general construction.

Mr. OVERMAN. Mr. President, I will say to the Senator that there is one building that we have been renting for $18,000 a year, and finding that we are going to move out they are now offering it to us for $12,000 a year.

Mr. SMITH of Georgia. I do say that we can erect a 400-room office building, as handsome as any office building that has been erected in Washington City—and there are several handsome office buildings here—for $500,000.

Mr. McCUMBER. What I want to insist upon is that it is a waste of the money of the people of the United States to put up any cheap, ugly buildings that we will probably pull down in 5 or 10 or 15 or 20 or 30 years. Further, I believe that if we have adopted a systematic plan in the city, we should follow that plan, and that economically it will be to our advantage, even though the buildings cost a little more to erect—beautiful Grecian temples, if you please—in the first instance. Then we will have something that we will never need to be ashamed of and will never need to tear down.

I believe there will be a great deal of economy in this. I wish to protest, however, against any further system of erecting such buildings as this one down here on the Avenue—the post-office building—which we now want to tear down, and the little office building down here in which are housed several hundred or a thousand people which we call the Census Office—nothing more than a great pen, the hottest place on the face of the earth. I do not want to spend any more money for buildings of that kind.

Mr. REED. Mr. President, I desire to make a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Missouri will state his inquiry.

Mr. REED. I wish to ask what question is before the Senate?

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Wyoming [Mr. WARREN] as modified.

Mr. SMITH of Georgia. I only wish to protest against the suggestion of the Senator from North Dakota that I am advocating the erection of any cheap buildings that we will be ashamed of and that we will be compelled to take down in 20 years. I insist that it is practicable to erect a modern, handsome, steel-constructed, fireproof office building, with 400 rooms in it, for $500,000, as handsome as the office buildings in any city in the United States, 10 stories high only.

I would make them uniform. I would not build them haphazard. I would adopt a uniform plan of a 10-story office building for our surplus office forces, just such as we are now renting for the surplus office force of the Agricultural Department. I am perfectly willing to see constructed for the Department of Justice one building of pronounced architectural style; but barring giving each department one such building, a system of high-class office buildings of modern style can be erected, and the number can be enlarged and enlarged and enlarged from year to year as our business increases. In that way the Government and the people can be saved a great deal of money, and yet a system of buildings can be erected that will be pleasing to the eye, and even, I am sure, satisfactory to the artistic tastes of the Senator from North Dakota.

Mr. McCUMBER. Mr. President, I wish to ask the Senator if he believes that a 10-story building erected, for instance, close to the new Post-Office Building would be a very harmonious affair? Would not it spoil the appearance of both of them, as much as a 10-story apartment house constructed alongside of it would? I believe our buildings ought to be made to harmonize with each other and with the general plan. I can not conceive of any plan that would allow a 10-story office building to be constructed and have it consistent with any idea of architectural beauty.

Mr. SMITH of Georgia. How many stories does the Senator wish to erect?

Mr. McCUMBER. Enough so that the building will look well.

Mr. SMITH of Georgia. What is the Senator's figure?

Mr. McCUMBER. I have no design, because I do not claim to be an architect; but if the Senator will look over the plans that have been adopted by the commission I think he will not find anything above a three-story building that has been selected for any of the public buildings.

I think the Senate Office Building, the House Office Building, the Post Office Building just completed, and the new building for the District of Columbia, are buildings embodying great architectural beauty. None of them is above three stories in height. I can not conceive of erecting that class of buildings, with their style, and then mixing in here and there a skyscraper to set them off.

Mr. SMITH of Georgia. A 10-story building is not a skyscraper.

Mr. REED. I ask to have the amendment stated.

The VICE PRESIDENT. The question is on the amendment as modified. The Senator from Missouri asks that it be read. The Secretary will read the amendment.

The SECRETARY. On page 59, after line 20, it is proposed to insert:

The Secretary of Agriculture is hereby authorized to lease, for terms not exceeding 10 years, buildings or parts of buildings in the District of Columbia necessary for the accommodation of the Department of Agriculture, if by so doing he is able to secure substantial reductions in rentals and better accommodation for the business of his department: *Provided*, That each lease shall contain a provision that the same can be terminated by the Secretary of Agriculture at any time on six months' notice.

Mr. REED. I suggest to the author of the amendment, instead of the term "Secretary of Agriculture," the use of the words "can be terminated by the Government."

Mr. WARREN. I do not object to that, if the Senator thinks it is necessary.

Mr. REED. I think it would be very much better to put it in.

Mr. SWANSON. I suggest "by act of Congress," to make it specific.

Mr. WARREN. You can not do that. Another thing——

Mr. REED. I withdraw the suggestion.

Mr. WARREN. I think, on reflection, the Senator will have to admit that somebody is the Government, and I think the head of this department ought to be the person to do it.

The VICE PRESIDENT. The question is on agreeing to the amendment as modified.

The amendment was agreed to.

Mr. REED. Mr. President, a short while ago the Senator from Oklahoma [Mr. GORE] offered an amendment to which I objected at the time. It has since been amended or changed. I have no objection to it in its present form.

Mr. GORE. Mr. President, I send the amendment to the desk with the alteration and renew my offer of it.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 61, at the end of line 21, it is proposed to insert:

Provided, That hereafter all correspondence, bulletins, and reports for the furtherance of the purposes of the act approved May 8, 1914, entitled "An act to provide for cooperative agricultural extension work

between the agricultural colleges in the several States receiving the benefits of an act of Congress approved July 2, 1862, and the acts supplementary thereto, and the United States Department of Agriculture," may be transmitted in the mails of the United States free of charge for postage, under such regulations as the Postmaster General, from time to time, may prescribe, by such college officer or other person connected with the extension department of such college as the Secretary of Agriculture may designate to the Postmaster General; but such designation shall not extend at the same time to more than one person for each college.

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

The amendment was agreed to.

Mr. GORE. Mr. President, on page 61, lines 5 and 6, I move the insertion of the words "May 8." That will complete the title of an act referred to in the pending bill.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to fill in the blank in the amendment already adopted on page 61, so that, after the words "and the act approved," there shall be inserted the words "May 8."

The amendment was agreed to.

Mr. GORE. The junior Senator from Kansas [Mr. THOMPSON], I understand, desires to move an amendment, and I yield to him.

The VICE PRESIDENT. The committee amendments are not yet disposed of. The next committee amendment will be stated.

The SECRETARY. On page 18——

Mr. SMOOT. I understood the Senator from Oklahoma to ask that that amendment might go over. Does he object to the consideration of it at this time?

Mr. GORE. No, sir; I do not. The Senator from Missouri [Mr. REED] is present. I asked that it might go over on account of his absence.

The SECRETARY. On page 18, line 22, after the word "Government," the committee propose to insert the following words:

Or at the discretion of the Secretary of Agriculture, the grades of cotton below those standardized by the Government.

The amendment was agreed to.

The VICE PRESIDENT. The next amendment passed over will be stated.

The SECRETARY. On page 19, line 1, after the word "tests," insert a colon and the words:

And provided further, That of the total sum appropriated in this item, $25,000 shall be immediately available.

Mr. GALLINGER. Mr. President, I have noticed in this bill that in several instances appropriations have been made immediately available. There seems to be no urgency in this case. The bill will be effective on the 1st day of July next, five or six weeks from now. I ask the Senator from Oklahoma if he intended to urge that amendment?

Mr. GORE. I will refer that question to the Senator from South Carolina [Mr. SMITH]. This is an amendment with which he is most familiar. I assume the desire was to begin the preparation of these samples prior to the opening of the cotton season.

Mr. SMITH of South Carolina. Mr. President, the cotton year begins practically September 1 and ends September 1. It is desirable that the appropriation which has already been voted by the Senate shall become available and benefit cotton growers. It will take some time to get the samples and have them standardized and have the grades furnished the principal markets. Thus it will be of untold benefit.

Mr. GALLINGER. Would there not be time to begin July 1 to do this work?

Mr. SMITH of South Carolina. No; there is considerable work to do.

I wish to state to the Senator from New Hampshire that there seems to be a misapprehension as to the benefit of this appropriation. Two bales out of every three that we sell are sold abroad. A standard sample is to be furnished. The cotton in the field is discolored. Under an appropriation which I secured several years ago we provide and the Government is now issuing cards to show the spinning value—that is, the textile strength and the bleaching qualities—of the different grades. But Europe, buying two bales out of three, really in a way sets the price; that is, in the absence of knowledge on the part of our growers.

Mr. GALLINGER. I will say to the Senator that I do not propose to occupy a moment's time in opposing the amendment, and I will not do it; but the custom is growing up of making these appropriations in part immediately available, and it seems to me it is an evil. But if the Senator thinks it is necessary in this instance, I have not another word to say.

Mr. SMITH of South Carolina. I will say to the Senator from New Hampshire that I do think it is an evil, but it has grown out of the fact that we have ignored the agriculturist of this country so long that when he does come into his own he wants immediate relief.

Mr. GALLINGER. I do not agree to that any more than I agree to the intimations that have been made over and over again that those of us who have discussed some provisions of this bill are not friends of the farmer. I have become a little weary of hearing that statement.

Mr. SMITH of South Carolina. I want to disclaim that as to the Senator from New Hampshire. He has been my good friend for nearly six years, and he has never failed to respond to any real legitimate claim of the agriculturists. I was not applying the statement to him, and I do not wish the statement to go into the RECORD without this modification on my part.

Mr. GALLINGER. That bouquet is sufficient for me to take my seat and allow the amendment to be agreed to, if the Senate sees fit to adopt it.

Mr. MCCUMBER. I understand that the committee amendments have been disposed of.

The VICE PRESIDENT. The pending question is on agreeing to the amendment of the committee at the top of page 19.

The amendment was agreed to.

The VICE PRESIDENT. Are there further committee amendments to be offered?

Mr. GORE. There are no further committee amendments. I have agreed to yield to the Senator from Kansas [Mr. THOMPSON] to offer an amendment. There is a rearrangement of the language of one clause necessary, and he desires to submit an additional amendment. I will ask the Senator from North Dakota to defer a moment for that purpose. It will require only a moment, I am sure.

Mr. MCCUMBER. Certainly.

Mr. THOMPSON. It will take but a moment. On page 20, line 7, I desire to amend by changing the word "beet-sugar," before "investigations," to "sugar-beet," which is the proper term to be used in connection with such an investigation.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 20, line 7, before the word "investigation," strike out the word "beet-sugar" and insert in lieu "sugar-beet."

The amendment was agreed to.

Mr. THOMPSON. There is another amendment to that paragraph which is deemed necessary by the Department of Agriculture in order to give proper authority for conducting the sugar-beet investigation. I send the amendment to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. After the words "methods of culture," in line 9, page 20, insert:

And to determine for each sugar-beet area the agricultural operations required to insure a stable agriculture.

Mr. SMOOT. Does the Senator from Kansas think the appropriations as made here would allow the Secretary of Agriculture to obtain that information?

Mr. THOMPSON. I am offering it at the suggestion of the Secretary of Agriculture, and it is deemed necessary by him in order to perform the broader work in connection with the sugar-beet industry that he desires or has in contemplation. We are not asking for any additional amount of appropriation, but simply to give broader authority in the use of the $41,495 which is already appropriated. The amendment has the approval of the Department of Agriculture.

Mr. SMOOT. I do not see that the amendment does any harm, but it does seem to me it is imposing an amount of work upon the Secretary of Agriculture that can not be possibly done by this appropriation.

Mr. THOMPSON. I have here a letter from the Department, if the Senator desires to hear it read.

Mr. SMOOT. I am not going to object to the amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Kansas [Mr. THOMPSON].

The amendment was agreed to.

Mr. MCCUMBER. I now offer an amendment to come in on page 19, and I wish especially to call the attention of the Senate to the particular amendment. On page 19, lines 4, 5, and 6, we have this original provision in the bill:

For investigating the handling, grading, and transportation of grain, and the fixing of definite grades thereof, $76,520.

We have here, then, a law directing the Secretary of Agriculture to fix definite grades, but no provision is made as to how he is to proceed to do it, how he is to enforce it, or any legislation on the subject, with the exception of the general direction that he is to fix definite grades.

To keep wholly within the rules, I have prepared an amendment which is nothing but three or four sections of what was known as the Lever bill, recommended by the Secretary of Agriculture. I am not offering the entire bill. I do not know how many Senators are paying the slightest attention to this matter,

but I can not go on while a general discussion is taking place among Senators.

Mr. SHERMAN. I am trying to direct attention to the amendment as soon as I can get to it.

Mr. McCUMBER. The Senator had better wait until I offer the amendment before he raises a point of order against it.

Mr. SHERMAN. I am soliciting attention to it.

Mr. McCUMBER. I want the Senator to have an opportunity also. I wish I could get a little attention of the Senate when I come to any matter pertaining to the interests of the farming community. We spent two days in discussing one little amendment that provided for $10,000 to be expended by the Secretary of Agriculture in getting vehicles to visit the sections infested by hog cholera, and so forth. After two days of labor upon that $10,000 item it was finally voted out, and then immediately we voted $90,000 without anyone asking a question.

Mr. SHERMAN. Mr. President, I rise to a point of order.

Mr. McCUMBER. I am discussing the bill.

Mr. SHERMAN. I raise a point of order. What is before the Senate for discussion?

Mr. McCUMBER. I supposed that the bill was before the Senate.

Mr. SHERMAN. If Senators were disposed to pay attention there is no amendment before the Senate, and they could not pay attention to it. The Senator is discussing an amendment before it is offered or read from the desk.

Mr. McCUMBER. If the Senator will keep his coat and vest on——

Mr. SHERMAN. I will.

Mr. McCUMBER. I will proceed and get through with my discussion.

Mr. SHERMAN. I rise to a point of order, Mr. President. I insist on the original point of order without further comment or decorous debate of the matter last emanating from the gentleman.

The VICE PRESIDENT. The bill is in Committee of the Whole and, of course, is subject to discussion by the Senate, and the Senator from North Dakota is in order.

Mr. SHERMAN. Before the amendment is offered?

The VICE PRESIDENT. Yes; he has a right to discuss the bill.

Mr. GALLINGER. He can discuss anything.

Mr. McCUMBER. I am sorry that the Senator becomes so impatient. I was just about to suggest that immediately there was offered an appropriation of $90,000 to help the meat packers in any further inspection of meats, and it did not even elicit a question but passed through without any discussion whatever, but the moment we touch upon a thing that really is beneficial to the farming interests of the Northwest my good friend gets impatient, and Senators do not seem to have time to give the matter any consideration whatever.

Mr. President, when we were discussing the grain inspection and grading bill here the other day—and if Senators will give me their attention I will agree to take only a few moments in discussion—I pressed a bill for the purpose of providing, first, for the Federal grading of grain; secondly, for the uniformity of grades, and, thirdly, for the inspection of grades. The only objection to that bill was based entirely upon the question of the inspection. Those who opposed it did not wish to take away the actual power of inspecting and grading from the bodies which are now doing that business, but all of them spoke in favor of the Federal standardization and also in favor of uniformity. No one spoke more strongly in favor of both those propositions than the Senator from Illinois [Mr. SHERMAN], who was entirely satisfied with the entire Lever bill. I did not believe at that time that there was any intention of voting the entire Lever bill into the law, but I did believe—it may be I was deceived in the belief—that there was a sincerity of purpose in the idea that that which had been recommended by the Secretary of Agriculture, namely, Federal standardization and uniformity of grades, did not have an opponent in the Senate of the United States. So to secure at least that much toward a great remedy that I hope we will be able to work out some day, the Federal standardization of grain, just as you have provided for the standardization of cotton, I have prepared an amendment for which I hope I shall be able to secure all of the votes on the other side of the Chamber.

I have voted for your cotton bill. I have voted right along for those provisions relating to the sending of experts to the cotton districts to teach you how to get rid of the boll weevil. I have gone further, and have sustained your proposition that you shall have samples of cotton at each one of the great selling places of cotton throughout the South, so that when the farmer brings in his bale of cotton he can compare it with the several samples he will have there before him, and will be able to determine for himself something of the real value of that cotton. I think that is a most estimable provision, and will operate very beneficially to the cotton growers of the South.

I would not dare to ask one-quarter as much as that for the great grain farmers of the Northwest. I had the courage to ask that the Federal Government do the inspecting for both sides—the producer and the consumer. That was voted down by a very heavy majority, but no one uttered a single word against what was known then as the Lever bill, introduced by the Senator from Oklahoma [Mr. GORE], which provided for standardization and also provided for Federal supervision.

In my amendment I do not even ask for Federal supervision. I simply ask that the Government fix the standards, the same as you are fixing the standards in cotton. The Secretary of Agriculture can take all the time he wants, but when he has determined upon the standard, whether it takes one year or two years or three years or so many months, he may then provide how those standards shall be enforced.

I want to make it certain that I am not reaching further now than the mere standardization by the Government of grain. In the bill itself that is provided in these words:

For investigating the handling, grading, and transportation of grain and the fixing of definite grades thereof, $76,320.

Matters of this kind have sometimes been objected to upon the ground that it was general legislation, and I have been startled by the proposition as to what constitutes general legislation as distinguished from special legislation. I even find that if you would direct the Secretary of Agriculture to rent a certain building, Senators will raise the objection that it is general legislation. I have always read, and I read in Bouvier's Dictionary and in the rules that are given here, that general legislation is legislation that relates generally either to an entire class of people throughout the United States or generally to all classes, and special legislation is that which relates to a particular person or thing or locality. That is the distinction between special and general legislation.

This amendment is perfectly proper under that rule. It limits and provides for the method under which the appropriation can be used.

Mr. President, in 1905, when we had before us the Indian appropriation bill and were providing for funds for Indian schools, I offered the following amendment:

Provided, however, That the individual owner or beneficiary of any interest in such funds—

That related to Government funds due the Indians—

who may desire to educate his ward, child, or children in any school other than a Government school may, by written order signed by him, direct that any portion of the interest accruing to him, or which would be allotted to him on such fund, be paid to the school in which such ward, child, or children may be educated.

Mr. Pettus raised the point of order that the amendment is new legislation on an appropriation bill.

The President pro tempore (Mr. Frye)—

And I think we all agree that he was rather a good presiding officer and fairly well acquainted with the Rules of the Senate—

overruled the point of order and said: "It has been held over and over again by the Presiding Officer of the Senate that any amendment is in order where an appropriation is made of funds and it undertakes to distribute the funds in any direction. That was settled a long time ago."

That covers any provision as to how the fund is to be used. If you appropriate for making standards, you have a right to say what standards shall be made or how they shall be made or how they shall be enforced. That is not general legislation, but is legislation upon the particular subject.

Mr. President, I want to hurry, so that I can get a vote on this matter in a very short time. I purpose to offer the following amendment to that particular section——

Mr. STONE. I wish to make a statement to the Senator from North Dakota and to ask him his pleasure in regard to it. I think manifestly we are not going to finish the bill to-night. The discussion the Senator is engaged in will evidently lead to further debate. It is now nearly half past 5 and I should like to move an executive session.

Mr. McCUMBER. For that purpose I will yield, Mr. President, because it is quite evident that the matter which I desire to bring to the attention of the Senate will run us on to 6 o'clock at least, although I desire to get through with it earlier if I can do so.

EXECUTIVE SESSION.

Mr. STONE. 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 13 minutes spent in executive session the doors were reopened, and (at 5 o'clock and 35 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, May 19, 1914, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate May 18, 1914.

ASSISTANT SECRETARY OF THE INTERIOR.

Bo Sweeney, of Washington, to be Assistant Secretary of the Interior, vice Lewis C. Laylin, resigned.

APPOINTMENT IN THE ARMY.

Joseph L. Donovan, late captain, Twenty-second Infantry, to be captain of Infantry with rank from May 15, 1914.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 18, 1914.

ASSISTANT ATTORNEY GENERAL.

Charles Warren to be Assistant Attorney General.

UNITED STATES MARSHAL.

Henry A. Skeggs to be United States marshal, northern district of Alabama.

COLLECTOR OF INTERNAL REVENUE.

Charles V. Duffy to be collector of internal revenue for the fifth district of New Jersey.

PROMOTION IN THE ARMY.

QUARTERMASTER CORPS.

Maj. B. Frank Cheatham to be lieutenant colonel.

POSTMASTERS.

COLORADO.

M. A. McGrath, Eaton.
Herbert R. Sabine, Alamosa.
Robert W. Tandy, Del Norte.

CONNECTICUT.

Daniel J. Driscoll, Cheshire.

FLORIDA.

Joseph F. De Sha, Waldo.

GEORGIA.

Susie M. Atkinson, Newnan.
Nellie B. Brimberry, Albany.
John L. Callaway, Covington.

ILLINOIS.

F. O. Lovins, East Moline.

IOWA.

Charles H. Bloom, Delmar.
S. H. Brainard, Wyoming.

KANSAS.

Lulu M. Crans, Formosa.
Siegfried Kuraner, Fort Leavenworth.
Glenn Smith, Horton.
Theodore D. Webster, Bronson.

LOUISIANA.

Henry W. Blanks, Columbia.

MINNESOTA.

Thomas H. Bunn, Pine Island.
Christian Hunsinger, Wadena.

MISSISSIPPI.

John L. Kirby, Water Valley.

MISSOURI.

William M. Bayliss, Clarence.
Francis L. Stufflebam, Bolivar.
John T. Summers, Lathrop.

NEBRASKA.

Elbert M. Vaught, Genoa.

NEW JERSEY.

James J. Cowley, Passaic.
Patrick J. Devlin, Matawan.
George F. Moore, Oradell.
Alice E. Shaw, Delanco.
John J. Roche, Palisades Park.

NEW YORK.

James M. Dwyer, Geneseo.
Arthur E. Hammond, East Aurora.
Thomas H. Kavanagh, Livonia.
Lawrence M. Kenney, Saugerties.
Mark J. Lockington, Lima.
George H. Martens, Fort Totten.
Charles T. Sammis, Northport.
Philip J. Smith, Webster.
Bruce M. Sweet, Fillmore.
Stephen Van Tassel, Mount Vernon.
William J. White, Livingston Manor.

OHIO.

Harvey N. Steger, Cardington.

TEXAS.

M. B. Brown, Burnet.
Bessie Cannon, Florence.
William Clark, Jefferson.
W. H. Brown, Navasota.
W. H. Miller, Seymour.
Chester A. Purcell, Burkburnett.
G. B. Sanders, Jewett.
H. C. Williams, Merkel.

VIRGINIA.

J. D. Askew, Pulaski.
John H. Massie, Edinburg.
Frank H. Rinehart, Covington.

WEST VIRGINIA.

H. H. Berry, Burnsville.
W. B. Stewart, Chester.

HOUSE OF REPRESENTATIVES.

MONDAY, *May 18, 1914.*

The House met at 12 o'clock noon.

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

O Thou, who art from everlasting to everlasting our God, out of whose heart Thou didst give us being and through whose infinite care and loving-kindness Thou dost provide for our every want, temporal and spiritual, may it not be perfunctory, an empty form, which brings us to Thee in prayer as a part of the daily routine of the sessions of this House, but because our hearts longeth for Thee and the touch of Thy spirit that we may fulfill every duty devolving upon us in an earnest desire to serve Thee and build a divine individuality in our souls, passing on day by day to a higher intellectual, moral, and spiritual life. We ask this as seekers after truth. Amen.

The Journal of the proceedings of Saturday last was read and approved.

CONSTRUCTION OF REVENUE CUTTERS.

Mr. ADAMSON. Mr. Speaker, there is a bill on the Speaker's table, S. 4377, in which the Senate has concurred in the House amendment with an amendment. I ask that it be taken from the table, that we disagree to the Senate amendment to the House amendment, and ask for a conference.

Mr. MADDEN. Is that the bill with reference to the construction of revenue cutters?

Mr. ADAMSON. It is.

Mr. MADDEN. A bill with an amendment providing for two revenue cutters instead of four?

Mr. ADAMSON. The Senate agreed to the House amendment by putting back practically the same two ships.

Mr. MADDEN. Would it not be a good idea to have the House vote on the question whether we will have two or four?

Mr. ADAMSON. I should prefer that it go to conference as it is.

Mr. MADDEN. Would the gentleman agree to bring it back without an agreement if the Senate insisted upon four revenue cutters?

Mr. ADAMSON. I do not want to make any promises before going into conference. After we get into conference, I will talk with the gentleman about it.

Mr. MADDEN. I want the gentleman from Georgia to understand that I am opposed to the building of four revenue cutters, and the House so indicated when the bill was passed. We ought to have an opportunity to vote on the question whether we are to have four or two. If we have some kind of an understanding about that, I would not object to the bill being taken from the Speaker's table and sent to conference.

Mr. ADAMSON. I do not believe that the House ever had any reason to complain of the conferees from our committee.

Mr. MADDEN. I will not object.

The SPEAKER. Is there objection? The Chair hears none, and the Clerk will report the title to the bill.

The Clerk read as follows:

S. 4377. An act to provide for the construction of two revenue cutters.

The SPEAKER. The gentleman from Georgia asks unanimous consent to disagree to the Senate amendment to the House amendment and ask for a conference. Is there objection?

There was no objection.

The Chair appointed as conferees on the part of the House Mr. ADAMSON, Mr. SIMS, and Mr. STEVENS of Minnesota.

GORDON W. NELSON.

Mr. PADGETT. Mr. Speaker, the bill S. 5552 is on the Speaker's table and a similar House bill reported from the Committee on Naval Affairs is on the House Calendar. I ask unanimous consent to take the Senate bill from the Speaker's table and pass it in lieu of the House bill.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to take the bill S. 5552 from the Speaker's table and consider it in lieu of a similar House bill on the calendar. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 5552) to amend an act entitled "An act for the relief of Gordon W. Nelson, approved May 9, 1914."

Be it enacted, etc., That an act entitled "An act for the relief of Gordon W. Nelson," approved May 9, 1914, be amended so as to read as follows:

"SECTION 1. That the President be, and he is hereby, authorized to commission, by and with the advice and consent of the Senate, Gordon W. Nelson an ensign in the United States Navy on the date of his graduation after the four years' course at the Naval Academy, to take rank as an ensign with the other members of his class according to their standing as determined by their final multiples for the four years' course at the Naval Academy: *Provided*, That unless the said Gordon W. Nelson becomes a citizen of the United States on or before July 1, 1915, he shall on said date cease to be an officer of the Navy."

The SPEAKER. Is there objection?

Mr. MADDEN. Reserving the right to object, I would like to ask the gentleman from Tennessee to explain what this means.

Mr. PADGETT. On the 9th day of the present month the House passed a bill with the same provisions as this bill contains, except that the date was January 1, 1915. This extends it to July 1, 1915. The young man was born in England. He came here when a boy. He was appointed from New York to the Naval Academy and will graduate this summer. He stands high in his class and is an excellent young man. He can not be commissioned, because he has not been naturalized. He filed his declaration, and the two years' period expires on the 10th of December. When the bill was passed a few days ago it was overlooked that the law requires 90 days after the expiration of 2 years before he can be naturalized. This is simply to extend it to the 1st of July from the 1st of January, so as to allow 90 days.

Mr. MADDEN. It is merely a matter of giving him an opportunity after the requisite time has elapsed to be naturalized?

Mr. PADGETT. Yes.

Mr. MANN. Mr. Speaker, reserving the right to object, this bill is being passed for the education of the Committee on Immigration and Naturalization, so that that distinguished committee which made the naturalization law will know what it contains. [Laughter.] We passed a law only a few days ago in order to give this young man two years in which to obtain his final papers. The bill that was introduced was a bill to naturalize him, but the Committee on Naturalization, very properly, I think, instead of recommending a bill to naturalize him, recommended a bill authorizing him to be appointed in the Navy when graduated, with the proviso that he should be naturalized by the 1st of January next. The committee did not know that it required more than two years' time from the time of taking out the first papers for naturalization. Possibly it is worth while to take up the time of Congress in passing an amendatory act within two weeks of the passage of the original act in order that we may educate ourselves, and incidentally educate the Committee on Naturalization. [Laughter.]

The SPEAKER. Is there objection?

There was no objection.

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

A similar House bill, H. R. 16556, was laid on the table.

On motion of Mr. PADGETT, a motion to reconsider the vote whereby the Senate bill was passed was laid on the table.

MARINE SEA FOOD LIFE.

Mr. TOWNSEND. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting an interesting and important address on an economic subject by my colleague, Mr. LINTHICUM, of Maryland, delivered in my State.

The SPEAKER. The gentleman from New Jersey asks unanimous consent to extend his remarks in the RECORD by printing a speech made by the gentleman from Maryland [Mr. LINTHICUM]. Is there objection?

There was no objection.

"CUNNINGHAM WILL MATTER."

Mr. HAMLIN. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. HAMLIN. Mr. Speaker, on Saturday last, when the House had under consideration the Diplomatic and Consular appropriation bill, the question of some kind of a claim made by a man named Cunningham was injected into the proceedings. I made a statement that the Committee on Expenditures in the State Department had considered that matter, and that it had no jurisdiction, and consequently declined to consider it further. I also stated that that decision was based on an opinion rendered by the Solicitor for the State Department. The gentleman from Michigan [Mr. CRAMTON] asked that I put that opinion in the RECORD. I have it here. I may state, however, that in submitting the proposition as chairman of the committee I submitted it in an interrogatory form, numbering the different interrogatories, and in replying, instead of quoting each question, he referred to them by numbers, and therefore, in order to make it intelligible, I shall be compelled to print my letter to him with his reply. I shall incorporate those in my remarks, unless there is objection to it.

Mr. Speaker, I want to add one word further. My good friend from Washington [Mr. BRYAN], who is also a member of the Committee on Expenditures in the State Department, took part in the discussion to which I have referred, and while he did not make any direct criticism of our committee or of anybody else in particular, as far as that is concerned, yet there was running through his remarks a criticism of somebody, somewhere, because this matter had not been considered fully and an investigation had and some relief offered to this man Cunningham, whose brother died in Shanghai, China, leaving an estate, and a will which was probated, and which left all of the property to Cunningham's sister instead of to him. I did not recall all of the facts on Saturday when the matter came up, but, consulting the records of the committee, I find that that very matter was taken up by our committee, and on motion of a member of the committee there was a subcommittee appointed to look into the matter and report. The gentleman from Washington [Mr. BRYAN] was appointed a member of that subcommittee. That subcommittee filed a unanimous report in the following language:

Upon motion of Mr. BROWN the chairman was authorized to appoint a subcommittee of three to look into the "Cunningham will matter" and to report to the full committee their opinion as to whether it was a matter over which the committee has jurisdiction. Which motion being submitted, carried unanimously. Thereupon the chairman appointed on that committee Messrs, BROWN, BORCHERS, and BRYAN.

Subsequently, on July 29, 1913, that subcommittee reported to the full committee as follows:

The subcommittee heretofore appointed by the Committee on Expenditures in the State Department, and to which was referred the question of what is known as the "Cunningham matter," have considered the same, and in the light of the information received from the Solicitor of the State Department, letters referring thereto are attached hereto and made a part of this report, informing this committee that our consul in China had probate jurisdiction to settle estates of American citizens dying in that country, we do not believe that the Committee on Expenditures in the State Department has jurisdiction of the said "Cunningham matter," and therefore recommend that the same be laid aside. Believing that we did not have jurisdiction of said matter, your subcommittee did not go into the merits of said case. Whereupon the committee adjourned.

I put that in the RECORD to show that of all persons in the world my good friend from Washington [Mr. BRYAN] is the last man who ought to complain because our committee did not go further into the matter, because he reported that in his opinion we had no jurisdiction of it.

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

Mr. HAMLIN. Certainly.

Mr. BRYAN. Is it not a fact that at the time, before the committee, I stated that, jurisdiction or no jurisdiction, the committee ought not to advance that technical idea and thereby prevent a hearing, but that we ought to go on and have a hearing and let that old man submit his testimony and make the matter public?

Mr. HAMLIN. Mr. Speaker, I have no recollection of anything like that. I had even forgotten the action of the committee. I will say to the gentleman, until I looked up the record. The record fails to show that the gentleman put any protest of any kind in the record.

Mr. BRYAN. The gentleman knows there was quite a little controversy, almost friction, over the matter, and then I insisted on something being done; and the gentleman also knows that I could not accomplish anything with the committee, feeling

that for want of jurisdiction, want of time, and all of those things, we better not waste any further time.

Mr. HAMLIN. Mr. Speaker, I do not know anything of the kind. I will say to the gentleman that I was not a member of the subcommittee at all. I do not know what occurred in the subcommittee. I am only speaking from the record; but I do know of the gentleman, according to the report of the subcommittee, which was unanimous, and I have no recollection——

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

Mr. HAMLIN. Mr. Speaker, I ask unanimous consent to proceed for two minutes more.

The SPEAKER. The gentleman from Missouri asks unanimous consent to proceed for two minutes more. Is there objection?

There was no objection.

Mr. BRYAN. Did not the gentleman prepare or have his clerk prepare that report, after a talk at a committee meeting and after a favorable conference, and did not the clerk of the committee prepare that report and put it on file?

Mr. HAMLIN. I do not recall who prepared the report, but I know it was read in the committee room and unanimously adopted.

Mr. BRYAN. The gentleman will do me the justice to admit that I have insisted on an investigation all the way through.

Mr. HAMLIN. I can not do that, because I do not recall that as being true. I do not say that it is not true, but I have no recollection of it.

Mr. BRYAN. Just one more question. In view of the criminal charges involved, does not the gentleman think they ought to be investigated?

Mr. HAMLIN. Mr. Speaker, I will say this in answer to the gentleman: I am really glad that he raised that question. I do not believe that it is the duty of our committee or any other committee of this House to take up for investigation everything that some fellow says to some member of the committee—some indefinite charges made in a general way against anybody and everybody. I think that before a committee of this House should take up any matters and investigate them, somebody of responsibility ought to make definite, specific charges and get behind those charges, and that has not been done in this case. We found, as the record will show, when you come to read the opinion of the Solicitor for the State Department, that we were absolutely without jurisdiction, that this whole proceeding was regular, and we could go no further. And whether there was a forged will there or not is a matter that certainly we could not investigate——

Mr. GARNER. If you did, you could not remedy it.

Mr. HAMLIN. Certainly not. We could not possibly settle that. I do not say this old man was treated fairly; I do not know; maybe he was not; but, as a matter of fact, it is beyond the jurisdiction of our committee, and we could not afford to take up our time and engage in a futile, puerile, unnecessary effort to investigate something over which we had no jurisdiction, and the gentleman from Washington conceded we had no jurisdiction in this matter.

The SPEAKER. The time of the gentleman has expired. The gentleman from Missouri asks unanimous consent to print as part of his remarks the letters to which he referred. Is there objection? [After a pause.] The Chair hears none.

The letters are as follows:

HOUSE OF REPRESENTATIVES OF THE UNITED STATES,
COMMITTEE ON EXPENDITURES IN THE STATE DEPARTMENT,
Washington, D. C., July 23, 1913.

SOLICITOR STATE DEPARTMENT,
Washington, D. C.

DEAR SIR: For the information of this committee, in connection with a certain matter which they have under investigation, I respectfully request that you advise me as to the law as follows:

(1) Had the consul general of the United States at Shanghai, China, in 1905, acting judicially, jurisdiction and authority to admit to probate and record a will of a person of American birth, sojourning at Shanghai, and carrying on business in China and other parts of the Orient, and to make final distribution of his estate to the beneficiaries named in the will? If, so, upon what statute or treaty is such jurisdiction based?

(2) If the consul general had the jurisdiction referred to in the foregoing question, by what law would the validity and sufficiency of such will as to form, manner of execution, and witnesses be determined?

(3) If the consul general had jurisdiction in any case to admit a will to probate and to make final distribution of the estate of the testator, would such jurisdiction have reached to the case of a man of American birth with respect to whom the highest court of the State of his birth has decided that he has lost his domicile in such State and that his estate is not subject to administration in the courts thereof, he not having acquired domicile or established residence at any other place, except at Shanghai, China?

Thanking you in advance, I beg to remain,

Very respectfully,

C. W. HAMLIN,
Chairman of the Committee on Expenditures in the State Department.

DEPARTMENT OF STATE,
Washington, July 24, 1913.

Hon. C. W. HAMLIN,
Chairman of the Committee on Expenditures in the State Department, Washington, D. C.

DEAR SIR: I have the honor to acknowledge the receipt of your letter of July 23, and in response to the questions propounded therein to answer as follows:

(1) Yes. I inclose a copy of the decision of the United States court for China in the matter of the probate of the will of John Pratt Roberts, which fully quotes the provisions of the treaty and statutes on which such jurisdiction is based.

(2) The common law. See decision referred to above.

(3) Yes. I respectfully refer you to the decision of the Supreme Court of Maine, reported in Seventy-fourth Atlantic Reporter, 809; volume 3, American Journal of International Law, page 752, in which that court held that the decedent had a domicile in Shanghai (1) as a matter of fact and (2) as a matter of law. In this case the appellees had denied the right of the consular court at Shanghai to settle and distribute the estate of the decedent upon the ground that he had never acquired a domicile in Shanghai. The effect of the said decision of the Maine Supreme Court was to uphold the administration of the estate in the consular court at Shanghai.

In addition, I may observe that section 55 of the regulations in force in the consular courts of the United States in China, promulgated in pursuance of the laws of the United States (sec. 4117, Rev. Stats.), provides as follows:

"Until promulgation of further regulations, consuls will continue to exercise their former lawful jurisdiction and authority in * * * probate of wills, administration of estates, and other matters of equity, admiralty, ecclesiastical, and common law, not specially provided for in previous decrees, according to such reasonable rules, not repugnant to the Constitution, treaties, and laws of the United States, as they may find necessary or convenient to adopt."

Paragraph 416 of the United States Consular Regulations reads as follows:

"In China * * * and other non-Christian countries the property of decedents, both personal and real, is administered under the probate jurisdiction of the consular courts in those countries without interference in any respect by the local governments."

Very respectfully,

F. VAN DYNE,
Acting Solicitor.

UNANIMOUS CONSENT CALENDAR.

The SPEAKER. This is unanimous-consent day, and the Clerk will report the first bill.

AMENDMENT TO RIVER AND HARBOR ACT.

The first business on the Calendar for Unanimous Consent was the bill (H. R. 14331) to amend section 19 of an act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, approved March 3, 1899.

Mr. WATKINS. Mr. Speaker, after a conference with the chairman of the Committee on Rivers and Harbors, I ask unanimous consent that that bill be postponed until next unanimous-consent day.

The SPEAKER. The gentleman from Louisiana asks unanimous consent that this bill be passed without prejudice.

Mr. MADDEN. Mr. Speaker, I am going to object to the bill. I think it has no place on the Unanimous Consent Calendar. It is a question that ought to be considered entirely by the Committee on Rivers and Harbors in every case that comes up. There ought not to be any permanent law directing the Committee on Rivers and Harbors as to what it ought to do when a question comes before it, and I object to the consideration of the bill.

Mr. WATKINS. Will the gentleman from Illinois be kind enough to reserve his right to object?

The SPEAKER. Does the gentleman from Illinois object to the postponing?

Mr. MADDEN. I object to that.

Mr. WATKINS. Will the gentleman be kind enough to defer——

The SPEAKER. The gentleman objects both to the bill and to the postponing.

Mr. MADDEN. I will reserve the right to object if the gentleman wants to say something.

Mr. WATKINS. I would like to make a statement. I wish to say that there is no intention whatever to usurp the prerogatives of the Committee on Rivers and Harbors, and as soon as I ascertained that the chairman of the Committee on Rivers and Harbors thought that the Rivers and Harbors Committee should have jurisdiction of the bill I at once asked that it be transferred from the calendar to the Rivers and Harbors Committee—that is, from the Committee on Revision of the Laws to the Committee on Rivers and Harbors—and objection was made and it could not be transferred over that objection. It was alleged that the Committee on Interstate and Foreign Commerce had jurisdiction and we left it on the calendar. It is simply pending now for the purpose of adjusting, if we can, the differences that may exist as to the question of jurisdiction, and there is not any purpose to force the matter until we get an understanding——

Mr. MADDEN. Oh, well, if that is the case, I have no objection to it going over without prejudice.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I reserve the right to object.

Mr. SPARKMAN. Mr. Speaker, so far as I am concerned, I should object at any and all times to the consideration of this bill. I have no objection personally, however, to the gentleman's request that it go over without prejudice, but if at any time I am here when this bill comes up I shall object to it. I thought I ought to say that to the House and the gentleman.

Mr. GARNER. Will the gentleman yield? What is the object in carrying over a bill where a Member states positively under no condition can it be considered by unanimous consent?

Mr. SPARKMAN. I can not see myself——

Mr. MANN. Mr. Speaker, the only thing the bill does is to dispose of in a way logs and merchantable timber that are in navigable streams. That is a matter over which the Committee on Rivers and Harbors has no jurisdiction. It is a matter over which the Committee on the Revision of the Laws has no jurisdiction under the rules of the House. It is a matter of obstruction to navigation and belongs to the Committee on Interstate and Foreign Commerce. If we intend to keep this bill on the Unanimous Consent Calendar, I suggest to the gentleman from Louisiana, until they settle the question of jurisdiction it will be long after this Congress has expired, and I see no object in passing it over, so I object to passing it over.

Mr. WATKINS. I wish to say to the gentleman from Illinois, if he will permit, that I do not care whether it goes to the Committee on Interstate and Foreign Commerce or goes to the Committee on Rivers and Harbors, or whether it stays where it is now, so we can get consideration of the bill at this session of Congress. We have $500,000 worth of logs and timber in a navigable stream that can not be utilized which can be put into cash and utilized if we can get this bill passed.

Mr. MANN. I have no objection to the passage of the bill.

Mr. GARNER. May I suggest to the gentleman from Louisiana that he introduce his bill over again and send it to the Committee on Interstate and Foreign Commerce, that has jurisdiction of it, and if they have jurisdiction let them report it and let it go on the Unanimous Consent Calendar and come up for consideration?

Mr. WATKINS. It may be transferred right now, as far as I am concerned, just so we take some action.

Mr. MOORE. Will the gentleman yield?

Mr. SPARKMAN. I shall object to it going to the Committee on Interstate and Foreign Commerce.

The SPEAKER. It is not going there now; the question is whether you are going to pass this bill over without prejudice. Is there objection?

Mr. MANN. I shall object, unless some one wishes——

The SPEAKER. The gentleman from Illinois objects.

Mr. MANN. The bill has not been disposed of yet, Mr. Speaker. I objected to its passing over.

The SPEAKER. Well, the gentleman from Illinois [Mr. MADDEN] objected to considering it, so there you are.

Mr. MANN. I am perfectly willing, if that is the way.

IMMIGRATION STATION AT BALTIMORE, MD.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 11625) to increase the appropriation for the erection of an immigration station at Baltimore, Md.

Mr. COADY. Mr. Speaker, I desire to move that this bill be passed without prejudice.

Mr. FOSTER. I reserve the right to object, Mr. Speaker.

The SPEAKER. It has not been reported yet. The Clerk will report the bill.

The bill was read in full.

The SPEAKER. Is there objection?

Mr. COADY. Mr. Speaker, I desire to renew my request to have this bill passed without prejudice.

The SPEAKER. Is there objection?

Mr. MADDEN. I think the time has come when this bill ought to be disposed of by enactment into law or ought to be taken off the Unanimous Consent Calendar. It never can be passed by unanimous consent, because I propose to object to it when it comes up for consideration as a unanimous-consent proposition. So I desire to object now to its going over without prejudice.

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

Mr. MADDEN. I object.

The SPEAKER. The gentleman from Illinois objects, and that is the end of it. The Clerk will report the next bill.

CONSOLIDATION OF INDIAN FUNDS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 10835) to authorize the Secretary of the Treasury to consolidate sundry funds from which unpaid Indian annuities or shares in the tribal trust funds are or may hereafter be due.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to transfer upon the books of the Treasury any unpaid and noninterest-bearing annuity or per capita share or shares of any Indian, whether derived from a gratuity appropriation or from the principal of or the interest on any tribal or trust fund of his tribe from the caption or fund under which the share or annuity accrued and became due and unpaid at any time prior to the passage of this act, or which may hereafter accrue and become due and unpaid, to a common fund to be known as "Indian moneys, unpaid per capita shares, noninterest," to the credit of the individual Indian entitled thereto, and thereafter such annuity or share shall be paid direct from said common fund without further appropriation therefor by Congress, the amounts so transferred, whether previously covered into the surplus fund or not, being hereby permanently appropriated for that purpose: *Provided*, That no such transfer shall be made except upon the certificate of the Commissioner of Indian Affairs, showing the shares due and unpaid and the names of the Indians entitled thereto, and upon settlement of the account by the Auditor for the Interior Department.

SEC. 2. That the unpaid shares which bear the same rate of interest, payable at the same intervals, of all Indians in the funds above described, may in the same manner as hereinbefore provided be consolidated under such title as may be prescribed by the Secretary of the Treasury, and thereafter payments shall be made from the common funds so created without further appropriation by Congress therefor, the amounts so transferred and the interest thereon being hereby permanently appropriated for that purpose.

SEC. 3. That the consolidation and transfers herein provided for shall not be construed to repeal that part of section 1 of the act approved June 21, 1906 (34 Stat. L., p. 327), making provision for the payment of interest on minors' shares retained in the Treasury.

SEC. 4. That any and all annuities or shares transferred in accordance with the provisions of the foregoing sections, together with any interest which may accrue thereon, shall be paid to the party entitled thereto by settlement of an account and the issuance of a warrant in his favor according to the practice in other cases of authorized and liquidated claims against the United States: *Provided*, That the determination by the Secretary of the Interior of the heirs of any deceased Indian, to whose credit any annuities or shares may have been transferred in accordance with this act, shall be deemed final.

Also the following committee amendment was read:

Amend the bill by striking out the period at the end of line 15, page 3, and adding the following: "except in cases where the estate of the deceased Indian is being legally probated and the probate court having jurisdiction is determining, or has determined, the legal heirs of such deceased Indian: *Provided further*, That if any person whose share is transferred to the common fund as herein provided is found subsequently not entitled to the same, such share shall revert to the tribe and shall be transferred to the tribal funds upon the recommendation of the Commissioner of Indian Affairs and certification by the Auditor for the Interior Department."

The SPEAKER. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. HAYDEN. Mr. Speaker, I ask unanimous consent that it be considered in the House as in the Committee of the Whole.

The SPEAKER. The gentleman from Arizona [Mr. HAYDEN] asks unanimous consent that it be considered in the House as in the Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

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

The bill as amended was ordered to be engrossed and read a third time, was read a third time, and passed.

On motion of Mr. HAYDEN, a motion to reconsider the vote by which the bill was passed was laid on the table.

AMENDMENT TO INDIAN DEPREDATIONS ACT.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 22) to amend an act entitled "An act to provide for the adjudication and payment of claims arising from Indian depredations," approved March 3, 1891.

The bill was read in full.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. MANN. I object.

The SPEAKER. The gentleman from Illinois [Mr. MANN] objects, and the bill is stricken from the calendar. The Clerk will report the next bill.

POST-OFFICE BUILDING, NEWCASTLE, IND.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 11317) to increase the limit of cost of the United States post-office building at Newcastle, Ind.

The bill was read in full.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. MONDELL. Mr. Speaker, reserving the right to object, I should like to inquire of the gentleman in charge of this bill how large a village Newcastle, Ind., is?

Mr. FOSTER. Mr. Speaker, when the Unanimous Consent Calendar was last considered I asked that this bill might go

over on account of the absence of the gentleman from Indiana, Mr. GRAY, but he is not here at this time.

Mr. MONDELL. Has the gentleman from Illinois [Mr. FOSTER] any information in the matter so that he can answer my question?

Mr. FOSTER. I do not desire to go into a discussion of it in the absence of the gentleman from Indiana.

Mr. MANN. I suggest to the gentleman from Wyoming [Mr. MONDELL] that he read the report in order to secure the information.

Mr. MONDELL. I have read the report, and it contains no information whatever.

Mr. FOSTER. Will not the gentleman allow this bill to go over until the next time?

Mr. MONDELL. I should like information in regard to the bill.

Mr. FOSTER. We will try to have the information when the Unanimous Consent Calendar is again considered.

Mr. MANN. My colleague knows that when this bill was passed over before, the gentleman from Indiana [Mr. GRAY], whom we all regard so highly, was out attending to the matter of being renominated.

Mr. FOSTER. That is very important to him and the people of his district.

Mr. MANN. Now, he has been renominated, and I should think he would be making an effort to be reelected by being on hand here.

Mr. FOSTER. Mr. Speaker, I ask that this bill go over.

The SPEAKER. The gentleman from Illinois [Mr. FOSTER] asks that this bill be passed without prejudice. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the next bill.

IOWA TRIBE OF INDIANS IN OKLAHOMA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 13519) for the relief of the Iowa Indians of Oklahoma.

Mr. MURRAY of Oklahoma. Mr. Speaker, I ask unanimous consent that this bill be passed without prejudice.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent that the bill be passed without prejudice. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, what is the object in passing this bill over without prejudice? Why not get some of these bills out of the way?

Mr. MURRAY of Oklahoma. The object is to get it rereferred to the Committee on Indian Affairs.

Mr. MANN. Have it referred now.

Mr. MURRAY of Oklahoma. I want to state to the gentleman that possibly it would go off of its own force. I know what that would mean. It would put it at the foot of the calendar.

Mr. MANN. No. That does not put it at the foot of the calendar. I think I know what the gentleman wants to do, and I have no objection to that. We ought to get some of these bills from the top of the calendar, because when they come up they take a lot of time. We are following a very bad practice of passing over bills from time to time at the head of the calendar, and it takes up time when they come up. Now, the gentleman knows he can not pass this bill by unanimous consent, and does not intend to try it.

Mr. MURRAY of Oklahoma. No. In truth, I expect to pass a resolution.

Mr. MANN. I understand. So I do not see the object of keeping the bill on the calendar. It will take 10 minutes on the next day, probably.

Mr. MURRAY of Oklahoma. Does not the gentleman realize that it would not hurt anything if it went off later?

Mr. MANN. I think it ought to go off the calendar. It does not prejudice any of the gentleman's rights.

Mr. MURRAY of Oklahoma. Very well. Let it go off the calendar.

Mr. MANN. I object.

The SPEAKER. It will go off the calendar, then. The Clerk will report the next bill.

PAYMENTS UNDER RECLAMATION PROJECTS.

The next business on the Calendar for Unanimous Consent was the bill (S. 4628) extending the period of payment under the reclamation projects, and for other purposes.

The Clerk read the bill, as follows:

Be it enacted, etc., That any person whose lands hereafter become subject to the terms and conditions of the act approved June 17, 1902, entitled "An act appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands," and acts amendatory thereof or supplementary thereto, hereafter to be referred to as the reclamation law, and any person who hereafter makes entry thereunder shall at the time of making water-right application or entry, as the case may be, pay into the reclamation fund 5 per cent of the construction charge fixed for his land as an initial installment, and shall pay the balance of said charge in 15 annual installments, the first 5 of which shall be 5 per cent of the construction charge and the remainder 7 per cent until the whole amount shall have been paid. The first of the annual installments shall become due and payable on December 1 of the fifth calendar year after the initial installment: *Provided*, That any water-right applicant or entryman may, if he so elects, pay the whole or any part of the construction charges owing by him within any shorter period.

ACT SHALL APPLY TO EXISTING PROJECTS.

SEC. 2. That any person whose land or entry has heretofore become subject to the terms and conditions of the reclamation law shall pay the construction charge in 20 annual installments, the first of which shall become due and payable on December 1 of the year in which the public notice affecting his land is issued under this act, and subsequent installments on December 1 of each year thereafter. The first 4 of such installments shall each be 2 per cent, the next 2 installments shall each be 4 per cent, and the next 14 each 6 per cent of the total construction charge or the portion of the construction charge unpaid at the beginning of such installments.

PENALTIES.

SEC. 3. That if any water-right applicant or entryman shall fail to pay any installment of his construction charges when due, there shall be added to the amount unpaid a penalty of 1 per cent thereof, and there shall be added a like penalty of 1 per cent of the amount unpaid on the first day of each month thereafter so long as such default shall continue. If any such applicant or entryman shall be one year in default in the payment of any installment of the construction charges and penalties, or any part thereof, his water-right application, and if he be a homestead entryman his entry also, shall be subject to cancellation, and all payments made by him forfeited to the reclamation fund: *Provided*, That if the Secretary of the Interior shall so elect, he may cause suit or action to be brought for the recovery of the amount in default and penalties; but if suit or action be brought, the right to declare a cancellation and forfeiture shall be suspended pending such suit or action.

INCREASE OF CHARGES.

SEC. 4. That no increase in the construction charges shall hereafter be made, after the same have been fixed by public notice, except by agreement between the Secretary of the Interior and a majority of the water-right applicants and entrymen to be affected by such increase, whereupon all water-right applicants and entrymen in the area proposed to be affected by the increased charge shall become subject thereto. Such increased charge shall be added to the construction charge and payment thereof distributed over the remaining unpaid installments of construction charges.

OPERATION AND MAINTENANCE.

SEC. 5. That in addition to the annual construction charges, every water-right applicant, entryman, or landowner under or upon a reclamation project shall also pay, whenever water service is available for the irrigation of his land, an operation and maintenance charge based upon the total cost of operation and maintenance of the project, or each separate unit thereof, and such charge shall be made for each acre-foot of water delivered; but each acre of irrigable land, whether irrigated or not, shall be charged with a minimum maintenance and operation charge based upon the charge for delivery of not less than 1 acre-foot of water: *Provided*, That, whenever any legally organized water users' association or irrigation district shall so request, the Secretary of the Interior is hereby authorized, in his discretion, to transfer to such water users' association or irrigation district the care, operation, and maintenance of all or any part of the project works, subject to such rules and regulations as he may prescribe. If the total amount of operation and maintenance charges and penalties collected for any one irrigation season on any project shall exceed the cost of operation and maintenance of the project during that irrigation season, the balance shall be applied to a reduction of the charge on the project for the next irrigation season, and any deficit incurred may likewise be added to the charge for the next irrigation season.

PENALTIES.

SEC. 6. That all operation and maintenance charges shall become due and payable on the date fixed for each project by the Secretary of the Interior, and if such charge is paid on or before the date when due there shall be a discount of 5 per cent of such charge; but if such charge is unpaid on the first day of the third calendar month thereafter, a penalty of 1 per cent of the amount unpaid shall be added thereto, and thereafter an additional penalty of 1 per cent of the amount unpaid shall be added on the first day of each calendar month if such charge and penalties shall remain unpaid, and no water shall be delivered to the lands of any water-right applicant or entryman who shall be in arrears for more than one calendar year for the payment of any charge for operation and maintenance, or any annual construction charge and penalties. If any water-right applicant or entryman shall be one year in default in the payment of any charge for operation and maintenance and penalties, or any part thereof, his water-right application, and if he be a homestead entryman his entry also, shall be subject to cancellation, and all payments made by him forfeited to the reclamation fund. In the discretion of the Secretary of the Interior suit or action may be brought for the amounts in default and penalties in like manner as provided in section 3 of this act.

FISCAL AGENT.

SEC. 7. That the Secretary of the Interior is hereby authorized, in his discretion, to designate and appoint, under such rules and regulations as he may prescribe, the legally organized water users' association or irrigation district, under any reclamation project, as the fiscal agent of the United States to collect the annual payments on the construction charge of the project and the annual charges for operation and maintenance and all penalties: *Provided*, That no water-right applicant or entryman shall be entitled to credit for any payment thus made until the same shall have been paid over to an officer designated by the Secretary of the Interior to receive the same.

RECLAMATION REQUIREMENTS.

SEC. 8. That the Secretary of the Interior is hereby authorized to make rules and regulations governing the irrigation of the lands within any project, and may require the reclamation for agricultural purposes and the cultivation of one-half the irrigable area under each water-right application or entry within three full irrigation seasons after the

filing of water-right application or entry, and the reclamation for agricultural purposes and the cultivation of three-fourths the irrigable area within five full irrigation seasons after the filing of the water-right application or entry, and shall provide for continued compliance with such requirements. Failure on the part of any water-right applicant or entryman to comply with such requirements shall render his application or entry subject to cancellation.

LANDS NOT SUBJECT TO RECLAMATION ACT.

SEC. 9. That in all cases where application for water right for lands in private ownership or lands held under entries not subject to the reclamation law shall not be made within one year after the passage of this act, or within one year after notice issued in pursuance of section 4 of the reclamation act, in cases where such notice has not heretofore been issued, the construction charges for such land shall be increased 5 per cent each year until such application is made and an initial installment is paid.

WITHDRAWN LANDS SUBJECT TO ENTRY.

SEC. 10. That the act of Congress approved February 18, 1911, entitled "An act to amend section 5 of the act of Congress of June 25, 1910, entitled 'An act to authorize advances to the reclamation fund and for the issuance and disposal of certificates of indebtedness in reimbursement therefor, and for other purposes,'" be, and the same hereby is, amended so as to read as follows:

"SEC. 5. That no entry shall be hereafter made and no entryman shall be permitted to go upon lands reserved for irrigation purposes until the Secretary of the Interior shall have established the unit of acreage per entry and water is ready to be delivered for the land in such unit or some part thereof and such fact has been announced by the Secretary of the Interior: *Provided*, That where entries made prior to June 25, 1910, have been or may be relinquished, in whole or in part, the lands so relinquished shall be subject to settlement and entry under the reclamation law."

WATER SERVICE.

SEC. 11. That whenever water is available and it is impracticable to apportion operation and maintenance charges as provided in section 5 of this act the Secretary of the Interior may, prior to giving public notice of the construction charge per acre upon land under any project, furnish water to any entryman or private landowner thereunder until such notice is given, making a reasonable charge therefor, and such charges shall be subject to the same penalties and to the provisions for cancellation and collection as herein provided for other operation and maintenance charges.

ADMISSION OF PRIVATE LANDOWNERS TO NEW PROJECTS.

SEC. 12. That before any contract is let or work begun for the construction of any reclamation project hereafter adopted the Secretary of the Interior shall require the owners of private lands thereunder to agree to dispose of all lands in excess of the area which he shall deem sufficient for the support of a family upon the land in question, upon such terms and not to exceed such price as the Secretary of the Interior may designate; and if any landowner shall refuse to agree to the requirements fixed by the Secretary of the Interior his land shall not be included within the project if adopted for construction.

DISPOSITION OF EXCESS FARM UNITS.

SEC. 13. That all entries under reclamation projects containing more than one farm unit shall be reduced in area and conformed to a single farm unit within two years after making proof of residence, improvement, and cultivation, or within two years after the issuance of a farm-unit plat for the project, if the same issues subsequent to the making of such proof: *Provided*, That such proof is made within four years from the date as announced by the Secretary of the Interior that water is available for delivery to the land. Any entryman failing within the period herein provided to dispose of the excess of his entry above one farm unit in the manner provided by law and to conform his entry to a single farm unit shall render his entry subject to cancellation as to the excess above one farm unit: *Provided*, That upon compliance with the provisions of law such entryman shall be entitled to receive a patent for that part of his entry which conforms to one farm unit as established for the project: *Provided further*, That no person shall hold by assignment more than one farm unit prior to final payment of all charges for all the land held by him subject to the reclamation law, except operation and maintenance charges not then due.

ACCEPTANCE OF THIS ACT.

SEC. 14. That any person whose land or entry has heretofore become subject to the reclamation law, who desires to secure the benefits of the extension of the period of payments provided by this act, shall, within six months after the issuance of the first public notice hereunder affecting his land or entry, notify the Secretary of the Interior, in the manner to be prescribed by said Secretary, of his acceptance of all of the terms and conditions of this act, and thereafter his lands or entry shall be subject to all of the provisions of this act.

SEC. 15. That the Secretary of the Interior is hereby authorized to perform any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of this act into full force and effect.

With committee amendments, as follows:

Amend, page 2, line 12, by inserting the following: "*Provided further*, That entry may be made whenever water is available, and the initial payment be made when the charge per acre is established."

Amend, page 2, line 19, by inserting the following: "or the portion of the construction charge remaining unpaid."

Amend, page 3, lines 3 and 4, by striking out, after the word "charge" in line 3, the words "or the portion of the construction charge unpaid at the beginning of such installments."

Amend, page 3, line 17, by inserting, after the word "fund," the words "but no homestead entry shall be subject to contest because of such default."

Amend, page 4, line 8, by inserting, after the word "charges," the following: "*Provided*, That the Secretary of the Interior, in his discretion, may agree that such increased construction charge shall be paid in additional annual installments, each of which shall be at least equal to the amount of the largest installment as fixed for the project by the public notice theretofore issued. And such additional installments of the increased construction charge, as so agreed upon, shall become due and payable on December 1 of each year subsequent to the year when the final installment of the construction charge under such public notice is due and payable: *Provided further*, That all such increased construction charges shall be subject to the same conditions, penalties, and suit or action as provided in section 3 of this act."

Amend, page 4, line 23, by striking out the word "annual."

Amend, page 4, line 24, by striking out the word "charges" and inserting in lieu thereof the word "charge."

Amend, page 7, line 16, by striking out the word "one-half" and inserting in lieu thereof the word "one-fourth."

Amend, page 7, line 20, by striking out the word "three-fourths" and inserting in lieu thereof the word "one-half."

The SPEAKER. Is there objection?

Mr. STAFFORD. I reserve the right to object.

Mr. BORLAND. Mr. Speaker, reserving the right to object, personally I do not believe this is a bill that ought to pass under unanimous consent.

Mr. GARNER. Mr. Speaker, this is only unanimous consent to consider it. We are not asking to have it passed by unanimous consent.

The SPEAKER. Is there objection?

Mr. BORLAND. I reserve the right to object, Mr. Speaker.

Mr. TAYLOR of Colorado. Mr. Speaker, I want to ask the gentleman from Missouri [Mr. BORLAND] if he is willing to allow the bill to remain on the calendar and retain its place and pass it over for the present?

Mr. GARNER. Mr. Speaker, may I suggest to the gentleman from Missouri that this is a bill reported by my colleague from Texas [Mr. SMITH], and he suggested that when the matter was called up there would be a number of gentlemen on the floor who thoroughly understand the matter. He has informed me that it has had the consideration not only of the House committee but also of the Senate committee and that of the Interior Department, and a number of gentlemen who understand the subject thoroughly, and that it is of vital importance to the arid West, where these irrigation projects have started, that this bill should become a law. Of course, Texas has no interest in this matter whatever. We have no public lands in my State, and my colleague, simply as chairman of that committee, reported the bill in order to give relief to the farmers of the arid West, who are unable to meet the payments due within the 10 years' limit. If I understand the purport of this bill, it is, in substance, to extend the time of payment from 10 years to 20 years, still giving the Government the same lien and the same rights. There is no possible chance for the Government to lose anything by the passage of this bill.

Mr. MANN. Mr. Speaker, will the gentleman yield to me for a question?

Mr. GARNER. Certainly.

Mr. MANN. The gentleman says that this bill, or the House bill, was reported by his colleague from Texas; that it is very important that it should have consideration, and I agree with him about that. He has another colleague from Texas, I believe, who will have it quite in his power to bring this bill up for consideration in the House by report'ng a rule for its consideration. Am I correct about that?

Mr. GARNER. Well, the gentleman from Illinois is possibly in error. I presume he refers to my colleague the chairman of the Committee on Rules [Mr. HENRY].

Mr. MANN. I do, indeed.

Mr. GARNER. I never have understood that the chairman of the Committee on Rules undertook to say that he could control the committee.

Mr. MANN. Oh, he does not say that; but everybody else knows that.

Mr. GARNER. He is quite influential on that committee, no doubt, and might be induced to ask the committee to report out a rule, as the gentleman indicates, if the gentleman from Illinois did not know that under the present conditions there will be but one rule or—and I am not speaking advisedly—at least three rules within the reasonable time allowed to carry out the administration's program.

Mr. MONDELL. Is that all?

Mr. GARNER. For the present, I said.

Mr. MANN. You know we passed three bills in a week under a rule.

Mr. GARNER. I understand that. But the gentleman from Illinois is thoroughly familiar with the provisions and merits of this bill, and I am certain that in his own consciousness he realizes that this bill or some bill similar to it ought to become a law.

Mr. MANN. I agree with the gentleman, and that is the reason why I am calling his attention to the way in which it can be brought before the House.

Mr. GARNER. Here is an opportunity for meritorious legislation in behalf of the farmer, and I appeal to the gentleman from Illinois and others to give the House an opportunity to consider this bill.

Mr. MANN. I appeal to the gentleman from Texas to bring his strong influence to bear upon his colleague from Texas [Mr. HENRY], now the Pooh-Bah of the House in reference to legis-

lation, to bring in a rule to give us a chance to consider this bill.

Mr. GARNER. If it is a meritorious bill, what is the object of having a rule when we can consider it by unanimous consent?

Mr. BORLAND. I will tell the gentleman. I have let him occupy some of my time. I will tell him that there are a great many men in this House interested in this Unanimous Consent Calendar, and if this bill is of the importance he says it is—and I think it is—it will take a great portion of the day, if not the whole day, and in my judgment it does not properly belong on the Calendar for Unanimous Consent at all. Now, the gentleman from Colorado [Mr. TAYLOR], who is the second member on this Committee on Irrigation of Arid Lands, the vice chairman under the gentleman's colleague, is here, and asking to let the bill go over. I have no objection to that. I think it is fair to the House to have that done.

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

Mr. BORLAND. Yes.

Mr. MONDELL. The gentleman from Texas is not entirely accurate in his statement. He says Texas has no interest in the bill. Texas has a very considerable interest in the bill, for while Texas has contributed nothing to the reclamation fund, yet Texas by an act passed some years ago became a beneficiary under the fund, and the people of Texas receive extensions of time for the payments on their construction charges under this bill just as people under other reclamation projects do.

Now, let me suggest to the gentleman from Missouri [Mr. BORLAND] that this bill has been very carefully considered. It is an important bill, but it is not a particularly complicated matter. The gentleman knows that through what has been denominated on that side as a "pussy-footed filibuster" Calendar Wednesday business has been blocked. Otherwise this bill would be up for consideration the coming Wednesday.

As matters now stand, the caucus having decided on a program and this bill not being included in the program, unless there shall be a change of heart on that side, followed by other caucus action, the only way in which this bill can be passed is by unanimous consent. The bill can be just as thoroughly considered now as at any time, and the gentleman knows, because he has been investigating this matter, that there are thousands of people on these projects who have reached the time when their payments are due and they must have some relief. That relief is granted in this bill.

The bill is not only important because it grants relief by an extension of time, but it is important because it contains considerable legislation which is necessary to round out and complete the national reclamation law and to make clear some things which are now ambiguous.

Mr. BORLAND. What the gentleman has said simply confirms what I said a moment ago, that this bill can not be considered on the Unanimous Consent Calendar without taking substantially all day, or a great portion of it, to the exclusion of other business.

But I do not agree with the statement the gentleman makes as to the urgent necessity of this bill. The gentleman knows that the existing condition in the Reclamation Service has been going on for five years, and so far as we know the condition is the same as it was two or three years ago at least. Some measures must be taken to reclaim the Reclamation Service. This bill may have some tendency to that effect, but it is going to reorganize the whole service. It is going to be a matter that a good many men will want to discuss in debate, and it can not be done on a unanimous-consent day. What the gentleman has said simply confirms that.

Mr. MONDELL. The difficulty is that unless it is done on a unanimous-consent day this legislation probably can not be enacted during this session.

Mr. BORLAND. No; I will say to the gentleman that at the suggestion of the Secretary of the Interior I inquired of the Democratic leader whether it would not be possible during this session to have a day for suspension of the rules, and whether that would not be a more appropriate time to take up a bill of this character, and it was conceded that it would be.

Mr. MONDELL. The gentleman is kind-hearted enough to run us up against a two-thirds vote on this legislation.

Mr. BORLAND. You are up against a unanimous vote now.

Mr. MONDELL. If the best the gentleman promises is that we may get an opportunity to consider this bill providing we can get a two-thirds majority for it, his promise does not amount to very much. Furthermore, the gentleman talks about the importance of the legislation, about the various important questions that it raises, and yet his proposition is now that we shall be required to secure a two-thirds majority for it after 20 minutes of debate and no opportunity for amendment. Of course, the gentleman must realize that there is no hope for the passage of the bill in that way. A number of gentlemen who are not opposed to the general provisions of the bill desire to offer amendments to it. No doubt the gentleman from Missouri does, and that can not be done under suspension of the rules. In effect, therefore, the suggestion of the gentleman from Missouri leaves us without hope. Give us a chance to take the bill up now and it can be discussed and passed.

Mr. RAKER. The gentleman from Missouri [Mr. BORLAND] has given this matter some consideration, has he not?

Mr. BORLAND. I have given it some thought and consideration.

Mr. RAKER. May I call attention to the fact that for at least two months the Secretary of the Interior, the Commissioner of the General Land Office, the heads of the Reclamation Service, Mr. Newell, Mr. Davis, Mr. Ryan, Mr. King, and others, and practically all of the Representatives from the Western States, as well as those where there are reclamation projects, met day after day and went over this bill in all of its phases; and I do not believe there is any bill that ever came before this Congress that was given more thorough and painstaking consideration than this bill. It was then reported to the Senate and House, and hearings again had. No objections were made. The President has gone over this legislation, has gone over the facts that necessitated it, and after his investigation he is very earnest in the hope that this bill will be passed. We have received telegrams from these various projects, urging that this bill be passed, to the end that a change be made, so that it will be workable, and that every dollar that has been expended or will be expended by the Government will be returned to the Treasury of the United States. With all this behind it, with this investigation, I plead with the gentleman from Missouri not to object. As I understand, the President is anxious that this bill pass, and I trust the gentleman will not object to the consideration of the bill. It is a meritorious matter, and I will say to the gentleman that many times I have appeared with the other Members of the House and Members of the Senate, sometimes 30 or 40, who have appeared at the Secretary's office and gone over this bill. Then we would go back again and again in a few days. The President has gone over every phase of this bill, and urges that this legislation be passed. The Secretary of the Interior is very desirous that this legislation become a law. This bill should be considered without delay by this House. It is important to the settlers now on these projects.

Mr. BORLAND. Let me interrupt the gentleman right there——

Mr. MANN. Mr. Speaker, I ask for the regular order.

The SPEAKER. The regular order is, Is there objection to the consideration of this bill?

Mr. TAYLOR of Colorado. I ask unanimous consent that the bill retain its place on the calendar and be passed over.

The SPEAKER. The gentleman from Colorado asks that the bill retain its place on the calendar and be passed over without prejudice. Is there objection?

There was no objection.

DRAINAGE CONGRESS, SAVANNAH, GA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 10078) authorizing the Secretary of State to invite other nations of the world to participate in the Drainage Congress to be held at Savannah, Ga., in 1914, and to appropriate $10,000 to help defray the expenses thereof.

The Clerk read the bill.

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

Mr. FOSTER. Mr. Speaker, my understanding is that this congress has been held.

Mr. HARRISON. It has been held, and there is no objection to the bill being stricken from the calendar.

Mr. MANN. There is absolutely no information in the report, anyhow.

Mr. HARRISON. The information was given to the congress when it was held.

The SPEAKER. Does the gentleman from Mississippi say the congress has been held?

Mr. HARRISON. The congress was held in April.

Mr. STAFFORD. The information was given in the newspapers at the time.

The SPEAKER. Is there objection?

Mr. FOSTER. I object.

The SPEAKER. The gentleman from Illinois objects. The bill will be stricken from the calendar.

RELIEF OF LANDOWNERS IN MISSISSIPPI.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 13581) for the relief of the landowners on the east bank of the Mississippi River, in the counties of Warren, Claiborne, Jefferson, Adams, and Wilkinson, in the State

of Mississippi, and the parish of West Feliciana, State of Louisiana.

The Clerk read the bill at length.

The SPEAKER. Is there objection?

Mr. MANN. I reserve the right to object.

Mr. COLLIER. Mr. Speaker, this is a bill by my colleague, Mr. QUIN, who is unavoidably detained by reason of a visit as a member of the Subcommittee on Military Affairs to New York. I ask the gentleman to withdraw his objection and let the bill be passed over without prejudice.

Mr. MANN. I have no objection to that.

The SPEAKER. Is there objection to the request that the bill be passed without prejudice?

There was no objection.

LOCATORS OF OIL AND GAS ON THE PUBLIC DOMAIN.

The next bill on the Calendar for Unanimous Consent was the bill (H. R. 15469) to amend an act entitled "An act to protect the locators in good faith of oil and gas lands who shall have effected an actual discovery of oil or gas on the public lands of the United States, or their successors in interest," approved March 2, 1911.

The Clerk read the bill, as follows:

Be it enacted, etc., That an act entitled "An act to protect the locators in good faith of oil and gas lands who shall have effected an actual discovery of oil or gas on the public lands of the United States, or their successors in interest," approved March 2, 1911, be amended by adding thereto the following section:

"SEC. 2. That where applications for patents have been or may hereafter be offered for any oil or gas land included in an order of withdrawal upon which oil or gas has heretofore been discovered, or is being produced, or upon which drilling operations are in actual progress at the date of the passage of this act, and oil or gas is thereafter discovered thereon, and where there has been no final determination by the Secretary of the Interior upon such applications for patent, said Secretary, in his discretion, may enter into agreements, under such conditions as he may prescribe with such applicants for patents in possession of such land or any portions thereof, relative to the disposition of the oil or gas produced therefrom or the proceeds thereof, pending final determination of the title thereto by the Secretary of the Interior, or such other disposition of the same as may be authorized by law."

The SPEAKER. Is there objection?

Mr. FINLEY. I object.

Mr. FERRIS. Will the gentleman reserve his objection and hear some explanation of the bill?

Mr. FINLEY. I will reserve the objection, Mr. Speaker.

Mr. FERRIS. Mr. Speaker, in the State of California for a number of years applicants for title under the placer-mining law have been proceeding with the drilling for oil. Some have proceeded regularly and some have proceeded irregularly. In their strife for patents much delay has been brought about; also much complication in procedure. The situation that becomes acute is from the fact that the pipe-line people are refusing to take their oil on the theory that their patents or titles are not good, that the patents have not been issued, and the titles are at least in question. So they have in many instances had to shut down their oil wells, and it has brought about a stagnation in the field. It is an acute situation that needs attention now. The Committee on Public Lands heard gentlemen for a week or 10 days at a time, and 25 or 30 oil men from California came before the committee. The Secretary of the Interior detailed a lawyer, and they also had Mr. Smith, of the Geological Survey, to sit with the committee and try to find out and ascertain, if possible, what could be done to help out the situation locally. Two things seem to the committee to be important. One was that the wells of these independent producers, pending the time when it was determinable whether or not they had title to the lands, should not be destroyed by allowing the water to break in. Second, not to do anything more than to grant power to the Secretary of the Interior to bring about a working arrangement whereby the wells might be developed and retain within his control a sufficient amount of oil pending the time when they could determine whether the title was good or not. The situation is a peculiarly acute one, and the Secretary of the Interior has written a strong letter on it. The committee brought in unanimously this measure for providing for relief. It involves the whole west side of the San Joaquin Valley of California—125 miles long and 3 or 4 miles wide. This is a temporary relief measure that is needed badly not only for the protection of the rights of the applicants but the Government as well.

Mr. STAFFORD. Will the gentleman yield?

Mr. FERRIS. Yes.

Mr. STAFFORD. I understand that there are some contests pending in the Land Office about some companies connected with the Standard Oil Co. concerning lands in Wyoming. Would this bill apply to them?

Mr. FERRIS. The bill is peculiarly for California, as I recall it. The act of March 2, 1911, was a bill introduced by Representative Smith of California, and that bill applied to this same situation. The oil men are struggling for patents. I may be in error as to this being a special or local here, but, anyway, the demand was local and local to California.

Mr. STAFFORD. Why should there not be general legislation on it? Why should it be special? I know of a certain case in Wyoming where the Government is contesting the right of private oil companies, presumably the Standard Oil Co., to their location.

Mr. FERRIS. If the gentleman feels that it ought to be amended, we can do it. It seemed to the committee that this situation was peculiarly acute in California and needed the attention of Congress.

Mr. STAFFORD. But there are other oil lands in other parts of the United States besides California.

Mr. FERRIS. The situation is more acute in California than in the rest of the country.

Mr. MANN. Why would not this bill apply to the Southern Pacific?

Mr. FERRIS. Because in a grant to the Southern Pacific, given years ago, there was a provision which intended to reserve the minerals and oil, and I hope that when it is finally determined it will be held to do so.

Mr. MANN. Do not they make application to the Government for grants?

Mr. FERRIS. They have the patents; it is a question whether the grant in presenti carried with it the oil, gas, and mineral under the surface. I hope the reservation is sufficient to retain it in the Federal Government. But that is a question to be litigated. They have the patent already.

Mr. MANN. I am not at all convinced that this does not apply to it.

Mr. FERRIS. The gentleman from California [Mr. CHURCH] tells me that the Southern Pacific already have their patents. It is not a question of location under the placer law, but a question of the construction as to what the grant made years and years ago was.

Mr. MANN. This is not a location under the placer law either. This is where applicants for patents have been or may hereafter be filed for any oil or gas lands.

Mr. FERRIS. The Southern Pacific lands are already patented.

Mr. MONDELL. Will the gentleman yield to me?

Mr. FERRIS. Yes.

Mr. MONDELL. Has the gentleman any objection to adding, after the word "patent," in line 1, the words "under the placer-mining act"?

Mr. FERRIS. Not at all. That is what we want to do. There is no effort on the part of the committee or on the part of any member of the committee or anybody else to make it apply to any other than those men who are trying in good faith to get patents under the placer-mining law.

Mr. MANN. Why does not the department determine the rights of these people as to their patents?

Mr. FERRIS. I am glad the gentleman has asked that question. We brought before us the Commissioner of the General Land Office. He came with amazing frankness, and said that the Land Office could not pass on the many cases for want of appropriations.

Mr. MANN. That excuse is too flimsy for anybody to present, and I am sure the gentleman himself would not have originated it.

Mr. FERRIS. It is not a flimsy excuse to the man who is out in the field and can not get his rights passed on. I desire to print herein the report, No. 519, which contains a letter from the department on the subject.

[House Report No. 519, Sixty-third Congress, second session.]

LOCATORS OF OIL AND GAS ON THE PUBLIC DOMAIN.

Mr. FERRIS, from the Committee on the Public Lands, submitted the following report, to accompany H. R. 15469:

The Committee on the Public Lands, to whom was referred H. R. 15469, by Mr. CHURCH, amending an act entitled "An act to protect the locators in good faith of oil and gas lands who shall have effected an actual discovery of oil or gas on the public lands of the United States, or their successors in interest," approved March 2, 1911, beg leave to report the same back to the House with the recommendation that the bill do pass.

The bill was referred to the department, and the department has reported on the same, and it is thought that the entire letter will be of value in the consideration of the bill by the House.

The report thereon is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, April 10, 1914.

Hon. SCOTT FERRIS,
Chairman Committee on the Public Lands,
House of Representatives.

MY DEAR MR. FERRIS: I am in receipt of your request for report and recommendation upon H. R. 15469, a bill to amend the act of Congress approved March 2, 1911 (36 Stat., 1015). The amendment proposed is the addition of a section which will authorize the Secretary of the

Interior to enter into agreements, under such conditions as he may prescribe, with parties who have presented or may present applications for patent for oil or gas land included in an order of withdrawal and upon which oil or gas has been discovered, is being produced, or upon which drilling operations shall be in actual progress at the date of the passage of the act, said agreements to relate to the disposition of the oil or gas produced from the lands, or the proceeds thereof, pending final determination by the Secretary of the Interior of the validity of the offered applications for patents.

The proposed legislation is peculiarly applicable to the California oil fields, where a large number of locations and applications are under investigation or involved in proceedings which challenge the validity of the locations or the regularity of the applications presented. Many oil and gas wells are in actual operation upon these and adjacent lands, and by reason of the investigations of the department and certain suits instituted by the United States to enjoin parties from removing oil from the lands, the operators are unable to dispose of the oil or gas under existing laws pending adjudication of their claims. This is disadvantageous not only to the operators, but to the United States, because the failure to continuously operate the wells may result in the diminution or destruction of the oil or gas values through introduction of water into the wells or by reason of the draining of the oil and gas deposits from under the lands involved through wells sunk and in operation upon adjacent patented lands. The situation is one which demands immediate attention if the operators and the United States are to be saved from large and irreparable loss, and I earnestly recommend the enactment of the bill. At the same time I desire to point out that this bill gives temporary relief only, in that it permits of adjustments which will permit of the operation of oil and gas wells and take care of the proceeds pending the final adjudication of the claims by the department. It does not provide a method for disposing of the lands or the deposits after final adjudication of the cases if the claims of the applicants be *finally* denied. Relief for the latter situation may, however, be provided later.

I understand the present bill to authorize the Secretary of the Interior to enter into agreement with the record claimant to all or any part of a location, provided such record claimant has presented or shall present an application for patent for all or any portion of the location involved.

I further direct attention to the general bill providing for the leasing of lands containing deposits of oil, gas, and certain other minerals now pending before your committee, and to the similar measure, S. 4898, now pending before the United States Senate. The latter measures, if enacted, will prevent the future occurrence of such conditions as now confront us, and the necessity for the temporary remedial legislation now under consideration emphasizes the importance of the early enactment of the general leasing measure.

Very truly, yours, FRANKLIN K. LANE.

A careful reading of Secretary Lane's report discloses that some temporary relief for these oil men engaged in oil production on the public domain is an emergency. The legislation authorizes the Secretary of the Interior to make working agreements whereby the oil claimants may go on with the production of oil, and thereby preserve the rights of themselves and the United States until a suitable leasing law can be passed covering the case.

Certain irregularities with reference to some of the oil operators have brought about a confusion of title. The institution of suits has caused the pipe lines to refuse to accept the oil and buy the oil, there being no market for the oil other than the pipe-line companies, and has brought stagnation in oil development.

As will be observed by the Secretary's letter and from facts brought to the attention of the committee in a printed hearing had, show that lands held in private ownership, most of which came from original land grants, of alternate sections make it possible for the lands held in private ownership to go on with the production, pumping, and draining of the Government lands to an extent that is greatly to the disadvantage of the General Government as well as to the oil prospectors themselves.

Twenty-five or thirty independent oil producers of California appeared before the committee and presented hardships, disaster, and trouble which deserves the attention of Congress, and at the earliest possible moment.

Your committee was unanimously of the opinion that, pending a time when these titles could be definitely settled and pending a time when those who deserve patents could get patents and those who should be denied patent could be formally denied patent, such temporary working arrangements as proposed in H. R. 15469 was about the only method of solving the problem.

The Secretary of the Interior is a man of broad views, keen intellect, and with peculiar and actual knowledge of the actual conditions as they exist, and it is the thought of every member of the committee, after prolonged hearings and painstaking attention, that this bill should be passed at once for the purpose of preserving what the Government has and what the developers of oil deserve, and to prevent damage and disaster from any source.

The actual method of working is thought to be that the Secretary will retain a sufficient portion of the proceeds of the oil to indemnify the Government in the event the title will finally be held to be adverse to the claimants, so that untold hardships may not follow. Some of the men developing oil in the California region have almost been driven to bankruptcy. Telegraphic appeals and personal appeals have come from California sources urging some action on the part of Congress.

The bill, as will be observed, does not part with title to a foot of land or to any oil or gas of the United States, but merely authorizes a continuation of operations to prevent waste, decay, destruction by water breaking in, and other disaster coming from the nonuse of oil machinery and oil development. The committee can not urge too strongly the advisability of this temporary relief, and that at the earliest possible moment.

The complaints have come chiefly from California and from a strip of country about 125 miles long and from 2 to 5 miles wide on the west side of the San Joaquin Valley in California.

As was suggested by Secretary Lane in his letter, there is pending in both branches of Congress, and in truth the bill before the House committee is well under way, legislation providing for a leasing system of the oil and gas lands of the United States, so that hereafter tangled titles relative to the procedure and acquirement may not be one of the troublesome tasks for the American Congress to deal with. The affording of this temporary relief by the passage of H. R. 15469 will in no manner interfere with the broad-gauged conservation policy outlined in the leasing law soon to be reported and now pending before both the House and Senate committees.

Respectfully submitted.

Mr. MANN. If the Government finds a case where gross injustice is being done to these people, there is no reason why the Interior Department should not decide the question of the patent. We passed a law three years ago in order that they might settle up these things, and this is to amend that act.

Mr. FERRIS. The commissioner informed us that they were working as fast as they could, but that notwithstanding that great injustice would be done.

The SPEAKER. Is there objection?

Mr. MANN. I object.

The SPEAKER. The gentleman from Illinois objects, and the bill is stricken from the calendar. The Clerk will report the next bill.

Mr. RAKER. Mr. Speaker, I ask unanimous consent that I may extend my remarks in the RECORD upon this bill.

The SPEAKER. Is there objection?

There was no objection?

EXCHANGE OF LANDS IN WYOMING.

The next business on the Calendar for Unanimous Consent was the bill (S. 65) to amend an act entitled "An act providing that the State of Wyoming be permitted to relinquish to the United States certain lands heretofore selected and to select other lands from the public domain in lieu thereof," approved April 12, 1910.

The Clerk read the bill, as follows:

Be it enacted, etc., That the provisions of the act entitled "An act providing that the State of Wyoming be permitted to relinquish to the United States certain lands heretofore selected and to select other lands from the public domain in lieu thereof," approved April 12, 1910, be, and the same are hereby, extended so as to include and apply to the southeast quarter of section 13 in township 27 north, range 85 west.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. BROWN of New York. Mr. Speaker, I ask unanimous consent that the bill may be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection?

There was no objection.

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

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

On motion of Mr. BROWN of New York, a motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS MISSOURI RIVER NEAR KANSAS CITY.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 14189) to authorize the construction of a bridge across the Missouri River near Kansas City.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Missouri Valley Bridge & Iron Co., a corporation organized under the laws of the State of Kansas, its successors and assigns, be, and are hereby, authorized to construct, maintain, and operate a highway, trolley, and railroad bridge, and approaches thereto, across the Missouri River at a point suitable to the interests of navigation between the Chicago, Milwaukee & St. Paul Railway bridge and the mouth of the Big Blue River, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

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

With the following committee amendment:

Lines 6 and 7, page 1, strike out the words "highway, trolley, and railroad."

The SPEAKER. Is there objection?

Mr. ALEXANDER. Mr. Speaker, I reserve the right to object.

Mr. COOPER. Mr. Speaker, I also reserve the right to object.

Mr. ALEXANDER. Mr. Speaker, if the gentleman from Georgia [Mr. ADAMSON], the chairman of the Interstate and Foreign Commerce Committee, desires to make a statement, I will give way to him for that purpose.

Mr. ADAMSON. Mr. Speaker, I prefer that the gentleman from Missouri make the statement. He has objected to an amendment which the committee made in accordance with its uniform conduct in striking out the words defining the character of the bridge. If the gentleman can state to the House any sufficient reason why we ought to vary the custom and put in that description of the character of the bridge, I am perfectly willing to bow to the opinion of the House, and the committee would agree with me in that concurrence. If the gentleman can satisfy the House that an exception ought to be made in this case, very well.

Mr. ALEXANDER. Mr. Speaker, when this bill was introduced it attracted the attention of my constituents, who are directly interested in the bill. I may say that if this bridge is constructed across the Missouri River it will be from Jackson

County on the south side to Clay County on the north. Jackson County is in the district represented by my colleague [Mr. BORLAND] and Clay County, on the north, is in the district represented by myself. My people, including the Commercial Club of Liberty, Mo., one of the largest towns in Clay County, Excelsior Springs being the other large town, are quite willing that a bridge may be constructed across the river at the point designated if it provides for a wagon and trolley and railroad bridge, but they are unwilling that such a bridge may be constructed unless it is provided for these three purposes. We have three bridges across the Missouri River now from Jackson to Clay County. Two of them are railroad bridges. The third is a combination railroad, trolley, and wagon bridge, but the wagon bridge or combination bridge is between the Burlington bridge on the west and the Milwaukee bridge on the east. This bill provides for the construction of a bridge east of the Milwaukee bridge and west of the mouth of the Blue River. On both sides of the river there is very rich land, suitable for market gardening. It is the wish of the farmers that if a bridge is constructed it may give them an outlet to the Kansas City markets.

There is no imperative demand for the construction of a railroad bridge alone, but it would serve a useful purpose if it also provides for a wagon bridge. And again, trolley lines are being extended from Kansas City north and suburban property developed. Already one has been constructed and goes over the combination bridge between the Burlington and the Milwaukee Bridges out through Liberty to Excelsior Springs, Mo., and we want to provide other outlets to the north. Of course a company may be organized under the law of the State of Missouri for the construction of a bridge, but if this bill had not provided for a highway, trolley, and railroad bridge, I should have gone before the Committee on Interstate and Foreign Commerce and resisted, as much as I could, the favorable report on the bill. My colleague [Mr. BORLAND] and I are in perfect accord upon this matter. We both want this amendment, and our constituents want it. I do not know why it should not be incorporated in the bill.

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

Mr. ALEXANDER. Yes.

Mr. MOORE. On several occasions I have raised a question with regard to the franchise granted to an individual or a concern that is to build a bridge. In this case the Missouri Valley Bridge & Iron Co., "a corporation organized under the laws of the State of Kansas," is to be given the right. Has the gentleman any assurance that the Missouri Valley Bridge & Iron Co. is a responsible concern, that it will build such a bridge as the people out there ought to have, or that it will build "a highway, trolley, or railroad bridge" if that specific provision is not incorporated in the law?

Mr. ALEXANDER. I have not such assurance, hence I want the provision in express terms in the bill. I want to say this, however, that I understand the company is a responsible company.

Mr. ANTHONY. Mr. Speaker, I simply want to say that the company is one of the most responsible companies in the bridge business, having constructed bridges at St. Louis and at other points along the Missouri and Mississippi Rivers.

Mr. MOORE. That answers the question to a certain extent; but it has been the policy of the committee, I have observed, not to concern itself particularly with regard to the company or the individual to whom the franchise is to be granted, that being left altogether to the Secretary of War to determine when the plans and specifications are laid before him. I assume the two gentlemen from Missouri are anxious to have it written into the law definitely as to what they are going to get in the way of a bridge, and that they would like a specific legal instruction in this respect to the Secretary of War.

Mr. ALEXANDER. Yes. Otherwise we do not want the bridge at all.

Mr. ADAMSON. Mr. Speaker, the gentleman from Pennsylvania [Mr. MOORE], amiable and able, contrary to his usual accuracy, has inadvertently made a statement which hardly does justice to the committee. He said that the committee does not usually inquire into the person and character of the applicant who desires the franchise to construct the bridge. The gentleman is laboring under a mistake there. The committee primarily passes on the question, first, whether or not the party named is a proper person, natural or artificial, or properly authorized for Congress to grant its consent for the building of a bridge. What is left for the War Department is to carry out the details and plans, and see that the bridge is constructed so as not to interfere with navigation. Now, I do not doubt it is desirable to the community to have a combination bridge, and it is desirable in the interest of navigation that if bridges are needed for vehicles and pedestrians as well as for railroads there should be as few bridges as possible, because every bridge is an obstruction to navigation; and while Congress may impose any reasonable condition it chooses as a condition of consenting at all for a party to build a bridge, the question is, Ought not the State which charters and authorizes the company to decide what sort of a bridge it is and what the local people need there? If the gentleman will state there is no way to secure any such authority in the State in which the bridge is to be built, they have obviated that question; and if they can not get it there, if the conditions are such we ought to put such conditions on our consent, then we are perfectly willing for the committee amendment to be disagreed to by the House.

Mr. MOORE. Will the gentleman yield to me?

Mr. ADAMSON. Yes.

Mr. MOORE. The gentleman knows, of course, how highly I respect him, both personally and officially——

Mr. ADAMSON. It is a matter of pride to me.

Mr. MOORE. I think the gentleman will not deny that on frequent occasions we have been called upon to pass these bills by unanimous consent, where the person to whom the franchise was granted was, in effect, "John Doe," and the gentleman has taken the position——

Mr. ADAMSON. I do not remember any such bill.

Mr. MOORE. And the gentleman has taken the position on a number of these occasions that the responsibility was on the War Department in the first instance, and on the States in the second instance.

Mr. ADAMSON. The gentleman fails to differentiate between the considerations expressed in a matter of this sort. We have consistently many times refused to consent to a proposition where we thought they did not mean business and were not able to carry out the project, and will always do it.

Mr. MOORE. If the gentleman will pardon me, I have a very distinct recollection of having raised this question at least twice before, where the committee itself had not taken any great pains to inquire as to responsibility of the individual seeking the privilege.

Mr. ADAMSON. That may have been the assumption of the gentleman from Pennsylvania, but if the gentleman ever made any such point and it ever was conceded by the committee, I confess my recollection is very much at fault or I was so obtuse I did not understand the gentleman.

Mr. MOORE. The gentleman is accustomed to fall back upon the general bridge act and the discretion lodged in the Secretary of War in these matters, and I thought it pardonable to call his attention to this question. Hence I have asked as to the responsibility of this bridge company.

Mr. ADAMSON. That only relates to the carrying out of the enterprise, seeing that the structure is so constructed that it will not interfere with navigation.

Mr. MOORE. That is a point in which I am very much interested, and it is covered by the report of the Secretary of War. It is very important to know, in the interest of navigation, whether the constructor of the bridge is responsible; whether he is going to put up a kind of bridge which ultimately will impede navigation; whether, in the event of the failure of the concern holding the franchise to build the bridge, there will be a failure to remove the obstruction, which may thus become a menace to navigation. It is entirely possible, although in this instance we are told that this Missouri company is responsible, that a franchise might be given to an irresponsible individual or concern, resulting in the construction of a bridge that would become an impediment to navigation.

Mr. ADAMSON. The propositions are referable to different authorities. The committee passes first on the probability of the projector carrying out the project. If there is no probability of his doing so, it will be idle to grant consent where there is any doubt about it. The other proposition rests with the Secretary of War, who, in the interest of navigation, has to see that the bridge is so built that the interests of navigation are protected.

Mr. BORLAND. Mr. Speaker, I will say to the gentleman that I investigated also personally the responsibility of these people who are asking to build this bridge, and I found their responsibility was ample for the work which they propose to undertake. Those were conditions precedent to my introducing the bill or presenting it to the committee. Now, I want to say this: I introduced this bill originally as a railroad bridge, because that was the kind of a bridge the projectors asked for. After I had done so the local conditions on both sides of the river, to which Judge ALEXANDER has referred, showed that it required the services of a highway bridge and a trolley bridge. There is no bridge nearer, at least, than 3 miles from this bridge, which ought to be a highway bridge——

Mr. MOORE. Will the gentleman yield?

Mr. BORLAND. In a moment. This is in a section of the country which is rapidly building up as a manufacturing suburb of Kansas City, a truck-gardening suburb, and a local residence section to Kansas City, and trolley lines, as Judge ALEXANDER has said, are extending across the river to the north and to Clay County and the rich bottom lands, and they are erecting residences, and it is becoming a very valuable suburban manufacturing district.

Now, this bridge will connect that kind of a district with the main center of Kansas City, and so I suggested to these objectors that they demand a highway bridge and trolley bridge. The local demand was very great. With some reluctance they consented to it and in that way got, of course, the united public sentiment of that community back of it.

As to the demand for the bridge, there is no question. Judge ALEXANDER and I have looked into that thoroughly, and we are convinced of it. Now, it is possible under our State law, I will say to the chairman of the committee, for a corporation to get a permit itself under the general provisions of the statute giving itself such powers as the corporation may ask. The corporation charters itself simply as a bridge for railroad purposes. The State does not give it a special charter or put any special conditions on it to meet a local demand for a highway.

Mr. ADAMSON. That is what I want the gentleman to make the House understand.

Mr. BORLAND. Here is a place where we have determined this requirement properly goes in. I understand the policy of the committee, or the main intention of Congress, is to give the authority of Congress to the bridging of a navigable stream, and that the other provisions are purely local; but the local demand is here that this description or character of bridge be put into the bridge act, and all parties have agreed upon that basis, and for that reason we are going to ask the committee to vote down the committee amendment striking out the words "highway, trolley, and railroad."

Mr. MOORE. I want to ask the gentleman whether he will not throw over to the discretion of the Secretary of War, if this bill passes without amendment, the character of the bridge that shall be constructed?

Mr. BORLAND. No, indeed. We have no desire to leave it to his discretion.

Mr. MOORE. The plans will have to be submitted to him by the bridge company, and then it will have to be determined by him, and be within his discretion, as to whether you will have a highway, trolley, or railroad bridge.

Mr. ADAMSON. If you agree to the amendment, that discretion remains in the bill.

Mr. MOORE. I say that if the committee amendment prevails, and the provision for the highway, trolley, and railway bridge is stricken out, which I understand the gentlemen from Missouri object to, then it will be left wholly to the discretion of the Secretary of War.

Mr. BORLAND. We are asking to have those words reinserted in the bill because of the local conditions there.

Mr. MOORE. That is what your people want. That is what people on either side of the river want, is it not?

Mr. BORLAND. That is what they want.

Mr. MOORE. And that is what you want to specify in the bill. That is the point I am making. If you do not include the amendment, then your people may not get what is contemplated by this franchise.

Mr. BORLAND. We want it in the bill. That is the proposition.

Mr. ADAMSON. Mr. Speaker, if the gentlemen have concluded, I wish to say that this corporation is a local affair. It is not a regular railroad across the country, but a local affair which proposes to capitalize itself and construct a bridge for local convenience, and the gentleman from Missouri has satisfied me that there is difficulty in securing by local authority the requirement that this local company shall accommodate the entire public; and under the circumstances the committee will not feel aggrieved if the House disagrees to the amendment.

The SPEAKER. Is there objection?

Mr. COOPER. Mr. Speaker, reserving the right to object, I wish only to ask if the Missouri Valley Bridge & Iron Co., named in the bill, is a company which only constructs bridges?

Mr. BORLAND. They are a bridge-construction company, yes; but they construct bridges on their own account as well as under contract.

Mr. COOPER. Has the company heretofore constructed bridges and operated them?

Mr. BORLAND. I understand they have constructed them and afterwards leased them, or sold them, to other parties.

Mr. ANTHONY. I can say, for the information of the gentleman, that it is one of the most widely known bridge-construction companies in the country. They not only build bridges, but they build them and supply them to railroads. And as to this instance in Kansas City, even now they may have leases from three or four different kinds of railroads that contemplate using that bridge. Eventually the bridges they construct go over to some subsequent bridge company or to the railroads themselves.

Mr. COOPER. I take it, Mr. Speaker, that it is simply an ordinary construction company that has been consulted by some corporation, railroad or otherwise, desiring to have a bridge constructed, and that the name of this construction company was put into the bill instead of that of the railroad company.

Mr. ALEXANDER. If the gentleman will pardon me——

Mr. COOPER. Yes.

Mr. ALEXANDER. I have a letter dated May 14, 1914, from J. D. Wilson, of the firm of J. D. Wilson, investments, 617 Dwight Building, Kansas City, Mo., in reference to this bill, in which he says:

KANSAS CITY, MO., *May 14, 1914.*

Hon. J. W. ALEXANDER,
House of Representatives, Washington, D. C.

DEAR SIR: Bill H. R 14189, authorizing the construction of a bridge across the Missouri River at Kansas City, introduced by Congressman BORLAND March 4.

I understand that the bill will be reached on the House Calendar Monday, May 18, and am writing to urge you to use every possible effort to have the House act on this day. I realize that the delay on this measure has been unavoidable, but further delay at this time will be very serious. Will you kindly give the bill your especial attention? Can not it be called out or even made a point of special order?

The Missouri Valley Bridge & Iron Co. have proceeded with their arrangements, depending on the permit to have been out before this time. The business men of Liberty and Excelsior Springs, property owners along the proposed rock road—in fact, practically all the southern part of Clay County—are interested in getting the matter under headway.

I trust that you will be able to have the bill acted on next Monday, and assure you that your efforts along that line will be greatly appreciated by all interested.

Yours, very truly, J. D. WILSON.

Liberty and Excelsior Springs are in my district. I do not know whether they are building the bridge as a local enterprise or with a view of leasing it to a railway company or not, but my people are interested in having it as a trolley as well as a steam railroad bridge.

Mr. COOPER. Mr. Speaker, I had in mind the importance of insisting, where it is possible to insist, that the phraseology of an original bill shall present what the people responsible for it really want, and thus notify people who are interested and entitled to notice of what it is proposed to have done. Now, this original bill notified the people who live in that vicinity, as the gentleman from Missouri [Mr. ALEXANDER] has said, that it was proposed to build a "highway, trolley, and railroad bridge." The people of that vicinity might very well be content to have such a bridge constructed. But the proposed amendment strikes out the words "highway, trolley, and railroad," and, if adopted, the bill would permit this company to construct any kind of a bridge and sell it to any person or corporation, while interested parties would not have notice of this change nor be afforded opportunity to present their possible objections to the enactment of the bill into law. I can not think of an easier way to mislead people interested in the construction of a bridge than by presenting the bill in the form in which it was originally presented to give to a company, its successors or assigns, the right to build a "highway, trolley, and railroad bridge," and then to strike out "highway, trolley, and railroad" and thus give the company the right to build any kind of a bridge it pleases to build, and to sell it to anybody to whom it pleases to sell.

Mr. BORLAND. I agree with the gentleman.

Mr. COOPER. It is quite a different thing, and things of this kind ought to receive most careful consideration; and unless we can have consent now that that amendment shall be voted out, I shall object to the consideration of the bill.

Mr. ADAMSON. Mr. Speaker, I do not know how the gentleman is going to get consent to vote out the amendment before consent is given to consider the bill. I have stated that, inasmuch as the local authority did not require that the entire public should be accommodated, we are perfectly willing in this case, for the reason stated, that the House shall vote down the committee amendment. I think myself it ought to be voted down, after hearing the statements of these gentlemen.

Mr. MANN. Mr. Speaker, I call for the regular order.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. This bill is on the House Calendar. The Clerk will report the amendment.

The Clerk read as follows:

On page 1, lines 6 and 7, strike out the words "highway, trolley, and railroad."

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

The question was taken, and the amendment was rejected.

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

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

On motion of Mr. ADAMSON, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next one.

FEDERAL BUILDING AT OSAGE CITY, KANS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 15080) to increase the limit of cost of Federal building at Osage City, Kans.

The Clerk read the bill, as follows:

Be it enacted, etc., That to enable the Secretary of the Treasury to erect and complete the post-office building at Osage City, State of Kansas, provided for in existing legislation, the limit of cost heretofore fixed by Congress be, and the same is hereby, increased in and by the sum of $7,000 over and above the $50,000 heretofore authorized, and the Secretary of the Treasury is hereby authorized to enter into contract for the erection and completion of said building within the limit of cost herein established.

The SPEAKER. Is there objection?

Mr. MADDEN. Reserving the right to object, Mr. Speaker, I would like to ask what is the necessity for this increase of the limit of cost?

Mr. CANTRILL. I will state, Mr. Speaker, that the report is very brief and sets out the necessity for it, and shows that they have submitted bids and can not get the bids within $7,000, which is the amount this bill asks for. The bill is in strict accordance with quite a number of other bills that we have passed at this session.

Mr. MADDEN. Why can they not get bids within the limit of cost?

Mr. CANTRILL. The Secretary of the Treasury says he has advertised for bids and the bids received are all too high.

Mr. MADDEN. That is probably because the plans are more elaborate than was intended.

Mr. CANTRILL. The bids were advertised in accordance with the plans of the Treasury Department.

Mr. MADDEN. But they ought to modify the plans.

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

Mr. MADDEN. Yes.

Mr. DOOLITTLE. The building as now planned provides for as cheap construction as is possible and advisable to construct any building, and the amount asked for here is simply sufficient to meet the necessities and make it possible to let the contract to the lowest bidder.

Mr. MADDEN. What is the total amount of the appropriation?

Mr. CANTRILL. Fifty thousand dollars.

Mr. MADDEN. That is, for the building?

Mr. CANTRILL. That is for the building and the site, and $9,000 was expended for the site.

Mr. MADDEN. What is the population of Osage City, Kans.?

Mr. DOOLITTLE. Four thousand one hundred.

Mr. MADDEN. Well, on a building costing $50,000 the interest would be $2,500 a year, and you could rent a suitable place at $1,000 in any community like that that would be much better for the community than the building proposed to be erected.

Mr. CANTRILL. The gentleman will recall that we have reported dozens of bills of this character which have been passed, and that $50,000 is the least amount that is ever authorized for any public building.

Mr. MADDEN. I want to say in connection with this that it is an extravagant waste of public money to put up a $50,000 building in a town of only 4,100 people. The cost of maintaining the building, for janitor service alone, will be more than the rental of a suitable building in which to conduct the Postal Service would amount to in that town if there were no public building there at all, and if I had my way there would not be any public buildings erected in communities of less than 25,000 people. But, of course, I have not my way about it; but I think this is not justifiable, and ought not to be allowed. But I am not going to object.

The SPEAKER. Is there objection?

There was no objection.

Mr. CANTRILL. Mr. Speaker, I ask unanimous consent that this bill be considered in the House as in Committee of the Whole.

Mr. MANN. Wait a moment. I understood, Mr. Speaker, that the gentleman wanted to bring up the Senate bill instead of the House bill?

Mr. DOOLITTLE. Yes.

Mr. MANN. Now is the time to do that.

Mr. CANTRILL. If the other request is granted, Mr. Speaker, I ask unanimous consent that that be done.

Mr. MANN. This comes ahead of the other.

Mr. CANTRILL. I ask unanimous consent, Mr. Speaker, that the Senate bill 5066, which has passed the Senate and is identical with the House bill just reported, be considered instead of the House bill.

The SPEAKER. The gentleman from Kentucky [Mr. CANTRILL] asks unanimous consent that the Senate bill 5066 be considered in lieu of the House bill.

Mr. MANN. It is not identical, but it is similar.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Kentucky [Mr. CANTRILL] asks unanimous consent that this bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the Senate bill.

The Clerk read as follows:

An act (S. 5066) to increase the authorization for a public building at Osage City, Kans.

Be it enacted, etc., That to enable the Secretary of the Treasury of the United States to give effect to and execute the provisions of existing legislation authorizing the acquisition of land for the site and the erection of a public building at Osage City, Kans., the limit of cost heretofore fixed by Congress therefor be, and the same is hereby, increased $7,000, and the Secretary of the Treasury is hereby authorized to enter into contracts for the completion of said building within its limit of cost, including site.

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

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

On motion of Mr. CANTRILL, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. The House bill is laid on the table, without objection.

There was no objection.

The SPEAKER. The Clerk will report the next one.

NATIONAL ACADEMY OF SCIENCES.

The next business on the Calendar for Unanimous Consent was the bill (S. 4096) to amend the act authorizing the National Academy of Sciences to receive and hold trust funds for the promotion of science, and for other purposes.

The bill was read, as follows:

Be it enacted, etc., That the act to authorize the National Academy of Sciences to receive and hold trust funds for the promotion of science, and for other purposes, approved June 20, 1884, be, and the same is hereby, amended to read as follows:

"That the National Academy of Sciences, incorporated by the act of Congress approved March 3, 1863, be, and the same is hereby, authorized and empowered to receive, by devise, bequest, donation, or otherwise, either real or personal property, and to hold the same absolutely or in trust, and to invest, reinvest, and manage the same in accordance with the provisions of its constitution, and to apply said property and the income arising therefrom to the objects of its creation and according to the instructions of the donors; *Provided, however,* That the Congress may at any time limit the amount of real estate which may be acquired and the length of time the same may be held by said National Academy of Sciences."

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

There was no objection.

Mr. MANN. Mr. Speaker, I move to strike out the last word. I should like to ask the gentleman from New York [Mr. DANFORTH], in charge of this bill, if he thinks there would be any objection to adding a section providing that the right to alter, amend, or repeal this act is hereby expressly reserved?

Mr. DANFORTH. Mr. Speaker, I had not thought of any such amendment to the bill.

Mr. MANN. We usually add that section to all bills of this character.

Mr. DANFORTH. I should think it might be a serious thing, because it might affect the present power that the society possesses to receive gifts other than real estate, if you put that in.

Mr. MANN. We ought to have the power to affect it if we wish to hereafter.

Mr. DANFORTH. I will ask the gentleman if we have not the power now, without any such phrase?

Mr. MANN. There might be a controversy about that.

Mr. DANFORTH. This bill has been passed by the Senate——

Mr. MANN. That is nothing in its favor.

Mr. DANFORTH. And it has been considered and passed upon by the Judiciary Committee of the House and unanimously approved.

Mr. MANN. We are in the habit of reserving—and, I think, very properly—in every grant that we make of a special privilege, the right to alter, amend, or repeal the act.

Mr. DANFORTH. And the gentleman proposes to reserve the right to amend or repeal this act?

Mr. MANN. Yes; that is all that this would apply to. I offer an amendment as section 2 that the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. The gentleman from Illinois withdraws his pro forma amendment and offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 2, after line 8, insert a new section, as follows:
"SEC. 2 That the right to alter, amend, or repeal this act is hereby expressly reserved."

The amendment was agreed to.

The bill as amended was ordered to a third reading, and was accordingly read the third time and passed.

On motion of Mr. DANFORTH, a motion to reconsider the last vote was laid on the table.

RECLAMATION OF HUAI RIVER, CHINA.

The next business on the Calendar for Unanimous Consent was the joint resolution (H. J. Res. 244) to authorize the President to grant leave of absence to an officer of the Corps of Engineers for the purpose of accepting an appointment under the Government of China on works of conservation and public improvement.

The joint resolution was read, as follows:

Whereas the Republic of China, with the advice and assistance of the American Red Cross, has arranged for extensive reclamation work in China for the prevention of floods and the resultant famines and is desirous that an Engineer officer of the United States Army experienced in this class of work be permitted to serve in preparing the project and in the execution of the work; and

Whereas the United States of America wishes to show its friendly feeling for the Republic of China by complying with this desire: Now, therefore, be it

Resolved, etc., That the President be, and he is hereby, authorized, in his discretion, to grant leave of absence to an officer of the Corps of Engineers, United States Army, to assist the Republic of China, as a member of a board of officers to be designated by the Republic of China, to make an examination and report on the reclamation of Huai River, and thereafter to act as chief engineer of the Huai conservation work in China, to be appointed by the same authority (in pursuance of an arrangement between the American Red Cross and the Government of China); and that such officer while absent on such leave be, and he is hereby, authorized to accept from the Government of China the said employment with compensation from said Government: *Provided, however*, That the permission so given shall be held to terminate at such date as the President may determine; to insure the continuance and completion of this work the President may have the power of substitution in case of the termination of the detail of said officer for any cause; and that the officer, while so absent in the service of the Republic of China, shall receive no pay or allowance from the United States Government.

With the following committee amendment:

Strike out all of the preamble.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. STAFFORD. Mr. Speaker, reserving the right to object. I am not in any way opposed to the purpose intended to be accomplished by this bill; but we all recognize that it is very probable that our Corps of Engineers may all be needed in case conditions in our neighboring Republic to the south do not develop satisfactorily. I notice on the calendar a bill of similar import, providing for permission to a retired officer of the Corps of Engineers to render service in connection with the New Jersey-New York Joint Harbor Line Commission, and special emphasis is laid upon the fact that it would not be advisable to delegate an active officer of the Engineer Corps for that purpose. Now, I should like to inquire of the gentleman having the bill in charge whether one of the retired officers of the Engineer Corps could not perform this humanitarian work in China as well as one now on the active list?

Mr. MANN. They would not want to send an old man over there.

Mr. KAHN. I will say to the gentleman from Wisconsin that under the terms of this joint resolution the President is authorized to recall the officer at any time. He will find on page 2——

Mr. STAFFORD. I have read the resolution and report and am familiar with the provisions of the resolution.

Mr. KAHN. I will say to the gentleman, further, that this question has been taken up with the Chinese Government through the American Red Cross, and I believe that the officer who is to take charge of this work has been practically agreed upon.

Mr. STAFFORD. I believe this gentleman who has been decided upon for the work in China is also very desirous, in case of difficulties arising in Mexico, to serve his Government there. Does the gentleman think that if the Government designates this Army engineer to go to China he would be recalled and have his place in China left vacant after he has once been designated?

Mr. MANN. The gentleman speaks of "difficulties arising in Mexico." What difficulties does the gentleman refer to? The gentleman knows there will be no difficulty if we start in.

Mr. STAFFORD. I did not think the gentleman took such a roseate view of the situation down there.

Mr. MANN. I do not take a roseate view; but if we start in there will be no difficulty in our accomplishing the work we set out to do.

Mr. STAFFORD. Then there is the river and harbor work in this country.

Mr. MANN. They will attend to the river and harbor work without any difficulty.

Mr. KAHN. I will say to the gentleman from Wisconsin that this officer is to cooperate with the officers appointed by the Chinese Government, and the officer who is to be sent over there has had a great deal of experience in connection with conservation and river work.

Mr. SPARKMAN. Who is that officer?

Mr. KAHN. I do not know.

Mr. MANN. May I ask if he is one of the gentlemen who has been "preventing" the floods on the Ohio and lower Mississippi Rivers in the United States?

Mr. KAHN. I understand this gentleman is familiar with this kind of work and has had considerable experience in it.

Mr. MANN. Does not my friend think if we should send one of these engineers over there it might be very valuable, in that if he could learn how to prevent floods on the Chinese rivers he might be able to come back with some knowledge of how to prevent floods on American rivers, which so far we have not been able to discover?

Mr. KAHN. He would at least learn how to minimize the damage.

Mr. STAFFORD. I do not think he is going over there to be educated. I think he is going over there to educate somebody else.

Mr. MANN. Any man who does work is educated by it.

Mr. STAFFORD. If he has not had experience already he will not be of much value to China.

Mr. KAHN. The Huai River in China overflows its banks about three years in five. These floods have resulted in great loss of life and frequent periods of famine; people have starved to death by the thousands. The American Red Cross has repeatedly sent contributions, and the charitable people of the world have repeatedly sent contributions of money and food into this district in order to alleviate the suffering of the people there.

Mr. STAFFORD. Will the gentleman permit a question?

Mr. KAHN. Certainly.

Mr. STAFFORD. I prefaced my remarks with the statement that I was in sympathy with the measure, but I rose to inquire as to one fact which the gentleman seems to have overlooked. What I am seeking to find out is whether a retired Army officer would not perform this work as well as one in the active service.

Mr. KAHN. I do not think the retired officer could——

Mr. HAY. It is not within the power of the President to require a retired Army officer to perform the duty unless he chooses so to do.

Mr. KAHN. The retired officer must volunteer to go.

Mr. STAFFORD. Mr. Speaker, there is on the calendar Senate joint resolution 29, authorizing the President to appoint a retired officer of the Corps of Engineers to assist in some harbor propositions about New York City. The correspondence with the War Department says that the retired officer is qualified to cooperate with that commission. Why can not there be a retired officer appointed for this position, if he is willing to do this work?

Mr. HAY. The President would have to get the consent of the retired officer, and he might not get the kind of man that he wanted who would agree to it.

Mr. STAFFORD. I can see that there might be some difficulty about that. My purpose was to gain the information as to the retired officer doing the work, and having obtained that, I withdraw the reservation of an objection.

Mr. RAKER. I understand the officer has been practically selected who is to perform this work, and that he has had experience, and understands the condition of the river—the low tide and the high tide, and so forth.

Mr. KAHN. Oh, no; the river is in the interior.

Mr. RAKER. I meant the high and low water.

Mr. KAHN. This river flows through a valley, one of the great alluvial plains of China.

Mr. RAKER. Would the officer receive compensation from the Government during this time?

Mr. KAHN. No. Under the terms of the resolution, he is not even to receive any allowances.

Mr. RAKER. I understand the Red Cross of the United States, through its president and officers, particularly Miss Boardman, is very anxious to have this resolution passed?

Mr. KAHN. Yes.

Mr. RAKER. In that case, I am in favor of it.

The SPEAKER. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none.

Mr. KAHN. Mr. Speaker, there is a Senate bill in identical terms on the Speaker's table, and I ask unanimous consent that it be considered in lieu of the House bill. I do not know but that it has been referred to the Committee on Military Affairs.

Mr. MANN. If it is referred, it is not on the table.

The SPEAKER. The gentleman from California asks unanimous consent that Senate joint resolution 139 be substituted for this resolution.

Mr. RAKER. Reserving the right to object, I would like to ask the gentleman if the bills are in the same language?

Mr. KAHN. They are identically the same.

The SPEAKER. The Clerk will report the Senate joint resolution 139.

The Clerk read as follows:

S. J. Res. 139. To authorize the President to grant leave of absence to an officer of the Corps of Engineers for the purpose of accepting an appointment under the Government of China on works of conservation and public improvement.

Whereas the Republic of China, with the advice and assistance of the American Red Cross, has arranged for extensive reclamation work in China for the prevention of floods and the resultant famines and is desirous that an Engineer officer of the United States Army, experienced in this class of work be permitted to serve in preparing the project and in the execution of the work; and

Whereas the United States of America wishes to show its friendly feeling for the Republic of China by complying with this desire: Now, therefore, be it

Resolved, etc., That the President be, and he is hereby, authorized, in his discretion, to grant leave of absence to an officer of the Corps of Engineers, United States Army, to assist the Republic of China, as a member of a board of officers to be designated by the Republic of China, to make an examination and report on the reclamation of Huai River, and thereafter to act as chief engineer of the Huai conservation work in China, to be appointed by the same authority (in pursuance of an arrangement between the American Red Cross and the Government of China); and that such officer while absent on such leave be, and he is hereby, authorized to accept from the Government of China the said employment with compensation from said Government: *Provided, however*, That the permission so given shall be held to terminate at such date as the President may determine. To insure the continuance and completion of this work the President may have the power of substitution in case of the termination of the detail of said officer for any cause; and that the officer, while so absent in the service of the Republic of China, shall receive no pay or allowances from the United States Government.

Mr. BARTLETT. Mr. Speaker, as I understand, the Senate bill is on the Unanimous Consent Calendar?

The SPEAKER. The Senate bill is on the Speaker's table.

Mr. BARTLETT. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BARTLETT. The Senate bill being on the Speaker's table and a bill of identical character being on the calendar, is it not a matter of privilege and not a matter for unanimous consent?

The SPEAKER. It is a matter of privilege if the gentleman had called it up that way, but he is not calling it up that way.

Mr. MANN. It is not a matter of privilege, Mr. Speaker. The Senate bill has been referred to the Committee on Military Affairs.

The SPEAKER. It was the Chair's mistake. The bill has been referred to the Committee on Military Affairs.

Mr. KAHN. Mr. Speaker, I ask unanimous consent to discharge the Committee on Military Affairs and consider the Senate joint resolution in place of the House joint resolution.

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

Mr. MACDONALD. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from California if the Government of China asks for the assignment of this officer?

Mr. KAHN. Yes; the Government of China proposes to issue bonds to the extent of $20,000,000 for the purpose of performing this work.

Mr. MACDONALD. I understand that there is a proposition to sell those bonds in this country?

Mr. KAHN. Not that I know of. I have not heard of that. The Government of China proposes to do this work.

Mr. MACDONALD. I understand that the White Engineering Corporation, of New York, is interested in the work?

Mr. KAHN. They have been recommended by the Government as having performed work at Panama and in the United States for the Government of the United States to the satisfaction of the Government of the United States. The Government of China asked whether a concern could be recommended that would do the work at a reasonable cost and satisfactorily. I understand that this Government recommended that company and expressly stated that the Government itself could take no hand in it, but could only recommend.

Mr. MACDONALD. I would like to ask if there have not been some steps taken toward assuring the parties interested that it would be possible to raise the money on these bonds in this country?

Mr. KAHN. I have no knowledge on that score.

Mr. MACDONALD. I have no objection to the project. It seems to be a meritorious one, but the method looks like dollar diplomacy.

Mr. BARTLETT. Mr. Speaker, I do not desire to impede the passage of the gentleman's bill, but if it is to be taken as a precedent, it seems to me the request ought to be to consider the Senate joint resolution in lieu of the House joint resolution.

Mr. KAHN. That is exactly what I asked to do.

Mr. BARTLETT. I understood the Speaker to say "substitute."

The SPEAKER. The request is to consider it in lieu of the House joint resolution. The Chair was wrong in the statement of fact originally that the joint resolution was on the Speaker's table. It had been referred to the Committee on Military Affairs. Now the gentleman from California asks to discharge the Committee on Military Affairs from further consideration of the Senate joint resolution and consider it in lieu of the House joint resolution. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Mr. Speaker, I did not object to the consideration of this bill, but I can not say that I am enthusiastically in favor of it. I doubt very much the propriety of the Red Cross Association going into the business of public improvemen in this or any other country. So long as the Red Cross confines itself to giving aid in time of distress it probably will enjoy the confidence of all nations and of all peoples of the world and obtain generous contributions, but when it starts in to be manipulated, as will eventually happen if it pursues this policy, by men who are seeking franchises or concessions from foreign Governments, it will have ended its usefulness. We have plenty of work for the American Red Cross, or anyone else who knows how to prevent floods on the rivers, in the United States without going to China.

My friend from California [Mr. KAHN] says that this Huai River is overflowed three years out of five. Well, the lower Mississippi River has overflowed oftener than that in the last five years, but whether that be the case or not, somebody, somewhere, is going to endeavor to make a lot of money out of this proposition. Whether the Government of China issuing $20,000,000 of bonds will expend that directly, or whether it will let a contract to people already known, I do not know. I was told by people who are favorable to this proposition that an arrangement had already been practically entered into by which work was to be done by contractors, or a contractor, in this great public undertaking and that it was desired to have the benefit of the experience of an engineer of the United States, and I do not doubt, although that was not added, the influence that would come from the United States Government through its President having designated an Army officer to look after the work. We may next have the Red Cross looking after the new river which has lately been discovered in South America, or the Amazon River. We may next have it endeavoring to prevent plague and famine by undertaking some kind of public work. That is not the province of the Red Cross. It has no right, in my judgment, to go into the business of public works, and if it does to any extent, it will have after it everyone who wants to get a railroad concession or a harbor concession or any other kind of a concession from a foreign government, because there is no project where it can not be claimed it is in the interest of health. I shall not oppose this resolution. I have the highest regard for the Red Cross and for its president, but I believe that it has made a mistake in reference to this matter, and I am very sure if it continues in this course it will soon end its usefulness.

Mr. KAHN. Mr. Speaker, the gentleman from Illinois [Mr. MANN] overlooked the fact that the charter of the American Red Cross authorizes that organization to look after the welfare of people not only in the United States but throughout the civilized world.

Mr. MANN. Oh, I did not overlook that fact, having helped to pass the Red Cross charter.

Mr. KAHN. That is one of the provisions of that charter.

Mr. MANN. Mr. Speaker, I will ask my friend a question, and that is whether he thinks the American Red Cross ought to get busy about the method of preventing the floods on the lower Mississippi River and tell this Government how to prevent it?

Mr. KAHN. If this Government were to ask the American Red Cross to take up that work, then I think the American Red Cross ought to get busy with it.

Mr. MANN. My information comes just the other way.

Mr. KAHN. The Government of China did ask the American Red Cross to help that Government do something to prevent those floods; the American Red Cross at that time suggested the services of Mr. Jameson, an engineer who had been in China for many years, and this engineer made quite an extensive survey which, I understand, materially aided the people of China in the preliminary work.

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

Mr. KAHN. Yes.

Mr. SELDOMRIDGE. Is the request of the Government of China a matter of official record?

Mr. KAHN. I believe it is.

Mr. SELDOMRIDGE. It does not so appear in the report.

Mr. KAHN. I think in the letter of the Secretary of War favoring the proposition he said that it is desired by the Government of China. I had the report before me a moment ago. If the gentleman desires, I will read the letter of the Secretary.

Mr. SELDOMRIDGE. I would like to hear it.

Mr. KAHN. Mr. Speaker, this letter is addressed to Senator CHAMBERLAIN, and is as follows:

WAR DEPARTMENT,
Washington, April 4, 1914.

Hon. GEORGE E. CHAMBERLAIN,
United States Senate.

MY DEAR SENATOR: Referring to the proposed joint resolution authorizing the President, in his discretion, to grant leave of absence to an officer of the Corps of Engineers, United States Army, to assist the Republic of China as a member of a board of officers to be designated by the Republic of China to make an examination and report on the reclamation of Huai River, and thereafter to act as chief engineer of the Huai conservation work in China, to be appointed by the same authority, I beg to say that this joint resolution has been carefully considered by the Judge Advocate General and it fully meets with my approval. I believe the granting of leave of absence to an officer of the Corps of Engineers for this purpose will not only do a great and valuable work for China, but will be a testimonial of our friendly feeling for that country and a desire to be of assistance to her in this great humanitarian work.

Sincerely, yours,

LINDLEY M. GARRISON,
Secretary of War.

While the language of the letter does not show that the request was made by the Government of China, I understand that is the fact.

Mr. SELDOMRIDGE. There is nothing in the report, then, to indicate that the Government of China actually had made such a request?

Mr. KAHN. There is not.

Mr. SELDOMRIDGE. There is an intimation to that effect, but nothing direct.

Mr. KAHN. I understand, however, that such a request has been made by the Government of China, and, furthermore, there is an officer of the Chinese Government now on his way to Washington to consult with the officials of our Government about the matter.

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

Mr. KAHN. Yes.

Mr. SPARKMAN. How long is this officer to remain over there?

Mr. KAHN. I presume so long as it will be necessary for him to make the necessary plans.

Mr. SPARKMAN. That is quite likely; but how long is it going to take to make the necessary plans?

Mr. KAHN. I do not know. The resolution itself provides that whenever the President of the United States desires or finds it necessary to recall the officer he may do so. This officer will be only one officer of several, the others to be appointed, of course, by the Republic of China.

Mr. SPARKMAN. The information is very clear, and I am very much obliged to the gentleman.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, my understanding is that it will be about three years.

The SPEAKER pro tempore (Mr. HAY). The question is on the third reading of the Senate joint resolution.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. KAHN, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

HOMESTEAD ENTRY OF MINORS.

The next business on the Calendar for Unanimous Consent was the bill (S. 2419) permitting minors of the age of 18 years or over to make homestead entry or other entry of the public lands of the United States.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MANN. Mr. Speaker, I object.

Mr. TAYLOR of Colorado. Will the gentleman withhold his objection?

Mr. MANN. Yes.

Mr. TAYLOR of Colorado. Mr. Speaker, by authority of the Public Lands Committee I am authorized to report this bill and place it upon the Unanimous Consent Calendar, with the hope that its importance would be recognized by everyone and that no objection would be made to its consideration at this time.

While the bill as it comes before us is a Senate bill, it is identical with my bill (H. R. 10838), and reads as follows:

That any minor of the age of 18 years or over, and otherwise qualified under the public-land laws, shall be permitted to make homestead and desert-land entries under and subject to the public-land laws of the United States: *Provided*, That no minor shall be eligible to make final proof upon any such entry until he or she shall have attained the age of 21 years.

There are many reasons why the Public Lands Committee and the Members of the House from the Western States believe the enactment of this law would be in accordance with sound public policy and in the interest of the development of the West.

The demands for the enactment of this measure come primarily from the Northwest, because of the fact that the Canadian public-land laws are so much more liberal than ours that our boys in the Northwestern States are many of them attracted to Canada because their laws allow an 18-year-old boy to acquire a home, and they are taking up the public lands of that Dominion in preference to our own. This measure was referred to both the Interior Department and the Agriculture Department for a report, and both of those departments have strongly indorsed it.

The newspapers and the public generally throughout all of the Western States have very heartily indorsed this measure. I have received hundreds of communications favoring it since I introduced the bill. And at the third annual conference of the western governors, held in Denver last month, the governors of all of the Western States went on record and unanimously resolved that—

We approve the plan now before Congress to permit homestead entries by persons over 18 years of age.

Mr. MOORE. Will the gentleman yield?

Mr. TAYLOR of Colorado. I will.

Mr. MOORE. How much land would be reserved for a boy of 18 years of age?

Mr. TAYLOR of Colorado. One hundred and sixty acres.

Mr. MOORE. Did we not pass a law some time ago increasing the number to 320?

Mr. TAYLOR of Colorado. Yes; but that only applies to such lands as may be designated by the Secretary of the Interior as being entirely arid, lands that can not be irrigated. That does not change the general homestead law as to other lands.

Mr. MOORE. Does the gentleman know of any other instance in which the law recognizes a minor 18 years of age to be qualified to hold property?

Mr. TAYLOR of Colorado. Oh, if a minor is married he can take a homestead now.

Mr. MOORE. I know, but——

Mr. TAYLOR of Colorado. I will say this——

Mr. MOORE. He might hold title through a guardian or trustee?

Mr. TAYLOR of Colorado. The bill does not allow them to acquire title to the land until they are 21 years of age. It allows them to make a settlement upon the public domain.

Mr. MOORE. Does the gentleman know of any other instance in which the law makes an exception of this kind?

Mr. TAYLOR of Colorado. My idea in introducing this bill was to encourage our boys and girls in making a home, in getting a start in the world, and at the same time increasing the agricultural products of the country. The portion of our public domain now remaining open to settlement is very inferior to what it used to be. It is the land that has been passed over for 50 years and that no one would take.

Mr. MOORE. I know——

Mr. TAYLOR of Colorado. And my idea is that Congress should encourage our boys and girls to go on a farm and stay there.

Mr. MOORE. As I read the reports coming from the Interior Department and some of the speeches which emanate from that department, there seems to be a great desire to give land away, to dispose of it to somebody; but after it is given away we sometimes hear a great deal about its being gobbled up and turned over in some form or other to monopolists, resulting in investigations by Congress, at great expense to the people.

Mr. TAYLOR of Colorado. As a matter of fact, about 99 per cent of all this muckraking talk about fraud and monopoly of the public lands is pure buncombe; it is absolutely a bugaboo. There is no monopoly of agricultural land in the West to-day, and everyone who has a big farm is trying to cut it up and sell it off into smaller tracts. That is the tendency all over the West at the present time.

Mr. BURKE of South Dakota. I can also say to the gentleman there is not much land to be given away.

Mr. TAYLOR of Colorado. No. The land that is left is not, generally speaking, very desirable. It is either very difficult and expensive to clear or it is arid land that can not be irrigated.

Mr. BURKE of South Dakota. I will also say for the benefit of the gentleman from Pennsylvania the enlarged homestead act does not apply to North and South Dakota, and the purpose of this measure is to enable those 18 years of age to enter 160 acres as a homestead. It will enable families to acquire land sufficient so they can live upon land that is located mostly in arid or semiarid portions of the country. The lands are really only suitable for grazing purposes in most instances. If 18-year-old boys can take a homestead, it will encourage them to remain at home instead of going into the crowded cities.

Mr. MOORE. I want to say to the gentleman from South Dakota and also to the gentleman from Colorado, in passing, that when we hear in the East of these 160-acre tracts being given away, and of these tracts of 320 acres in arid or semiarid regions which it is now proposed to increase to 640 acres, we sometimes wonder why so many people are pressing to get arid and semiarid land in such large quantities when we have good, workable land along the Atlantic seacoast waiting for people to come and till it. I read only the other day a speech by the Assistant Secretary of the Interior intimating it was impossible for a man to keep a family on 640 acres of land——

Mr. TAYLOR of Colorado. If the gentleman will permit me——

Mr. BURKE of South Dakota. I want to remind the gentleman from Pennsylvania that the boys serving in the Navy and the Marine Corps are, many of them, not more than 18 years old, and their average age is about 20. I would like to ask him if he would say that those who recently gave their lives at Vera Cruz were too young to file a homestead? I would encourage our boys to remain at home and stay on the farms instead of enlisting in the Army and the Navy; and surely if a boy is old enough for military service he ought to be eligible to file on the public domain.

Mr. MOORE. That is a very fine and very patriotic utterance of the gentleman from South Dakota, and I quite agree that a majority of those serving at Vera Cruz are about 21 years of age and that many of those who laid down their lives for their country were but 20 years of age. We are very proud of them. But it is somewhat anomalous for us to be passing laws constantly that prevent boys and girls from going to work until they are 16 or 17 years old and then at 18 years of age saddle them with the responsibility of 160 acres on which to remain——

Mr. TAYLOR of Colorado. There is nothing compulsory about this bill. It merely furnishes an opportunity to boys and girls to get a start in the world—to have something to work for. It is a chance to work and at the same time make a home. There are many thousands of boys who have to support themselves from and after they are 18. The clearing of a farm and building a home is healthful work and much better for a boy in most cases than going to the city and hunting a job.

Mr. MOORE. You pass laws to prevent them from working, and then would pass laws to permit them to acquire property and force them to earn a living.

Mr. STEPHENS of Texas. In Texas we have reserved 640 acres of land, and we find that they are taking them up very rapidly.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

Mr. TAYLOR of Colorado. While our Government has in former years been extremely generous in the disposition of the public lands, yet everyone from the West or Northwest knows that in recent years the regulations of the Department of the Interior in regard to the qualifications for entry, residence, and improvements on lands entered under the homestead and desert-land laws have often been harshly strict in their requirements. The interpretation of the law during recent years has also frequently been unreasonably burdensome; and the homestead settlers have not only been held to a literal compliance with the law, but to a strict and technical compliance with many regulations, some of which have been impractical and have often caused a forfeiture of their rights or worked a very great inequitable and unwarranted hardship upon the poor but bona fide settlers upon the public domain. The ever-present special field agents and inspectors have been on hand to protest any proof offered where it has been thought the settler has not fully and technically complied with all the requirements of the law and regulations with respect to residence, cultivation, and improvements.

Until the act of June 6, 1912, a residence of five years was required under the homestead law before the settler was permitted to make final proof and receive patent. Under the law as it always has been and now is one of the qualifications for entry is that the entryman shall be the head of a family or of the age of 21 years. The act of June 6, 1912, reduces the period of residence from five to three years "from the time of establishing actual, permanent residence upon the land." The requirements of this law and the department in regard to cultivation are much more strict and expensive than under the old five-year homestead law.

The richest and most fertile of the agricultural lands belonging to the public domain in all the Western and Northwestern States were taken many years ago, and now we only have left lands that have for the past 50 years been passed over as being too expensive to clear or not worth taking. Under the laws existing from 1876 until 1890 a qualified settler had, as it was termed, his "three rights." First, a preemption right provided for by section 2259 of the Revised Statutes of the United States, under which he could acquire title to 160 acres of land by six months' residence and cultivation and on payment of $1.25 per acre; second, a timber-culture entry right, under which he could acquire title to 160 acres of land without residence thereon and by cultivating 10 acres thereof to trees, and at the end of 8 years, and not exceeding 10 years, paying the land-office fees, amounting to the sum of $14; and, third, his homestead right under section 2289, Revised Statutes, whereunder he could acquire a patent to a homestead of 160 acres after 5 years' residence and cultivation and upon the payment of the land-office fees of $14. He had, under the law, the privilege of making commutation proof on his homestead after 6 months' residence and cultivation, and in case of commutation he was required to pay in addition to such land-office fees the sum of $1.25 per acre, the same as in the case of a preemption. If the entryman had served as a soldier in the War of the Rebellion, his period of service was credited on the time he was required to reside on his homestead.

But with the passing into private ownership of the best public lands and the consequent upbuilding of all the great Western States by the owners of those lands the liberal land laws and liberal construction thereof of earlier days have also passed into history and the homesteader of to-day is confronted with an entirely different situation.

The timber-culture law has been repealed. The preemption law has been repealed, excepting as to a few very small tracts of Indian reservation land. There were only 22 preemption entries made in the United States during the past fiscal year.

The stone-and-timber law has been practically rendered inoperative by regulations. There were during the last fiscal year only 946 final entries made under that law in the United States.

The isolated-tract law, one of the most beneficial laws on the statute books, has likewise been practically nullified by regulations. The entries do not seem to be reported, but the total number during the last year was probably much less than 500.

The desert-land law was years ago attended with considerable irregularities and some fraud, but in recent years it has, owing to regulations, been attended with so much hardship that it is also becoming unimportant. Throughout the entire United States there were only 2,102 final desert-land entries made during the last fiscal year.

The enlarged-homestead act applies only to certain nonirrigable land in the semiarid portions of certain States, and the Kinkaid Act applies to only a portion of western Nebraska. There were only 737 final mineral entries and 76 coal-land entries in this entire country during the past fiscal year, ending June 30, 1913.

So that with the above comparatively negligible exceptions there is not, and has not been for several years past, any other method of acquiring title to any portions of our agricultural or nonmineral public domain except through homestead entry,

with the very strict requirements of that law and the regulations thereunder. The records of our General Land Office show in a very striking way the marvelous benefits of a liberal homestead law. During the first year after the passage of the three-year homestead law the final homestead entries throughout the United States more than doubled. During the fiscal year ending June 30, 1912, the total homestead entries throughout the United States were 24,326, covering 4,306,068 acres of land. The three-year homestead law was passed on June 6, 1912, and *during* the fiscal year ending June 30, 1913, there were in the United States 53,252 final homestead entries made, covering more than 10,000,000 acres of the public domain; and notwithstanding that this law requires much more cultivation and improvements than the old five-year homestead law.

While there will probably be some less homestead entries during the present fiscal year, the above figures conclusively show the benefits of that law and illustrate why it is that hundreds of thousands of our citizens go to Canada to obtain a home.

The most desirable portions of the agricultural lands having been selected and entered many years ago, and the lands opened for homestead settlement for the last several years being in that part of the country where there is liable to be in any year or through a series of years an insufficient rainfall for the successful raising of crops, it is hardly to be expected that such lands would be taken and occupied unless conditions in regard to qualifications for entry, residence, and cultivation were otherwise favorable.

The opening up for homestead settlement of the rich agricultural lands in the three great Canadian Provinces of Manitoba, Saskatchewan, and Alberta, has been in itself an inducement for the emigration of citizens of many States, especially those along the Canadian border, into Canada in order that they might acquire title to land and make for themselves a home.

But the greatest inducement for such emigration is found in the more liberal land laws of the Dominion of Canada. Under our law the young man must be at least 21 years of age before he can make homestead entry, while under the Canadian law he is permitted to make such entry on arriving at the age of 18 years.

Realizing that the State of South Dakota, as well as other States, was being deprived of some of our most enterprising and ambitious young men by reason of the better opportunities afforded them in Canada, the South Dakota Legislature, on the 8th day of March, 1913, passed a house joint resolution memorializing Congress to amend the homestead law so as to permit male minors over 18 years of age to make entry. The recitals preliminary to the resolution are significant; they are:

> Inasmuch as many young men 18 years of age and under 21 years of age are self-supporting, and, further, inasmuch as the Canadian homestead laws permit male minors over 18 years of age to make homestead entry, etc.

The resolution then proceeds to memorialize Congress "to amend the homestead laws to permit male minors 18 years of age or over to make homestead entry under the same conditions as if they were over 21 years of age."

That memorial is certainly most timely, and it is deemed of the utmost importance that Congress should pass a law which will afford to those desiring to make homes on the public lands open for settlement opportunities as nearly equal as possible to those afforded by an adjacent foreign Government with a soil equally if not more fertile than the soil of any of the lands yet available within the borders of the United States.

A comparison of the land laws of the Dominion of Canada with those of the United States shows many other beneficial features and far greater liberality in the settlement and occupation of homestead lands than such as pertain merely to the age at which homestead entry may be made.

Thus, section 106 of the Dominion lands act of 1906 (vol. 2, Revised Statutes of Canada) permits any male person who has attained the age of 18 years to make purchase of any land which had theretofore been sold to a purchaser and who had failed to comply with the conditions of sale and whose purchase has therefore been canceled, such purchase to be for a price fixed by the minister, but at not less than $1 per acre. Residence and cultivation upon said land must be as provided in the homestead law. Section 109 of said statutes provides that every person who is the sole head of a family and every male who has attained the age of 18 years who makes application according to a certain prescribed form is entitled to obtain homestead entry for any quantity of land not exceeding one quarter section, the land to be of a class open to homestead entry under the provisions of the act. The privilege of homestead entry applies to agricultural lands only.

Final proof may be made at the expiration of three years from the date of entry. No patent, however, may issue to any person who is not a subject of Great Britain by birth or naturalization.

It will be seen from this that the homesteader who has emigrated to Canada from the United States must, in order to obtain a homestead, cease to be a citizen of the United States and become a citizen and subject of a foreign country.

The law in regard to the proof of residence and cultivation is evidently more liberal than our own homestead laws. Section 126 provides that—

> Proof of residence or cultivation required by the three last preceding sections of this act, and of the erection of a habitable house, shall be made by the claimant by affidavit, and shall be corroborated by the evidence on oath of two disinterested witnesses resident in the vicinity of the land to which the evidence relates, and shall be subject to acceptance as sufficient by the commissioner of Dominion lands or the Dominion lands board; and such affidavit shall be sworn and such evidence given before the local agent or his senior assistant, or before some other persons named for that place by the minister.

The Canadian law has the further liberal provision that—

> If the father (or the mother if the father is deceased) of any person who is eligible to make a homestead entry * * * resides upon a farm in the vicinity of the land entered for by such person, the requirements * * * as to residence prior to obtaining patent may be satisfied by such person residing with the father or mother. (Sec. 131, Dom. Lands, Rev. Stat., 1906.)

The Canadian laws also make provision for the settling of homesteaders together in a hamlet or village in numbers embracing at least 20 families, with a view to greater convenience in the establishment of schools and churches, and in such cases the minister is permitted to vary or dispense with the requirements of the law in regard to residence. (Sec. 121, Dom. Lands, Rev. Stat., 1906.)

And if any settler has his permanent residence upon farming land owned by him in the vicinity of his homestead, the requirements of the law in regard to residence may be satisfied by residence upon said land. (Sec. 132, Dom. Lands, Rev. Stat., 1906.)

The reason for the emigration of our young men and citizens to Canada is easily found in these liberal provisions of Canadian homestead law, and in the prospect of securing title to lands equal, if not superior, to any now remaining in our public domain and open to homestead settlement.

The records show that it is now, and has for several years, been a serious question with any prospective homesteader of full age as to which of the two offers he will accept, namely, that of the United States, permitting him to enter any quarter section yet open for settlement under our homestead laws and present regulations with the conditions they impose, or that of the Dominion of Canada, under the prospects and liberal conditions there existing.

It should not be a matter of wonder that hundreds of thousands of such prospective homeseekers have accepted the latter proposition, even though it involved a renunciation of their American citizenship.

But with the minor of 18 years of age desirous of acquiring land, which everybody knows he is capable of improving and cultivating, there is no choice. He must emigrate to Canada or remain without the land.

The figures showing the numbers who have emigrated to Canada during the last 10 years are somewhat startling.

On January 28 of the present year Mr. William J. White, being a witness before the lobby investigating committee of the Senate, in answer to questions propounded by Senator NELSON, said:

> Senator NELSON. What is the number of the immigrants that have come from the United States to your Provinces during the last 4 or 5 years or the last 10 years?
>
> Mr. WHITE. This last year, up till November, there were about 115,000. Last year, up to the present time, there were about 141,000. The year before that there were about 110,000, and the year before that the same. It has been running along about 100,000, last——
>
> Senator NELSON. Ten years, has it not?
>
> Mr. WHITE. It has been running about 100,000 for the last five years. Last year—that is, the fiscal year ending March, 1913—was our largest year. There were about 141,000.
>
> Senator NELSON. And for the last five or six years the general average has been 100,000?
>
> Mr. WHITE. Yes; about 100,000.
>
> Senator NELSON. And how many have you gotten in all from the United States in the last 10 years, we will say?
>
> Mr. WHITE. Our records will show that we have had about 800,000. Some of them have been going back and going into Montana and taking up homesteads in Montana, and we may not have as many as 800,000.

Mr. White is the agent and representative of the Canadian Dominion, and is, or was at the time of giving his testimony, in charge of the advertising, and had been in charge of such advertising for a number of years, and according to his statement, his Government spends between $60,000 and $70,000 a year in such advertising. (See pp. 4686–4690 of hearings.)

In view of all these conditions the committee believes the time is at hand when the Government, as a matter of wise public policy, should adopt a more liberal rule as to the disposition of its remaining agricultural lands.

While the South Dakota memorial related only to male persons of the age of 18 years, yet your committee, recognizing the fact that under the general homestead law of the United States females of the age of 21 years, and otherwise qualified as to citizenship, and so forth, may make entries of the public lands, deems it advisable to extend the provisions of the law in regard to age to them as well as male persons.

The bill with the amendments reported by the committee confining its operation to homestead and desert-land entries, is along the line of a more just and liberal policy of encouraging homebuilding by our boys and girls.

Those 800,000 American citizens who have expatriated themselves for a home were the farmers and young men, the bone and sinew, the best citizenship of this country, and their loss to our country is beyond the possibility of any estimation. They are the kind of people we most need at this time. With our agricultural productions decreasing at a terrific and alarming rate, as compared with our increase in population; with our high cost of living still getting higher; with our 665,891,029 acres of unappropriated and unreserved public domain, besides 165,000,000 acres of forest reserves, all of which is producing comparatively nothing and costing millions of dollars a year to supervise, it would seem as though it is time to change somewhat our public-land policy and allow at least the agricultural portions of this land to go into private ownership and be used for the homes of our citizens and the production of agricultural crops. It is not only a colossal financial blunder, but an outrage against the present generation, to hold all of that imperial domain in idleness for future generations when every township of cultivated land increases the wealth of the State a million dollars every year.

The most beneficial use is the only kind of conservation that should be practiced by our Government. It is not conservation of agricultural lands to make no use of them, except for grazing purposes, and keep them in the barren state in which they have existed for thousands of years. Let us cease driving good American citizens to Canada for land. Let us give our people a home on our public domain and welcome them to an abiding place under our own flag.

Mr. SELDOMRIDGE. Mr. Speaker, I regret that the gentleman from Illinois [Mr. MANN] has objected to the present consideration of the bill permitting minors of the age of 18 years or over to make homestead or other entry of the public lands. In my opinion, there can be no valid objection to this bill. It is advocated by Representatives from Western States and has been passed by the Senate. It would encourage further settlement of vacant Government land, and enlarge the productive forces of the Nation; it would give to many American youth the incentive to make and acquire homes. The city as well as the country boy would take advantage of this legislation. It would stimulate home building and develop worthy traits of character. The farmer's son is often obliged to leave the country to make his way in the city. He passes from the producing to the consuming class. He should be encouraged to remain in the country. The Government can well afford to be generous in its disposal of the public lands when our American boys are to be the beneficiaries. The title will not pass from the Government until the entryman shall have reached the age of 21. I would like to support a bill more liberal in its terms than the measure now before us. I would favor a provision allowing the entryman to reside with his relatives within 10 or 15 miles of the tract filed upon, provided the requirements for cultivation and improvements were observed. I realize that such a liberal measure would not be considered and was therefore in hopes that this bill would not meet with any objection and would become a law. In the face of the generally recognized fact that tenancy is increasing at a marked ratio throughout the country, and that the Government through various agencies is endeavoring to cultivate a policy of agricultural development, I can not understand why any Member of this House should oppose this legislation. The public land remaining for settlement is largely located in the arid region of the West. Its cultivation requires intelligent and patient effort. I contend that the young men who have been reared in that section, who understand the proper methods of cultivation and realize the difficulties to be overcome, are better fitted to occupy and develop this land than the residents of other sections or those who have recently come to us from across the sea. I am still hopeful that the Committee on Rules will see fit to bring this bill before the House under a special rule when the objection of a single Member will not prevent its consideration and passage.

Mr. TAYLOR of Colorado. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. The gentleman from Colorado asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

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

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. STAFFORD. Mr. Speaker, reserving the right to object——

Mr. MANN. I ask for the regular order.

Mr. STAFFORD. Then I will not object.

Mr. MANN. Has my request been submitted?

The SPEAKER pro tempore. It has, and the request was granted.

Mr. RAKER. Mr. Speaker, I rise for the purpose of asking unanimous consent to extend my remarks in the RECORD on this bill.

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

There was no objection.

SALES BY ARMY TO MILITARY SCHOOLS AND COLLEGES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 9042) to permit sales by supply departments of the Army to certain military schools and colleges.

The bill was read, as follows:

Be it enacted, etc., That, under such regulations as the Secretary of War may prescribe, educational institutions to which an officer of the Army is detailed as professor of military science and tactics may purchase from the War Department for cash, for the use of their military students, such stores, supplies, matériel of war, and military publications as are furnished to the Army, such sales to be at the price listed to the Army with the cost of transportation added: *Provided*, That all moneys received from the sale of stores, supplies, matériel of war, and military publications to educational institutions to which an officer of the Army is detailed as professor of military science and tactics shall respectively revert to that appropriation out of which they were originally expended and shall be applied to the purposes for which they are appropriated by law.

The SPEAKER pro tempore. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none.

This bill is on the Union Calendar.

Mr. McKELLAR. Mr. Speaker, I ask unanimous consent that this bill be considered in the House as in the Committee of the Whole.

The SPEAKER pro tempore. The gentleman from Tennessee asks unanimous consent that the bill be considered in the House as in the Committee of the Whole. Is there objection? [After a pause.] The Chair hears none.

Mr. McKELLAR. Mr. Speaker, the purpose of this bill is to permit sales by the supply department of the Army to certain military schools and colleges. As said in the report:

This bill is designed to help perfect a detail in the operation of the long-approved plan of the United States to encourage, in various institutions of learning throughout the country, the practical instruction of young men in the military policy of the Nation, and in such forms of elementary military training as may help them the more readily to adapt themselves to actual service in the Volunteer Army in the emergency of war. This is a recognized part of the American policy of avoiding the burden of a large and expensive standing army, while at the same time instilling into the youth of the land a proper understanding of the true martial spirit and military efficiency that the country must rely upon from its great body of citizenship in such a crisis.

There are at present in the United States approximately 100 military colleges and schools under the supervision of the War Department giving such instruction to 28,000 of our young men. These young men in the course of time become the center of great influence as citizens, and, if necessary, citizen soldiers.

The bill has the commendation of the War Department.

Mr. Speaker, to my mind, the bill is a most meritorious one. Any measure that has for its object aid to education of the youth of our country meets my most hearty approval. We ought to train even more young men than we now train in these institutions; and, in my judgment, the National Government ought to organize more educational institutions in which the youth of our country may be given a military training and at the same time an excellent college training.

Be that as it may, the institutions that are already being aided by the Government ought to be further aided by being permitted to buy their supplies at the cheapest possible price, as provided for in this bill. The bill was introduced by the distinguished chairman of the Military Committee, Mr. HAY. Mr. GREENE of Vermont, who made the report, is temporarily out of the city, at West Point, on official duty there.

I hope the bill will pass.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

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

On motion of Mr. MCKELLAR, a motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

INVESTIGATION OF VESSEL AND STEAMSHIP LINES.

The next business on the Calendar for Unanimous Consent was House concurrent resolution No. 35, directing the Interstate Commerce Commission to investigate and report facts regarding ownership, organization, operation, and rates of vessels and steamship lines engaged in transporting freight between the Atlantic and Pacific coasts.

The resolution was read, as follows:

House concurrent resolution 35.

Resolved, etc., That the Interstate Commerce Commission be, and hereby is, authorized and directed to immediately investigate and, as soon as practicable, report to Congress the following information:

1. To what extent, if any, vessels and steamship lines are engaged in transporting freight between Atlantic and Pacific ports wholly by water, or partly by water and partly by rail, and in the coastwise trade of the United States, under joint ownership or common control or in community of interest, directly or indirectly, by stock ownership, trust, holding committee, or otherwise, with railroad companies engaged in transporting freight by rail between the Atlantic and Pacific ports of the United States and in the coastwise trade of the United States, stating separately what vessels and steamship lines are owned and controlled by said railroad companies, if any, and what vessels and steamship lines in said transportation are under a common or joint ownership or control with said railroad companies, or any thereof, and the names of the owners, stockholders, trustees, holding committees, directors and officers of all steamship lines and railroads engaged in the coastwise and foreign trade of the United States. And to what extent and how, if any, they are consolidated, directed, or operated by and through holding companies, interlocking stock, interlocking directorates, or interlocking officers.

2. What are the prevailing rates upon the principal commodities carried by vessels between said Atlantic and Pacific ports of the United States wholly by water or partly by water and partly by rail across the Isthmus of Panama or Tehuantepec, and what are the prevailing rates between said Atlantic and Pacific ports upon such commodities transported wholly by rail and what are the prevailing rates for transportation of similar commodities wholly by water by vessels not under United States registry for similar distances as the water routes between said Atlantic and Pacific ports of the United States carried under similar conditions.

3. And what are the prevailing rates upon the principal commodities carried by vessels in the coastwise trade of the United States in comparison with such rates on similar commodities for similar distances carried by vessels in the foreign trade of the United States.

4. And what are the prevailing rates for transportation for similar commodities wholly by water by vessels not under United States registry for similar distances on similar commodities under similar conditions in comparison with the rates on commodities transported in the coastwise trade of the United States.

The SPEAKER pro tempore. Is there objection to the present consideration of the concurrent resolution?

Mr. RAKER. Mr. Speaker——

Mr. MANN. Mr. Speaker, reserving the right to object, the Senate has already passed a resolution of this sort. What is the object of this, may I ask, now?

Mr. ADAMSON. That occurred since we reported this resolution, and it seemed to me, as the committee was getting up the information, we could just amend it and make it a House resolution.

Mr. MANN. I do not see any object in passing it at all. If there is any object, what is it? The Senate passed a similar resolution.

Mr. ADAMSON. I yield to the gentleman from Texas [Mr. HENRY], the author of the resolution.

Mr. HENRY. Mr. Speaker, the Senate put an amendment on it that left the commission a little more freedom than this does. I think it should be mandatory that they make this investigation and make a report of the same to Congress. I think it would be of great value, not only in legislating on the tolls question but on the entire rate question.

Mr. MANN. The gentleman has committed himself on the tolls question and expects to have legislation before this report can be made.

Mr. HENRY. There is a lot of information that can be compiled and sent to this House that will be of great value on the rate question, on the stock-and-bond law, and other things, and I think if the Interstate Commerce Commission will furnish us the information it will be of great advantage.

Mr. MANN. Mr. Speaker, the Interstate Commerce Commission has more work on its hands now than any other governmental institution or body in the world. It is very much behind with its work, has various cases pending before it which it ought to determine at the earliest possible moment. It has no knowledge or information itself about most of the matters called for in this resolution.

Mr. HENRY. If the gentleman will permit me just a moment, before introducing the resolution I talked with some members of the Interstate Commerce Commission. Permit me to read a letter from the chairman of the Interstate Commerce Commission, which, of course, reflects the views of the commission:

INTERSTATE COMMERCE COMMISSION,
Washington, April 14, 1914.

Hon. WILLIAM C. ADAMSON,
House of Representatives, Washington, D. C.

MY DEAR MR. ADAMSON: I presented to the commission in conference this morning your letter of the 8th, inclosing a copy of House concurrent resolution 35. I am directed by the commission to say that we see no objection to the passage of the resolution. Much of the information called for is already in the possession of the commission, and as soon as possible will be made available for use under the resolution. The other information, in case of the passage of the resolution, will be obtained by the commission so far as practicable and as promptly as possible.

I write this letter to confirm what I said to your secretary over the telephone this morning.

Very truly, yours, JAMES S. HARLAN, *Chairman.*

The commission is ready and willing to undertake this investigation. It will not take very long. They have some information at hand and other things within easy reach, and it will be compiled in such form that it will throw a flood of light on many important problems that are to be dealt with during the next two or three weeks in this House. So I hope the gentleman will not object to it. It does not bear alone on the tolls question, but on the general question of regulating freight rates and regulating common carriers, matters of very great importance to the people of the country.

After giving the subject considerable study and conferring with members of the commission, I am satisfied within two weeks or less time we will have information that we will be glad to have in our possession.

Mr. MANN. Mr. Speaker, I have had a long and intimate acquaintance with the work of the Interstate Commerce Commission and with many of the Interstate Commerce Commissioners. I know if this resolution should pass and they should make investigation in conformity with the spirit of it, they could not make a report inside of two or three years, and then they themselves would not make the investigation. They would employ some clerk or expert, or prejudiced or unprejudiced opinioned individual to make the investigation. The Interstate Commerce Commission has now work that it ought to perform which it is physically impossible for the members themselves to do and which they are required to turn over to employees.

But that is on the merits of the proposition. The Senate has already directed, though I do not think they have such authority, the commission to make this investigation, and if the commission wants to make it they will make it under the Senate resolution. The tolls question was the only excuse for it, possibly, in the first place, over in the Senate, and if the Senate wants the information after they have passed the tolls bill, very well.

Mr. HENRY. I had some other ideas besides the tolls question.

Mr. MANN. The gentleman knows the Interstate Commerce Commission does not have jurisdiction over the coastwise trading vessels of the United States, in the main.

Mr. HENRY. They have to a certain extent, you will recall.

Mr. MANN. They have to a very, very limited extent.

Mr. HENRY. Well, there was a provision in the act that we passed here several years ago providing that they should determine——

Mr. MANN. I drew the provision, and I know what it is.

Mr. HENRY. And I have read it frequently. They are to determine what ships are controlled by the railroads. That is their business under the amendment that the gentleman drew.

Mr. MANN. And this is to exercise certain control over vessels that carry freight part way in connection with another route, part of which is a railroad. Now, we had an investigation made by a very distinguished committee in this House, presided over by the very able gentleman from Missouri [Mr. ALEXANDER], who probably can give us cards and spades, so far as information on this matter is concerned.

Mr. ALEXANDER. I will say that I have sworn returns from all the railroads with reference to their ownership and control of ship lines in my files, and they will be available to the Interstate Commerce Commission or to the House, if necessary.

Mr. HENRY. But they have not been printed or compiled?

Mr. ALEXANDER. They are all in printed volumes in my office.

Mr. MANN. The committee made a long report on that case.

Mr. ALEXANDER. My cabinet is full of them. There are two or three hundred of those reports. We could not embody them all in our printed reports, but they are available to the House or the Interstate Commerce Commission. I am not opposing this resolution.

Mr. HENRY. I understand. If the gentleman will allow me, I will state that I talked with his expert, Dr. Hoebner, who stated that he did have a lot of this information, and much of it was given in a confidential way, and he would not feel authorized to release it, and it ought not to be published. Now, if we can get that confidential information and have it furnished to the Interstate Commerce Commission, it will be of very great value to this House and to the country; and I deem it important that we let this resolution pass, and let the Interstate Commerce Commission gather the facts from the reports and confidential files or from the files that have not been compiled, and put them in tangible form, so that we can take them up and study them.

Mr. MANN. The Interstate Commerce Commission is not the proper body to make an investigation of this kind. They do not have jurisdiction over these ships in the main. They can not make the investigation themselves. The members of the commission do not have the time. There is plenty of work for that commission to perform.

Mr. HENRY. They are willing to undertake it.

Mr. MANN. Oh, they are willing to undertake what Congress directs them to do, and they seldom will say publicly that they do not think it ought to be done, but privately they say that they do not think they ought to be required to make so many investigations, in which opinion I largely agree.

Mr. ALEXANDER. Mr. Speaker, I wish to say one word in relation to the confidential nature of any information in the possession of the Committee on the Merchant Marine and Fisheries. It does not apply to any of these reports. We sent out about 3,000 inquiries to the principal shippers of this country with reference to their attitude toward the steamship conferences and agreements, and in order to protect them and to get a full and frank statement of their views on the subject we assured them that their names would not be disclosed, but that their statements, of course, would be used by the committee in making its report, and I may say that was done; but so far as the reports made by the railroads and steamship lines are concerned, they are available. And I will say, too, that the Interstate Commerce Commission officials have on a number of occasions sent to my committee room and I have given them access to the files, in connection with other questions that have been under consideration by the Interstate Commerce Commission.

Mr. FALCONER. Mr. Speaker, if the gentleman from Illinois will withhold his objection, I want to say that one of the very sweetest morsels, one of the things that was rolled around the tongues of the Democratic free-toll repealers most, was the subject of the ship subsidy and the ship monopoly controlling rates. The gentleman from Texas [Mr. HENRY] used that argument in his debate favoring the repeal of free tolls.

The gentleman from Texas, I believe, is entirely consistent in offering this resolution, which provides for an investigation to ascertain whether a ship monopoly exists. The gentleman from Illinois [Mr. MANN] and those who viewed the tolls matter with him did not give much credence to the argument that there was a shipping monopoly or that shipping interests would be benefited by free tolls, and the gentleman from Illinois, it seems to me, is very inconsistent in opposing this resolution. There is no reason why we should not investigate the matter. The people of the country—at least those who have confidence in the Democratic Party and the Democratic arguments that have been advanced in the ship tolls debate—believe there is a ship monopoly and that it will have much to do with the freight rates between the Atlantic and Pacific coasts, and I see no reason why the Congress should not pass this resolution. I hope it will do so.

Mr. MANN. Mr. Speaker, the gentleman from Washington [Mr. FALCONER] has not been long enough here to have gathered sufficient information to know very much about the Interstate Commerce Commission either in the past, present, or future.

Mr. FALCONER. I will say to the gentleman from Illinois, Mr. Speaker, that I have not been here for a great number of years, but I have been engaged in legislative work for some 10 years, and I admire the ability of the gentleman from Illinois; if his ability is exceeded by anything, it is by his nerve and his egotism.

The SPEAKER pro tempore. Is there objection?

Mr. HENRY. Mr. Speaker, I hope the gentleman from Illinois will withhold his objection for a moment.

Mr. MANN. I will do it as I did for the other gentleman—under personal abuse.

Mr. ADAMSON. Mr. Speaker, I hope the gentleman from Illinois will not charge any of that to any of us. I have not indulged in any such thing.

Mr. HENRY. Here is what I was going to say about this matter: This House needs in compact form the information called for in the resolution. I have said and do believe that there is a shipping monopoly, and that if the Interstate Commerce Commission is allowed to make an investigation and secure the names of the men who own the railroads and the ship lines it will be demonstrated when their names are laid before the House and the country that there is such monopoly controlled by certain railroads and ship companies.

Now, that is the first thing, to wit, calling for these names. In the next place the resolution calls for a comparison of rates charged in the coastwise shipping and on seagoing ships. That is to say, it will show that the ships engaged in the coastwise trade, in transporting similar commodities for similar distances and under similar conditions, secure five or six times as much in their freight charges as the ships on the high seas. In other words, where a ship on the high seas gets $5 per ton for the same distance upon the same commodities and under similar conditions the ships in the shipping trust get five or six times that amount.

Now, what we wish to do is to have the Interstate Commerce Commission look into these things and investigate them and report them to this House, and all these things that I have stated will be verified, and we will have them here for our benefit as we legislate. Why should we be afraid to face these facts? Why not get them? Why not let the Interstate Commerce Commission, with its experts, with its knowledge, give us all these facts, as I feel sure they exist? It is a very important resolution, and the gentleman from Illinois [Mr. MANN] ought not to stand in the way of it. With this tolls fight on in the Senate and in the country everywhere, he ought to be willing to discover every fact and all such transactions in order that we may thoroughly uncover this hideous monopoly.

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

Mr. HENRY. I do.

Mr. STAFFORD. The Senate having passed a similar resolution calling for these very same facts, what advantage would be gained by the House passing this resolution to-day?

Mr. HENRY. The Senate passed a resolution asking the Interstate Commerce Commission to send out circulars and find out things. This resolution calls on the Interstate Commerce Commission to make a genuine investigation.

Mr. MADDEN. Does the gentleman think that if the information which is sought for by the resolution is obtained, it will disclose a state of facts which will justify the action of the House in the repeal of the free-tolls proposition?

Mr. HENRY. I think it will absolutely demonstrate it, and prove it beyond the peradventure of a doubt.

Mr. MADDEN. Then I hope it will be passed.

Mr. HENRY. I hope so, too.

Mr. ADAMSON. I will ask the gentleman if he does not think the objection of the gentleman from Illinois [Mr. MANN] will be an admission on his part that we are right in that contention?

Mr. MANN. Since gentlemen have taken so much time to jump on me, I just want to say a word.

Mr. HENRY. I have not jumped on you.

Mr. MANN. The gentleman from Texas [Mr. HENRY], who is chairman of the Committee on Rules, who could have brought in a rule on this subject, as he has on others at various times, now seeks to put odium upon me for objecting to this resolution, which is silly on its face. The Interstate Commerce Commission is not the body to make the investigation. The gentleman says he wants the information for consideration on the tolls proposition.

Mr. HENRY. If you will stand out of the way, we will show whether it is silly or not.

Mr. MANN. I did not interrupt the gentleman. Can not the gentleman be quiet for a moment!

The resolution is silly. So far as obtaining this information for consideration on the tolls question, the House has passed the tolls bill with the aid of the gentleman. I did not vote for it. The information contained in this resolution can not be secured by the Interstate Commerce Commission inside of several years. If there be a shipping trust in violation of the Sherman antitrust law, as gentlemen have stated, why does not the Attorney General prosecute it, insead of the gentleman endeavoring to give immunity to it by having an investigation and calling them to testify. I do not know whether there is a shipping trust or not, but if there is I do not want to give immunity to the men who are engaged in it. The Democratic Attorney General had better be engaged in prosecuting this shipping trust which so many gentlemen allege to exist. I do not know. I heard many distinguished gentlemen say they favored the repeal of the tolls-exemption bill because a shipping trust would get the benefit of tolls exemption. If there is a shipping trust, why does not somebody prosecute it? We will

give to the Attorney General all the money he wants for all the men he wants to make investigations of this kind and to prosecute the offenders. I am perfectly willing to give to any commission or committee the power to make a proper investigation by proper officials.

Mr. HENRY. Will the gentleman yield?

Mr. MANN. Yes.

Mr. HENRY. You say you will give to the Attorney General all the power and money he wants. Why not give him these facts, that the Interstate Commerce Commission say they are ready and willing to give the House, and then we can furnish them to the Attorney General. Why stand in the way of it for a moment?

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

Mr. COOPER. Will the gentleman withhold his objection just a moment?

Mr. MANN. Yes.

Mr. COOPER. In view of what the gentleman from Texas [Mr. HENRY] said about a so-called "shipping trust," I desire to read to the House what a very distinguished Democrat had to say on that subject in a speech in the Senate on Saturday last. I refer to the great speech of Senator WALSH of Montana, a distinguished Democrat, who was the secretary of the committee on resolutions which prepared and reported the platform of the last Democratic National Convention, a committee of which Mr. Bryan, now Secretary of State, was also a member. Senator WALSH was also the secretary and Mr. Bryan a member of the subcommittee of 11 which first adopted the plank for the exemption from tolls of American ships engaged in coastwise traffic passing through the Panama Canal. The Senator was likewise the secretary and Mr. Bryan a member of the subcommittee of four selected to put the platform into appropriate form and language.

The Senator declared that two circumstances fastened themselves upon his mind, indicating that the plank exempting our coastwise traffic from the payment of tolls had the particular attention of the committee aside from the attention that was necessarily given it in the reading of the entire platform. He said that when the tolls plank was presented Mr. Bryan expressed his approval, and then suggested an additional plank excluding railroad-owned ships, and it was adopted in the following language:

> We also favor legislation forbidding the use of the Panama Canal by ships owned or controlled by railroad carriers engaged in transportation competitive with the canal.

And the Senator from Montana called particular attention to the word "also"—we "also" favor—in the resolution of Mr. Bryan, which word clearly shows that Mr. Bryan had in mind and approved the tolls-exemption plank when he suggested the plank which follows it.

I will now read the Senator's words concerning the alleged shipping trust. I commend this masterly speech to every Member of the House:

> Of a piece with the talk about subsidy is the appeal to popular prejudice by ascribing to some mythical "shipping trust" the enjoyment of the advantages accruing from the existing act.
>
> What is this "shipping trust" which is to send its vessels through the Panama Canal from our ports on the Atlantic to our ports on the Pacific? Who is at the head of it? By what name is it known? What is the nature of its organization?
>
> Reference is made to the report of the House Committee on Merchant Marine and Fisheries to the effect that 92 per cent of the coastwise shipping is controlled either by railroads or by combinations of one kind or another, the fact being that it referred entirely to line steamers and not to tramps at all. How much of that 92 per cent will go through the canal? It includes the greater part of the shipping on the Great Lakes. It includes the barges and ferries that connect the railroad termini at Jersey City with New York. It includes the craft that carry railroad cars between the Virginia Capes. It includes the Southern Pacific steamers that ply between New Orleans and New York. Why particularize further? There are, according to Prof. Emory R. Johnson, who gives facts here, not opinions, now in existence steamers that are likely to make use of the canal in the coastwise trade, 24 of the American Hawaiian Line; 3 of the Grace Line; and 6 belonging to the United States, operated by the Isthmian Canal Commission or the Panama Railroad Co. That is all that will engage in the general trade.

I stop reading from the speech of the distinguished Democratic Senator to remind gentlemen that by the law which you seek to repeal, and to which reference was made by the gentleman from Texas [Mr. HENRY], ships owned or controlled by railroad carriers engaged in transportation competitive with the canal are prohibited from going through the canal, and that ships owned or controlled in violation of the Sherman antitrust law are also prohibited from going through the canal.

I desire now to finish this quotation from the eminent Democrat, who was a member of the committee on platform in the last Democratic national convention in company with the present distinguished Secretary of State.

Mr. HENRY. I want to inject right there——

Mr. COOPER. I do not want the gentleman to inject anything, because I am now reading from a good Democratic speech, with the accent on the good. [Laughter.] He continues:

> There are, besides, 44 tank steamers, fitted only for carrying oil, and 32 tramps. If any other ships enter into the coastwise trade through the canal, they must be built or taken out of the service in which they are now employed, presumably profitably.
>
> Talk of a "shipping trust" in this connection may pass upon the hustings or in the rural press, but indulgence in it in this body does not add to the dignity of the discussion nor to the enlightenment it may afford.

I ask the especial attention of our Democratic friends to that last paragraph.

Mr. HENRY. Will the gentleman yield for a moment?

Mr. COOPER. Before I yield I want to direct attention to the Senator's close analysis of the testimony given before the Senate committee by men who knew all about the ships of the United States, by whom they are owned, and which of them could, under existing law, go through the Panama Canal. Witnesses of vast experience testified that 85 per cent of the tonnage of the world is carried in tramps and only 15 per cent in liners, so called. They testified that wheat and flour are carried abroad almost exclusively in tramp ships. The report of the House Committee on the Merchant Marine and Fisheries, to the effect that 92 per cent of the coastwise shipping is controlled either by railroads or by combinations of one kind or another, referred entirely to line steamers and not to tramp ships at all. Now, if 92 per cent of the line steamers engaged in coastwise trade are controlled by railroads or unlawful combinations, then the existing law absolutely excludes those 92 per cent from entering the canal if they belong to roads that compete with the canal.

Let me again state the facts. That 92 per cent includes what? It includes the shipping on the Great Lakes. Of course, that shipping is not going through the canal. It includes the barges and ferries that connect the railroad termini at Jersey City with New York; of course, those are not going through the canal. That 92 per cent includes also the craft that carry railroad cars between the Virginia Capes; of course, that craft is not going through the Panama Canal. The 92 per cent includes the Southern Pacific steamers that ply between New Orleans and New York. They are not going through the Panama Canal because owned by railroads competing with the canal, and therefore prohibited from entering it.

Mr. HENRY. Will the gentleman yield?

Mr. COOPER. Yes.

Mr. HENRY. I will give the gentleman some information that he has not received.

Mr. COOPER. I have not control of the time.

Mr. HENRY. I want to say this to the House, if it will indulge me. In regard to what the Senator from Montana had to say in his speech, I have this to remark, and we might as well meet it and be candid about it now as later on. What really occurred at the Baltimore convention was this——

Mr. COOPER. Will the gentleman permit an interruption?

Mr. HENRY. Yes.

Mr. COOPER. Was the gentleman on the subcommittee of four?

Mr. HENRY. Never mind; I have the information.

Mr. COOPER. The gentleman was not on either subcommittee, and he can not know the facts.

Mr. HENRY. I am going to give you information which I have received.

Mr. COOPER. That is absolutely hearsay. The gentleman was not on the committee, and what he repeats will be hearsay, and I refuse to receive it as against the statement of the secretary of the committee.

Mr. HENRY. Will not the gentleman allow me to give the House the information?

Mr. COOPER. I object to the consideration of the resolution.

Mr. HENRY. Oh, that is unfair.

Mr. COOPER. I object unless the gentleman can give us some direct evidence.

Mr. MANN. How much time does the gentleman want?

Mr. HENRY. Not more than five minutes.

The SPEAKER. This discussion is proceeding by unanimous consent. The gentleman from Texas asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. HENRY. Now, what occurred at the Baltimore convention was this: I was a delegate and was on the rostrum when the platform came up for consideration. When they got down to a certain point in the platform committee report, the Secretary of State suggested that in dealing with the accomplishments of the Democratic House of Representatives they enumerate those things that had been written into law by the

Democracy. So in a certain part of the platform you will find the achievements of the Democratic Party incorporated. The Secretary of State was willing for other gentlemen to make the enumeration. When it got to the question of a subsidy, some gentleman slipped one over on the delegates at another place in the platform. [Laughter.] And they did not put the free-tolls measure in the enumeration of what the Democratic House had done. When the subject of the merchant marine was reached, the Secretary of State, believing the Democratic House had really provided that coastwise ships should go through the canal free, allowed it to go through, thinking it had passed by a Democratic majority. Such was not and is not the case. The Secretary of State said to me that if he had known that a majority of the Democrats in the House had voted against it there should not have been any provision for it in the platform.

Mr. BRYAN. Had President Wilson found that out when he made his speech two weeks later?

Mr. HENRY. That is the literal truth, and those who favor a subsidy need not think that they are making any capital by controverting that point. The Democratic Party is against subsidies, and we follow that faith of the Democracy. We do not follow the one that was put in another isolated part of the platform.

Mr. MANN. The gentleman knows that the free tolls and the subsidy are in the same plank.

Mr. HENRY. It is not in the same plank; it is in a different place.

Mr. MANN. Then I happen to be more familiar with the platform than the gentleman from Texas.

Mr. HENRY. I read the platform only yesterday, and free tolls does not appear under the enumeration of the things done by the Democratic House.

Mr. MANN. Oh, no; but it appears in the same plank as the subsidy.

Mr. HENRY. Yes, it does; but in a different place from the enumeration of the Democratic achievements. I was talking about the plank recounting achievements of the Democratic Party.

Mr. MANN. They have no achievements. [Laughter on the Republican side.]

Mr. HENRY. And still you gentlemen run to cover on this resolution. You let the resolution pass and we will show you by the report which the Interstate Commerce Commission makes that, although ships owned by railroads or combinations are not to pass through the Panama Canal, they have not accomplished anything of benefit to the American people, because the report will show that the same man or set of men that finance the railroad are financing the ship monopoly as well; that the same hand furnishes the money to both of them; and although your Interstate Commerce Commission report that they have separated them, and that these ships in a certain class shall not go through, yet they are within the same dominion of financial control. Let us get the names of these men. Let the resolution pass and we will show you the personnel of the men who control the ship monopoly and the railroads.

Mr. HARDY. Will the gentleman yield?

Mr. HENRY. Yes.

Mr. HARDY. I want to suggest to the gentleman from Wisconsin that it seems to me that if he will read the entire evidence taken before the Merchant Marine and Fisheries Committee, that, whether the Senator from Montana says there is no shipping trust or not, he will agree that the shipping routes of this country are dominated by the shipping combinations.

Mr. COOPER. The gentleman from Texas misunderstood the quotation from the speech of the Senator from Montana. The Senator referred to the report of the House Committee on the Merchant Marine and Fisheries, to the effect that 92 per cent of the line steamers engaged in coastwise traffic are dominated by the railroads——

Mr. HARDY. No; railroads and trusts.

Mr. COOPER. Yes; railroads and combinations. But the law of August, 1912, expressly excludes such ships from the canal, so what is there in the contention of the gentlemen on that side of the aisle? Ships that are owned by trusts in violation of the Sherman antitrust law and ships owned by railroads which are competitors of the canal are not to be permitted to go through the canal.

The SPEAKER. The gentleman will suspend for a moment. All of this talk on both sides of the aisle is by unanimous consent. There is nothing pending, and if the gentleman from Wisconsin desires to proceed, he will have to do what the gentleman from Texas [Mr. HENRY] did—ask unanimous consent.

Mr. COOPER. Mr. Speaker, I ask unanimous consent to proceed for five minutes.

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

Mr. LINTHICUM. Mr. Speaker, reserving the right to object——

The SPEAKER. The gentleman is too late.

Mr. LINTHICUM. I was on my feet.

The SPEAKER. The gentleman was not making much noise about it. [Laughter.]

Mr. LINTHICUM. I shall not object, Mr. Speaker; but I will object to any further extension.

Mr. HARDY. Mr. Speaker, I will have to object now.

The SPEAKER. The gentleman from Texas is too late.

Mr. HARDY. Mr. Speaker, just as soon as the gentleman from Maryland reserved the right to object——

The SPEAKER. But he did not reserve the right to object. He said he served notice that he was going to object.

Mr. HARDY. But, Mr. Speaker——

The SPEAKER. The Chair had already ruled that he was too late.

Mr. HARDY. The Chair will permit me to be heard for a moment on the question of parliamentary practice?

The SPEAKER. For a moment; yes.

Mr. HARDY. Mr. Speaker, the gentleman from Maryland rose, and was held not to be too late.

The SPEAKER. The Chair distinctly held that he was too late.

Mr. HARDY. I thought the Chair permitted him to reserve the point of order.

Mr. BARTLETT. Mr. Speaker, I call for the regular order.

Mr. COOPER. I am the regular order. [Laughter.]

The SPEAKER. The gentleman from Wisconsin has five minutes.

Mr. COOPER. Mr. Speaker, I wish our friends on the other side of the aisle to listen to this great Democratic Senator from Montana.

Mr. HARDY. But we can not reply.

Mr. COOPER. He was the secretary of the platform committee in your national convention, a committee and a convention of which the present Secretary of State was a most important member. Says that distinguished Senator referring to the tolls plank:

> Neither am I disposed to listen with any patience to the view that the obnoxious plank is contrary to the time-honored principle of the Democratic Party against a subsidy. I have no disposition to expose myself to the disrespect of any man who gives thought to the subject at all by advancing any such preposterous argument.

He calls your "subsidy" talk "preposterous."

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

Mr. COOPER. I can not.

Mr. HARDY. Then I make the point of order that it is not proper for the gentleman to refer to a discussion in the Senate at this time.

Mr. COOPER. But I am not commenting upon it.

The SPEAKER. The point of order is well taken. The Chair would have sustained it 15 minutes ago if it had been made.

Mr. HARDY. I only make it now because we have no opportunity to reply.

Mr. COOPER. Am I not permitted to read from a speech, if I refrain from comments?

The SPEAKER. No; the rule is the other way.

Mr. COOPER. Then, Mr. Speaker, I desire to make an argument of my own.

The SPEAKER. Very well.

Mr. COOPER. And it is a very able argument, I think, too. [Laughter.]

Mr. HARDY. Mr. Speaker, the gentleman is commenting on the speech by saying what sort of an argument it is.

The SPEAKER. The gentleman from Wisconsin said he was going to make an argument of his own, and that it was a good argument.

Mr. COOPER. Mr. Speaker, I do not want this taken out of my time.

The SPEAKER. No; it will not be taken out of the gentleman's time.

Mr. COOPER. Mr. Speaker, I believe I have four minutes and a half left. [Laughter.]

> So, if tolls exemption be a subsidy, we are going to continue subsidizing shipping, whatever be the fate of the pending bill. If the term "subsidy" is applicable to the case at all, the question is——

Mr. HARDY. Mr. Speaker, I make the point of order that the gentleman can not read from a speech in the Senate and call it his speech.

The SPEAKER. The Chair sustains the point of order.

Mr. COOPER. Mr. Speaker, the statement that I have just made is one in the truth of which I firmly believe. What I am reading expresses perfectly my views.

The SPEAKER. The Chair can not get down and investigate to see whether the gentleman is reading from a Senator's speech or making his own speech. The Chair has stated what the rule is. The rule is frequently violated, so far as that is concerned, but when it is invoked the gentleman can not quote from a Senator or talk about a Senator.

Mr. MANN. He is not doing either one.

The SPEAKER. If he is not doing either one, he is not violating the rule.

Mr. HARDY. I wish to say that it appeared by ocular demonstration that the gentleman was reading. I do not know whether he was reading or not.

The SPEAKER. He may be reading the Bible, for all the Chair knows.

Mr. HARDY. On the ground that it may be the Bible, I withdraw the objection. [Laughter.]

Mr. COOPER. He says—[laughter]—I refer to the gentleman from Texas [laughter], that by ocular demonstration I am reading. The gentleman ought to listen and learn the truth through auricular demonstration. Mr. Speaker, this is not to be taken out of my time. [Laughter.]

Mr. HARDY. The gentleman is doing it all himself, and I do not know why it should not come out of his time.

Mr. COOPER. This Senator says—

We appropriate millions annually for the improvement of rivers and harbors. We must desist because we are subsidizing the shipping interests which make use of these improvements free, as will our coastwise shipping under the act that has recently evoked so much hue and cry about subsidy. As if these considerations did not make the proposition sufficiently ridiculous, the tariff act, in which we all take so much pride, contains a provision under which goods brought to our ports in American bottoms enter at a rate of duty 5 per cent less than those specified in the various schedules. The result to the Government is exactly the same—

Mr. HENRY. Will the gentleman yield?

Mr. COOPER. I can not now.

The result to the Government is exactly the same as though the nominal rates were exacted and then a payment of 5 per cent of the amount collected made to the American shipowner. In a sense, though by no means in any exact sense, this is a subsidy—quite as near being a subsidy as is the exemption granted by the canal act to coastwise shipping. Yet the Democratic committees of both Houses conceived the idea, the Democratic caucuses of both Houses approved of it, the Democratic Members of both Houses voted for it, and the Democratic President gave it his sanction in signing the historic measure of which it is a part.

[Applause on the Democratic side.]

But according to your new views that 5 per cent reduction in rates was and is a 5 per cent subsidy in favor of American ships. You who are cheering so loudly voted for that subsidy. And yet now claiming that you can not vote to give a preference to American coastwise vessels in the canal for the pretended reason that it would be a subsidy, you deliberately repudiate your party platform and all the arguments and promises in its support made before the election by you and by your candidate for the Presidency. If your platform had declared against tolls exemption on coastwise trade, could your party have carried Oregon? No. You repudiate your platform and your promises because you say tolls exemption on American ships is a subsidy, and yet there is absolutely no distinction in principle, Mr. Speaker, between that 5 per cent reduction provided for in the Democratic tariff act on goods coming in American ships and the exemption from canal tolls of American coastwise ships.

Let us not invite——

Mr. HENRY. From what is the gentleman reading?

Mr. COOPER (continuing):

Let us not invite the imputation of hypocrisy by shouting "subsidy." That kind of subsidy is as old as our Government. It had the approval of Jefferson and every Democratic administration down to Jackson's time. The First Congress, which convened in 1789, gave a preference to American ships by fixing the rate of duty on imports brought in by them at 10 per cent less than those entering in foreign vessels.

President George Washington signed that law.

The SPEAKER. The time of the gentleman has expired. While this is fresh in the minds of Members, the Chair will read to the House the rule which is frequently violated. This is from Jefferson's Manual, section 364:

It is a breach of order in debate to notice what has been said on the same subject in the other House, or the particular votes or majorities on it there; because the opinion of each House should be left to its own independency, not to be influenced by the proceedings of the other, and the quoting them might beget reflections leading to a misunderstanding between the two Houses.

Then in a footnote Mr. HINDS says:

This rule of the parliamentary law is in use in the House of Representatives to the full extent of its provisions, and it has always been held a breach of order to refer to debates or votes on the same subject in the other House.

And so forth.

This is a practice that ought to be observed, and the reason is, it is likely to lead to bad feeling.

Mr. BURKE of South Dakota. Mr. Speaker, will the Chair permit a parliamentary question?

The SPEAKER. The gentleman will state it.

Mr. BURKE of South Dakota. I would like to ask the Speaker whether he considers it to be a violation of the rule if a Member of the House, in a speech, should refer to a speech made elsewhere without stating by whom it was made or where it was made, but yet quoting a speech or a portion of a speech made in the Senate?

The SPEAKER. Why, if he is really quoting the speech, he is trying to evade the inhibition.

Mr. HARDY. Mr. Speaker, will the Chair permit me a word of personal explanation? I did not desire to exclude the gentleman from Wisconsin from reading the speech. I only did so because I understood that there would be no chance to reply to his comment.

Mr. MANN. Does the gentleman want any time?

Mr. HARDY. No. I am now under notice in regard to it, and I want to get through, anyhow.

The SPEAKER. Is there objection to the present consideration of this resolution?

Mr. MANN. Mr. Speaker, I object.

AMENDMENT TO SECTION 4472, REVISED STATUTES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 14377) to amend section 4472 of the Revised Statutes.

The Clerk read as follows:

Be it enacted, etc., That section 4472 of the Revised Statutes of the United States of America be, and the same is hereby, amended by adding thereto the following provision:

"*Provided, however*, That nothing in the foregoing or following sections of this act shall prohibit the transportation and use by vessels carrying passengers or freight for hire of gasoline or any of the products of petroleum for the operation of engines to supply an auxiliary lighting and wireless system independent of the vessel's main power plant: *Provided further*, That the transportation or use of such gasoline or any of the products of petroleum shall be under such regulations as shall be prescribed by the board of supervising inspectors, with the approval of the Secretary of Commerce."

The SPEAKER. Is there objection?

Mr. MADDEN. Mr. Speaker, I reserve the right to object, for the purpose of giving the gentleman from Missouri [Mr. ALEXANDER] an opportunity to state just what is expected to be accomplished by the enactment of this amendment.

Mr. ALEXANDER. Section 4472 of the Revised Statutes, enacted March 3, 1905, provides in part:

No loose hay, loose cotton, or loose hemp, camphene, nitroglycerin, naphtha, benzine, benzole, coal oil, crude or refined petroleum, or other like explosive burning fluids, or like dangerous articles shall be carried as freight, or used as stores on any steamer carrying passengers. * * *

Now, by the act of July 23, 1912, section 1 of the "Act to require apparatus and operators for radiocommunication on certain ocean steamers, approved June 24, 1910," was amended so as to provide among other things:

An auxiliary power supply, independent of the vessel's main electric power plant, must be provided which will enable the sending set for at least four hours to send messages over a distance of at least 100 miles, day or night. * * *

Mr. MADDEN. This just provides the necessary material to establish the power?

Mr. ALEXANDER. Yes.

Mr. MADDEN. I have no objection.

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

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

On motion of Mr. ALEXANDER, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. GRAY. Mr. Speaker, I ask unanimous consent to return to H. R. 11317, which was passed this morning without prejudice. I have just obtained the data for which I left the Chamber this morning and want to explain why I make this request——

Mr. MANN. I shall have to object to that.

Mr. GRAY. I ask unanimous consent for five minutes to state the facts relative to this bill going over and why I am able now——

Mr. MANN. I object to that.

The SPEAKER. The gentleman objects to that.

Mr. MANN. We took care of the gentleman's bill by not striking it from the calendar.

Mr. GRAY. When I explain that the chairman of the subcommittee reporting the bill has been and is still absent from——

The SPEAKER. No; the gentleman from Illinois objects to the unanimous consent for the gentleman to address the House.

Mr. RAKER. Mr. Speaker, when this matter was up, the gentleman from Indiana had to go over to get the papers. He was in the House this morning——

Mr. MADDEN. I object to that, Mr. Speaker.

The SPEAKER. That is out of order. The Clerk will report the next bill.

COLLISIONS IN RIVERS AND HARBORS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 15605) to amend an act entitled "An act to adopt regulations for preventing collisions upon certain harbors, rivers, and inland waters of the United States," approved June 7, 1897.

The bill was read, as follows:

Be it enacted, etc., That section 2 of the act approved June 7, 1897, entitled "An act to adopt regulations for preventing collisions upon certain harbors, rivers, and inland waters of the United States," be amended so as to read as follows:

"SEC. 2. That the supervising inspector of steam vessels and the Supervising Inspector General shall establish such rules to be observed by steam vessels in passing each other, and as to the lights to be carried by ferryboats, and by barges and canal boats when in tow of steam vessels, and as to the lights and day signals to be carried by vessels marking a wreck or other obstruction to navigation, or moored for submarine operations, or made fast to a sunken object which may drift with the tide or be towed, not inconsistent with the provisions of this act, as they from time to time may deem necessary for safety, which rules, when approved by the Secretary of Commerce, are hereby declared special rules duly made by local authority, as provided for in article 30 of chapter 802 of the laws of 1890. Two printed copies of such rules shall be furnished to such ferryboats and steam vessels, which rules shall be kept posted up in conspicuous places in such vessels."

Also the following committee amendments were read:

Strike out the word "inspector," in the eighth line of page 1, and insert in lieu thereof the word "inspectors."

Insert, after the word "ferryboats," in the eleventh line of page 2 of the printed bill, the following: "barges, canal boats"; so that it will read: "ferryboats, barges, canal boats, and steam vessels."

Also further amend by striking out the period at the end of the word "vessels," in line 13, on page 2, and insert a comma and the words "barges, and boats."

Mr. MADDEN. Mr. Speaker, reserving the right to object, does not the board of steamboat inspectors now make regulations for the passage of ships on the lakes and in navigable waters controlled by the Government of the United States, and in what particular way or to what extent will this language change that authority?

Mr. BURKE of Wisconsin. I will say to the gentleman from Illinois [Mr. MADDEN] that the supervising inspectors of steam vessels and Supervising Inspector General have now power to make rules and regulations to a certain extent. It appears from the law that they have not the power to make rules and regulations providing warning signals for vessels working on wrecks or other obstructions to navigation, or for vessels working on submarine operations. For that reason it is necessary to so amend the law as to give this power in such cases to the supervising inspectors of steam vessels.

Mr. MADDEN. Then this amendment does not propose to enlarge the authority of inspectors of steamboats to make regulations for the navigation of the ships, but simply to provide for a condition which does not now exist?

Mr. BURKE of Wisconsin. Exactly. It provides for warning signals.

Mr. MADDEN. It does not change the regulations already in existence, except as to the specified cases provided in this amendment?

Mr. BURKE of Wisconsin. That is all, sir.

Mr. MADDEN. I have no objection to it, then.

Mr. MOORE. Mr. Speaker, how does this question come to arise?

Mr. BURKE of Wisconsin. It comes to arise in this manner: It appears that the Chapman & Merritt Wrecking Co. is engaged in laying submarine aqueduct pipes from Long Island to Staten Island, across the Narrows at New York Harbor. That harbor, as everyone knows, is frequented by hundreds of vessels every day, going back and forth, and this work at that point will continue, it is estimated, for more than a year. The matter was presented to the Secretary of Commerce by the representatives of this dredging company, and it was ascertained then that there was no provision in law requiring them to carry any given signal which would be different from other marine signals. I desire further to say that the Secretary of Commerce, in a letter to the chairman of the Committee on the Merchant Marine and Fisheries, explained this matter fully and urged the speedy adoption of this amendment. I will say that the amendment, of course, is of general application.

Mr. MOORE. It will be of general application?

Mr. BURKE of Wisconsin. Yes, sir; it is so stated in the report.

Mr. MOORE. And it arises owing to this condition in New York Harbor?

Mr. BURKE of Wisconsin. And it sort of emphasizes the fact that this gap is in the law.

Mr. MOORE. What is the reason for bringing this amendment in here?

Mr. BURKE of Wisconsin. I will say to the gentlemen, that if there is no objection to the consideration of the bill at this time I propose to move for the consideration of the Senate bill in lieu of the House bill. The Senate bill is similar to the House bill.

Mr. MOORE. The calendar number of the Senate bill is 143, and it is called "An act to provide for warning signals for vessels working on wrecks or engaged in dredging or other submarine work." Substantially all of the bill and all of the reports seem to be the same. It is not intended to press both measures?

Mr. BURKE of Wisconsin. No, sir. At the proper time I propose to ask that the Senate bill be considered in lieu of the House bill.

The SPEAKER. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none.

Mr. BURKE of Wisconsin. Mr. Speaker, there is upon the Unanimous Consent Calendar the Senate bill 5289, or No. 143 on the calendar, which is a bill exactly similar to the House bill now under consideration. It has passed the Senate, and it is the wish of your Committee on the Merchant Marine and Fisheries, and also of the Secretary of Commerce, to expedite matters as much as possible. Therefore, I ask unanimous consent that the Senate bill 5289 be considered now, in lieu of the House bill.

The SPEAKER. The gentleman from Wisconsin [Mr. BURKE] asks unanimous consent that the Senate bill of similar tenor to the House bill be considered in lieu of the House bill.

Mr. MANN. Let it be reported.

The SPEAKER. The Clerk will report the Senate bill. Does the gentleman from Wisconsin know the calendar number?

Mr. BURKE of Wisconsin. It is No. 143 on the Unanimous Consent Calendar.

The SPEAKER. Does the Chair understand the gentleman to say that the Senate bill is on the Unanimous Consent Calendar?

Mr. BURKE of Wisconsin. It is.

Mr. STAFFORD. It is, Mr. Speaker.

The SPEAKER. The Clerk will report the Senate bill.

The Clerk read as follows:

An act (S. 5289) to provide for warning signals for vessels working on wrecks or engaged in dredging or other submarine work.

Be it enacted, etc., That section 2 of the act approved June 7, 1897, entitled "An act to adopt regulations for preventing collisions upon certain harbors, rivers, and inland waters of the United States," be amended to read as follows:

"SEC. 2. That the supervising inspectors of steam vessels and the Supervising Inspector General shall establish such rules to be observed by steam vessels in passing each other and as to the lights to be carried by ferryboats and by barges and canal boats when in tow of steam vessels, and as to the lights and day signals to be carried by vessels marking a wreck or other obstruction to navigation or moored for submarine operations, or made fast to a sunken object which may drift with the tide or be towed, not inconsistent with the provisions of this act, as they from time to time may deem necessary for safety, which rules when approved by the Secretary of Commerce are hereby declared special rules duly made by local authority, as provided for in article 30 of chapter 802 of the laws of 1890. Two printed copies of such rules shall be furnished to such ferryboats and steam vessels, which rules shall be kept posted up in conspicuous places in such vessels."

The SPEAKER. Is there objection to considering the Senate bill just reported in lieu of the House bill of similar tenor? [After a pause.] The Chair hears none. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time.

Mr. BURKE of Wisconsin. Mr. Speaker, there are certain amendments that were submitted by the Committee on the Merchant Marine and Fisheries to the Senate bill. I desire to say at this time, Mr. Speaker, that since the reporting of the Senate bill with amendments we received two separate communications—one from the Superintendent of the Bureau of Lighthouses and one from Mr. Chamberlain, of the Bureau of Navigation, in which they suggested two other slight amendments, so that now I think the proper way to do is to withdraw the committee amendments as reported and submit the following amendments on behalf of the committee.

The SPEAKER. Has the House committee ever considered the Senate bill?

Mr. BURKE of Wisconsin. Certainly.

Mr. MANN. It has been reported.

The SPEAKER. Without objection, the vote by which the third reading of the House bill was ordered will be vacated.

There was no objection.

The SPEAKER. The gentleman from Wisconsin suggests——

Mr. MANN. The committee amendments were not acted upon. The gentleman from Wisconsin [Mr. BURKE] can offer his amendment as a substitute.

The SPEAKER. The Clerk will report the committee amendment.

Mr. ALEXANDER. No. 1.

The Clerk read as follows:

Amend Senate bill 5289 as passed by the Senate by striking out, after the word "by," in the first line of page 2, the words "marking a wreck" and inserting in lieu thereof the words "dredges of all types and vessels working on wrecks and by," and placing a comma after the word "by," in the first line of page 2.

Mr. MANN. Mr. Speaker, I would like to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. What report has the Clerk got on this bill? Is it the Senate bill 5289? What has he there? There is no such amendment in the copy that I have.

Mr. BURKE of Wisconsin. I do not understand the gentleman from Illinois.

Mr. MANN. These are not the committee amendments.

Mr. BURKE of Wisconsin. No, sir. I asked the privilege of withdrawing the committee amendments.

Mr. MANN. I know; but I objected to withdrawing the committee amendments. Now I have no objection. I would like to have this amendment reported again. I thought it was reported as the first committee amendment.

The SPEAKER. Without objection, the Clerk will report the amendment.

The Clerk read as follows:

Amend Senate bill 5289 as it passed the Senate by striking out, after the word "by," in the first line of page 2, the words "marking a wreck" and inserting in lieu thereof the following words——

Mr. MANN. On what page and line is that?

The Clerk read as follows:

By striking out the word "by" in the first line of page 2 of the Senate bill.

Mr. MANN. There is no such language there. I do not see how you can amend and strike out language that is not there.

Mr. BURKE of Wisconsin. Mr. Speaker, there may be a difference in some of these prints; but I specifically, in the amendment, called attention to line 1 of the Senate bill as it passed the Senate.

Mr. MANN. I know; but the gentleman knows that when an amendment of this sort is offered and it goes to the enrolling room they can not enroll it at some other place than where it is offered, and it ought to be offered in the right place.

Mr. BURKE of Wisconsin. This is offered in the right place.

Mr. MANN. It is certainly not in the right place, page 2, line 1.

Mr. STAFFORD Can not the gentleman indicate on the Senate bill as reported by his committee? You will find it on page 2, lines 3 and 4. There is this language, "marking a wreck." Is that the language that the gentleman refers to?

The SPEAKER. The Chair has an idea that the amendment is being offered as a substitute.

Mr. MANN. This is not the correct place.

The SPEAKER. The Chair is trying to help everybody out of the muddle by stating what the muddle is about.

Mr. BURKE of Wisconsin. Mr. Speaker, I desire to explain this, that when the bill was reported back from the House, in the reprinting of it the words of certain lines in the Senate bill as it was passed were in different lines in the bill when reprinted after being reported from our committee. I noticed that when I was drawing the amendment.

Mr. MANN. Very well.

Mr. BURKE of Wisconsin. I specifically provide that it was to be an amendment on line 1 of the Senate bill after the word "by" on page 2.

Mr. STAFFORD. In this print the gentleman will find it on line 3, page 2, after the word "by," preceding "vessels."

Mr. MOORE. Succeeding "vessels marking a wreck."

Mr. BURKE of Wisconsin. In the Senate bill reported from the House committee it is after the word "by" in the third line.

The SPEAKER. The Clerk will read the amendment.

The Clerk read as follows:

Amend Senate bill 5289 as it passed the Senate by striking out, after the word "by" in the first line of page 2, the following words: "marking a wreck" and inserting in lieu thereof the following words: "dredges of all types and vessels working on wrecks and by," and place a comma after the word "by" in the first line of page 2.

Mr. MANN. Now, I would like to ask the gentleman a question. In the copy of the act which I have the first word after the word "by" is "vessels." Yet the gentleman has offered an amendment to strike out after the word "by" the words "marking a wreck."

Mr. STAFFORD. The gentleman wishes to strike out the words "marking a wreck."

Mr. MANN. Let the gentleman tell what he wants. I want to have the amendment reported so that we can understand it.

The SPEAKER. What suggestion has the gentleman from Illinois to make?

Mr. MANN. I am trying to find out where the gentleman from Wisconsin [Mr. BURKE] wants it to come in. He proposes to strike out a word after a word that does not exist in the bill.

Mr. BURKE of Wisconsin. I beg the gentleman's pardon. I want to strike out the word "marking" and put in "working on a wreck."

Mr. MANN. That comes in after the word "vessels."

Mr. BURKE of Wisconsin. Yes.

Mr. MANN. The language reads "to be carried by vessels marking a wreck."

Mr. BURKE of Wisconsin. Yes.

Mr. MANN. You do not want to strike it out after the word "by," because it does not follow the word "by."

Mr. BURKE of Wisconsin. Yes; it means after "vessels."

Mr. MANN. Very well.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 2, by striking out, after the word "vessels," in the first lines of page 2, the following words: "marking a wreck," and insert in lieu thereof the following words: "dredges of all types, and vessels working on wrecks, and by," and place a comma after the word "by" in the first line of page 2.

Mr. ALEXANDER. I should like to inquire if the Clerk has the bill that passed the Senate.

The SPEAKER. The Clerk has the engrossed copy of the bill.

Mr. ALEXANDER. And is that reference to the first line on page 2 correct?

The SPEAKER. Yes.

Mr. HARDY. Mr. Speaker, I want to take one whack at this. I think the gentleman is mistaken, and that what he wanted to do was to strike out the words "vessels marking a wreck," and then make the insertion that he spoke of, so that he would make the insertion after the word "by."

Mr. MOORE. Let it be reported as amended.

Mr. HARDY. I ask the Clerk to read the sentence as it would be when amended.

Mr. MOORE. Beginning with section 2.

The SPEAKER. If there be no objection, the Clerk will report it as it will read if amended.

The Clerk read as follows:

To the lights and day signals to be carried by vessels, dredges of all types, and vessels working on wrecks, and by.

Mr. BURKE of Wisconsin. Mr. Speaker, I desire to say that the amendment as originally handed up by me is correct. The words "vessels marking a wreck" should be stricken out.

Mr. MOORE. May we have the section read as proposed to be amended?

The SPEAKER. If there be no objection, the Clerk will again report it.

The Clerk read as follows:

To the lights and day signals to be carried by vessels, dredges of all types, and vessels working on wrecks, and by other obstructions to navigation, or moored for submarine operations.

Mr. HARDY. The words intended to be inserted are properly reported, but the words intended to be stricken out should include the word "vessels" also.

The SPEAKER. Will the gentleman from Wisconsin [Mr. BURKE], in charge of the bill, state whether that is correct?

Mr. BURKE of Wisconsin. It ought to be:

Strike out the words "vessels marking a wreck," and substitute therefor the words "dredges of all types, and vessels working on wrecks, and by."

The SPEAKER. The Clerk will report it that way.

The Clerk read as follows:

To the lights and day signals to be carried by dredges of all kinds, and vessels working on wrecks, and by.

Mr. BURKE of Wisconsin. That is correct.

Mr. STAFFORD. I ask unanimous consent that it may be reported now as amended.

The SPEAKER. The Clerk will again report it.

The Clerk read as follows:

To the lights and day signals to be carried by dredges of all types, and vessels working on wrecks, and by other obstructions to navigation, or moored for submarine operations.

Mr. STAFFORD. That does not make sense, Mr. Speaker.

Mr. BURKE of Wisconsin. The word "by" in the amendment may be stricken out now.

The SPEAKER. The Clerk will now read the amendment as it should be.

The Clerk read as follows:

To the lights and day signals to be carried by dredges of all types, and vessels working on wrecks, and.

Mr. MOORE. I want to ask the gentleman if it is intended to strike out the words "ferryboats, barges, and canal boats," because that is what it would seem to do.

Mr. BURKE of Wisconsin. No; the striking out is of the words "vessels marking a wreck," and the insertion is "dredges of all types, and vessels working on wrecks."

Mr. MOORE. That does not comport with the bill I have in my hand. The amendment would not fit in at all. It would be a mere jumble.

Mr. BURKE of Wisconsin. The gentleman probably has the bill as it was printed after being reported to the House, and not the bill as it passed the Senate.

Mr. MOORE. I would not like to object to the gentleman's proposition, but it seems to me we ought to have the bill in proper shape.

Mr. STAFFORD. I should like to ask the gentleman whether the word "or" should not still be retained. As the amendment is reported by the Clerk it strikes out the word "or." Now, as I gather from the gentleman's statement, he wishes to have the language read as follows:

Signals to be carried by dredges of all types, and vessels working on wrecks or other obstructions to navigation, or moored.

Mr. BURKE of Wisconsin. Yes.

Mr. STAFFORD. I think the word "or" should be retained and not stricken out as last reported by the Clerk. The word "or" should be substituted for "and," so as to read "or other obstructions to navigation."

The SPEAKER. Does the gentleman offer that as an amendment to the amendment?

Mr. STAFFORD. Yes.

The SPEAKER. The Clerk will report the amendment. We do not want to be passing amendments without knowing what they are.

The Clerk read as follows:

In line 2 of the amendment strike out the word "or."

The SPEAKER. Does the gentleman from Wisconsin [Mr. STAFFORD] intend that the word "or" shall be part of the amendment offered by his colleague [Mr. BURKE]?

Mr. STAFFORD. I understood that as the amendment was reported by the Clerk the last word was "and." Instead of that it should be "or," so as to carry out the intention of this bill.

The SPEAKER. Those in favor of changing the word "and" to the word "or" will say aye. Those opposed will say no.

The amendment to the amendment was agreed to.

The SPEAKER. The question now is on the amendment offered by the gentleman from Wisconsin [Mr. BURKE] as amended.

The amendment as amended was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amend by inserting, after the word "ferryboats," in line 11, page 2, the words "barges, dredges, canal boats, vessels working on wrecks," and place a comma after the word "ferryboats," in line 11.

Mr. MADDEN. I should like to ask the gentleman from Wisconsin just what that means.

Mr. BURKE of Wisconsin. This amendment refers to the posting of notices pertaining to these regulations in different boats. As the statute now stands——

Mr. MADDEN. As the statute now stands it does not require the posting of these notices?

Mr. MANN. It requires the notice on ferryboats and steam vessels.

Mr. BURKE of Wisconsin. Ferryboats and steam vessels; and on account of the change in the text above, it is necessary that the notices should be posted on barges and vessels working on wrecks.

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

The Clerk read the following committee amendment:

Amend Senate bill by inserting, after the word "vessels," in line 13, page 2, the following words: "barges, dredges, and boats," and place a comma after the word "vessels."

The amendment was agreed to.

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

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

On motion of Mr. BURKE of Wisconsin, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The title was amended.

PATENT TO JOHN RUSSELL.

The next business on the Calendar for Unanimous Consent was the bill S. 1243, an act directing the issuance of a patent to John Russell.

The Clerk read the bill, as follows:

Be it enacted, etc., That a patent under the homestead laws be issued to John Russell for the land occupied by him situated approximately in sections 4 and 5 of township 13 north, range 13 east of the Willamette meridian, in the Mount Rainier Forest Reserve, State of Washington, notwithstanding any withdrawal heretofore made affecting the same, upon his submitting satisfactory proof of the agricultural character of said lands and his compliance with the homestead laws applicable thereto: *Provided, however*, That patent shall not issue until said lands have been surveyed by metes and bounds under the direction of the surveyor general for the State of Washington.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I find in the report that the Acting Secretary of Agriculture says that the land is valuable for reclamation purposes and virtually makes a dissenting report upon this bill. I would like to have some explanation why the bill is asked to be passed under such circumstances.

Mr. LA FOLLETTE. Mr. Speaker, I think I can give the gentleman the information. This man John Russell went into a mountain valley in Kittitas County, Wash., 30 years ago—in 1884. He settled as a squatter. The land was unsurveyed. He made his home there until such time as the forest reserve was established. At the time he went there there had been no such thing as a forest reservation thought of.

The land was never surveyed and he never had a chance to file on it. After the forest reserve was established he went to the forest-reserve people, who acknowledged the justice of his claim and would have granted his request and allowed him to file, but before they got ready to act and have the land surveyed it was set aside with other lands for a reservoir site in a new scheme that had come in under the reclamation act. Of course that was long after the man had settled on the land. When he made application to have the land surveyed, the reclamation people decided against him, not that he had no right under the law but because they thought it should be set aside as a reservoir site.

Mr. STAFFORD. How much land is involved?

Mr. LA FOLLETTE. One hundred and sixty acres.

Mr. STAFFORD. I find from the report that—

An examination of the land was made at that time, but there appears from the records of the case to have been some difficulty in reconciling Mr. Russell to the limitations of the act of June 11, 1906—that is, 160 acres.

From my reading of the report of the Assistant Secretary of Agriculture it appears that Mr. Russell once had an opportunity of making a selection of 160 acres, but he was not satisfied, because the amount of land that he had squatted upon was larger. Then later the land was reserved from settlement, and now, according to the uncontradicted statement of the department officials, the Assistant Secretary of Agriculture and the Assistant Secretary of the Interior, they say that the land is valuable and is needed in connection with an irrigation project.

Mr. LA FOLLETTE. For a reservoir site.

Mr. STAFFORD. Why should he surrender the title when it is necessary for a site for reservoir purposes?

Mr. LA FOLLETTE. Let me ask the gentleman from Wisconsin if this man had a good title, under the irrigation act, if they decided they needed it for a reservoir site, would they not have to either purchase it or condemn it? This man should have the same right to this place that he has lived on for 30 years as he would have if he had settled on it under the laws of the United States and received his patent.

Mr. STAFFORD. But he wanted more than 160 acres.

Mr. LA FOLLETTE. I do not know about that.

Mr. MANN. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. MANN. Where the law provides that a patent under the homestead laws be issued, can there be a patent issued for more than 160 acres?

Mr. LA FOLLETTE. I do not think so.

Mr. MANN. So, as a matter of fact, that patent of this land was offered to him—160 acres—and he would not take it. If he had taken it, and we wanted the land back, we would have to buy it and charge it up as a part of the Reclamation Service; and that is all that this bill proposes to do.

Mr. STAFFORD. There would be considerable delay before the Government could get hold of the land.

Mr. MANN. Oh, not at all; it is for a reservoir site, and they can not use it until they construct the other works.

Mr. LA FOLLETTE. That is in the future, allow me to say to the gentleman from Wisconsin.

Mr. STAFFORD. Let me read a line from the report for the benefit of the House:

It appears from his report, however, that it is regarded as a necessary part of the complete irrigation development of the Yakima project, and the director feels that the water users in the project should not be charged with the expenditure which would result from the acquisition of the land by purchase or condemnation should patent issue to Mr. Russell.

Mr. LA FOLLETTE. This man is an old man. He settled on this place and worked on it long before reclamation projects or forest reserves were heard of. Why should he be denied a title to it?

Mr. STAFFORD. He only had a squatter's right.

Mr. MANN. He had rights under the law, and they are rights under the statutes of the United States.

Mr. LA FOLLETTE. Here is the law; and the gentleman from Wisconsin will find that a squatter has as much right to land as anybody else.

Mr. MANN. The law gives him a right to go on the land.

Mr. STAFFORD. Do we have the positive assurance of the gentleman from Washington that this resolution will only give him 160 acres and no more?

Mr. LA FOLLETTE. Yes; and gentlemen will understand that he has valuable improvements on this land.

Mr. STAFFORD. His valuable improvements are nothing more than log houses and some other log buildings.

Mr. LA FOLLETTE. He is an old man and has nothing in the world to leave to his children except this land and buildings.

The SPEAKER. Is there objection?

There was no objection.

Mr. LA FOLLETTE. Mr. Speaker, this bill is on the Union Calendar, and I ask that it be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Washington asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

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

PUBLIC ROADS ON CERTAIN INDIAN RESERVATIONS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 9899) authorizing the laying out and opening of public roads on the Winnebago, Omaha, and Santee Sioux Indian Reservations in Nebraska.

The Clerk read the bill, as follows:

Be it enacted, etc., That the legal road authorities charged with the duty of laying out and opening public roads and highways under the laws of the State of Nebraska having jurisdiction over any territory embraced within the Winnebago Indian Reservation, the Omaha Indian Reservation, and the Santee Sioux Indian Reservation, in the State of Nebraska, are hereby authorized and empowered to lay out and open public roads within any of the said Indian reservations in conformity to and in accordance with the laws of the State of Nebraska relating to the laying out and opening of public roads, and that any public road when so laid out and opened shall be deemed a legal road.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I understand that when this bill was last considered there was violent objection to it from some Members of the House.

Mr. STEPHENS of Nebraska. Yes; and I have an amendment to satisfy that objection.

Mr. STAFFORD. Will the gentleman inform us what the amendment is?

Mr. STEPHENS of Nebraska. I propose to offer an amendment to the second committee amendment, on page 2 of the bill, to strike out the period after the word "road," in line 11, insert a comma, and add the following:

And no such road shall be laid out until after it has received the approval of such superintendent.

Mr. STAFFORD. With that amendment, what additional rights or privileges do the counties have over what they have at the present time under the law?

Mr. STEPHENS of Nebraska. The counties have no rights at all on an Indian reservation at the present time. The roads on Indian reservations are practically by unanimous consent, roads laid out under the direction of the Secretary of the Interior, and the rules of the department are that practically unanimous consent must be obtained from all of the heirs before you can lay out a road, and it sometimes happens that a small piece of land will have a dozen heirs scattered all over the country, and it becomes almost impossible to secure a road.

As proof of this, here is a rich territory set down in the eastern portion of Nebraska, belonging to these Indians, highly valuable as agricultural lands, that has practically no roads established upon it because of the impracticable workings of the present law. This bill would simply put in the hands of the road authorities of the State of Nebraska the establishing of roads, and the law safeguards the rights of the citizens in that particular.

Mr. STAFFORD. And also safeguards the rights of the Indians by reserving to the superintendent his visé before the road can be opened?

Mr. STEPHENS of Nebraska. Yes; and their rights will be amply safeguarded without that, as the law in that State does that.

Mr. STAFFORD. I question whether under the bill as it is, without amendment, they would be safeguarded.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. STEPHENS of Nebraska. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the committee amendments.

The Clerk read as follows:

Page 1, lines 7 and 8, after the word "reservation," insert the words "the Ponca Indian Reservation."

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

The amendment was agreed to.

Mr. MANN. I understand the gentleman's amendment to be an amendment to the next committee amendment?

Mr. STEPHENS of Nebraska. Yes.

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

Page 2, after the word "road," insert: "*Provided*, That such road authorities shall, in addition to notifying the landowners as provided in the State laws, likewise serve notice upon the superintendent in charge of the restricted Indian lands upon which it is proposed to lay out a public road, and shall also furnish him with a map drawn on tracing linen showing the definite location and width of such proposed road."

The SPEAKER. The Clerk will now report the amendment offered by the gentleman from Nebraska [Mr. STEPHENS] to the committee amendment.

The Clerk read as follows:

After the word "road," at the end of the committee amendment, strike out the period, insert a comma, and insert "and no such road shall be laid out until after it has received the approval of such superintendent."

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

The amendment to the amendment was agreed to.

The SPEAKER. The question now is on agreeing to the committee amendment as amended.

The committee amendment was agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

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

The title was amended to read: "A bill to authorize the laying out and opening of public roads on the Winnebago, Omaha, Ponca, and Santee Sioux Indian Reservations in Nebraska."

On motion of Mr. STEPHENS of Texas, a motion to reconsider the vote by which the bill was passed, was laid on the table.

LEAVE OF ABSENCE TO HOMESTEAD SETTLERS.

The next business on the Calendar for Unanimous Consent was the bill (S. 2316) authorizing leave of absence to homestead settlers upon unsurveyed lands.

The Clerk read the bill, as follows:

Be it enacted, etc., That any qualified person who has heretofore or shall hereafter in good faith make settlement upon and improve unsurveyed lands of the United States with intention, upon survey, of entering same under the homestead laws shall be entitled to a continuous leave of absence from the land settled upon by him for a period not exceeding five months in each year after establishment of residence: *Provided*, That he shall have plainly marked the exterior boundaries of the lands claimed and have filed in the local land office notice of the approximate location of the lands settled upon and claimed, of the period of intended absence, and that he shall upon the termination of the absence and his return to the land file notice thereof in the local land office.

With the following committee amendments:

Page 1, line 5, after the word "unsurveyed," insert the words "unreserved unappropriated public."

Lines 10 and 11, after the word "marked," insert the words "on the ground."

The SPEAKER. Is there objection?

Mr. MANN. I object.

Mr. STOUT. Mr. Speaker, I will ask the gentleman to reserve his objection for a moment.

Mr. MANN. Very well; I reserve the objection.

Mr. STOUT. There are thousands of people out in the public-land States of the West who go out there and settle on this unsurveyed land. They settle in sections where the land has not been surveyed. It is the only kind of land that they can settle on in that particular section. It is financially impossible for this Government to survey this land as fast as the people want to settle on it. Thousands and tens of thousands of acres of the very best land in my State is unsurveyed land. These people locate on it, and in many instances they have put in improvements running into thousands of dollars, expecting to and always do file on the land under the preference right given them by law.

All that this bill grants is simply these people shall have a leave of absence to leave their claims. Under the present statute if they leave them for only one night and somebody else goes and jumps it they are out all the work and improvements they put upon it. I certainly can not see any possible reason for objecting to the bill, and I think upon consideration the gentleman will not object.

Mr. BURKE of South Dakota. I will ask the gentleman if this bill does more for a settler who is upon unsurveyed land than the law grants a settler upon lands which are surveyed and under entry.

Mr. STOUT. It does just the same, exactly.

Mr. MANN. Let us see whether it does or not. A man goes on unsurveyed land for a homestead and he files an entry, does he not? A man goes on and squats on a piece of land and does not file anything. No; he does not file a thing.

Mr. STEPHENS of Texas. Will the gentleman permit——

Mr. MANN. I am asking this gentleman a question; if he prefers to let the gentleman from Texas ask me one, I am perfectly willing. In the one case there can be no controversy about what the land is, because the man has filed on the surveyed land. On the other hand, there is no one knows what the land is, except he knows the boundary line—which may be changed overnight, by the way. Now, there is that difference, is there not?

Mr. STOUT. Yes; there is that difference.

Mr. MANN. Is all the surveyed land in Montana settled upon?

Mr. STOUT. Oh, no; no, sir.

Mr. MANN. Does the gentleman know how rapidly they are surveying the lands now?

Mr. STOUT. Well, I will say to the gentleman, this is not a Montana bill; this is a general bill.

Mr. MANN. Well, I know; but I thought the gentleman might be glad for me to ask him a question about his own State. I did not believe he would know how much unsurveyed lands there were in Florida.

Mr. STOUT. Will the gentleman please ask his question again?

Mr. MANN. I asked the gentleman how much surveyed land there was in his own State, and how much there was not settled upon.

Mr. STOUT. I do not recall; but the Land Office records have that. But no doubt now there are great areas of land which have been surveyed but which have not been settled upon.

Mr. MANN. Does the gentleman know how rapidly they are surveying the lands in his State?

Mr. STOUT. They spent last year $50,000 for the surveying of lands in Montana. I do not recall exactly the acreage, but it is quite large.

Mr. MANN. I am willing to do all I can to help the gentleman have his lands surveyed.

Mr. STOUT. Well, I really do not believe that the gentleman's objection to this bill is well taken. I can not see any reason why these people should not have the right to leave these claims for a while.

Mr. MANN. This would inevitably happen—it used to happen years ago. Here a man goes and squats on a piece of land. There is no record of it anywhere. He is required to put up under this bill some kind of a boundary line. If he goes away for five months and somebody else changes the boundary line, there is not only a row but probably bloodshed, and that would happen constantly, and I do not see any reason why we should encourage it.

Mr. STOUT. I will say, Mr. Speaker, we have hundreds—I suspect, thousands—of people squatting at the present time on unsurveyed lands——

Mr. MANN. Oh, but they stay on the land.

Mr. STOUT (continuing). In our State.

Mr. MANN. They stay on the land. These controversies will arise if you let them go away for half a year.

Mr. STOUT. I think the gentleman is assuming a case which is very far-fetched and not likely to happen at all. I know this will grant relief to vast numbers of people throughout the West.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I object.

LEASING PRIVILEGES FOR HOTELS, YOSEMITE NATIONAL PARK.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 1694) to amend an act approved October 1, 1890, entitled "An act to set apart certain tracts of land in the State of California as forest reservations."

The bill was read.

The SPEAKER. Is there objection?

Mr. MADDEN. Mr. Speaker, I object.

The SPEAKER. The bill is ordered stricken from the calendar.

GEORGE FREDERICK KUNZ.

The next business on the Calendar for Unanimous Consent was the joint resolution (H. J. Res. 249) for the appointment of George Frederick Kunz as a member of the North American Indian Memorial Commission.

LEASING PRIVILEGES FOR HOTELS, YOSEMITE NATIONAL PARK.

Mr. RAKER. Mr. Speaker, on the other bill I did not rise at the time and we have gone on this bill. I know my friend from Illinois, if he would hear the report on this bill, would recognize the fact——

Mr. MADDEN. I have read the report and all connected with it, and I do not believe the Government of the United States ought to authorize any such lease as this bill provides or authorize anybody to make mortgages or to authorize the Department of the Interior to accept mortgages or to authorize such conditions as the bill provides for in any way, so I insist on my objection.

Mr. RAKER. Will not the gentleman withhold it for just a minute and give me a little opportunity?

Mr. MADDEN. I have no objection, Mr. Speaker, to the gentleman explaining.

The SPEAKER. The gentleman from Illinois [Mr. MADDEN] has an absolute right to object.

Mr. RAKER. I am just asking him if he will not withhold it.

Mr. MADDEN. I have no objection to withholding the objection for a moment to give the gentleman an opportunity.

Mr. RAKER. That is very kind of him. I appreciate it very much. In regard to this, Mr. Speaker, I want to be heard just a moment.

The SPEAKER. This is the bill that just preceded the last one?

Mr. RAKER. Yes; the one that is on the calendar as No. 1694. This bill is recommended by the conservation people.

Mr. MADDEN. Who are they?

Mr. RAKER. Mr. Fisher, ex-Secretary of the Interior; Mr. Lane——

Mr. MADDEN. Does that make it any better?

Mr. RAKER. I am just giving a list of the men who approve such legislation.

Mr. MADDEN. I submit to the gentleman from California that we are elected here by the people to decide questions upon their merit and as to their advisability, and we are here exercising the right we have on the floor. It is not necessary at all for us to obey instructions from anybody on the outside as to what is right or what is not right.

Mr. RAKER. That is true. The gentleman has withheld his objection, and has been very kind to-day, as usual, and I just wanted to say a few words, thinking that the gentleman and the rest of the Members of the House might permit this bill to be considered to-day. It had, last year, the unanimous support of ex-Secretary Fisher and of all the department officials, and it has to-day the favorable report of the Secretary of the Interior, and in that report he makes this statement—I think it is worth while to call it to the attention of the House:

DEPARTMENT OF THE INTERIOR,
Washington, June 10, 1913.

Hon. SCOTT FERRIS,
Chairman Committee on the Public Lands,
House of Representatives.

MY DEAR SIR: Your letter has been received, submitting, with request for report thereon, House bill 1694, entitled "A bill to amend an act approved October 1, 1890, entitled 'An act to set apart certain tracts of land in the State of California as forest reservations.'"

In response I have to state that this bill is substantially the same as Senate bill 8279 (62d Cong., 2d sess.), which was reported upon favorably by this department under date of January 25, 1913 (copy herewith embodied in S. Rept. No. 1163), and which bill subsequently passed the Senate on January 29, 1913.

Now, listen, my brother from Illinois:

The enactment of this bill into law will be in the interest of better administration of affairs in the Yosemite National Park, and I therefore recommend the early and favorable consideration thereof by your committee.

Very truly, yours, FRANKLIN K. LANE.

Mr. MADDEN. I insist on my objection, Mr. Speaker.

Mr. RAKER. How is that?

The SPEAKER. The gentleman from Illinois [Mr. MADDEN] insists on his objection.

Mr. RAKER. Mr. Speaker, I ask unanimous consent——

The SPEAKER. To do what?

Mr. RAKER. That I may extend my remarks in the RECORD upon this bill.

The SPEAKER. The gentleman from California [Mr. RAKER] asks unanimous consent to extend his remarks upon this bill. Is there objection? [After a pause.] The Chair hears none.

The Clerk will now report the bill which he first started to report.

GEORGE FREDERICK KUNZ.

The next business on the Calendar for Unanimous Consent was the joint resolution (H. J. Res. 249) for the appointment of George Frederick Kunz as a member of the North American Indian Memorial Commission.

The resolution was read, as follows:

Resolved, etc., That the vacancy in the commission for the erection of a memorial to the North American Indian caused by the death of Robert C. Ogden shall be filled by the appointment of George Frederick Kunz, of New York.

The SPEAKER. Is there objection to the consideration of the resolution?

Mr. MANN. Mr. Speaker, reserving the right to object, having read the very complete report of the committee on this, would the distinguished gentleman from Massachusetts [Mr. THACHER], now representing this great committee, give us some little information?

Mr. THACHER. I shall be glad to do so. I think the gentleman from Illinois [Mr. MANN] will probably recall that the Sixty-second Congress authorized Mr. Rodman Wanamaker to erect at his own expense on a United States reservation in the harbor of New York a suitable memorial to the memory of the North American Indian, and the act of December 8, 1911, created a commission consisting of five persons, including the chairman of the Committee on the Library of the House, the chairman of the Committee on the Library of the Senate, the Secretary of War, the Secretary of the Navy, and Mr. Robert C. Ogden, of New York, to superintend the construction of this memorial, without expense whatever to the Government.

Mr. MANN. Who is George Frederick Kunz?

Mr. THACHER. Mr. George Frederick Kunz is a distinguished gentleman of New York. I believe he is well conversant with matters relating to art and in every way qualified to serve on the commission, and as Mr. Ogden died the place will naturally have to be filled. The memorial has not been erected yet, and there is a vacancy on this commission. In behalf of the Committee on the Library I ask permission of the House to have the vacancy filled.

The SPEAKER. Is there objection to the consideration of the resolution? [After a pause.] The Chair hears none.

The question is on the engrossment and third reading of the House joint resolution.

The resolution was ordered to be engrossed and read a third time, was read a third time, and passed.

LEAVE TO EXTEND REMARKS.

Mr. McKELLAR. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the educational bill (H. R. 9042) that was passed here a little earlier in the afternoon.

The SPEAKER. The gentleman from Tennessee [Mr. McKELLAR] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

SETTLERS ON FORT BERTHOLD AND OTHER INDIAN RESERVATIONS.

The next business on the Calendar for Unanimous Consent was the bill (S. 4632) for the relief of settlers on the Fort Berthold Indian Reservation, in the State of North Dakota, and the Cheyenne River and Standing Rock Indian Reservations, in the States of South Dakota and North Dakota.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to extend for a period of one year the time for the payment of any annual installment due, or hereafter to become due, on the purchase price for lands sold under the act of Congress approved June 1, 1910, entitled "An act to authorize the survey and allotment of lands embraced within the limits of the Fort Berthold Reservation, in the State of North Dakota, and the sale and disposition of a portion of the surplus lands after allotment, and making appropriation and provision to carry the same into effect," and any payment so extended may annually thereafter be extended for a period of one year in the same manner: *Provided*, That the last payment and all other payments must be made within a period not exceeding one year after the last payment becomes due by the terms of the act under which the entry was made: *Provided further*, That any and all payments must be made when due, unless the entryman applies for an extension and pays interest for one year, in advance, at 5 per cent per annum upon the amount due as herein provided, and patent shall be withheld until full and final payment of the purchase price is made in accordance with the provisions hereof: *And provided further*, That failure to make any payment that may be due, unless the same be extended, or to make any extended payment at or before the time to which such payment has been extended, as herein provided, shall forfeit the entry and the same shall be canceled, and any and all payments theretofore made shall be forfeited.

SEC. 2. That the provisions of the act of April 13, 1912, entitled "An act extending the time of payment to certain homesteaders on the Cheyenne River Indian Reservation, in the State of South Dakota, and on the Standing Rock Indian Reservation, in the States of South Dakota and North Dakota," shall apply to all homestead entries for said lands heretofore or hereafter made in the same manner it applies, by its terms, to entries made before its passage.

With committee amendments as follows:

Page 1, line 4, strike out the words "and directed."

Page 2, line 4, after the word "effect," insert the following: "the act of Congress approved May 27, 1910, entitled 'An act to authorize the sale and disposition of the surplus and unallotted lands in Bennett County, in the Pine Ridge Indian Reservation, in the State of South Dakota, and making appropriation to carry the same into effect,' and the act approved May 30, 1910, entitled 'An act to authorize the sale and disposition of a portion of the surplus and unallotted lands in Mellette and Washabaugh Counties, in the Rosebud Indian Reservation, in the State of South Dakota, and making appropriation and provision to carry the same into effect.'"

Page 3, line 14, strike out the word "said" after the word "for" and insert after the word "lands" the words "in said reservations."

The SPEAKER. Is there objection?

Mr. FOSTER. Reserving the right to object, Mr. Speaker, this bill, as I understand, is to permit settlers on the Fort Berthold and Standing Rock Indian Reservations to delay for a period of one year the time for paying annual installments on the purchasing price of lands in those reservations. I would like to inquire of the gentleman from South Dakota [Mr. BURKE] if this includes a part of the reservation that was opened a year or two ago—a part of the Standing Rock Indian Reservation?

Mr. BURKE of South Dakota. It does not include the part of the Standing Rock Indian Reservation that was authorized to be opened a year or two ago. In fact, that has not been opened yet to settlement.

Mr. FOSTER. It is the one that was to be opened under the act passed previous to that time?

Mr. BURKE of South Dakota. Yes, sir.

Mr. FOSTER. The report says that by failure of crops in the last two or three years these people have no money and can not pay, and that they will probably abandon their claims unless the Government gives them an extension for another year. Does the gentleman think that South Dakota is going in the next year to be able to overcome the drought and enable these people to pay the interest and principal?

Mr. BURKE of South Dakota. I will say to the gentleman that if the same conditions obtain in the next few years that have obtained the last three years these lands will never be paid for at the price at which the settlers have entered them and have undertaken to pay. The lands were appraised at a time when conditions were favorable from the standpoint of more rainfall than we usually have in that section of the State, and at a time when there was a great demand for land, and the prices were fixed under the homestead law at as high as $6 an acre.

Now, settlers went in there and were required under the law to pay one-fifth of the purchase price at the time they made their entries. Following their settlement came a condition of drought that has continued for three years, and in this section of South Dakota there has been practically nothing raised, I will say to the gentleman, in the last three years.

What we are endeavoring to do by this bill is to make it possible, if such a thing is possible, that these people may save what they have already paid, and that they may be able to pay this price, which is more than can be obtained for the lands again if the settlers should abandon them—which they will do unless we accord them this relief.

Mr. FOSTER. What has become of the opening of the Standing Rock Indian Reservation? In the bill that was passed in the last Congress it was proposed to open for settlement the balance of the unallotted lands there and sell them off. Now, is the Government going ahead and taking action in reference to that remaining portion of the reservation?

Mr. BURKE of South Dakota. Under that law there were a number of things that had to be done before the land was actually offered for sale and entry. Among other things were some allotments to the Indians. Then the State was given a certain time to make selections of lands in lieu of sections 16

and 36, which had been allotted. These preliminaries have not been concluded and the proclamation has not yet issued.

Mr. FOSTER. Are these lands that have been sold of the same character as the lands that are proposed to be sold?

Mr. BURKE of South Dakota. Substantially the same, except that the lands that are proposed to be sold are not as desirable, I think, as these lands, because they are remnants left of a large area after the Indians have been allotted, and so much of it has been allotted that these tracts that are left are undesirable, and my opinion is that very little of it will be taken under the homestead law.

Mr. FOSTER. It seems to me I remember distinctly that in the last Congress the gentleman from South Dakota [Mr. BURKE] was very insistent on opening for settlement the remaining part of these unallotted lands. It seemed to me at that time that it ought not to be done; but in the course of legislation it was passed, and I suppose in due course of time the lands will be put up for sale and sold to some settlers; which probably would be a good thing, except now it develops that this country is so dry, on account of lack of rainfall, that they can not pay for these lands. So I wonder what is to be done with all the other lands when they are put up for sale.

Mr. BURKE of South Dakota. There is not very much land to be disposed of. I will say to the gentleman that I think about 150,000 to 200,000 acres in an area of about 1,300,000 acres are all that remain. Over 1,000,000 acres of that area have been allotted to the Indians, and the Indians have all received their allotments.

Mr. FOSTER. I want to say to the gentleman from South Dakota, on the statement he makes that these lands will probably go back to the Government, and that these people are really in distress——

Mr. MANN. The Government does not own these lands?

Mr. BURKE of South Dakota. The Government does not own them. The Government is undertaking to dispose of these lands for the benefit of the Indians.

Mr. FOSTER. Certainly. I understand.

Mr. BURKE of South Dakota. And instead of giving the money to the Indians, under the agreement of 1889, so far as these reservations in South Dakota are concerned, the money goes into the Treasury, and we appropriate it for the support and civilization of the Indians.

Mr. FOSTER. Yes; I understand that.

Mr. BURKE of South Dakota. Thereby relieving the Treasury to that extent.

Mr. FOSTER. Yes; I understand that.

Mr. MANN. Will the gentleman yield for just a moment?

Mr. FOSTER. Yes.

Mr. MANN. Mr. Speaker, we have had a lot of these cases at different times where we have required the payments to be made in the course of three, four, or five years, and then have extended the time. I think in nearly every one of those cases the land has finally been taken by the settlers, because the people go upon the land and go ahead and cultivate it. At first they do not succeed in getting very good crops. They get behind in the payments which they are required to make. Then we extend the time, and, while the extension is nominally for one year, it is extended again for another year if it is not paid until the last payment comes due.

Mr. BURKE of South Dakota. Automatically.

Mr. MANN. And when the last payment comes due, if they have been able to do anything at all with the land and if things are not very adverse, they are able to borrow money upon their own credit and the credit of the land, enough to pay for it. That has been the history in all these cases since I have been in the House, and there have been a number of them.

Mr. FOSTER. Then, as I understand from my colleague, they buy these lands at, say, $6 an acre?

Mr. MANN. Yes.

Mr. FOSTER. They pay so much each year.

Mr. BURKE of South Dakota. One-fifth.

Mr. MANN. That is the requirement.

Mr. FOSTER. But, if we grant an extension of time, it goes over, and they get the use of these lands for 5 per cent upon the $6 an acre; and then, if at the end of the time they do not desire to pay for them, the land goes back to the Government.

Mr. MANN. The land goes back to the Indians.

Mr. FOSTER. For the benefit of the Indians.

Mr. STEPHENS of Texas. And, I will say, to the gentleman also, if he will permit——

Mr. MANN. But, as a matter of fact, the settlers finally take them, if they have been at all successful, so that they are able to get the money to pay for them.

Mr. BURKE of South Dakota. When a new country has once been abandoned because settlers are unable to maintain themselves there, it is almost impossible to get another lot of people to go in under any conditions. Consequently, unless these settlers pay up, these lands will have to be disposed of at a very much smaller price than will be received if those now there pay the amount that they have agreed and are trying to pay.

Mr. MANN. Whether the lands are disposed of at a less price or not, settlers have to pay the same rate of interest, or a higher rate in some cases than would be paid if they paid the cash into the Treasury and the Government paid the interest. So the Indians do not lose anything by it.

Mr. FOSTER. I understand that.

Mr. BURKE of South Dakota. They get 2 per cent the best of it.

Mr. STEPHENS of Texas. Nearly all of them have put improvements on the land, and it will be a great hardship if they should lose out because of inability to make the payments.

Mr. FERRIS. Mr. Speaker, I am in favor of these extensions of time for settlers. I have asked for a good many of them for my own State, and Congress has granted them a number of times. But here you include in this instance some five or six Indian reservations and in two States. Is not that job-lotting them a little more than we have ever done before? Are these conditions in each case identical?

Mr. BURKE of South Dakota. Yes; substantially the same, because they are all west of the Missouri River. Fort Berthold is in North Dakota, the portion of the Standing Rock Reservation affected by this bill is in South Dakota, and so are the other three reservations mentioned, namely, the Cheyenne River, Rosebud, and Pine Ridge.

Mr. FERRIS. On what terms were these lands sold? Surely not all on the same terms?

Mr. BURKE of South Dakota. In the Cheyenne River and Standing Rock Reservations the price was fixed by appraisement, the maximum being $6 an acre. In the Pine Ridge and Rosebud the bill fixed the price, and the maximum was $6 an acre for all land taken within a certain time, and then graduating it down to $2.50 an acre.

Mr. FERRIS. How many extensions have they had on the Fort Berthold Reservation?

Mr. BURKE of South Dakota. I will yield to the gentleman from North Dakota, who is more familiar with that reservation.

Mr. NORTON. The entries were first made on the Fort Berthold Reservation in May, 1912. Under the law providing for the opening of these lands to homestead settlement it was required that the time of making filing of homestead entry one-fifth of the purchase price should be paid and that the next installment should become due two years after the entry was made. There has heretofore been no extension of the time of payment granted to the homestead settlers on these lands. This is the first time they have asked for any extension of the time of installment payments.

Mr. Speaker, there is urgent need for the immediate enactment of this legislation. On the Fort Berthold Reservation a considerable number of the first annual installments to be paid became due on the 4th of this month. The remainder of the first installments to become due since the first entries were made on these lands will all become due within the next few weeks. Those directly interested in and affected by this proposed legislation had hope that this bill would have been enacted into law before the 1st of the present month. However, if this bill is allowed to be considered without objection this afternoon I shall, on behalf of my constituents who are interested in the bill, be very grateful to the Members of the House and freely concede that with the overcrowded condition the House Calendar is now and has been in for the past month, we are more than fortunate in getting consideration for this measure at this time. As the gentleman from Illinois has stated, the extension of the time of payment of these installments, as provided for in this bill, will work no injustice to the Government, but will be a very large benefit to the pioneer settlers on these lands and will enable many of them to continue on these lands who otherwise would be obliged to abandon their lands and the improvements already made thereon if required to make payment of the annual installment due this spring. The amount of the installment payments due this spring on lands on the Fort Berthold Indian Reservation is approximately $250,600. This is not by itself a large sum, but when it is remembered that the settlers on these lands have, on account of unusually dry weather in that section of the country, raised practically no crops the past three years, it is in the aggregate not only a large sum but an enormously large sum to require them to pay. Fifty or a hundred dollars is not a big sum to the man with hundreds or thousands of dollars in his pocket or at his command. On the other hand, a dollar is a mighty considerable sum to the honest, hardworking farmer,

who, through failure of his crops, may not have a dollar in his pocket and who may not be able to secure a dollar without paying for its use an exorbitant rate of interest. These are things to be kept in mind in considering this legislation, gentlemen.

Mr. FERRIS. How many extensions have there been on the Cheyenne River?

Mr. BURKE of South Dakota. They have had none, so far as the entries that were made subsequent to the act that extended the time prior to the act of 1912. Those who made entry before that act was passed, their payments were extended, but this bill does *not* affect them. It only affects those who have filed since or who may file hereafter.

Mr. FERRIS. You first had an opening; what year was that?

Mr. BURKE of South Dakota. The act was passed in 1908.

Mr. FERRIS. When were the lands sold?

Mr. BURKE of South Dakota. I think they went on the market the following year.

Mr. FERRIS. They have had how many, four extensions?

Mr. BURKE of South Dakota. Only one.

Mr. FERRIS. How about the Standing Rock?

Mr. BURKE of South Dakota. That is the same.

Mr. FERRIS. And the Rosebud?

Mr. BURKE of South Dakota. Not any, so far as the lands affected by this bill are concerned.

Mr. FERRIS. And the Pine Ridge?

Mr. BURKE of South Dakota. Not any.

Mr. FERRIS. The gentleman had an extension in the same omnibus bill that I had an extension in in 1912.

Mr. BURKE of South Dakota. That is the one that extended the time of the settlers on the Cheyenne River and Standing Rock.

Mr. STAFFORD. Will the gentleman yield?

Mr. FERRIS. In just a moment; I want to pursue this inquiry a little further. Now, on page 3, line 15, it seems to me that this provision is anomalous—to not only extend the time of the entries that have been made, but on those that may be made in the future. Does not the gentleman think that he is omnibussing a little too much when he provides for several reservations in two States for five or six tribes and then say that it shall not only apply to entries in the past but in the future?

Mr. BURKE of South Dakota. The department suggested that.

Mr. MANN. Let me call the gentleman's attention to the department's letter. They requested that that be done.

Mr. BURKE of South Dakota. The department found that the act passed in 1912 had worked so well that they favored making it general as to these reservations. It means the payment of interest in advance at 2 per cent more than the fund would receive credit for if extensions are not granted and the payments should be made and the money deposited in the Treasury.

Mr. FERRIS. You get 5 per cent for money in the bank?

Mr. BURKE of South Dakota. Three in South Dakota and and 4 in North Dakota for money deposited in the Treasury.

Mr. FERRIS. They make them bid for it in my State.

Mr. BURKE of South Dakota. They do not bid in the Dakotas, as far as the tribal funds are concerned; they go into the Treasury, where, I think, they ought to go.

Mr. STAFFORD. I would like to inquire of the gentleman what has been the effect of deferred payments of settlement in his State. Here is a bill that authorizes the deferring of all the payments until the last, drawing interest thereon at 5 per cent.

Mr. FERRIS. We did not proceed in quite that way. We came in one year at a time. We had one year extension and then conditions were bad, crops failed, and we had to come back again. Settlers, as a rule, never pay until they have to.

Mr. BURKE of South Dakota. How many extension acts have there been affecting the Kiowas and Comanches?

Mr. FERRIS. I think three or four.

Mr. BURKE of South Dakota. Was it not that condition that suggested the automatic extension in the act of 1912?

Mr. FERRIS. I think there was a small reservation in the district of the gentleman from Oklahoma [Mr. MORGAN] that was applied in this way.

However, I wish the gentleman could inject something into this legislation that would keep off the scramble for free homes. It seems the longer you extend the payments, the worse they want the free homes, and the gentleman is afflicted with the same complaint in his State that we are in our State.

Mr. STEPHENS of Texas. Is it not a fact that in the Southwest—in the gentleman's country—and extending up to the Dakotas, it is very often the case that we will have two or three years of drought and then three or four years of good crops?

Mr. FERRIS. That is true.

Mr. STEPHENS of Texas. Are we not now at about the end of two or three years of bad crops?

Mr. FERRIS. That is true. During the last three or four years in Oklahoma and in the gentleman's State drought has been very severe.

Mr. STAFFORD. This bill leaves it optional with the settler to extend the payments, whether there are droughts or not, provided he pays interest of 5 per cent in advance.

Mr. STEPHENS of Texas. Is it not a fact that the deferring of these payments does not take any money from the Indians, but leaves the payments in the Treasury for the benefit of the Indians?

Mr. FERRIS. That is true, and in the main they are making the land more valuable rather than wearing it out. Some time ago when I tried to get through a bill for an extension some one objected upon the ground that they were wearing the land out.

Mr. STEPHENS of Texas. Is it not a fact that the selling of these lands in this way will prevent a great many people from going to Canada and elsewhere?

Mr. FERRIS. Yes; I have no doubt the matter of extending payments is a wise course. It is a tough proposition to try to hold down a claim for the first two or three or four years. The first three or four years they do not get anything off the land but a little fodder and stuff like that, which does not bring them in any money. The thought that made me rise to interrogate the gentleman is that there is such a lot of stuff omnibussed together, embodying two whole States and five or six reservations, all of which were sold under different acts of Congress.

Mr. STEPHENS of Texas. Is not the gentleman aware of the fact that these reservations are adjoining, and the same climatic conditions governing one will govern them all?

Mr. FERRIS. Oh, certainly. There is one thing more I desire to ask the gentleman from South Dakota. Does the gentleman from South Dakota really think that he ought to have the provision in providing for an extension even before the entry is made? Does the gentleman think we ought to make a law applicable to a man who has not even taken up any sort of relations with the Federal Government?

Mr. BURKE of South Dakota. Mr. Speaker, unless you put it in we will be back here again with another bill. The department has suggested, to avoid confusion, that we ought to have uniformity.

Mr. FERRIS. I know, but it does not do the settler a great deal of harm to come back to Congress occasionally. You might put these payments off for so long a time that you would never get them.

Mr. BURKE of South Dakota. It is put off only one year after the last payment is due.

Mr. FERRIS. I notice that, and that of course gets your money one year after it would have become due, so I guess it is not as bad as I at first thought.

Mr. FOSTER. I suggest that Congress has been pretty liberal about making these extensions when necessary, but I am not going to object.

Mr. MANN. These payments are due now.

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

Mr. BURKE of South Dakota. Mr. Speaker, I ask unanimous consent that this bill may be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the committee amendments.

The Clerk read as follows:

Page 1, line 4, strike out the words "and directed."

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The Clerk read as follows:

Page 2, line 4, after the word "effect," insert the following: "the act of Congress approved May 27, 1910, entitled 'An act to authorize the sale and disposition of the surplus and unallotted lands in Bennett County, in the Pine Ridge Indian Reservation, in the State of South Dakota, and making appropriation to carry the same into effect,' and the act approved May 30, 1910, entitled 'An act to authorize the sale and disposition of a portion of the surplus and unallotted lands in Mellette and Washabaugh Counties, in the Rosebud Indian Reservation, in the State of South Dakota, and making appropriation and provision to carry the same into effect.'"

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The Clerk read as follows:

Page 3, line 14, strike out the word "said" and insert, after the word "lands," the following: "in said reservations."

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

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

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

The title was amended to read: "An act for the relief of settlers on the Fort Berthold, Cheyenne River, Standing Rock, Rosebud, and Pine Ridge Indian Reservations, in the States of North and South Dakota."

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

The SPEAKER. Is there objection?

There was no objection.

PAYMENT OF CERTAIN FIRE CLAIMS, ROSEBUD INDIAN RESERVATION.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 2156) to authorize the payment of certain claims for damages sustained by prairie fire on the Rosebud Indian Reservation, S. Dak.

The bill was read.

The SPEAKER. Is there objection?

Mr. MADDEN. Mr. Speaker, reserving the right to object, I would like to have the gentleman from South Dakota——

Mr. FOSTER. Mr. Speaker, I think this is a claims bill and ought not to be here, and I object.

Mr. MANN. It is here properly enough.

Mr. FOSTER. I know it is here, but I do not think it has any right to be here.

Mr. MANN. I agree with the gentleman.

The SPEAKER. Is there objection?

Mr. FOSTER. I object.

The SPEAKER. The gentleman from Illinois objects.

TENTS FOR AGRICULTURAL AND MECHANICAL COLLEGE, TEXAS.

The next business on the Calendar for Unanimous Consent was the joint resolution (H. J. Res. 232) authorizing the Secretary of War to transfer from stock on hand for use of the Army to the State of Texas for the use of the agricultural and mechanical college of said State 95 wall tents.

The Clerk read as follows:

Resolved, etc., That the Secretary of War be, and he is hereby, authorized to transfer from stock on hand for the use of the Army to the State of Texas for the use of the agricultural and mechanical college of said State 95 wall tents to replace an equal number of wall tents supplied by said college for the use of the flood sufferers in the Brazos River bottom, State of Texas, in the year 1913, and which were afterwards condemned, such tents to be as nearly as practicable of the same quality and value as those supplied by said college, or in lieu thereof to supply from stock on hand for the use of the Army the equivalent in value in obsolete or shelter tents.

The SPEAKER. Is there objection?

Mr. FOSTER. Mr. Speaker, reserving the right to object, I would like to have the gentleman from Texas explain the reason why the Federal Government should furnish these tents lost when the Federal Government was there doing work for the benefit of the State of Texas at that time?

[Mr. HARDY addressed the House. See Appendix.]

Mr. FOSTER. Well, I do not believe in doing business in that way. I object, Mr. Speaker.

The SPEAKER. The gentleman from Illinois [Mr. FOSTER] objects. The Clerk will report the next bill.

TERMS OF COURT AT ERIE, PA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 15190) to amend section 103 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, as amended by the act of Congress approved March 3, 1913.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 103 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, as amended by the act of Congress approved March 3, 1913, be, and the same is hereby, amended so as to read as follows:

"SEC. 103. That the State of Pennsylvania is divided into three judicial districts, to be known as the eastern, middle, and western districts of Pennsylvania. The eastern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Berks, Bucks, Chester, Delaware, Lancaster, Lehigh, Montgomery, Northampton, Philadelphia, and Schuylkill. Terms of the district court shall be held at Philadelphia on the second Mondays in March and June, the third Monday in September, and the second Monday in December, each term to continue until the succeeding term begins. The middle district shall include the territory embraced on the 1st day of July, 1910, in the counties of Adams, Bradford, Cameron, Carbon, Center, Clinton, Columbia, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Juniata, Lackawanna, Lebanon, Luzerne, Lycoming, Mifflin, Monroe, Montour, Northumberland, Perry, Pike, Potter, Snyder, Sullivan, Susquehanna, Tioga, Union, Wayne, Wyoming, and York. Terms of the district court shall be held at Scranton on the second Monday in March and the third Monday in October, at Harrisburg on the first Mondays in May and December, at Sunbury on the second Monday in January, and at Williamsport on the first Monday in June. The clerk of the court for the middle district shall maintain an office, in charge of himself or a deputy, at Harrisburg, and civil suits instituted at that place shall be tried there, if either party resides nearest that place of holding court, unless of by consent of parties they are removed to another place for trial. The western district shall include the territory embraced on the 1st day of July, 1910, in the counties of Allegheny, Armstrong, Beaver, Bedford, Blair, Butler, Cambria, Clarion, Clearfield, Crawford, Elk, Erie, Fayette, Forest, Greene, Indiana, Jefferson, Lawrence, McKean, Mercer, Somerset, Venango, Warren, Washington, and Westmoreland. Terms of the district court shall be held at Pittsburgh on the first Monday of May and the first Monday of November, and sessions of the court shall be held at Erie on the third Monday of March and the third Monday of September. The clerk and marshal of said district shall have their principal offices at Pittsburgh, and shall maintain by themselves or by their deputies offices at Erie.

"The clerk shall place all cases in which the defendants reside in the counties of said district nearest Erie, upon the trial list for trial at Erie, where the same shall be tried, unless the parties thereto stipulate that the same may be tried at Pittsburgh."

The SPEAKER. Is there objection?

There was no objection.

Mr. GRAHAM of Pennsylvania. Mr. Speaker, I wish to offer a formal amendment. There is a surplus word in the first line on page 3, the word "of," after the word "unless." I move to strike out the word "of."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 3, line 1, by striking out the word "of" after the word "unless."

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

The amendment was agreed to.

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

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

On motion of Mr. GRAHAM of Pennsylvania, a motion to reconsider the vote whereby the bill was passed was laid on the table.

AVIATION SERVICE OF THE ARMY.

Mr. HAY. Mr. Speaker, were it not for the fact that conditions exist of a very grave character, I would not at this time ask the House to take up this bill which I am now going to ask to be considered by unanimous consent. It is the House bill 5304, to increase the efficiency of the aviation service of the Army, and for other purposes.

The SPEAKER. The gentleman from Virginia [Mr. HAY] asks unanimous consent to take up for present consideration House bill 5304, which the Clerk will report.

Mr. HAY. It is a long bill; and if anybody is going to object, I think it would be better for him to object now.

Mr. STAFFORD. I think the bill ought to be reported, Mr. Speaker.

Mr. HAY. Mr. Speaker, I move to suspend the rules and pass the bill.

Mr. STAFFORD. I do not wish to object to the consideration of the bill, I will say to the gentleman.

Mr. HAY. Very well. I ask, Mr. Speaker, that the Clerk may report the bill as it is reported by the committee.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That there shall be, and there is hereby, created an Aviation Corps, which shall be a part of the line of the Army, and in which there shall be officers in number, and with rank while serving in said corps as follows, to wit—

Mr. MANN. Mr. Speaker, I suggest to the gentleman that his motion to suspend the rules be to pass the House substitute, so that the original bill will not have to be read.

Mr. HAY. I ask that the bill as reported by the committee be read instead of the original bill.

The SPEAKER. The Clerk will report the bill as reported by the committee.

The Clerk read as follows:

That there shall hereafter be, and there is hereby created, an aviation section, which shall be a part of the Signal Corps of the Army, and which shall be, and is hereby, charged with the duty of operating or supervising the operation of all military air craft, including balloons and aeroplanes, all appliances pertaining to said craft, and signaling apparatus of any kind when installed on said craft; also with the duty of training officers and enlisted men in matters pertaining to military aviation.

SEC. 2. That, in addition to such officers and enlisted men as shall be assigned from the Signal Corps at large to executive, administrative, scientific, or other duty in or for the aviation section, there shall be in said section aviation officers not to exceed 60 in number, and 260 aviation enlisted men of all grades; and said aviation officers and aviation enlisted men, all of whom shall be exclusively engaged on duties pertaining to said aviation section, shall be additional to the officers and

enlisted men now allotted by law to the Signal Corps, the commissioned and enlisted strengths of which are hereby increased accordingly.

The aviation officers provided for in this section shall, except as hereinafter prescribed specifically to the contrary, be selected from among officers holding commissions in the line of the Army with rank below that of captain, and shall be detailed to serve as such aviation officers for periods of four years, unless sooner relieved, and the provisions of section 27 of the act of Congress approved February 2, 1901 (31 Stats., p. 755) are hereby extended so as to apply to said aviation officers and to the vacancies created in the line of the Army by the detail of said officers therefrom, but nothing in said act or in any other law now in force shall be held to prevent the detail or redetail at any time to fill a vancancy among the aviation officers authorized by this act, of any officer holding a commission in the line of the Army with rank below that of captain, and who, during prior service as an aviation officer in the aviation section, shall have become especially proficient in military aviation.

There shall also be constantly attached to the aviation section a sufficient number of aviation students to make, with the aviation officers actually detailed in said section under the provisions of this act, a total number of 60 aviation officers and aviation students constantly under assignment to, or detail in, said section. Said aviation students, all of whom shall be selected on the recommendation of the chief signal officer from among unmarried lieutenants of the line of the Army not over 30 years of age, shall remain attached to the aviation section for a sufficient time, but in no case to exceed one year, to determine their fitness or unfitness for detail as aviation officers in said section, and their detachment from their respective arms of service which under assignment to said section shall not be held to create in said arms vacancies that may be filled by promotions or original appointments: *Provided*, That no person, except in time of war, shall be assigned or detailed against his will to duty as an aviation student or an aviation officer: *Provided further*, That whenever, under such regulations as the Secretary of War shall prescribe and publish to the Army, an officer assigned or detailed to duty of any kind in or with the aviation section shall have been found to be inattentive to his duties, inefficient, or incapacitated from any cause whatever for the full and efficient discharge of all duties that might properly be imposed upon him if he should be continued on duty in or with said section, said officer shall be returned forthwith to the branch of the service in which he shall hold a commission.

SEC. 3. That the aviation officers hereinbefore provided for shall be rated in two classes, to wit, as junior military aviators and as military aviators. Within 60 days after this act shall take effect the Secretary of War may, upon the recommendation of the Chief Signal Officer, rate as junior military aviators any officers with rank below that of captain, who are now on aviation duty and who have, or shall have before the date of rating so authorized, shown by practical tests, including aerial flights, that they are especially well qualified for military aviation service; and after said rating shall have been made the rating of junior military aviator shall not be conferred upon any person except as hereinafter provided.

Each aviation student authorized by this act shall, while on duty that requires him to participate regularly and frequently in aerial flights, receive an increase of 25 per cent in the pay of his grade and length of service under his line commission. Each duly qualified junior military aviator shall, while so serving, have the rank, pay, and allowances of one grade higher than that held by him under his line commission, provided that his rank under said commission be not higher than that of first lieutenant, and, while on duty requiring him to participate regularly and frequently in aerial flights, he shall receive in addition an increase of 50 per cent in the pay of his grade and length of service under his line commission. The rating of military aviator shall not be hereafter conferred upon or held by any person except as hereinafter provided, and the number of officers with that rating shall at no time exceed 15. Each military aviator who shall hereafter have duly qualified as such under the provisions of this act shall, while so serving, have the rank, pay, and allowances of one grade higher than that held by him under his line commission, provided that his rank under said commission be not higher than that of first lieutenant, and, while on duty requiring him to participate regularly and frequently in aerial flights, he shall receive in addition an increase of 75 per cent of the pay of his grade and length of service under his line commission.

The aviation enlisted men hereinbefore provided for shall consist of 12 master signal electricians, 12 first-class sergeants, 24 sergeants, 78 corporals, 8 cooks, 82 first-class privates, and 44 privates. Not to exceed 40 of said enlisted men shall at any one time have the rating of aviation mechanician, which rating is hereby established, and said rating shall not be conferred upon any person except as hereinafter provided: *Provided*, That 12 enlisted men shall, in the discretion of the officer in command of the aviation section, be instructed in the art of flying, and no enlisted man shall be assigned to duty as an aerial flyer against his will except in time of war. Each aviation enlisted man, while on duty that requires him to participate regularly and frequently in aerial flights, or while holding the rating of aviation mechanician, shall receive an increase of 50 per cent in his pay: *Provided further*, That, except as hereinafter provided in the case of officers now on aviation duty, no person shall be detailed as an aviation officer, or rated as a junior military aviator, or as a military aviator, or as an aviation mechanician, until there shall have been issued to him a certificate to the effect that he is qualified for the detail or rating, or for both the detail and the rating, sought or proposed in his case, and no such certificate shall be issued to any person until an aviation examining board, which shall be composed of 3 officers of experience in the aviation service and 2 medical officers, shall have examined him, under general regulations to be prescribed by the Secretary of War and published to the Army by the War Department, and shall have reported him to be qualified for the detail or rating, or for both the detail and the rating, sought or proposed in his case: *Provided further*, That the Secretary of War shall cause appropriate certificates of qualification to be issued by The Adjutant General of the Army to all officers and enlisted men who shall have been found and reported by aviation examining boards in accordance with the terms of this act, to be qualified for the details and ratings for which said officers and enlisted men shall have been examined: *Provided further*, That except as hereinbefore provided in the cases of officers who are now on aviation duty and who shall be rated as junior military aviators as hereinbefore authorized, no person shall be detailed for service as an aviation officer in the aviation section until he shall have served creditably as an aviation student for a period to be fixed by the Secretary of War; and no person shall receive the rating of military aviator until he shall have served creditably for at least three years as an aviation officer with the rating of junior military aviator: *Provided further*, That there shall be paid to the widow of any officer or enlisted man who shall die as the result of an aviation accident, not the result of his own misconduct, or to any other person designated by him in writing, an amount equal to one year's pay at the rate to which such officer or enlisted man was entitled at the time of the accident resulting in his death, but any payment made in accordance with the terms of this proviso on account of the death of any officer or enlisted man shall be in lieu of and a bar to any payment under the acts of Congress approved May 11, 1908, and March 3, 1909 (35 Stat., pp. 108 and 755), on account of death of said officer or enlisted man.

SEC. 4. That all laws and parts of laws, so far as they are inconsistent with the terms of this act, be, and they are hereby, repealed.

SEC. 5. This act shall take effect 30 days after the date of its approval by the President.

The SPEAKER. Is there objection?

Mr. HAY. Mr. Speaker, I ask unanimous consent that this bill may be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Virginia [Mr. HAY] asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

Mr. HAY. Mr. Speaker, I move to amend the bill, on page 5, line 21, by striking out the word "is."

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Virginia.

Mr. MANN. The word "is" is in the singular number, and it is all right.

Mr. HAY. Mr. Speaker, I withdraw my motion to amend.

The SPEAKER. The gentleman from Virginia withdraws his amendment. Is there any other amendment?

Mr. HAY. Mr. Speaker, I move to strike out section 5 of the bill.

The SPEAKER. The gentleman from Virginia moves to strike out section 5 of the bill.

Mr. MANN. Section 5 of the committee amendment, the gentleman means.

Mr. HAY. Yes; section 5 of the amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 12, lines 12 and 13, strike out section 5, as follows:
"This act shall take effect 30 days after the date of its approval by the President."

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

The amendment was agreed to.

Mr. HAY. Now, Mr. Speaker, it has been suggested that I make a brief statement as to what this bill does. Under this bill there will be added to the Army 60 officers, who will have the rank of first and second lieutenants, and there will be added 260 men to the enlisted strength of the Army.

The bill will ultimately cost $279,994.50 a year.

Mr. MANN. And that will be the cheapest money we spend for the Army.

Mr. HAY. The bill has been very carefully drawn, and I believe it meets with the approval of the War Department. It is a bill for the purpose of establishing a military aviation corps, which will be under the Signal Corps of the Army. We are very much behind every other first-class power in the world in aviation. As an illustration of that I will point out that Germany has spent $28,000,000 on aviation. France has spent $22,000,000. Russia has spent $12,000,000. Italy has spent $8,000,000. Austria has spent $5,000,000, England $3,000,000, Belgium $2,000,000, Japan $1,500,000, and the United States only $435,000. So that we are very far behind other countries in the development of aviation, which is now so important, and which, I may say, has practically revolutionized modern warfare. For 1913 France appropriated $7,400,000, Germany $5,000,000, Russia $5,000,000, England $3,000,000, Japan $1,000,000, Italy $2,100,000, Mexico $400,000, and the United States $125,000.

Mr. AUSTIN. Will the gentleman yield?

Mr. HAY. Yes.

Mr. AUSTIN. Will the gentleman tell us how those appointments of officers in this corps are to be made?

Mr. HAY. The officers are to be detailed from the line by the President.

Mr. MADDEN. This does not add to the number of officers in the Army, then?

Mr. HAY. It does. It adds 60 officers.

Mr. MADDEN. How do we supply the shortage of the 60 who are taken from the line?

Mr. HAY. They will be filled like any other vacancies in the Army—either from the graduating class at West Point or by examination of civilians or by the examination of enlisted men.

Mr. AUSTIN. Is this a unanimous report of the Committee on Military Affairs?

Mr. HAY. Oh, yes.

Mr. STAFFORD. I notice, apart from the main proposition, that you provide for payment to the widow in case of death. In many bills the House has provided that where the widow is not living the year's allowance shall be paid to the minor children.

Mr. HAY. Yes.

Mr. STAFFORD. I should like to ask whether the committee has considered paying this to the minor children in case there is no widow living?

Mr. HAY. This is taken from the Army appropriation bill.

Mr. STAFFORD. I was not aware that that was the rule in the Army. Of course, there should be some provision made for paying to the minor children in case there is no widow living; but if this comports with the general rule in the Army, I do not wish to press an amendment at the present time.

Mr. HAY. This is taken from the Army appropriation bill.

Mr. MANN. I would suggest to the gentleman that we do not ordinarily put in what is contained in section 4, and I think it is wholly unnecessary.

Mr. HAY. That section provides:

That all laws and parts of laws, so far as they are inconsistent with the terms of this act, be, and they are hereby, repealed.

I do not now recall any particular law that is inconsistent with this act.

Mr. MANN. Of course, as a matter of fact, this act would repeal them, anyhow.

Mr. HAY. I move to strike out section 4.

Mr. MANN. It might be a little awkward to have it in there.

The SPEAKER. The gentleman from Virginia offers an amendment which the Clerk will report.

The Clerk read as follows:

On page 12, strike out lines 9, 10, and 11.

The amendment was agreed to.

Mr. HAY. Mr. Speaker, I ask unanimous consent to extend my remarks by printing the report of the committee on this bill.

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

There was no objection.

The report (by Mr. HAY) is as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 5304) to increase the efficiency of the aviation service of the Army, and for other purposes, having considered the same, report thereon with a recommendation that it do pass with the following amendment: Strike out all after the enacting clause and insert the following:

"That there shall hereafter be, and there is hereby created, an aviation section, which shall be a part of the Signal Corps of the Army, and which shall be, and is hereby, charged with the duty of operating or supervising the operation of all military air craft, including balloons and aeroplanes, all appliances pertaining to said craft, and signaling apparatus of any kind when installed on said craft; also with the duty of training officers and enlisted men in matters pertaining to military aviation.

"SEC. 2. That, in addition to such officers and enlisted men as shall be assigned from the Signal Corps at large to executive, administrative, scientific, or other duty in or for the aviation section, there shall be in said section aviation officers not to exceed 60 in number, and 260 aviation enlisted men of all grades; and said aviation officers and aviation enlisted men, all of whom shall be exclusively engaged on duties pertaining to said aviation section, shall be additional to the officers and enlisted men now allotted by law to the Signal Corps, the commissioned and enlisted strengths of which are hereby increased accordingly.

"The aviation officers provided for in this section shall, except as hereinafter prescribed specifically to the contrary, be selected from among officers holding commissions in the line of the Army with rank below that of captain, and shall be detailed to serve as such aviation officers for periods of four years, unless sooner relieved, and the provisions of section 27 of the act of Congress approved February 2, 1901 (31 Stat., p. 755), are hereby extended so as to apply to said aviation officers and to the vacancies created in the line of the Army by the detail of said officers therefrom, but nothing in said act or in any other law now in force shall be held to prevent the detail or redetail at any time to fill a vacancy among the aviation officers authorized by this act, of any officer holding a commission in the line of the Army with rank below that of captain, and who, during prior service as an aviation officer in the aviation section, shall have become especially proficient in military aviation.

"There shall also be constantly attached to the aviation section a sufficient number of aviation students to make, with the aviation officers actually detailed in said section under the provisions of this act, a total number of 60 aviation officers and aviation students constantly under assignment to, or detail in, said section. Said aviation students, all of whom shall be selected on the recommendation of the Chief Signal Officer from among unmarried lieutenants of the line of the Army, not over 30 years of age, shall remain attached to the aviation section for a sufficient time, but in no case to exceed one year, to determine their fitness or unfitness for detail as aviation officers in said section, and their detachment from their respective arms of service which under assignment to said section shall not be held to create in said arms vacancies that may be filled by promotions or original appointments: *Provided*, That no person, except in time of war, shall be assigned or detailed against his will to duty as an aviation student or an aviation officer: *Provided further*, That whenever under such regulations as the Secretary of War shall prescribe and publish to the Army, an officer assigned or detailed to duty of any kind in or with the aviation section shall have been found to be inattentive to his duties, inefficient, or incapacitated from any cause whatever for the full and efficient discharge of all duties that might properly be imposed upon him if he should be continued on duty in or with said section, said officer shall be returned forthwith to the branch of the service in which he shall hold a commission.

"SEC. 3. That the aviation officers hereinbefore provided for shall be rated in two classes, to wit, as junior military aviators and as military aviators. Within 60 days after this act shall take effect the Secretary of War may, upon the recommendation of the Chief Signal Officer, rate as junior military aviators any officers with rank below that of captain, who are now on aviation duty and who have, or shall have before the date of rating so authorized, shown by practical tests, including aerial flights, that they are especially well qualified for military aviation service; and after said rating shall have been made the rating of junior military aviator shall not be conferred upon any person except as hereinafter provided.

"Each aviation student authorized by this act shall, while on duty that requires him to participate regularly and frequently in aerial flights, receive an increase of 25 per cent in the pay of his grade and length of service under his line commission. Each duly qualified junior military aviator shall, while so serving, have the rank, pay, and allowances of one grade higher than that held by him under his line commission, provided that his rank under said commission be not higher than that of first lieutenant, and, while on duty, requiring him to participate regularly and frequently in aerial flights, he shall receive in addition an increase of 50 per cent in the pay of his grade and length of service under his line commission. The rating of military aviator shall not be hereafter conferred upon or held by any person except as hereinafter provided, and the number of officers with that rating shall at no time exceed 15. Each military aviator who shall hereafter have duly qualified as such under the provisions of this act shall, while so serving, have the rank, pay, and allowances of one grade higher than that held by him under his line commission, provided that his rank under said commission be not higher than that of first lieutenant, and, while on duty requiring him to participate regularly and frequently in aerial flights, he shall receive in addition an increase of 75 per cent of the pay of his grade and length of service under his line commission.

"The aviation enlisted men hereinbefore provided for shall consist of 12 master signal electricians, 12 first-class sergeants, 24 sergeants, 78 corporals, 8 cooks, 82 first-class privates, and 44 privates. Not to exceed 40 of said enlisted men shall at any one time have the rating of aviation mechanician, which rating is hereby established, and said rating shall not be conferred upon any person except as hereinafter provided: *Provided*, That 12 enlisted men shall, in the discretion of the officer in command of the aviation section, be instructed in the art of flying, and no enlisted man shall be assigned to duty as an aerial flyer against his will except in time of war. Each aviation enlisted man, while on duty that requires him to participate regularly and frequently in aerial flights, or while holding the rating of aviation mechanician, shall receive an increase of 50 per cent in his pay: *Provided further*, That, except as hereinafter provided in the cases of officers now on aviation duty, no person shall be detailed as an aviation officer, or rated as a junior military aviator, or as a military aviator, or as an aviation mechanician until there shall have been issued to him a certificate to the effect that he is qualified for the detail or rating, or for both the detail and the rating, sought or proposed in his case, and no such certificate shall be issued to any person until an aviation examining board, which shall be composed of three officers of experience in the aviation service and two medical officers, shall have examined him, under general regulations to be prescribed by the Secretary of War and published to the Army by the War Department, and shall have reported him to be qualified for the detail or rating, or for both the detail and the rating, sought or proposed in his case: *Provided further*, That the Secretary of War shall cause appropriate certificates of qualification to be issued by The Adjutant General of the Army to all officers and enlisted men who shall have been found and reported by aviation examining boards in accordance with the terms of this act to be qualified for the details and ratings for which said officers and enlisted men shall have been examined: *Provided further*, That, except as hereinbefore provided in the cases of officers who are now on aviation duty and who shall be rated as junior military aviators as hereinbefore authorized, no person shall be detailed for service as an aviation officer in the aviation section until he shall have served creditably as an aviation student for a period to be fixed by the Secretary of War; and no person shall receive the rating of military aviator until he shall have served creditably for at least three years as an aviation officer with the rating of junior military aviator: *Provided further*, That there shall be paid to the widow of any officer or enlisted man who shall die as the result of an aviation accident not the result of his own misconduct, or to any other person designated by him in writing, an amount equal to one year's pay at the rate to which such officer or enlisted man was entitled at the time of the accident resulting in his death, but any payment made in accordance with the terms of this proviso on account of the death of any officer or enlisted man shall be in lieu of and a bar to any payment under the acts of Congress approved May 11, 1908, and March 3, 1909 (35 Stats., pp. 108 and 755), on account of death of said officer or enlisted man.

"SEC. 4. That all laws and parts of laws, so far as they are inconsistent with the terms of this act, be, and they are hereby, repealed.

"SEC. 5. This act shall take effect 30 days after the date of its approval by the President."

Amend the substitute offered by the committee as follows:

Page 5, line 21, strike out the word "it."

Page 5, line 23, insert before the word "craft" the word "air."

Page 7, line 22, after the word "person," insert the words "except in time of war."

Page 10, after the word "provided," line 5, insert the words:

"*Provided*, That 12 enlisted men shall, in the discretion of the officer in command of the aviation section, be instructed in the art of flying, and no enlisted man shall be assigned to duty as an aerial flyer against his will except in time of war."

Page 10, line 9, after the word "*Provided*," insert the word "*further*."

Page 11, line 20, after the word "amount," insert the word "equal."

The subject of military aviation has engaged the attention of this committee and of the House of Representatives for the last three or four years. Last summer the bill H. R. 5304 was introduced, and the committee went into the subject very fully, having then had before it a large number of persons interested in the subject and obtaining from them views and opinions as well as statistics. The result of that investigation is this bill.

The War Department, some time ago, advised the passage of a bill which would have very largely increased the personnel of the Signal Corps. Your committee thought the plan embodied in this bill would be better and at the same time more economical. The committee has not sought to place an aviation service upon the same plane as that of the

first-class war powers of Europe, but has tried to give to this service in this country a position which will enable it to keep abreast with the experiments which are being made in aviation, the committee feeling sure that the last word has not yet been said in that science and that it would be unwise and unnecessary for this country to expend the enormous sums which are being spent in other countries.

Your committee is thoroughly convinced that it would be most unwise to continue the parsimonious policy which the Government has pursued with regard to military aviation. It is expected that this committee will appropriate $300,000 in the pending Army bill as against $125,000 appropriated last year for the purchase and upkeep of aeroplanes, and it is thought that that amount, together with the personnel provided in this bill will enable our Army to make the experiments necessary to a thorough knowledge of the art, and to train the number of men who may be needed for service in time of emergency.

The cost of this bill will be as follows: First year, $258,002; second and third years, $269,044.50; fourth year, $279,994.50; which latter figures will show the highest sum which this bill will cost the Government at any time in the future. See itemized statement.

EXHIBIT A.

Annual estimated cost of the personnel of the aviation section of the Signal Corps under H. R. 5304:

In preparing the following estimate the object has been to find the approximate maximum, rather than minimum, cost, and it is thought that the totals given will be higher than what will actually occur when the bill goes into effect. For example, it is probable that a first lieutenant, junior aviator, may be on aviation duty but not actually flying. In this case he would receive the pay of captain, which would be less than his pay as a first lieutenant with 50 per cent added. All the master signal electricians are taken in their third enlistment period, and all other noncommissioned officers and enlisted men in their second enlistment period, and the 50 per cent increase allowed for aviation mechanicians has been applied to the highest, and not the lowest, grades.

There are at present 7 first and 14 second lieutenants on aviation duty, and it is fair to assume that the aviation branch will be composed of first and second lieutenants in the ratio of 1 to 2. This will make 20 first and 40 second lieutenants when the total number authorized has been detailed. The estimated cost is given for four years, as the total effect of the bill will not be felt until the fourth year. Inasmuch as the maximum limit of age for detail is 30 years, it is not possible that any officer on aviation duty can have more than two fogies. After the first year, judging from experience of the past, it is thought that of the 60 officers on duty 1 in 4 will be students, or 15 in all. Of these 15, 5 will be first lieutenants and 10 second lieutenants. There will be no military aviators until the fourth year. The assumed composition and cost of the aviation branch for the first year is as follows:

First year.

JUNIOR AVIATORS.

First lieutenants:	
2 with 2 fogies	$7,200.00
5 with 1 fogie	16,500.00
Second lieutenants:	
4 with 1 fogie	11,220.00
10 flat	25,500.00

STUDENTS.

First lieutenants:	
4 with 2 fogies	12,000.00
9 with 1 fogie	24,750.00
Second lieutenants:	
12 with 1 fogie	28,050.00
14 flat	29,750.00
	154,970.00

ENLISTED.

4 master signal electricians, plus 50 per cent	5,976.00
8 master signal electricians	7,968.00
8 first-class sergeants, plus 50 per cent	7,056.00
4 first-class sergeants	2,352.00
20 sergeants, plus 50 per cent	14,400.00
4 sergeants	1,920.00
20 corporals, plus 50 per cent	9,720.00
58 corporals	18,792.00
8 cooks	3,168.00
80 first-class privates	22,176.00
44 privates	9,504.00
Total	103,032.00
Commissioned personnel	154,970.00
Enlisted personnel	103,032.00
Total cost, first year	258,002.00

Second and third years.

JUNIOR AVIATORS.

First lieutenants:	
7 with 2 fogies	$25,000.00
3 with 1 fogy	9,900.00
Second lieutenants:	
20 with 1 fogy	56,100.00
15 flat	38,250.00

STUDENTS.

First lieutenants:	
2 with 2 fogies	6,000.00
3 with 1 fogy	8,250.00
Second lieutenants:	
5 with 1 fogy	11,687.50
5 flat	10,625.00
Total	166,012.50
Cost of enlisted personnel same as in first year	103,032.00
Total cost of second and third years	269,044.50

In the fourth year the cost will be increased $10,950, owing to the fact that in the fourth year it is assumed that the total number of 15 military aviators allowed by the bill will have been appointed.

Base pay per annum under the bill.

Junior aviator:	
First lieutenant with 2 fogies	$3,600.00
First lieutenant with 1 fogy	3,300.00
First lieutenant, flat	3,000.00
Second lieutenant with 1 fogy	2,805.00
Second lieutenant, flat	2,550.00
Aviation students:	
First lieutenant with 2 fogies	3,000.00
First lieutenant with 1 fogy	2,750.00
First lieutenant, flat	2,500.00
Second lieutenant with 1 fogy	2,337.50
Second lieutenant, flat	2,125.00
Enlisted:	
Master signal electrician, third enlistment period, plus 50 per cent	1,494.00
Master signal electrician, third enlistment period	996.00
First-class sergeant, second enlistment period, plus 50 per cent	882.00
First-class sergeant, second enlistment period	588.00
Sergeant, second enlistment period, plus 50 per cent	720.00
Sergeant, second enlistment period	480.00
Corporal, second enlistment period, plus 50 per cent	486.00
Corporal, second enlistment period	324.00
Cook, second enlistment period	396.00
First-class private, second enlistment period	252.00
Private, second enlistment period	216.00

RECAPITULATION.

Total cost of personnel, first year	258,002.00
Total cost personnel, second and third years	269,044.50
Total cost fourth year	279,994.50

It may be interesting to know the amounts which are being annually spent by other countries for their military aviation service, and the figures given below will show what is being spent in other countries. These figures were given to the committee by the Chief of the Signal Corps. (See hearing on bill 5304, p. 267.)

EXHIBIT B.

Estimate on the total expenditures of the different governments for aeronautical work during five years approximates $100,000,000.

GOVERNMENT EXPENDITURES.

1. Germany	$28,000,000
2. France	22,000,000
3. Russia	12,000,000
4. Italy	8,000,000
5. Austria	5,000,000
6. England	3,000,000
7. Belgium	2,000,000
8. Japan	1,500,000
9. Chile	700,000
10. Bulgaria	600,000
11. Greece	600,000
12. Spain	550,000
13. Brazil	500,000
14. United States	435,000
15. Denmark	300,000
16. Sweden	250,000
17. China	225,000
18. Roumania	200,000
19. Holland	150,000
20. Servia	125,000
21. Norway	100,000
22. Turkey	90,000
23. Mexico	80,000
24. Argentina	75,000
25. Montenegro	40,000
26. Cuba	50,000
Total	86,570,000

PUBLIC SUBSCRIPTION.

1. Germany	3,500,000
2. France	2,500,000
3. Italy	1,000,000
4. Russia	100,000
Total	7,100,000
Total public subscription	7,100,000
Total Government subscription	86,520,000
Grand total	93,620,000

APPROPRIATIONS FOR 1913, VARIOUS COUNTRIES.

France	7,400,000
Germany	5,000,000
Russia	5,000,000
England	3,000,000
Japan (approximate)	1,000,000
Italy	2,100,000
Mexico	400,000
United States	125,000

It is hardly necessary in a report of this character to dwell upon the importance of military aviation, nor to point out its importance in modern warfare. That military aviation is destined to play an important and conspicuous part in future wars is certain; and that this country would make a grave mistake if it wholly neglected this branch of the military service is equally certain.

Mr. HAY. If no Member desires to ask any further questions, I will ask for a vote.

The SPEAKER. The question is on the committee amendment as amended.

The amendment was agreed to.

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

On motion of Mr. HAY, a motion to reconsider the last vote was laid on the table.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I thought we would run until 6 o'clock on the Unanimous Consent Calendar, if any gentleman has any bill that he wants to take up. If not, I will move that the House adjourn.

Mr. MANN. The bills are all put away, anyway.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 53 minutes p. m.) the House adjourned until Tuesday, May 19, 1914, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact and conclusion filed in the case of Florence W. Beardsley, widow of George S. Beardsley, deceased, *v.* The United States (H. Doc. No. 985); to the Committee on Claims and ordered to be printed.

2. A letter from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact and conclusion filed in the case of Edward W. Whitaker *v.* The United States (H. Doc. No. 986); to the Committee on War Claims and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. PADGETT, from the Committee on Naval Affairs, to which was referred the resolution (S. J. Res. 58) authorizing the Secretary of the Navy to loan the bell of the late U. S. S. *Princeton* to the borough of Princeton, N. J., reported the same without amendment, accompanied by a report (No. 684), which said bill and report were referred to the House Calendar.

Mr. UNDERHILL, from the Committee on Industrial Arts and Expositions, to which was referred the bill (H. R. 16327) to provide an appropriation for the erection of a building within which to install a Government exhibit at the Panama-Pacific International Exposition, reported the same with amendment, accompanied by a report (No. 686), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. FERRIS, from the Committee on the Public Lands, to which was referred the bill (H. R. 11840) for the relief of R. G. Arrington, reported the same with amendment, accompanied by a report (No. 685), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. BURKE of Wisconsin: A bill (H. R. 16632) authorizing the Secretary of War to donate to the village of Hustisford, in the county of Dodge, and State of Wisconsin, two bronze or brass cannon or fieldpieces with their carriages; to the Committee on Military Affairs.

By Mr. BRITTEN: A bill (H. R. 16633) to increase the efficiency of the United States Marine Corps; to the Committee on Naval Affairs.

By Mr. SUTHERLAND: A bill (H. R. 16634) to provide for the erection of a public building at Williamson, W. Va.; to the Committee on Public Buildings and Grounds.

By Mr. KENT: A bill (H. R. 16635) authorizing the establishment of a free public school upon the Fort Barry (Cal.) Military Reservation; to the Committee on Military Affairs.

By Mr. FERRIS: A bill (H. R. 16636) to provide for the disposition of timber and timbered lands; to the Committee on the Public Lands.

By Mr. ADAMSON: A bill (H. R. 16637) to provide divisions of mental hygiene and rural sanitation in the United States Public Health Service; to the Committee on Interstate and Foreign Commerce.

By Mr. GREGG: A bill (H. R. 16638) to provide for the purchase of ground and the erection of a public building thereon for a marine hospital, to be used also in connection with Immigration Service, in the city of Galveston, Tex.; to the Committee on Public Buildings and Grounds.

By Mr. GITTINS: A bill (H. R. 16640) to authorize the construction of a bridge across the Niagara River in the town of Lewiston, in the county of Niagara and State of New York; to the Committee on Interstate and Foreign Commerce.

By Mr. DUPRÉ: A bill (H. R. 16641) providing for an increase of salary for the United States district attorney for the eastern district of Louisiana; to the Committee on the Judiciary.

By Mr. BAKER: A bill (H. R. 16642) authorizing the Secretary of the Treasury to disregard section 33 of the public-buildings act of March 4, 1913, as to site at Vineland, N. J.; to the Committee on Public Buildings and Grounds.

By Mr. LEVER: A bill (H. R. 16643) to tax the privilege of dealing on exchanges, boards of trade, and similar places in contracts of sale of cotton for future delivery, and for other purposes; to the Committee on Agriculture.

By Mr. MURRAY of Oklahoma: A resolution (H. Res. 519) referring the bills (H. R. 16618 and H. R. 16619) for the relief of the Iowa Indians of Oklahoma to the Court of Claims for a finding of fact and conclusions of law; to the Committee on Indian Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALEXANDER: A bill (H. R. 16644) granting an increase of pension to George W. Saunders; to the Committee on Invalid Pensions.

By Mr. CHURCH: A bill (H. R. 16645) for the relief of Osbia H. Wiard; to the Committee on Military Affairs.

By Mr. COOPER: A bill (H. R. 16646) granting a pension to Daniel Geyer; to the Committee on Pensions.

By Mr. DAVENPORT: A bill (H. R. 16647) granting an increase of pension to Willis J. Gambel; to the Committee on Invalid Pensions.

By Mr. ESCH: A bill (H. R. 16648) granting a pension to Nellie P. Swetland; to the Committee on Invalid Pensions.

By Mr. FESS: A bill (H. R. 16649) granting an increase of pension to Isaiah H. McDonald; to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 16650) for the relief of Thomas P. Darr; to the Committee on Claims.

Also, a bill (H. R. 16651) for the relief of the heirs of Joseph Tucker; to the Committee on War Claims.

By Mr. HELVERING: A bill (H. R. 16652) granting an increase of pension to Nathan C. Calhoun; to the Committee on Invalid Pensions.

By Mr. HINDS: A bill (H. R. 16653) granting a pension to Francis E. Hayes; to the Committee on Invalid Pensions.

By Mr. HOBSON: A bill (H. R. 16654) for the relief of Isaac Robertson; to the Committee on War Claims.

By Mr. HUMPHREY of Washington: A bill (H. R. 16655) granting a pension to Andrew Hanson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16656) granting a pension to Malcolm J. McNeill; to the Committee on Pensions.

By Mr. KIESS of Pennsylvania: A bill (H. R. 16657) granting a pension to Matilda M. Howard; to the Committee on Invalid Pensions.

By Mr. MURRAY of Oklahoma: A bill (H. R. 16658) to correct the military record of James Ruff Utley; to the Committee on Military Affairs.

By Mr. PALMER: A bill (H. R. 16659) granting an increase of pension to Milton A. Beahm; to the Committee on Invalid Pensions.

By Mr. RUSSELL: A bill (H. R. 16660) granting an increase of pension to John J. Lee; to the Committee on Invalid Pensions.

By Mr. SLOAN: A bill (H. R. 16661) granting an increase of pension to Martin L. Pembleton; to the Committee on Invalid pensions.

By Mr. J. M. C. SMITH: A bill (H. R. 16662) granting an increase of pension to John R. Lucas; to the Committee on Invalid Pensions.

By Mr. TAVENNER: A bill (H. R. 16663) granting a pension to Fred Craig; to the Committee on Pensions.

Also, a bill (H. R. 16664) granting an increase of pension to Mary J. Cooper; to the Committee on Invalid Pensions.

By Mr. THOMAS: A bill (H. R. 16665) for the relief of the heirs of Henry Sears; to the Committee on War Claims.

By Mr. TOWNSEND: A bill (H. R. 16666) granting a pension to Michael Friel; to the Committee on Pensions.

By Mr. UNDERHILL: A bill (H. R. 16667) granting an increase of pension to Charles W. Saxbury; to the Committee on Invalid Pensions.

By Mr. WHITE: A bill (H. R. 16668) granting an increase of pension to Joseph M. Adair; to the Committee on Invalid Pensions.

By Mr. WILLIS: A bill (H. R. 16669) granting a pension to Ethel Culver; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16670) granting an increase of pension to James D. Carr; to the Committee on Invalid Pensions.

By Mr. WOODRUFF: A bill (H. R. 16671) granting an increase of pension to Birney Dutton; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of the Confederated Southern Memorial Association, relative to locating and marking graves of Confederates who died as prisoners of war in the Northern States; to the Committee on Military Affairs.

Also (by request), resolutions from certain citizens of Palmyra, N. Y.; Chicago, Ill.; Deep River, Iowa; Fruitland, Idaho; Malcom, Iowa; Yates City, Ill.; Sanborn, Iowa; Bayfield, Colo.; Lompoc, Cal.; Cleveland, N. C.; Topeka, Kans.; Denver, Colo.; Fairfield, Iowa; Minneapolis, Minn.; Springfield, Ill.; Wray, Colo.; Dutch Neck, N. J.; New Lisbon, Wis.; Paterson, N. J.; Kasota, Minn.; Yuma, Colo.; Patterson, N. Y.; Carrollton, Ill.; Lakin, Kans.; Dodge City, Kans.; Butler, Mo.; Bethany, Ill.; Byron, N. Y.; Dayton, Ohio; Duncanville, Ill.; Orleans, Ill.; Port Byron, N. Y.; St. Joseph, Mo.; Bennington, Kans.; Santa Ana, Cal.; Longmont, Colo.; and Sterling, Kans., protesting against the practice of polygamy in the United States; to the Committee on the Judiciary.

By Mr. ADAMSON: Petitions of J. I. Fletcher, J. B. Huff, and A. C. Chancellor, of Columbus, Ga., and sundry citizens of Mount Zion, Ga., favoring national prohibition; to the Committee on the Judiciary.

By Mr. AINEY: Petition of 407 citizens of Thompson, the Woman's Christian Temperance Union of Gravity, the Woman's Christian Temperance Union of Falls, 48 voters of Canton, and 31 voters of Damascus, all in the State of Pennsylvania, for national constitutional prohibition amendment; to the Committee on the Judiciary.

By Mr. ALEXANDER: Petitions of sundry citizens of Nettleton, Fleming, Mirabile, Turney, Kingston, Polo, Lathrop, and other towns of the State of Missouri, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of the Union Hardware Co. and 9 other merchants of Ashland, Ohio, favoring the passage of House bill 5308, relative to taxing mail-order houses; to the Committee on Ways and Means.

By Mr. ASHBROOK: Petition of G. A. Garver and 6 other citizens of Strasburg, Ohio, favoring national prohibition; to the Committee on the Judiciary.

By Mr. AVIS: Resolutions of George W. Crabbe and others, trustees of the Anti-Saloon League of State of West Virginia, favoring national prohibition; to the Committee on the Judiciary.

By Mr. BAILEY: Petition of sundry citizens of Johnstown, Pa., favoring passage of national prohibition; to the Committee on the Judiciary.

By Mr. BAKER: Petition of 665 citizens of the second congressional district, New Jersey, against national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of Burlington and Marlton, N. J., favoring national prohibition; to the Committee on the Judiciary.

By Mr. BEAKES: Petitions of the Farmers' Institute of Lenawee County; the Free Methodist Church of Adrian; the Woman's Congress of Adrian; the Presbyterian Sunday School of Plymouth; the Methodist Episcopal Church of Clayton; the Free Methodist Church of Ypsilanti; the Free Baptist Sunday School of Temperance; Ladies' Aid Society of the Presbyterian Church of Clayton; the Congregational Church of Ypsilanti; and the Methodist Episcopal Church of Ypsilanti, all of the second district of Michigan, in favor of national prohibition; to the Committee on the Judiciary.

Also, petitions of 90 voters of Spring Arbor, Mich., in favor of national prohibition; to the Committee on the Judiciary.

By Mr. BELL of California: Petition of the common council of Riverside, Cal., favoring the Hamill bill, relative to retirement of superannuated civil-service employees; to the Committee on Reform in the Civil Service.

By Mr. BURGESS: Petition of sundry citizens of Columbus, Colorado County, and Victoria, Victoria County, Tex., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. BURKE of South Dakota: Petition of 100 citizens of Gettysburg, S. Dak., and sundry citizens of White, S. Dak., favoring national prohibition; to the Committee on the Judiciary.

By Mr. BURKE of Wisconsin: Petition of 20 citizens of Fox Lake, Wis., favoring national prohibition; to the Committee on the Judiciary.

By Mr. CLARK of Florida: Petitions of sundry citizens of the State of Florida, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. COOPER: Petition of various residents of Delavan, Wis., favoring nation-wide prohibition; to the Committee on the Judiciary.

Also, petitions of residents of Racine, Kenosha, Caledonia, Burlington, and Franksville, all in the State of Wisconsin, protesting against nation-wide prohibition; to the Committee on the Judiciary.

By Mr. CRAMTON: Protests of Lyman Allan and 75 other citizens of St. Clair County, Mich., against the Hobson resolution for national prohibition; to the Committee on the Judiciary.

Also, resolution of the village council of the village of Highland Park, Mich., in support of the Hobson resolution for national prohibition; to the Committee on the Judiciary.

By Mr. CURRY: Petition by 82 citizens of Napa County, Cal., protesting against the Hobson national constitutional prohibition resolution now pending before Congress; to the Committee on the Judiciary.

Also, petition by 1,433 citizens of Sacramento, Cal., protesting against the Hobson national constitutional prohibition resolution; to the Committee to the Judiciary.

Also, petition by 6 citizens of Crockett, Cal., protesting against the Hobson national constitutional prohibition resolution now pending before Congress; to the Committee on theJudiciary.

Also, petition by 11 citizens of Yountville, Benicia, Sacramento, and Suisun City, Cal., protesting against the Hobson national constitutional prohibition resolution; to the Committee on the Judiciary.

Also, petition by 24 citizens of Port Costa, Cal., protesting against the Hobson national constitutional prohibition resolution now pending before Congress; to the Committee on the Judiciary.

Also, resolution by the Civic Center Club, of Fairfield, Solano County, Cal., against war with Mexico; to the Committee on Foreign Affairs.

By Mr. DALE: Petitions of Harry Miller and others, citizens of New York City, protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of the American Peace and Arbitration League, commending the President's policy toward Mexico; to the Committee on Foreign Affairs.

By Mr. DAVENPORT: Petition of 40 citizens of Nowata, Okla., favoring national prohibition; to the Committee on the Judiciary.

By Mr. DONOVAN: Petition of the Redding (Conn.) Equal Franchise League, favoring passage of the Bristow-Mondell resolution enfranchising women; to the Committee on the Judiciary.

By Mr. DOOLITTLE: Petition of sundry citizens of Hillsboro, Kans., favoring House bill 12928, to amend the postal laws; to the Committee on the Post Office and Post Roads

Also, petition of sundry citizens of Kansas, favoring Sabbath-observance bill; to the Committee on the District of Columbia.

Also, petition of sundry citizens of Kansas, favoring House bill 2865; to the Committee on Invalid Pensions.

By Mr. GILMORE: Memorial of the directors of the port of Boston, Mass., approving recommendation that a dredge be provided by the Government at the port of Boston; to the Committee on Interstate and Foreign Commerce.

Also, petition of 211 citizens of Brockton and 14 citizens of Randolph, Mass., favoring national prohibition; to the Committee on the Judiciary.

By Mr. GREEN of Iowa: Petition of certain citizens of Guthrie County, Iowa, in support of an amendment to the Constitution of the United States providing for national prohibition of the liquor traffic; to the Committee on the Judiciary.

Also, petition of various union miners of Buxton, Iowa, approving bill by Hon. J. W. BRYAN, of Washington, for relief of Colorado strike; to the Committee on the Judiciary.

Also, petition of sundry citizens of Audubon County, Iowa, protesting against the passage of House bill 9674, preventing labor on buildings on the Sabbath day; to the Committee on the District of Columbia.

By Mr. HAY: Petitions of sundry citizens of Shenandoah, Va., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. HELVERING: Petitions of 250 citizens of Summerfield and of 120 citizens of Scandia, both in the State of Kansas, favoring a national constitutional prohibition amendment; to the Committee on the Judiciary.

By Mr. HINDS: Petitions of 47 citizens of Portland, 106 citizens of Cornish, Biddeford and Saco Sunday School Associations, and 40 citizens of South Portland, all in the State of Maine, favoring national prohibition; to the Committee on the Judiciary.

Mr. IGOE: Petitions and letters from the A. Graf Distilling Co.; the Bowman-Blackman Machine Co.; the Lambert Deacon-Hull Printing Co.; Henry J. Jacobsmeyer; the Steinwender-Stoffregen Coffee Co.; the Robert Jacob Engine & Machine Co.; the John B. Schmidt Sign Co.; the Boeckler Lumber Co.; the F. E. Schoenberg Manufacturing Co.; the Engel Paper Box Specialty Co.; the N. O. Nelson Manufacturing Co.; the National Ammonia Co.; Cigar Makers' Union No. 44, representing over 900 men and women, William Schillig, president, Earl H. Heilman, secretary; the Catholic Union of Missouri, composed of 15,000 members, M. Deck, president; the Schurk Iron Works employees, Joseph G. Schulett, Hubert H. Frank, Henry B. Schurk, F. G. Brandis, William Kauffman, William Erdmann, Fred L. Evers, Otto W. Fielder, H. L. Goff, H. Miller, H. R. Gilbert, Charles H. Frochlich, Otto Wanek, W. L. Massa, Al Sterling, John Vojcsk, A. Goldenberger, Lukas Provides, Lomis Post, Oscar Hepe, Hy Horne, Frank Doepke, R. Hasemann, Joseph Urban, Raymond Burr, Charles Laup, Ed. Heffermann, Peter Horn, F. Kreiger, William Eberle, Louis Numan, A. Hammert, George A. Collet, Joseph A. Collet, Eugene O. Collet, Edward Collet, Harry A. Collet, and Nicholas King, all of St. Louis, Mo., protesting against the enactment of pending prohibition resolutions and all similar measures; to the Committee on the Judiciary.

By Mr. KENNEDY of Iowa: Petitions of various voters of Burlington and three citizens of Keokuk, Iowa, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. KENNEDY of Rhode Island: Petition of the New York Store Mercantile Co., of Cairo, Ill., favoring passage of House bill 15986, relative to false statements in the mails; to the Committee on the Post Office and Post Roads.

By Mr. LA FOLLETTE: Petitions of 332 and more citizens of Spokane, Wash., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of G. A. Van Rifer and sundry citizens of Chelan, Wash., protesting against passage of Sunday observance bill; to the Committee on the District of Columbia.

Also, petition of various voters of the third congressional district of Washington, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. LONERGAN: Petition of Cigar Makers' Union No. 42, of Hartford, Conn., protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of the Waiters and Cooks' Union of Hartford, Conn., protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of M. Cronin and 24 other citizens of Connecticut, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. McCLELLAN: Protests of J. C. Borst, F. L. Straub, Bates & Vrooman, Smith & Teeck, Ward P. Croswell, Luther Toland, and John R. McAllister, all of Middleburg, N. Y., against national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of the twenty-seventh congressional district of New York, protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of Bernard Katz and J. L. Baker, of Middleburg; J. A. Costello & Co., of Rondout, and sundry citizens of Hudson and Sullivan Counties, all in the State of New York, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. MAGUIRE of Nebraska: Petition of sundry citizens of Nebraska, favoring national prohibition; to the Committee on the Judiciary.

By Mr. MAHER: Petition of the First National Bank of Brooklyn, N. Y., protesting against the passage of the Clayton antitrust bill, H. R. 15657; to the Committee on the Judiciary.

By Mr. MOORE: Memorial of the Philadelphia Board of Trade, protesting against House bill 15657, the antitrust bill; to the Committee on the Judiciary.

By Mr. MURRAY of Oklahoma: Petitions of sundry citizens of Willow, Okla., and Fost (Okla.) School House, favoring national prohibition; to the Committee on the Judiciary.

By Mr. PALMER: Memorial of the Lehigh County (Pa.) Socialist Party, relative to conditions in Colorado coal mines; to the Committee on the Judiciary.

Also, memorial of a mass meeting in Philadelphia and Oxford, Pa., urging passage of Bristow-Mondell resolution enfranchising women; to the Committee on the Judiciary.

Also, petition of sundry citizens of South Bethlehem, Pa., protesting against national prohibition; to the Committee on the Judiciary.

Also, memorial of sundry citizens of Bethlehem, Portland, and Chestnut Hill, all in the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

By Mr. RAKER: Petition of the Chamber of Commerce of San Francisco, Cal., favoring passage of Senate bill 3338, relative to extending ocean-mail-steamship act; to the Committee on the Post Office and Post Roads.

Also, petition of the Western Association of Retail Cigar Dealers, of Seattle, Wash., favoring passage of House bill 13305, Stevens standard-price bill; to the Committee on Interstate and Foreign Commerce.

By Mr. REILLY of Connecticut: Petition of the Redding (Conn.) Equal Franchise League, favoring passage of resolution enfranchising women; to the Committee on the Judiciary.

By Mr. ROBERTS of Massachusetts: Petition of 119 residents of Somerville, Mass., favoring the adoption of an amendment to the Constitution prohibiting the manufacture and sale of intoxicating liquors and beverages; to the Committee on the Judiciary.

Also, petitions of citizens of Massachusetts, remonstrating against the adoption of an amendment to the Constitution prohibiting the manufacture and sale of intoxicating liquors and beverages; to the Committee on the Judiciary.

Also, petition of citizens of Massachusetts, protesting against the adoption of an amendment to the Constitution prohibiting the manufacture and sale of intoxicating liquors and beverages; to the Committee on the Judiciary.

By Mr. RUBEY: Petition of sundry citizens of Missouri, protesting against the passage of House bill 7826, entitled "A bill to provide for the closing of barber shops in the District of Columbia on Sunday"; to the Committee on the District of Columbia.

Also, petition of sundry citizens of Missouri, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of Missouri, favoring the passage of bill to amend the postal and civil-service laws (H. R. 12928); to the Committee on the Post Office and Post Roads.

By Mr. SLAYDEN: Petition of sundry citizens of the fourteenth congressional district of Texas, against national prohibition; to the Committee on the Judiciary.

By Mr. J. M. C. SMITH: Protests of 29 citizens of Kalamazoo, Mich., against prohibition; to the Committee on the Judiciary.

By Mr. SMITH of Minnesota: Petitions from and resolutions adopted by organizations of Minnesota aggregating 4,300 members, protesting against adoption of proposed constitutional amendment prohibiting manufacture, sale, and importation of alcoholic beverages; to the Committee on the Judiciary.

Also, petitions of the Sixth Ward Local Club and the International Association of Machinists, of Minneapolis, Minn., protesting against conditions in the coal fields of Colorado; to the Committee on the Judiciary.

By Mr. SPARKMAN: Memorial of the Board of Trade of Tampa, Fla., favoring appropriation for employment of commercial attaché to promote foreign trade, etc.; to the Committee on Appropriations.

Also, petition of the Ruskin (Fla.) Local of the Socialist Party, relative to conditions in the coal fields of Colorado; to the Committee on the Judiciary.

By Mr. STEENERSON: Petitions of Christ Eagan and 20 others of East Grand Forks, Minn., and J. A. Quade and others of Vergas, Minn., protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of Frank L. Erlongher and 26 others, of Frazee, Minn., favoring national prohibition; to the Committee on the Judiciary.

By Mr. STEPHENS of Nebraska: Petitions of 7,593 citizens of the third congressional district of Nebraska, against national prohibition; to the Committee on the Judiciary.

By Mr. TALBOTT of Maryland (by request): Petition of the Christian Endeavor Society of Hamilton (Md.) Presbyterian Church and various other churches and Sunday schools of the State of Maryland, favoring national prohibition; to the Committee on the Judiciary.

Also (by request), petition of sundry citizens of Baltimore, Md., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. TAVENNER: Petition of L. M. Annan and Vander Vennetts Hardware Co., of Moline, Ill., favoring national prohibition; to the Committee on the Judiciary.

By Mr. TAYLOR of Colorado: Resolution from the convention association and citizens of Denver, Colo., protesting against the passage of nation-wide prohibition legislation; to the Committee on the Judiciary.

Also, petition of sundry citizens of Denver and Kiowa Counties and the Methodist and the First Baptist Churches of Longmont, Colo., favoring national prohibition; to the Committee on the Judiciary.

Also, memorial of the Retail Association of the Denver Chamber of Commerce, protesting against the enlargement of the present Parcel Post System; to the Committee on the Post Office and Post Roads.

By Mr. TREADWAY: Petition of sundry citizens of Lee, Mass., favoring national prohibition; to the Committee on the Judiciary.

By Mr. TUTTLE: Petition of Elizabeth Petoff Dalker and voters of the fifth congressional district of New Jersey, protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of Plainfield and Dover, N. J., favoring national prohibition; to the Committee on the Judiciary.

By Mr. UNDERHILL: Petitions of the Central Federated Union of New York City and the International Union of the United Brewery Workmen of Cincinnati, Ohio, protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of the Philadelphia (Pa.) Board of Trade, protesting against the passage of House bill 15657, the antitrust bill; to the Committee on the Judiciary.

By Mr. WALLIN: Petition of 1,007 citizens of the thirtieth congressional district of New York, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. WEAVER: Two petitions of sundry citizens of Murray County, Okla., relative to strike conditions in Colorado; to the Committee on the Judiciary.

By Mr. WILSON of New York: Petitions of William F. Worn & Co. and Lewis Reitler, of New York City, protesting against national prohibition; to the Committee on the Judiciary.

SENATE.

TUESDAY, *May 19, 1914.*

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

Almighty God, we seek from Thee the spiritual equipment for life's great service. Unless Thy spirit go up with us, send us not up hence. For who is sufficient for these things? When we measure the length and breadth of human responsibility, we would despair if only intellectual power could be applied to the tasks that press upon us. We would be altogether unfit if we possessed only material wealth in a world like this. For out of the heart are the issues of life. We pray that Thy grace may come upon our hearts, fitting us in every thought and purpose and desire to do Thy will. Through the consecration of our lives by Thy grace may we accomplish much for the peace of the world and for the happiness of mankind. For Christ's sake. Amen.

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

FRENCH SPOLIATION CLAIMS.

The VICE PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified findings of fact and conclusions of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the following causes:

The vessel brig *Little Sam*, Joseph White, master (H. Doc. No. 987); and

The vessel ship *Hare*, Nathan Haley, master (H. Doc. No. 988).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the following bills and joint resolution:

S. 65. An act to amend an act entitled "An act providing that the State of Wyoming be permitted to relinquish to the United States certain lands heretofore selected and to select other lands from the public domain in lieu thereof," approved April 12, 1910;

S. 1243. An act directing the issuance of patent to John Russell;

S. 5066. An act to increase the authorization for a public building at Osage City, Kans.;

S. 5552. An act to amend an act entitled "An act for the relief of Gordon W. Nelson," approved May 9, 1914; and

S. J. Res. 139. Joint resolution to authorize the President to grant leave of absence to an officer of the Corps of Engineers for the purpose of accepting an appointment under the Government of China on works of conservation and public improvement.

The message also announced that the House had passed the bill (S. 4096) to amend the act authorizing the National Academy of Sciences to receive and hold trust funds for the promotion of science, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the bill (S. 4632) for the relief of settlers on the Fort Berthold Indian Reservation, in the State of North Dakota, and the Cheyenne River and Standing Rock Indian Reservations, in the States of South Dakota and North Dakota, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House disagrees to the amendment of the Senate to the amendment of the House No. 3 to the bill (S. 4377) to provide for the construction of four revenue cutters, and insists upon its amendment to the title; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. ADAMSON, Mr. SIMS, and Mr. STEVENS of Minnesota managers at the conference on the part of the House.

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

H. R. 5304. An act to increase the efficiency of the aviation service of the Army, and for other purposes;

H. R. 9042. An act to permit sales by the supply departments of the Army to certain military schools and colleges;

H. R. 9899. An act to authorize the laying out and opening of public roads on the Winnebago, Omaha, Ponca, and Santee Sioux Indian Reservations in Nebraska;

H. R. 10835. An act to authorize the Secretary of the Treasury to consolidate sundry funds from which unpaid Indian annuities or shares in the tribal trust funds are or may hereafter be due;

H. R. 14189. An act to authorize the construction of a bridge across the Missouri River near Kansas City;

H. R. 14377. An act to amend section 4472 of the Revised Statutes;

H. R. 15190. An act to amend section 103 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, as amended by the act of Congress approved March 3, 1913; and

H. J. Res. 249. Joint resolution for the appointment of George Frederick Kunz as a member of the North American Indian Memorial Commission.

COAL LANDS IN ALASKA.

Mr. WALSH. Mr. President, I send to the desk a communication from the Secretary of the Interior, with accompanying papers, which I ask may be read.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

DEPARTMENT OF THE INTERIOR,
Washington, May 15, 1914.

To the Members of Congress:

What am I to say to this man? If the Alaskan coal-leasing bill becomes law this session the answer will be easy.

FRANKLIN K. LANE.

—

SAN FRANCISCO, *April 28, 1914.*

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

DEAR SIR: I am shipping a dredge into Alaska to work a placer-mining claim owned by me on Cache Creek, in the Yetna mining district in southwestern Alaska. In the vicinity of my mining claim there are several veins or outcroppings of coal. I would like to get permission from the Government to extract a sufficient amount of this coal to burn in the operation of the dredge for mining purposes. These veins or outcroppings of coal are along the Short Creek, a tributary to Cache Creek, and this coal is suitable for use for mining purposes but is not a marketable coal.

It is not my purpose to extract any of this coal for any commercial purposes or for sale, but simply for the purpose of burning in the operation of my dredger.

There is also some coal of the same character on the Yetna River, and I would like permission to extract sufficient amount of this coal to burn in the stern-wheel river boat for transportation of my dredger to MacDougal Station, near my mining property.

I do not want to violate any of the rules and regulations of the Interior Department, or any law in relation to the extraction of coal from coal lands in Alaska, and for this reason I would like to have a permit to use the coal mentioned for the purpose stated.

If it is necessary to fill out any blanks or forms used by the Government I would be pleased to have you forward these blanks to me at Susitna Station, Alaska.

Yours, truly,

J. C. MURRAY.

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DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, May 15, 1914.

RELATIVE TO COAL LANDS IN ALASKA.

Mr. J. C. MURRAY,
Claus Spreckels Building, San Francisco, Cal.

MY DEAR SIR: In reply to your letter of April 28, 1914, you are advised that on November 12, 1906, by order of the department all public lands in the District of Alaska in which workable coal was known to occur were withdrawn from entry, filing, or selection under the coal-land law. The circular of May 16, 1907, permitted parties who