

tive to fraud in gold-filled watchcases; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the City Council of Bradford, Pa., favoring the passage of the Hamill bill for the retirement of civil-service employees; to the Committee on Reform in the Civil Service.

By Mr. MORIN (by request): Petitions of sundry citizens of Pittsburgh and Allegheny County, Pa., protesting against national prohibition; to the Committee on Rules.

Also, petition of sundry citizens of Erie, Pa., relative to anti-trust legislation; to the Committee on the Judiciary.

Also, petition of sundry citizens of Erie County, Pa., relative to antitrust legislation; to the Committee on the Judiciary.

Also (by request), petition of sundry citizens of Pittsburgh, Pa., favoring the passage of the Hamill bill relative to pensioning civil-service employees; to the Committee on Reform in the Civil Service.

Also (by request), petition of sundry citizens of Philadelphia, Pa., protesting against passage of a bill to prohibit importations of Egyptian cotton; to the Committee on Agriculture.

Also (by request), petition of sundry citizens of Pittsburgh, Pa., favoring the passage of House bill 6232, the national anti-narcotic bill; to the Committee on Ways and Means.

Also (by request), petition of sundry citizens of Brooklyn, N. Y., favoring erection of monument to Capt. John Ericsson; to the Committee on the Library.

Also (by request), petition of the Pennsylvania Retail Jewelers' Association and sundry citizens of Philadelphia, Pa., favoring the passage of the Owen-Goeke bill relative to fraud in gold-filled watchcases; to the Committee on Interstate and Foreign Commerce.

Also (by request), petition of sundry citizens of Allegheny County, Pa., favoring the passage of House bill 2972; to the Committee on Interstate and Foreign Commerce.

Also (by request), petition of sundry citizens of Pittsburgh, Pa., favoring the passage of House bill 12292; to the Committee on Labor.

By Mr. O'LEARY: Petition of J. F. Garcia and other citizens of Aqueduct; Samuel Gaducci and others, of Corona; Piano Makers' Union, Local No. 14, of New York; and Jacob Huth and other citizens of the second congressional district, all in the State of New York, protesting against national prohibition; to the Committee on Rules.

By Mr. O'SHAUNESSY: Petition of the Manhasset Manufacturing Co., of Providence, R. I., protesting against placing embargo on Egyptian cotton; to the Committee on Agriculture.

Also, petition of the Providence (R. I.) Christian Endeavor Union, favoring passage of House bill 12325, relative to giving or selling liquors to minors and Indians; to the Committee on Alcoholic Liquor Traffic.

By Mr. PAIGE of Massachusetts: Petition of sundry citizens of Fitchburg, Mass., favoring national prohibition; to the Committee on Rules.

By Mr. PLUMLEY: Petition of 31 citizens of Newbury, Vt., favoring national prohibition; to the Committee on Rules.

By Mr. REED: Petition of the Manchester (N. H.) Druggists' Association, headed by the John B. Hall Co., favoring the passage of House bill 13305, the Stevens price bill; to the Committee on Interstate and Foreign Commerce.

By Mr. REILLY of Connecticut: Memorial of the Second Congregational Church of Putnam, Conn., and the Windham Association of Congregational Churches and Ministers of Connecticut, relative to establishment of an international tribunal for settlement of international differences; to the Committee on Military Affairs.

By Mr. RUPLEY: Petition of the Philadelphia Clearing House Association, relative to House bill 15657, relating to interlocking directorates; to the Committee on the Judiciary.

Also, petition of the Jewelers' Guild of Philadelphia and the Pennsylvania Retail Jewelers' Association, favoring Owen-Goeke bill to eliminate time guaranty on gold-filled watchcases; to the Committee on Interstate and Foreign Commerce.

By Mr. J. M. C. SMITH: Resolution of the Woman's League of Bronson, Mich., favoring Senate bill 2739, the Newlands-Broussard river-regulation and flood-prevention bill; to the Committee on Rivers and Harbors.

Also, petitions of the commissioner of labor of Michigan; the legislative committee of Brooklyn, N. Y.; the Nautilus Magazine, of Holyoke, Mass.; the Council of Women for Home Missions, of New York City, N. Y.; the Illinois State Federation of Labor, of Springfield, Ill.; the American Association for Labor Legislation, of New York City, N. Y.; and Fuhrman's Drug Store, of Lawton, Mich., favoring establishment of a national employment bureau (Murdock bill, H. R. 16130); to the Committee on Labor.

By Mr. SMITH of Idaho: Memorial of the Providence (R. I.) Christian Endeavor Union, favoring the passage of House bill 12335, relative to selling liquor to minors; to the Committee on Alcoholic Liquor Traffic.

By Mr. SPARKMAN: Petition of sundry citizens of the State of Florida, favoring national prohibition; to the Committee on Rules.

By Mr. STEEDMAN: Petition of sundry citizens of Forsythe, N. C., favoring national prohibition; to the Committee on Rules.

By Mr. STEPHENS of Texas: Petitions of 75 citizens of Alvord, 300 citizens of Bowle, and 465 citizens of Dallas, all in the State of Texas, favoring national prohibition; to the Committee on Rules.

By Mr. TALCOTT of New York: Petition of sundry citizens of Utica, N. Y., favoring national prohibition; to the Committee on Rules.

Also, petition of sundry citizens of Utica, N. Y., favoring passage of bill providing for a national motion-picture commission; to the Committee on Education.

By Mr. TAVENNER: Memorial of the Rock River Association of Congregational Churches of Illinois, favoring national prohibition; to the Committee on Rules.

Also, memorial of the Commercial Club of Bowen, Ill., protesting against the passage of bills for the regulation of business at this session; to the Committee on the Judiciary.

By Mr. TOWNSEND: Petition of the Common Council of Newark, N. J., favoring House bill 5139, the Hamill civil-service retirement bill; to the Committee on Reform in the Civil Service.

By Mr. VOLLMER: Petition of Woman's Relief Corps No. 171, of Marengo, Iowa, and John Dillon Post, No. 233, of Marengo, Iowa, protesting against any change or changes of our country's flag; to the Committee on Military Affairs.

By Mr. WEAVER: Petitions of M. E. Clark and many other citizens of Duncan; Charles L. Walker and others, of Pittsburgh; Joel W. Green and others, of Cleveland; R. M. Kincaid and others, of Mulhall, all in the State of Oklahoma, favoring national prohibition; to the Committee on Rules.

SENATE.

FRIDAY, June 12, 1914.

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

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

Almighty God, we come before Thee dependent upon the mercies of Thy providence and grace from day to day. We lift our hearts for Thy blessing upon this new day. Grant us such conscious contact with God that the things spiritual may be real to us and that which is related to the eternal may be the permanent concern of our hearts and minds and may lead us so wisely to discern the duties of this day as that their outcome will show Thy wisdom, Thy guidance, and Thy blessing. Hear us in our prayer. For Jesus's sake. Amen.

The Secretary proceeded to read the Journal of the proceedings of the legislative day of June 5, when, on request of Mr. Smoot and by unanimous consent, the further reading was dispensed with and the Journal was approved.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

The VICE PRESIDENT announced his signature to the following enrolled bills and joint resolution, which had heretofore been signed by the Speaker of the House of Representatives:

H. R. 11040. An act to carry out the findings of the Court of Claims in the case of James Harvey Dennis;

H. R. 14242. An act to increase the limit of cost for the erection and completion of the United States Federal building at Harrisburg, Pa.; and

S. J. Res. 148. Joint resolution authorizing the President to extend invitations to foreign Governments to participate, through their accredited diplomatic agents to the United States, in the National Star-Spangled Banner Centennial Celebration.

CONSULAR PREMISES AT SHANGHAI, CHINA.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of State submitting an estimate of appropriation in the sum of \$375,000 for the purchase of premises for the offices of the Government of the United States in Shanghai, China, which, with the accompanying paper, was referred to the Committee on Appropriations.

FRENCH SPOILATION CLAIM.

The VICE PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, trans-

mitting the 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 schooner *Mary*, Thomas B. Covell, master, which, with the accompanying paper, was referred to the Committee on Claims.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented petitions of sundry citizens of Washington, D. C., and Harrodsburg, Ky., praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a memorial of Leo W. Myers Woman's Relief Corps, No. 118, Department of Illinois, remonstrating against any change in the American flag, which was referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of South Chicago, Sterling, and Carrollton, in the State of Illinois; of Clearfield, Stratford, and Ottumwa, in the State of Iowa; of Gregory, Howard, and White, in the State of South Dakota; of Colerain and Alexandria, in the State of Pennsylvania; of Belford and Laurel Springs, in the State of New Jersey; of Knoxville, Tenn.; of Waseca, Minn.; of Sterling, Kans.; of Rocklyn, Wash.; of Cloes Ferry, Va.; of Calcutta, Ohio; and of Greencastle, Ind., praying for the adoption of an amendment to the Constitution to prohibit polygamy, which were referred to the Committee on the Judiciary.

Mr. WORKS. Mr. President, I have a short resolution here from the Humboldt Chamber of Commerce bearing upon a question of great interest to the Senate and the country just now, and I ask that it may be read.

There being no objection, the resolution was read and referred to the Committee on the Judiciary, as follows:

Whereas there is now pending in the Congress of the United States of America a series of bills intended to carry out the recommendations of President Wilson as to antitrust legislation, as set out in his message to Congress of January 20, 1914; and

Whereas the legislation proposed in these bills, if enacted, will have a profound and far-reaching effect on the conduct of the commerce and industry of the Nation and on the welfare of all its people; and

Whereas undue haste in the enactment of important legislation such as is proposed in the new bills relating to "a trades commission," "interlocking directorates," and the "Sherman law definitions" is to be deprecated, as every opportunity should be afforded to all persons affected in all parts of the country to be fully heard on these important questions, to the end that their suggestions and recommendations may be considered by the Congress in the final framing of this legislation intended to promote the industrial and commercial welfare of the country, while at the same time conserving and safeguarding the rights and interests of all the people; and

Whereas to fully consult the judgment of the country and arrive at a clear and unmistakable understanding of its desires regarding the various features of the proposed legislation will require more time and consideration than is possible at the present session of Congress, and it would therefore seem to be the part of wisdom to postpone final action until the next session of Congress, utilizing the intervening time in ascertaining the sense of the country concerning the proposed legislation, which is undoubtedly the most important and far-reaching in its influence of any question that has come before Congress for decision in a long series of years: Now, therefore, be it

Resolved by the Humboldt Chamber of Commerce, representing the business and commercial interests of the City of Eureka and of the County of Humboldt, State of California, That the Congress of the United States of America is hereby earnestly requested to postpone final action upon the pending antitrust legislation until its next session, and that the intervening time be employed in ascertaining the sense of the people of the whole country toward the various features of the proposed laws, with a view to so perfecting them that a united and deliberate public sentiment shall stand firmly behind these measures, if enacted; and be it further

Resolved, That duly attested copies of these resolutions be forwarded to each of the Senators and Representatives in Congress from the State of California, and that they each be earnestly requested to advocate and work for the postponement of action petitioned for herein.

HUMBOLDT CHAMBER OF COMMERCE,
[SEAL.] By JOHN O'NEILL, President,
GEORGE A. KELLOGG, Secretary.

Dated at Eureka, Cal., this 25th day of May, 1914.

Mr. WORKS presented petitions of sundry citizens of California, 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 memorials of sundry citizens of Los Angeles, Cal., 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.

Mr. LEA of Tennessee presented a petition of sundry citizens of Tennessee, praying for the adoption of an amendment to the Constitution to prohibit polygamy, which was referred to the Committee on the Judiciary.

Mr. PERKINS presented a petition of the Arizona and California River Regulation Commission, praying for the acquisition of land in Mexico to place the Colorado River entirely within the boundaries of the United States, which was re-

ferred to the Committee on Irrigation and Reclamation of Arid Lands.

He also presented a petition of the Arizona and California River Regulation Commission, praying for an appropriation for a survey of the watershed of the Victor Valley, Cal., which was referred to the Committee on Irrigation and Reclamation of Arid Lands.

He also presented a petition of the Arizona and California River Regulation Commission, praying for the enactment of legislation to provide for the carrying out of the San Carlos Dam project, which was referred to the Committee on Irrigation and Reclamation of Arid Lands.

He also presented petitions of sundry citizens of California, 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. BRISTOW presented a petition of sundry citizens of Colony, Kans., praying for the adoption of a system of rural credits, which was referred to the Committee on Banking and Currency.

He also presented a petition of sundry citizens of Seneca, Kans., praying for the enactment of legislation making lawful certain agreements between employees and laborers and persons engaged in agriculture or horticulture, and to limit the issuing of injunctions in certain cases, which was referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of California, 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. BORAH presented a petition of the Homesteaders' Protective Association of the former Flathead Indian Reservation, praying for the immediate opening to entry of the unallotted lands in that reservation, which was referred to the Committee on Public Lands.

Mr. THOMPSON presented petitions of sundry citizens of Kansas, 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 petitions of sundry citizens of Bonner Springs and Atchison, and of inmates of the National Military Home, all in the State of Kansas, praying for the enactment of legislation extending the benefits of the pension act of May 11, 1912, which were referred to the Committee on Pensions.

He also presented a petition of sundry citizens of St. John, Kans., praying for the enactment of legislation to provide for Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

Mr. NELSON presented memorials of sundry citizens of Minnesota, 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.

Mr. POINDEXTER presented petitions of sundry citizens of Pittsburgh, Pa., praying for national recognition of the services of Dr. Cook in his polar explorations, which were referred to the Committee on the Library.

Mr. SMITH of Georgia presented petitions of sundry citizens of Georgia, 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 a memorial of sundry citizens of Macon, Ga., remonstrating against the adoption of an amendment to the Constitution granting the right of suffrage to women, which was ordered to lie on the table.

Mr. BURLEIGH presented a resolution adopted by the Sunday School Association of Somerset County, Me., favoring 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.

Mr. WARREN presented petitions of sundry citizens of Wyoming, 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 a memorial of the Italian Chamber of Commerce of New York, remonstrating against 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.

Mr. PAGE presented a petition of the congregation of the Methodist Episcopal Church of Waitsfield, Vt., 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.

REPORTS OF COMMITTEES.

Mr. OVERMAN. From the Committee on Appropriations I report back favorably with amendments the bill (H. R. 15762) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1915, and I submit a report (No. 592) thereon. I desire to give notice that I shall ask the Senate to take up the bill for consideration immediately after the legislative bill has been disposed of.

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

Mr. WEST, from the Committee on Military Affairs, to which were referred the following bills, reported them each with amendments and submitted reports thereon:

S. 728. A bill to correct the military record of Nathaniel Monroe (Rept. No. 593); and

S. 5210. A bill to correct the military record of Nelson T. Saunders (Rept. No. 594).

Mr. LEWIS, from the Committee on Indian Affairs, to which was referred the bill (S. 5674) confirming the title of Hannah Robinson to certain lands and authorizing and directing the issuance of patent therefor, reported it with amendments and submitted a report (No. 596) thereon.

Mr. SHIVELY, from the Committee on Pensions, submitted a report (No. 595) accompanied by a bill (S. 5843) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, which was read twice by its title, the bill being a substitute for the following pension bills heretofore referred to that committee:

S. 290. Ruth A. Jackson.
 S. 341. Anna R. Atwood.
 S. 406. Josephina Soleau.
 S. 447. Ellen M. Kilbourn.
 S. 455. Josephine Rath.
 S. 1133. Elizabeth McLaughlin.
 S. 1288. Henry Fairley.
 S. 1310. Henry M. Means.
 S. 1816. Eveline Titus (now Watts).
 S. 1827. Nellie E. Alfred.
 S. 2076. Annie F. Merritt.
 S. 2495. Eugenia Chaves de Montano.
 S. 2652. Mary A. Pierce.
 S. 2738. Julius C. Ward.
 S. 3075. James B. Kendall.
 S. 3162. Eliza K. Carpenter.
 S. 3189. Josephine Moore.
 S. 3305. William R. Downs.
 S. 3444. Carrie A. Wells.
 S. 3555. William H. Allen.
 S. 3731. Isaiah Caplin.
 S. 3786. Henry C. Doll.
 S. 4028. Samuel Hill.
 S. 4133. Willis Layton.
 S. 4430. Samuel Deems.
 S. 4490. Frances M. Robertson.
 S. 4541. Eli Caldwell.
 S. 4572. Isaac R. Rains.
 S. 4584. Selena E. Noland.
 S. 4665. John D. Sanders.
 S. 4901. Harrison Stevens.
 S. 4932. Sadie Winters.
 S. 5133. Sarah J. Rugh.
 S. 5165. George H. Erskine.
 S. 5224. Helen M. Winchester.
 S. 5269. John S. Bell.
 S. 5373. John M. Mishler.
 S. 5386. Bersheba Wood Logan.
 S. 5482. John Collier.
 S. 5486. Elizabeth C. Miller.
 S. 5403. Francis M. Stults.
 S. 5505. Josephine C. Cummer.
 S. 5503. Martha G. Lee.
 S. 5521. Maggie Daugherty.
 S. 5528. John C. Hotchkiss.
 S. 5531. Lurancy E. Rice.
 S. 5545. Lizzie U. Ricker.
 S. 5546. John L. Shields.
 S. 5547. Anna B. Davis.
 S. 5556. Simon W. Morgan.
 S. 5565. Frances E. Porter.
 S. 5568. Lorena M. Long.
 S. 5569. Charles F. Roberts.

S. 5576. Florence B. Plate.
 S. 5581. George L. Johnson.
 S. 5582. Joanna A. Bevans.
 S. 5587. Elizabeth A. Jones.
 S. 5594. George M. Swango.
 S. 5598. Christian C. Fleck.
 S. 5609. Sarah J. Tillinghast.
 S. 5611. Benjamin F. Neddo.
 S. 5613. James D. Brooks.
 S. 5620. Henry Goodwin.
 S. 5623. Francis M. Drum.
 S. 5624. Zachary S. Walker.
 S. 5625. Matilda A. Cowgill.
 S. 5626. Marquis L. Walts.
 S. 5627. Moses P. Roberts.
 S. 5628. Celia A. Davis.
 S. 5633. Margaret A. Pepper.
 S. 5639. Rhoda L. Goreham.
 S. 5640. Miles G. Lee.
 S. 5648. James Ohaver.
 S. 5649. Theodore S. Payton.
 S. 5651. Byron A. Hart.
 S. 5653. William H. Sisson.
 S. 5654. Eugene A. Rix.
 S. 5655. Teney Stanton.
 S. 5656. William Calkins.
 S. 5660. James E. S. Pray.
 S. 5676. William H. Sperry.
 S. 5686. Nancy Matsel.
 S. 5687. George Willis.
 S. 5688. Eliza L. Johnsonbaugh.
 S. 5690. Charles Brink.
 S. 5691. George W. Sullivan.
 S. 5699. Blanche L. Kuykendall.
 S. 5702. William H. Rich.
 S. 5708. Ame'lia Dingler.
 S. 5716. Frank Snurpus.
 S. 5717. Max Pracht, alias Maxwell Pratt.
 S. 5719. Cary Otis.
 S. 5723. Frederick D. Bailey.
 S. 5727. Arthur E. Strimple.
 S. 5728. Joseph S. Pray.
 S. 5729. William Gehlbach.
 S. 5730. Julia E. Robinson.
 S. 5733. Thomas W. Eckert.
 S. 5737. Samuel A. Leazer.
 S. 5743. George W. Evans.
 S. 5744. Jacob M. Stark.
 S. 5745. Jennie C. Potter.
 S. 5747. Margaretta B. Sayre.
 S. 5804. Curtis B. Small.

SALARIES OF CAPITOL POLICE.

Mr. MARTIN of Virginia. From the Committee on Appropriations I report a joint resolution and ask for its immediate consideration.

The joint resolution (S. J. Res. 159) authorizing and directing the transfer of a certain unexpended balance in appropriations for salaries of Capitol police was read the first time by its title and the second time at length, as follows:

Resolved, etc., That the Secretary of the Treasury be, and he hereby is, authorized and directed to transfer any unexpended balance of the appropriation for "Salaries, Capitol police, House of Representatives," for the fiscal year 1914 remaining to the credit of the Clerk of the House of Representatives, to the Secretary of the Senate of the United States, and to be disbursed by him in payment of salaries of Capitol police.

The VICE PRESIDENT. The Senator from Virginia asks unanimous consent for the present consideration of the joint resolution. Is there objection?

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

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

STEAM LAUNCH "LOUISE."

Mr. ROOT. By direction of the Committee on Foreign Relations I report back favorably the bill (S. 5739) to present the steam launch *Louise*, now employed in the construction of the Panama Canal, to the French Government, and I submit a report (No. 591) thereon. I ask unanimous consent for the present consideration of the bill. When it has been read I will state the reasons for its passage.

The VICE PRESIDENT. The bill will be read.

The Secretary read the bill, as follows:

Be it enacted, etc., That, as a mark of appreciation of the sacrifices and services of the French people in the construction of the Panama Canal, the steam launch *Louise*, built in France in 1885, and employed

in the construction of the canal successively by the French Panama Canal Co. and by the United States, be put in good condition and presented to the French Government; and that, in the first formal or ceremonial opening or passage of the canal, the place of honor be accorded to the said steam launch, bearing the flag of the French Republic.

SEC. 2. That the sum of \$6,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay the expense of executing this act, to be disbursed by the governor of the Canal Zone.

Mr. ROOT. Mr. President, the Secretary of War, the Secretary of State, the governor of the Canal Zone, and the French Government have all been consulted and expressed their entire approval of this act of courtesy, and the Committee on Foreign Relations reports the bill unanimously.

Mr. NORRIS. Mr. President, I wish to say that I am in hearty accord with the bill. I think it is very appropriate; but I notice one clause which provides that when this ship passes through in the place of honor when the canal is opened it shall bear the flag of the French Government. I have no objection, I will say, to its bearing the flag of the French Government; I think that also is very appropriate; but it seems to me there might possibly be a construction put upon it that no other flag should be borne. I wish to ask the Senator from New York if the expectation is that the American flag will not also be borne on the vessel?

Mr. ROOT. Certainly not. Each vessel sails under its own flag.

Mr. NORRIS. I should like to inquire of the Senator if he thinks it would be inappropriate for the flag of the French Government and also the flag of our Government to be unfurled on that ship?

Mr. ROOT. I think we can leave that to the French Government. I would not make conditions in doing an act of courtesy.

Mr. NORRIS. I would not make any condition; but when this vessel is going through, if that is to be the only flag on board, it does not seem to me to be quite proper. I want to accord to France all the honor—and a great deal is due her—on the occasion, and I think it very appropriate; I am very glad the committee have reported the bill to present this vessel to the French Government; but we ought not to belittle our own work in the Panama Canal, and the first vessel that goes through ought to bear the American flag as well as the French flag.

Mr. O'GORMAN. Mr. President—

The VICE PRESIDENT. Does the Senator from New York yield to his colleague?

Mr. ROOT. Certainly.

Mr. O'GORMAN. No more gracious compliment could be paid to the French Republic than to do what is proposed by the bill reported by my colleague. If this French vessel is accorded this honor, it should properly fly the flag of her own country. Whatever else may be done in giving place to our flag may be left to the courtesy of the French Nation. As my colleague suggests, it surely should not be imposed as a condition.

It is not necessary, in view of what was said by the Senator from Nebraska, to recite the reasons which prompt this act of courtesy on our part. The French made great sacrifices of men and treasure in the early days of the construction of the Panama Canal. In times past our flags have been united at critical stages in our national history. We need no assurance even by the commingling and unity of flags that a warm and cordial sentiment of fraternal affection exists between the two Republics. We can never forget the ancient friendship which led the French Nation to come to our rescue in the Revolution when we had no other friend in all the wide world.

I trust my friend, the distinguished Senator from Nebraska, who seems to appreciate this legislation as highly as any other Member of the Senate, will not insist upon modifying or altering the bill which has had the careful consideration of the Committee on Foreign Relations, and which is reported here with the unanimous recommendation of that committee.

Mr. NORRIS. I do not want any intimation to be made here that I am in any way opposed to the bill. I do not want anyone to gather from what the Senator from New York has said that I am opposed to any provision contained in it. On the other hand, I am most heartily in accord with it. I feel like congratulating the Committee on Foreign Relations for bringing in the bill.

The French people have made great sacrifices and this action is very appropriate, it seems to me; but I understood the senior Senator from New York to say in answer to my inquiry that it was the intention that there should be no other flag borne on the vessel.

While I am admitting the sacrifices made by the French Government in the construction of the canal and also the long friendship which has existed between our Government and

France, and remembering also the assistance that we received from that Government in early days when we were sadly in need of it, and I do not want anyone to get the idea that I would put anything in the way of paying any tribute of honor and respect to the French Government; but at the same time I would not want to belittle our own Government or forget that we have made great sacrifices, and that after all the crowning glory of the Panama Canal is as much ours as that of any other people in the world. It seems to me it would be very appropriate that the French flag should be unfurled on this vessel when it is leading the procession of honor through the Panama Canal, but I would be sadly disappointed, and I believe the American citizens would, if our flag should be excluded.

Mr. WARREN. Mr. President, I appreciate fully the patriotic sentiment of my friend the Senator from Nebraska, but it seems to me that the situation is about like this: The French vessel goes through under the French flag, surrounded or followed by our ships under our flag. It is very much the same as if we were to entertain for the time being officers of the Army or Navy of another nation. We would hardly want to ask them to put on the shoulder straps and the insignia of our Army or Navy; they would be our guests and with their own decorations.

Of course I could not with the love I entertain for the United States flag, to which I have owed allegiance for many long years, see it in any way belittled, but I think in this case it would be enlarged in an act of courtesy, and generous courtesy, and it would be entirely in place to have the vessel itself carry the French flag. If those in charge of the vessel wish to also add the United States flag, all right, but we shall have our insignia there on the accompanying vessels of this country. Our vessels will float our flag.

It is true the French commenced this work and we have finished it, and the one French flag will be added to a number of those of the United States.

Mr. WORKS. Mr. President, I would suppose as the result of the passage of this bill and its execution that this vessel will have become the property of the French Republic when it passes through the canal. It seems to me it would be rather an indelicate thing for us to ask the French Government to carry our flag upon its vessels. I think, as the Senator from New York has suggested, that we might very well leave that question to the French Republic itself.

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

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

Mr. BRADY. Mr. President, the Senator from Nebraska [Mr. NORRIS] said that we will extend every courtesy to the Government of France, which we are doing out of the goodness of our hearts, and I think it is only meet and proper that we should leave it to the good judgment of the French Government to return the courtesy. I do not think there is any question when the time comes that the French Government will even try to outdo us in honor to our Nation. So I think there is no reason why the matter should be mentioned in the bill.

Mr. JONES. Mr. President, I am heartily in favor of the bill, but I think we ought to have a quorum when it is considered, especially when we are meeting at 11 o'clock. 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:

Bankhead	Johnson	Page	Smoot
Borah	Jones	Perkins	Sterling
Brady	Kenyon	Poindexter	Sutherland
Bristow	Kern	Root	Swanson
Bryan	Lane	Shafroth	Thomas
Burleigh	Lea, Tenn.	Sheppard	Tillman
Burton	McCumber	Sherman	Townsend
Culberson	Martin, Va.	Shields	Vardaman
Dillingham	Martine, N. J.	Shively	Warren
Fletcher	Nelson	Simmons	West
Goff	Norris	Smith, Ga.	White
Gronna	O'Gorman	Smith, Md.	Williams
Hollis	Overman	Smith, S. C.	Works

Mr. LANE. I wish to announce that the senior Senator from Oregon [Mr. CHAMBERLAIN] is absent and that he is paired with the junior Senator from Pennsylvania [Mr. OLIVER].

Mr. TOWNSEND. I desire to announce that the senior Senator from Michigan [Mr. SMITH] is ill this morning.

Mr. BRANDEGE. Mr. President, the members of the Committee on Interstate Commerce, which is now in session, have requested me to announce that they are engaged in consideration of public business, and hence have not appeared and answered to the roll call this morning.

The VICE PRESIDENT. Fifty-two Senators have answered to the roll call. There is a quorum present. The bill is before

the Senate, as in Committee of the Whole, and open to amendment.

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

CRIMINAL PROCEDURE IN ENGLAND (S. DOC. NO. 495).

Mr. FLETCHER. On the 27th ultimo the Senator from Oklahoma [Mr. GORE] presented a pamphlet on Criminal Procedure in England, and it was referred to the Committee on Printing for action. I am directed by that committee to report a resolution, for which I ask present consideration.

There being no objection, the resolution (S. Res. 380) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the pamphlet submitted by Mr. GORE on May 27, 1914, entitled "Criminal Procedure in England," a report of a special committee of the American Institute of Criminal Law and Criminology, be printed as a Senate document.

CONVICT-LABOR LAWS (S. DOC. NO. 494).

Mr. FLETCHER. On the 22d ultimo a communication was received by the Senate from the Secretary of Labor, transmitting, in response to a resolution of November 10, 1913, a compilation of all Federal and State laws relating to convict labor, and it was referred to the Committee on Printing for action. I am directed by that committee to report a resolution, for which I ask present consideration.

There being no objection, the resolution (S. Res. 390) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the communication transmitted to the Senate on May 22, 1914, by the Secretary of Labor, in response to a resolution of November 10, 1913, the same being a compilation of all Federal and State laws relating to convict labor, be printed as a Senate document.

CREEK EQUALIZATION FUND (S. DOC. NO. 492).

Mr. FLETCHER. On yesterday the Senator from Oklahoma [Mr. GORE] presented certain manuscript relating to the equalization of Creek allotments and it was referred to the Committee on Printing for action. I am directed by that committee to report a resolution, for which I ask present consideration.

There being no objection, the resolution (S. Res. 391) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the manuscript submitted by Mr. GORE on June 11, 1914, entitled "Equalizing Creek allotments," by R. C. Allen, national attorney for the Creek Nation, be printed as a Senate document.

RATES ON SUGAR (S. DOC. NO. 493).

Mr. SMOOT. On the 28th ultimo the chairman of the Interstate Commerce Commission transmitted to the Senate, in response to a resolution of May 26, 1914, a copy of the transcript of testimony taken before the commission with respect to rates on sugar, and it was referred to the Committee on Printing for action. I am directed by that committee to report a resolution, for which I ask present consideration.

There being no objection, the resolution (S. Res. 392) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the communication transmitted to the Senate on May 28, 1914, by the Interstate Commerce Commission in response to a resolution of May 26, 1914, the same being a transcript of certain testimony taken before said commission with respect to rates on sugar, be printed as a Senate document.

DONIPHAN'S EXPEDITION.

Mr. CHILTON. On the 26th ultimo the Senator from Missouri [Mr. STONE] presented to the Senate an article giving an account of the celebrated expedition led by Gen. Doniphan from Missouri into New Mexico and on to Chihuahua, Old Mexico, and other points during the Mexican War, and it was referred to the Committee on Printing for action. I am directed by that committee to report a resolution (S. Res. 393), which I ask may be placed on the calendar.

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

BILLS INTRODUCED.

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

By Mr. WARREN:

A bill (S. 5811) to provide for the issuing of commissions to officers of the First, Second, and Third Regiments, United States Volunteer Cavalry, commanded, respectively, by Col. Leonard Wood, Col. Jay L. Torrey, and Col. M. Grigsby during the Spanish-American War; and

A bill (S. 5812) to provide for reenlisting the members of the Second United States Volunteer Cavalry, commanded by Col. Jay L. Torrey during the War with Spain, and for the

appointment of the officers thereof; to the Committee on Military Affairs.

By Mr. McCUMBER:

A bill (S. 5813) granting an increase of pension to Jennie A. Tall (with accompanying papers); to the Committee on Pensions.

By Mr. BRISTOW:

A bill (S. 5814) to extend the benefits of the act of June 27, 1890, as amended by the act of May 9, 1900, granting pensions to soldiers and sailors who served in the military or naval forces of the United States, their widows, minor children, and dependent parents, and the act of May 11, 1912, granting pensions to certain enlisted men, soldiers and officers, who served in the Civil War and the War with Mexico;

A bill (S. 5815) granting a pension to Isaac Adams (with accompanying papers);

A bill (S. 5816) granting a pension to William H. Adams (with accompanying papers);

A bill (S. 5817) granting an increase of pension to James K. Clear (with accompanying papers);

A bill (S. 5818) granting a pension to William H. Hayes (with accompanying papers);

A bill (S. 5819) granting a pension to John R. Martin (with accompanying papers); and

A bill (S. 5820) granting an increase of pension to Robert G. Calhoun (with accompanying papers); to the Committee on Pensions.

By Mr. THOMPSON:

A bill (S. 5821) granting an increase of pension to Benjamin F. Bourne (with accompanying papers); and

A bill (S. 5822) granting an increase of pension to Robert S. Clark (with accompanying papers); to the Committee on Pensions.

By Mr. BANKHEAD:

A bill (S. 5823) to amend the postal and civil-service laws, and for other purposes; to the Committee on Post Offices and Post Roads.

By Mr. OVERMAN:

A bill (S. 5824) authorizing the Secretary of War to donate two condemned bronze or brass cannon or fieldpieces and a suitable outfit of cannon balls to the city of Kings Mountain, N. C.; to the Committee on Military Affairs.

A bill (S. 5825) for erecting a suitable memorial to Sir Walter Raleigh; to the Committee on the Library.

By Mr. BORAH:

A bill (S. 5826) to prevent the use of the stop watch or other time-measuring device on Government work and the payment of premium or bonus to Government employees, and for other purposes; to the Committee on Education and Labor.

(By request.) A bill (S. 5827) to open for immediate homestead entry all remaining Government lands within the former Flathead Indian Reservation in the State of Montana, opened to settlement under act of Congress of April 23, 1904; to the Committee on Public Lands.

A bill (S. 5828) granting a pension to Lucy Carey (with accompanying papers); to the Committee on Pensions.

By Mr. MARTINE of New Jersey:

A bill (S. 5829) granting a pension to Albert A. Lance (with accompanying papers); to the Committee on Pensions.

By Mr. WORKS:

A bill (S. 5830) authorizing a preliminary survey of the Mohave River watershed, and for other purposes; to the Committee on Irrigation and Reclamation of Arid Lands.

By Mr. POINDEXTER:

A bill (S. 5831) granting a pension to Frances Terry; to the Committee on Pensions.

By Mr. SHAFROTH:

A bill (S. 5832) granting an increase of pension to Bettie Dodge; to the Committee on Pensions.

By Mr. LEA of Tennessee:

A bill (S. 5833) to enjoin and abate houses of lewdness, assignation, and prostitution; to declare the same to be nuisances; to enjoin the person or persons who conduct or maintain the same, and the owner or agent of any building used for such purposes; and to assess a tax against the person maintaining said nuisance and against the building and owner thereof in the Territory of Hawaii; to the Committee on Pacific Islands and Porto Rico.

A bill (S. 5834) for the purpose of maintaining efficient postal service in rural and star-route delivery, and for other purposes; and

A bill (S. 5835) to relieve mail carriers in the Rural Delivery Service of the Post Office Department carrying separate mail bags or pouches for other carriers in the Rural Delivery Serv-

ice or for star-route carriers; to the Committee on Post Offices and Post Roads.

A bill (S. 5836) for the relief of the estate of William H. Fuqua, deceased;

A bill (S. 5837) for the relief of the heirs of Cynthia Millikan; and

A bill (S. 5838) for the relief of L. W. Culbreath; to the Committee on Claims.

A bill (S. 5839) granting an increase of pension to Louis M. Starring;

A bill (S. 5840) granting a pension to William H. Hart;

A bill (S. 5841) granting a pension to Henry Garfield Clemons; and

A bill (S. 5842) granting a pension to Tide Owens; to the Committee on Pensions.

By Mr. VARDAMAN:

A bill (S. 5844) reinstating Edgar N. Coffey to his former rank and grade in the United States Army; to the Committee on Military Affairs.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. SMOOT submitted an amendment authorizing the Government exhibit board to determine the nature, character, and extent of the exhibits of the United States Government to be made at the Panama Pacific International Exposition, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. SWANSON submitted an amendment proposing to appropriate \$12,000 for the purchase by the Public Printer from the publisher of 100,000 copies of McBride's Copyright History of the Federal Elections, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Printing and ordered to be printed.

Mr. POINDEXTER 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.

He also submitted an amendment proposing to appropriate \$5,000 for the preparation of designs and estimates for the National Archives Building, Washington, D. C., etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. LEA of Tennessee submitted an amendment proposing to appropriate \$50,000 to reimburse the National Conservation Exposition Co., of Knoxville, Tenn., for expenses incurred in transporting, installing, and maintaining, and other circumstances incidentally and connected with the Government exhibit at the National Conservation Exposition during the fall of 1913, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate \$2,500 to remove the fence and wall around the Botanic Gardens, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

DONATION OF CANNON.

Mr. THOMPSON submitted an amendment intended to be proposed by him to the bill (S. 5495) authorizing the Secretary of War to make certain donations of condemned cannon and cannon balls, which was ordered to lie on the table and be printed.

RADIUM-BEARING ORES.

Mr. BORAH submitted an amendment intended to be proposed by him to the bill (S. 4405) to provide for and encourage the prospecting, mining, and treatment of radium-bearing ores in lands belonging to the United States, for the purpose of securing an adequate supply of radium for Government and other hospitals in the United States, and for other purposes, which was ordered to lie on the table and be printed.

WITHDRAWAL OF PAPERS—FREDERICK MARSHALL.

On motion of Mr. WORKS, it was

Ordered, That the papers in the case of Frederick Marshall, S. 495, Sixty-third Congress, be withdrawn from the files of the Senate, no adverse report having been made thereon.

ADDRESS BY SENATOR CLAPP (S. DOC. NO. 491).

Mr. KENYON. I have a copy of an address delivered by the Senator from Minnesota [Mr. CLAPP] at Gettysburg, Pa., on the 30th of May last. I ask that the address may be printed in the RECORD and also as a Senate document.

There being no objection, the address was ordered to be printed as a Senate document and also to be printed in the RECORD, as follows:

"MEMORIAL DAY ADDRESS.

"ADDRESS DELIVERED BY HON. MOSES E. CLAPP AT GETTYSBURG, PA.,
MAY 30, 1914.

"Making due allowance for the manifest exaggeration of ancient history, the Civil War was without doubt the most gigantic struggle the world has ever witnessed. Viewed in the light of its relation to history, it stands without a parallel. Christianity brought into the current of human activities a force which, in the chain of sequence, was destined to sooner or later lead man to the goal of free government. But whether when this goal was reached there would be found in the association thus developed, in a case where the element of fear of a common enemy was wanting, that cohesive force necessary to resist the claim of the right of withdrawal from the association, when such claim was made by a large body of its citizens, was perhaps too problematical to class the result of the test as a link in the chain of historic sequence. That test was the fundamental involved in the Civil War, and in the light of that fact it may well be said that Gettysburg beyond question was the most important battle in the annals of warfare. It was the turning point in a struggle which in turn was the turning point in the life of a nation, and that nation undoubtedly is in turn destined to be the instrumental through which, next to the transition from paganism to Christianity, the greatest transition in human history is to be accomplished, namely, the transfer of human energy involved in the transition from war to peace.

"For centuries war was the rule and peace the exception; wars waged in part to maintain the power of sovereignty, but more often waged in the spirit of conquest to add to its dominion. During those centuries that impersonal spirit which sought to dominate humanity for its own aggrandizement utilized the human force upon the field of battle, and as man approached the point where war was destined to be the exception and peace the rule this human energy which had been exploited in war naturally turned to the more peaceful field of industrial activities. But the spirit which had exploited mankind through the centuries in war did not itself cease to exist as peace came to be the rule and war the exception. We find it to-day seeking to establish in the activities of industrial life that dominion which it finally lost upon the battle field, and if this Republic has any mission in history more than to give to the world something of the radiated spirit of free government that mission is to meet this new condition and develop that industrial justice which must some day be the logical sequence of the political justice established by those who have gone before us, for somewhere and at some time it will be the mission of free government—that is, democracy—to develop industrial justice, for industrial justice is the natural sequence of political justice. Whether that result in the ultimate is the mission of this Republic time alone will tell, but that we have entered the initial stage of the struggle looking to that end is plain to anyone who studies the relation of cause and effect developed through the force of natural law related to human activities.

"The spirit of power and dominion which for so many centuries made the battle field the outlet for human energy and the graveyard of humanity, while its goal was political power, now, in its newer struggle, it makes the power of inordinate wealth its goal, and the unjust acquisition and unfair use of such wealth the instrumentalities of the struggle by which to reach the goal of its ambition.

"No nation can work out a great career without wealth. Wealth is essential to a nation's development. While this is true, it is equally true that the unjust acquisition of wealth and its unjust use constitute the real menace to the spirit of free institutions. In other words, as with most things, it depends upon whether it is made to serve common welfare or permitted to play the rôle of master.

"We can not too strongly emphasize the difference between wealth on the one hand and its improper acquisition and improper use on the other. One is the ally as well as the natural product of the development of free government, the other its deadliest foe; and the failure to emphasize this difference has led to much confusion and brought much unjust criticism upon those who have raised a warning voice but failed to make clear this difference—the difference between real service on the one hand and unjust dominion upon the other. The improper acquisition and improper use of wealth in some form lies behind every assault upon a people's welfare, whether that welfare is considered from the viewpoint of the material, moral, or political; and, in fact, in free government the material, moral, and political welfare of a people are so interwoven that

they may well be grouped under the general designation of 'welfare.'

"Under the old order of things the overlord, amid pomp and ceremony, received the tribute of his vassals, while the petit baron accomplished the same unjust result by descending upon the unwary traveler, the difference in the unjust imposition being rather in the pomp accompanying it than in the nature of the robbery itself. And so to-day, the difference between the man who has fattened upon special privilege and, so far as the unfair taking is concerned, has violated a moral if not a civil law, and who now uses the fruits of that violation to poison the source of information, to dwarf and divert the spirit emanating from institutions of learning, and to silence and appease the outraged sentiment by the gloved hand that conceals a curse but seeks to show forth in the form of a supposed benefaction, and the man of the underworld who thrives upon vice and with his ill-gotten gains pollutes, locally and at its source, the political activities which surround him, is largely the difference between the overlord and the petit baron of other days.

"This sinister force menaces free government at every point, and, like a beleaguered army, sends forth its sappers and miners to prepare the way for the assaulting columns. In the old struggle the weapons were the battle-ax and spear, and later the cannon and musket, the scaffold and dungeon; while in this new struggle are the glitter and glamour of wealth; its supposed power to withhold or bestow benefactions; its dwarfing of courage and enslavement of mind. Already we have in this country too many who feel that the few should sit around the banquet board heaped so high that some crumbs must fall, and the gathering of those crumbs be regarded as a privilege bestowed upon the masses. There are too many who, in fear and trembling, accept the crumbs, forgetful of the fact that wealth is the product of the activities of all, although its gathering may be the activities of the few; and that the activities of all, being the real source of the combined wealth of the country, to prevent an inequitable and unjust assembling and unjust use of wealth in the hands of the few, is the real problem, or, to paraphrase the expression of Lincoln, the real struggle of the ages is between those who create and those who assimilate.

"The so-called 'captain of industry' who unites existing activities and capitalizes the statutes, or who unites credit in the development of new activities, does not create wealth; that is created by the activities of all. Every overcapitalization, every combination, finds its stock-market value not alone in the wealth created or contributed by those who organize it, not alone in increased efficiency—for the crushing of competition and establishment of monopoly does not develop efficiency—but in their power to collect and the capacity of the people to pay the tolls it expects to impose upon the people for the privilege of using their own highway, the highway of industrial progress. We have too many who are forgetful of the fact that the mailed hand that shows forth its purpose is far less dangerous than the gloved hand which destroys while it conceals its purpose. And yet there is a bright side to this picture, for more and more the American people are awakening to a realization of their situation. More and more they fear that intellectual slavery which is designed to be and is the natural result of pretended benefactions which come not in the form of restitution but for the undoubted purpose of stifling sentiment, dwarfing and diverting judgment, and enslaving mentality. More and more the American people say: If we have not schools, libraries, and hospitals enough, it is better that we build them ourselves, that they may be ours; that in the sacrifice which their building and maintenance involves we may quicken the spirit of sacrifice and deepen the appreciation of its fruits, recognizing the spirit of gratitude to that composite citizenship, ever ready and willing to bear the burdens of a complex civilization, rather than in the building and maintenance by the individual we may see the loss of independence of spirit and a perverted sense of gratitude.

"Schools, libraries, and hospitals, when built by the people, are the visible marks of development, and the sacrifice involved serves as an inspiration; but when built by the individual they are the visible demonstration of the taking in excess of a fair equation, and afford just ground for suspicion, especially when made by those who seek to thwart and evade the progressive spirit that lies behind governmental control, or resisting the efforts of justice to enforce that spirit, that the pretended benefaction is but an ill-concealed effort to appease a just sense of resentment and to stifle that spirit which should control its activities, and if not to redistribute, at least to prevent in the future the taking of the excess. More and more the American people are awakening to the concept of the thought in their relation to this spirit that first unfairly takes and then unjustly uses, and to say to it, 'We do not want yours; we want ours.'

"The lesson of Gettysburg proves that a nation can survive civil strife, for standing here to-day we may see in shadowy squadrons the living hosts that met in battle here. We can see men marching down into the valley of death with a dauntless courage that makes mockery of fear; again we hear the moan of the dying, the shout of the living. We can hear again the sob of the widow and orphan, but we can not forget that back of that battling host there was a spirit of patriotism that subordinated self to the sense of service. While we all will agree to-day that upon one side there was a mistaken judgment, none will question but that both hosts were prompted by a spirit of unselfish sacrifice, and in the mourning homes of that day, North and South, the dark pall of grief that shadowed the heart of motherhood, widowhood, and childhood was pierced by one illuminating ray—the thought that the sacrifice was for humanity.

"Nations can survive the clash of arms where achievement leaves such a legacy of patriotic inspiration, but no nation can long survive such scenes as at Ludlow, where inordinate greed and desire for unlimited power subordinates everything to its purpose, and the struggle leaves, not a legacy of patriotic inspiration, but rather one of malignant hate and undying resentment.

"The spectacle of the great strike at Homestead a few years ago is a picture every American would gladly blot from the pages of our country's history; but the wreck and havoc then wrought by the hand of lawless force, deplorable as it was, is dwarfed almost beyond the reach of vision when compared with the wreckage of American independence of thought since wrought, through intellectual enslavement, by the use of the millions which a deluded public paid as a tribute to false sentiment of industrial supremacy, and the millions added through the questionable process of the capitalization of a commercial greed which, in the main, could only in the end be realized upon by the destruction of competition and establishment of monopoly.

"We have no apology for lawless force, although it must be borne in mind that every protest is related somewhere to the parent of protests, oppression. While lawless force should be deprecated, it is no such menace to the spirit of free government as lawless wealth, for lawless force weakens itself in the very opposition which it develops among the people, while with lawless wealth it is a part of its purpose, the logic of its use, that it destroy opposition by controlling activities, by diverting judgment and enslaving mentality. It is not the mailed hand but the gloved hand that in all ages has retarded human progress and is to-day the real menace to free government.

"It will not do for us as a people to content ourselves with the thought that the sole mission of this Republic is to see itself reflected in a rapidly developing republican spirit throughout the world. We may well rejoice that such has been the result of the establishment of this Republic, and every American may well feel a thrill of pride as he contemplates a world-wide tendency to a transition from monarchy to republic. But we can not develop, nor even preserve, the spirit of our own institutions by simply basking in the sunlight of a reflected effulgence, even though it may be traced to the influence radiating from the Republic which we have established.

"No nation ever fell before external forces until first weakened by internal forces. In all ages a favorite instrument in the hands of that power which enslaved and oppressed was the dazzling picture of foreign conquest, ever so effectively employed to deaden the sensibilities of a people to the wrong and oppression visited upon them. Proud of our influence in the world-wide sphere of thought, purpose, and development, as we have a right to be, let us not make the mistake of those who have gone before, but realize that our mission in the world and our duty to the world, broad, grand, and splendid as it may be, is secondary to our mission in the development of a true democracy at home and a duty to ourselves in preserving our institutions from that same foe to which can be traced the wreck and ruin of empire in the past. So, too, of our boasted world-wide industrial triumph. It may appeal to our pride to be told that the products of our industrial activity are to be found everywhere, indicating the early coming of a world-wide industrial supremacy, but such pride must not blind us to the deplorable condition prevailing at the great centers of industry, and must not blind us to the fact of the awful toll of life, misery, and human decadence such supremacy exacts. We can not still the voice of protest nor conceal the wreckage of humanity in the reflection only of a world-wide industrial supremacy.

"The first and all-important industrial triumph which we should achieve is the triumph of Industrial Justice at home, and in contemplating the reflected glory born of our republican

institutions we must not allow the sense of our mission to the world to blind us to a sense of our duty to America.

"In our struggle against this power, it will not do to yield to the very instrument which is used so effectively in its resistance to the growth of political rights. Chief among these was the force of tradition. At every step of human progress there has been a spirit of Toryism which appealed to the sanctity of the past. That same appeal is made to-day, the sacredness of tradition, and that, too, in spite of the patent fact that every step of human progress has been, and is, either the abandonment or the condemnation of that which went before. Another favorite instrument in the hands of wrong ever has been and is to-day an exhortation to revere what is held up as a false concept of law, because in proportion as man can be made to feel that there is some vague abstraction which is responsible for the burdens which he bears, he is, in a measure, reconciled to the burden, because he is unable to trace it to its real author.

"Of course, there are some rules of civil conduct so long established, so plain of purpose, relating to the intercourse of man with man, as to require no interpretation and have come to be recognized as fixed rules of conduct, but in that sphere of activities where the rights of a people are concerned; in that struggle to prevent the unjust acquisition through the unjust imposition of burdens upon all; in that struggle to establish a real democracy, political and industrial; in that eternal struggle between the past and present, involving as it does growth of power in government to meet the spirit which would subordinate government to the interests of the few; to assume that we have inherited an infallible abstraction known as the 'law,' is illogical. In the sense of such an abstraction, as a fixed law, governing the ever new and varied phases of the struggle, there can be no such thing as 'government by law.' Law for to-day may or may not be law for to-morrow. From the very nature of things, in this sense, government must be government by man, for in the sense that there is somewhere a force, an abstraction called 'law,' disassociated from man acting in the twilight zone of discretion, in the making and administration of rules, there never was and never will be such a thing as 'government by law.'

"From the moment when a legislative policy is a mere shadowy, undeveloped concept in the brain of some man until that policy has been wrought into legislation, and again worked out through judicial construction, and again through the activities of administrative function to the point where some one standing before the bar of justice is directed to go hence acquit or receives a sentence imposing a penalty, at every step it is the result of some man's decision, largely free to adopt one course or the other, and acting all the time within that twilight zone of discretion wherein at one extreme a court may solemnly read into a statute words which a legislature has just as solemnly refused to put in the statute to the other extreme where a mere bailiff can harden or soften the personal comfort of the individual committed to his care under sentence of the court.

"We must, therefore, realize that where there is a wrong, where there is an injustice, there is a human, not an abstract responsibility for such wrong or injustice. There is no slavery so abject as the slavery of fetishism, the blind worship of an abstraction. It was an abstraction, the claim of monarchy, of the divine right to rule, that so long held the human mind fettered and enslaved; and it was only as man began to unmask this fetish of royalty and saw the human, saw that there was nothing but a human exercising the power of wrong and oppression, that he grasped the broad concept of the relation of man to man and caught the vision of that equation of human rights which substitutes justice in behalf of all for the prestige of an abstraction, which has always been the weapon of the few. So we can not emphasize too strongly in this struggle the necessity for looking back and behind every wrong to discover the human force that is responsible for that wrong.

"We must, of course, have due regard for law and ever seek to cure its miscarriage through orderly methods; still, we must recognize that the principle of justice is the only abstraction to reverence, and for every wrong committed and every unjust burden imposed we must trace it to the human agency that is responsible for it, because it is only in proportion as we disillusionize the abstraction and see the human behind the injustice and wrong that we awaken to the sense of the imposition and seek a remedy for its abatement. Law there is and must be, but it is that law worked out through the will and purpose of fallible man acting, in the main, as a self-determining agent, and for a reverence for an abstraction we should substitute a reverence for the principle of justice, which, in turn, should be the guiding spirit of those intrusted, for the time being, with the making and enforcement of the rules of civil conduct, realizing that in free government man is the instru-

ment through which we seek to place, against the injustice of the few, that broad spirit of justice that can only spring from an equally broad equation of humanity.

"Although, perhaps, not strictly germane to this argument, we should remember, on the other hand, that every benefaction which comes from what we call 'government' comes from that broad equation of humanity of which government is the visible evidence of the association, and that every material benefit involving appropriations must first come from the taxpayers themselves—the people—and a just appreciation of this fact would lessen an oftentimes thoughtless demand upon the resources of government, thoughtless because we fail to realize that every dollar expended must first be garnered from the taxpayers.

"Another instrument, or, rather, slogan, of the old struggle was the inhuman cry, 'The survival of the fittest.' This cry we still hear echoed to-day; but we must remember it is the law of the brute world and had its place where everything was subordinated to inordinate greed of power, and man was but the plaything of that brutal spirit personified by such power. The very fundamental of democracy is the right of all to exist. If all are to reap the benefits of the human association called 'government,' all must participate in the making and administration of its policies. If we are to lift ourselves above the level of animal life, if we are to recognize that one man has a right which another man must respect, we must abandon the cry which is the keynote of mere brute existence, 'The survival of the fittest.' It has no place in free government except so far as it relates to purely intellectual supremacy, and even in the sphere of intellectual supremacy we must sometimes protect the weak as against the strong. In the clash and conflict of thoughts and ideas, that which has been proved best by the only test this side of Divine judgment, the ripened verdict of a people, must triumph. Civilization can not adjust itself to a principle, when applied to the material world, to the right to the enjoyment of the comforts of life, an axiom that is the dominant law of brute life and found its only place in human activities while the brute instinct predominated.

"The remedy for industrial injustice must be found in the genesis of man's struggle for political justice. He first awakened to the thought that the glitter and glamour of royalty was unreal, and then to the thought that no man, no truly human being, was ever good enough to be the self-constituted guardian of the welfare of another; then to the thought which was the real mainspring of progress toward civil liberty, viz., that man was not made to be laid as a sacrifice on the altar of royal ambition; and then he grasped the thought that even the moat-protected parapet was powerless to stay God's eternal purpose of justice, wrought out through human sacrifice, and then it blossomed forth into free government in the realization that common welfare should be the goal of human association and that humanity, in the concrete, is able, under Divine guidance, to develop its own instrumentalities. And so in this new struggle to meet error we must uncover error. We must no longer be dazzled by the glamour of wealth; we must recognize that in this struggle it is man for man; we must recognize that no man is good enough to be permitted to constitute himself the guardian of public welfare; we must recognize that man was no more created to serve as a sacrifice to inordinate greed and unrestrained commercialism than he was created to serve as a sacrifice to royal pomp and ambition; we must recognize that buttressed wrong is to-day as powerless as granite parapet was in the past against the irresistible purpose of a free people. For selfish greed we must substitute patriotism and then we will discover that man, in the concrete, is just as capable of establishing and maintaining industrial justice as he was in establishing and maintaining political justice; in other words, the establishment of real democracy.

"The opponents of democracy assert that for the evils of democracy we seek to apply more democracy. We should, however, distinguish between the evils of a system, if it has any, and those evils which are foreign to it, and find lodgment there only through the instrumentality of forces opposed to the system. The betrayal and perversion of democracy is not the test of democracy. There is a vast difference between democracy and hypocrisy, although the latter may seek to masquerade as democracy. Democracy means government by the people. Real democracy either contains within itself the elements of the solution of this problem or those who have laid down their lives in the effort to reach democracy have sacrificed in vain. We can not believe this sacrifice has been in vain, for back of the spirit of sacrifice planted in the breast of man there must have been a divine purpose to the fruition of which sacrifice was essential.

"Every great achievement has a dual existence. It lives related to those who achieved. It may also live related to

the great movements of humanity, but it has often happened in the past that the flower of a nation's manhood wrote into history some great achievement which, as their achievement, became immortal; but the fruit of the sacrifice was lost by those for whom it was made, and, aside from the achievement showing forth the valor and patriotism of those who wrought it, it has ceased to be of historic significance.

"Gettysburg, as related to those who burned its name into the page of history, will live forever. The achievement of those who, in their victory here, made Gettysburg the turning point in a struggle which involved a nation's life will remain immortal. That immortality you and your comrades, living and dead, secured. It is yours, sacredly yours, and no betrayal of this legacy which we have inherited can ever rob you of that crown of heroic valor, of unselfish patriotism, the luster of which will brighten as time goes on. No betrayal of the legacy which we have inherited can rob you of the immortality of your achievement. On the other hand, whether Gettysburg becomes immortal, as related to one of the greatest transitions in the history of the race, will depend upon whether the American Republic is destined to only serve as a medium from which man passed from monarchy to republic and from which mankind will project itself into a deeper and broader fruition of democracy; or whether this Republic, in itself, shall solve the problems born of the transition from the old to the new, and this depends upon us and those who are to follow. God grant that the American people, in preserving this legacy, may make Gettysburg as immortal in its relation to the story of humanity as those who battled here made it immortal in the annals of heroic achievement.

"For one I believe that the mission of our Republic is something more than to merely give to mankind as its contribution a world-wide extension of free government; that its real mission is deeper and broader than that, being the development of that real democracy that means industrial as well as political justice, and that our people will find the inspiration to this in recalling the achievements of yourselves and your departed comrades, for nowhere in history is there such inspiration. In all ages man has gone forth to battle, obedient to one of three conditions. He was inspired by the lust of conquest, or he went obedient to the conscript law, or the instinct of self-defense steeled his heart and strengthened his arm while he waged the warfare of defense. But in sixty-one there was no thought of conquest, you scarcely knew what the conscript law meant, and no instinct of self-defense born of imperiled fireside prompted you. But lifted to a plane where manhood had never stood before, you went forth to battle and to die that the spirit of free institutions might be preserved. As with the manhood of sixty-one, so with the womanhood of sixty-one. In all ages woman has cheered man when he has gone forth to battle; sometimes she has shared in the lust of conquest; again, she has yielded, with man, obedience to the conscription; and, again, she has shared with him in the instinct of defense, but the womanhood of sixty-one was lifted to a plane where womanhood had never stood before. There was no thought of conquest, scarcely a knowledge of conscript law, and no imperiled fireside; but the womanhood of sixty-one stood where she bade manhood go forth to battle and die for the spirit of free institutions. We must not forget that it is not man alone who sacrifices in war, for it detracts nothing from the meed of praise due you to say that you had the inspiration born of the comradeship of brave men, but the womanhood of sixty-one knew nothing of that. No waving banners, no martial music, no comradeship of brave men in camp and on battle line, but alone she kept her vigils and bore her burden as only woman can. Surely, inspired by the memory of the heroism and patriotism of that day, inspired by the mute eloquence of the graves of our heroic dead, the American people can not be recreant to that trust which your sacrifice committed to their care."

PENSIONS AND INCREASE OF PENSIONS.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 12045) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. SHIVELY. I move that the Senate insist upon its amendments, agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. SHIVELY, Mr. JOHNSON, and Mr. SMOOT conferees on the part of the Senate.

LABOR TROUBLES IN COLORADO.

The VICE PRESIDENT. The Chair lays before the Senate a joint resolution introduced on the 5th instant by the Senator from Oklahoma [Mr. OWEN], which the Secretary will read by title.

The SECRETARY. A joint resolution (S. J. Res. 158) providing for the appointment of a commission to settle the labor conditions in Colorado.

Mr. THOMAS. Mr. President, this joint resolution was introduced on the last legislative day, and at my request it was laid on the table under the rule. Its purpose is obvious and was evidently modeled after the procedure of President Roosevelt, who, it will be remembered, in 1901 appointed a commission, to which both of the contending sides in the anthracite coal strike of that year submitted their respective differences and which happily resulted in their adjustment, and I think there has been no serious disturbance in the locality affected by that controversy since that time.

Now, I hope—and I therefore shall not object to the reference of the joint resolution—that in the event of its passage its purpose will address itself to the good sense and the deliberate judgment of both sides to the unfortunate controversy which has made the State which I in part represent here so conspicuous during the last few months. Whether it will have such effect, of course, depends upon those in conflict in that State and upon a sound public opinion which should favor this or any other practical solution of the trouble. If they shall contribute to the attainment of a common understanding, as was done in the precedent which forms the basis of the joint resolution, they will, of course, benefit themselves, to say nothing of the noncombatants, who are always the chief sufferers in the situation.

I do not flatter myself, Mr. President, that since the announcement of those upon one side of this controversy they will immediately acquiesce in the jurisdiction of the commission which the President, in the event of the enactment of this joint resolution, will doubtless assign to the task contemplated by it.

Mr. KERN. Mr. President, will the Senator allow me to ask him a question?

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

Mr. THOMAS. I do.

Mr. KERN. I ask the Senator from Colorado to which side he refers?

Mr. THOMAS. If the Senator will be patient, I will answer that question very soon.

And yet, as time passes, I indulge the hope that, in view of the grave importance of the controversy and the overwhelming need of its adjustment so that the people may pursue their usual avocations and the State may resume the discharge of its normal functions and the General Government be relieved of the duty of performing them, the contending parties may be able to agree to the plan as a satisfactory solution of the difficulty.

The Senator from Indiana inquired to which side I referred in my statement which was made at the time of his interruption. I referred to the operators, who, shortly after the events at Ludlow, exclusive of the Colorado Fuel & Iron Co., but which is in harmony with them, so declared in resolutions which were published in the Associated Press dispatches, and copies of which, I presume, were sent to the different Members of both Houses.

Of course, Mr. President, I do not indorse their conclusions, for the public interest is left out of the problem. It must, nevertheless, be remembered that the coal-mine operators in the State of Colorado, quite numerous and consisting of a number of independent concerns, some of them small in extent and all of them entirely legitimate enterprises and carrying on extensive operations, have been included within, and the popular mind has conceived of them as identical with, the greater concerns which dominate the situation. This is true of the time covered by the strike but not previous to that period. A great many of these coal operators have suffered very severely in consequence of these troubles, although not responsible for them, or, at least, not as much so as the others, thus illustrating the natural law that the consequences of men's misdeeds and lawless purposes fall far more heavily upon the innocent than upon the guilty.

I can well understand, Mr. President, how some of these people, smarting under the tremendous destruction of property which has befallen them, face to face with financial ruin, and with the not by any means remote possibility that their smaller properties may ultimately be gathered up into the greater organizations, feel that they have nothing to arbitrate with the

authors of their suffering and will not under any circumstances consider any proposition designed for the determination of the controversy of which they are among the victims and for which they feel that they were not responsible. We must make allowance for the operations of human nature, not only with the employed but with the employer; and as time passes it is becoming very apparent, at least to men who have been engaged in gathering information from all possible sources, that this, like all great controversies, has two sides, that wrongs and violations of law, and crime, if you please, have been committed by both sides of the controversy. We must also make allowance for the play of aroused passion which is inherent in human nature everywhere, and which, when usurping reason, makes the calm and just consideration of right and of wrong practically impossible until time shall have passed and sober reflection shall have enabled men to think and act with calmness.

Mr. President, as a typical instance of the attitude of some of the smaller operators in connection with this subject, and as giving some reasons for their announced determination, I may be pardoned for referring to a statement received not long ago from one of them, the Sunnyside Mining Co., of southern Colorado. I feel justified in vouching for it, because of my personal knowledge of and close acquaintance with those who compose the company.

This company is a small concern; it has been reasonably prosperous, and has had trouble with no one anywhere. This is the statement which the company makes, through its officers, of its attitude as one of the coal producers of southern Colorado, of the consequences which the strike has visited upon it, and its reasons for the conclusions which it has reached regarding arbitration.

This statement is signed by W. F. Oakes, the president of the company—a very upright and respected citizen of the city of Denver, and one who justly enjoys the confidence and respect of all who know him. He says:

The property of the Sunnyside Coal Mining Co. is situated in Huerfano County, Colo., 12½ miles northwest of Walsenburg.

The land operated comprises 480 acres, with three veins of bituminous coal, 5, 6½, and 7½ feet in thickness, respectively. Capacity is 700 tons daily.

The owners are W. F. Oakes, Ellen Terry Strong, and Milo W. Strong. The company is not affiliated with any outside interest. The executive head of the business is the president, W. F. Oakes, with general offices in the Gas & Electric Building.

The Sunnyside mines have worked for 10 years on the open-shop plan, making no distinction between union and nonunion labor, and selecting men best qualified to fill the various positions.

Prior to the strike call on September 23, 1913, not a single complaint had been made to the company by its employees, either collectively or individually, as to wages, hours, company store, company doctor, unsanitary conditions, or unsafe conditions in or about the mine—three men in 10 years killed. The few minor individual complaints were always promptly considered and adjusted.

The average wage in August, 1913, just prior to the strike, was \$4.12½ per man per 8-hour day.

On Saturday, September 20, 1913, every man was paid off, and the president, W. F. Oakes, personally asked every man that stepped up to the pay window if he had any grievance against the company, and in every case the answer was "No." They simply responded to the strike call of the national organization for the "general cause" (whatever that was the men did not seem to know).

Early in November we reopened the mine with strictly nonunion labor, under a strong protection of the Colorado National Guard, and continued throughout the entire winter and until April 18, when we shut down temporarily for repairs.

A day or so later came the reports of the Ludlow trouble, and the "call to arms."

On Friday, April 24, 1914—

That was just four days after the Ludlow occurrence, Mr. President—

a wild mob of 250 armed strikers swooped down upon only 16 people left in our camp, and drove them into the hills. They continued in complete possession until May 6, 1914.

That is a period of 12 days.

The company store was completely wrecked (inside), the entire front broken in, the entire stock of general merchandise stolen (\$15,000), the post office robbed of everything—money, stamps, letters, and parcel-post packages. The company boarding house was pillaged, the men's club rooms looted, and every building in the camp was entered and everything of value taken or destroyed, a total loss of \$26,000.

I have here photographs of the company store, both exterior and interior, and of the post office, taken some time ago, together with photographs showing their condition after possession was reobtained; showing, among other things, that the company's safe had been dynamited, evidently for purposes of pillage and robbery, which no provocation can justify. These photographs are subject to examination by any Member of the Senate who desires to look at them.

Mr. Oakes continues:

The management of the Sunnyside mines prided themselves for years that they had established such favorable conditions at their mines that they were enabled to procure the very best element of labor in the field.

Our company boarding house, with a capacity of 100 men, was constructed entirely with a view to comfort. Every room in the house was provided with a hot-water radiator, the floors were always kept clean; in front of each bed was a rug; each bed had two sheets, two pillowcases, one woolen blanket, two cotton comforters. The entire building was lighted with electric lights.

In the dining room we served but one table, seating every man at once. We employed the best Jap cooks, and used only the very best materials for our table.

In the basement of this cement building we had bath arrangements, hot and cold running water into porcelain bowls, something unheard of in any mining camp in Colorado.

In addition to this, we established a reading room and supplied all of the papers and periodicals free. We also established a library containing 250 books, and furnished the men with free stationery and envelopes.

We also furnished a hot bath adjacent to the mine for those that desired it.

Our schoolhouse is owned and maintained by the company, and was supplied with every modern appliance.

We also established a miners' club room, to combat the evil of the ordinary camp saloon. A great deal of money was spent in making this a comfortable loafing place for the men, and the hours in which they could buy drinks were limited from 4.30 in the afternoon to 10.30 at night. These goods were sold to the men at a low figure, with a view only of securing sufficient profit to maintain a manager of the place.

This means that the company store here was not that typical company store of which so much complaint is very properly and very justly made, but one maintained for the convenience of the men, as well, perhaps, as for their economic benefit, since the extra charge in the way of profit upon goods sold was sufficient only to pay the expenses of its operation.

I turn to the manuscript:

During working hours of the mine these clubrooms remained closed, also on Sundays.

The miners' clubrooms were completely wrecked and all stock stolen, pictures taken from the walls, phonograph records, chess boards, the cloth on the billiard table ruined, the cues and balls stolen, the barber shop equipment badly damaged.

In the reading room magazines and books were mutilated, thrown outside, and every condition that had been created for the comfort of our employees was wantonly disregarded.

Our experiments along these lines, after studying the sociological conditions of miners for 23 years, proved beyond any question of doubt that our theories in regard to improving the social conditions and uplifting the social plane were mere vagaries.

Of course, it is understood that I do not assent to all the conclusions of this gentleman. That is one which, in my judgment, is erroneous. Humanity and the kindly consideration of the welfare of others never can be wasted or unavailing or all history is a delusion:

Our most earnest efforts were simply rewarded by our final destruction, and at the hands of those whom we endeavored to benefit.

The only apparently unanswerable obstacle to a settlement with these striking miners is the recognition of the union, as almost every other material difference between the operator and the miner is covered by the existing law.

There is no law compelling the operator to recognize the union nor to permit the employees to exact that recognition. The statute does provide, however, for the right of the employee to join a union, if he so desires, without coercion or interference. We do not deny the right of our men to organize, so long as they do not interfere with our prerogatives to employ nonunion labor when we so desire it.

We will never agree to any contract that will oblige us to discharge the nonunion men now in our employ.

Mr. President, there is an infinite difference between such a company and one with the history of a larger concern in the strike district, which, prior to its present organization, at least, was the dictator of the political and economic affairs of the two counties where it has operated. I am satisfied that to a very large degree the misfortunes of this small company, in their ultimate sociological causes, can be traced back to the larger concern to which I have just referred.

I do not propose, however, at this time to do more than present to the Senate the statement of Mr. Oakes, which I think is fairly typical of some of the operating companies. If we could for the time being put ourselves in their places, we can, I think, appreciate the reason for their announced attitude as to arbitration in the series of resolutions to which I have referred.

Nevertheless, as time passes and as the gravity of the situation becomes more obvious, as the requirements and the rights of the noncombatants are considered, together with the everlasting and eternal proposition that law and order must at all hazards be maintained in every well-organized society, and must be in operation at all times, and that every individual sacrifice essential to the preservation of law and order and to the establishment of justice in the truest sense of the term requires that private considerations shall yield to public ones, I am led to hope that this resolution, if it is reported favorably and adopted, will result well for the State which I in part here represent, and that contending bodies of men may, through its agency, reach a level of common understanding, and that duty and not selfishness may constitute the mainspring of their action.

While I am on my feet I wish to refer for a moment to another subject. I refer to the Colorado State National Guard, or, as it is called, the State militia.

The National Guard of the State of Colorado constitutes the only force which, in times of stress and of emergency, is subject to call for the maintenance of the established order of things and for the ultimate protection of life and property. The National Guard of every State is an absolute political necessity; and each State should maintain its militia in such wise that it shall at all times be absolutely independent of any influence militating against the impartial discharge by the executive of the duties of his office. That means, of course, that a military fund at all times available, and belonging to the people, should be in existence, to the end that it may be utilized when the exigency requiring it arises.

The State of Colorado, although as rich in material resources as any State in the Union, more wealthy than any other in its magnificent measures of coal, underlying, as they do, one-third, if not more than one-third, of the entire State, and populated by as intelligent, patriotic, and law-abiding a class of American citizens as can be found anywhere, is, from the standpoint of State revenue, one of the poor Commonwealths of the Union. It has sought to meet, and I think has met and solved, some of the insistent problems of the day, the recognition and enforcement of which always increases the expense of public administration. Our revenues have not increased in proportion as the necessities for their use have multiplied, and multiplied legitimately and necessarily. It has had no military fund. As a result, the mobilization of troops has necessitated the use of the State credit, to the end that the expense of equipment might be met promptly; and this, unfortunately, has created obligations that should not be imposed upon an executive at any time.

The militia of the State of Colorado, like that of every other State in the Union, is made up largely of what may be called the average man—the small business man, the clerk, the professional man of limited means, the general run of the youth of the land; and the same may be said of the officers. These, in general, are good citizens, educated, moral, and substantial. I am not prepared to admit, nor have I at any time, nor will I until the proof is absolutely irrefragable, that the National Guard of the State of Colorado as an institution so composed is lawless, cruel, or rapacious. That a considerable number of employees of the mine operators were incorporated into this guard is one of the established facts of the recent controversy, and I can well understand, as I do not hesitate to condemn, the consequences which such a method of recruiting must inevitably produce. That never should have been done. It is as inexcusable as would have been the recruiting of the guard from the other side. No emergency, in my mind, however great, unless it should be one involving the State and everything in it in political and social disaster and which could be averted in no other manner could justify that situation. Even then the enlistments should be mutual. What these men so recruited have done necessarily reflects upon the morale of the entire guard. That, of course, is unavoidable, and it is because of these conditions that the State militia as a body has been anathematized.

I do not condone, and I trust I never will condone or defend, the perversion of the military power of a State to an alliance, whether by way of recruiting or otherwise, with either side to an existing economic struggle. That is as foreign to the power of the commander as the denial to a man of the right either to join a labor organization or not as he may see fit or to work, if he can obtain work, anywhere for his subsistence.

I make these remarks. Mr. President, preliminary to the reminder that on the 29th day of last May the House inserted in the RECORD, by order of that date, the proceedings of a meeting at which the Colorado strike was discussed, and which was held in the city of Washington, I think, on the preceding Sabbath. That incident attracted a good deal of attention, and a general report of it was published throughout the country.

I think, Mr. President, without reference to that particular matter, the incorporation of correspondence and of the various occurrences of the day in the RECORD is reaching an extreme, and one which, unless some limitation be placed upon it, may make the RECORD a vehicle of almost everything that comes to the knowledge of Senators and Representatives rather than what it is designed to be—a record of the current happenings of the two bodies. But inasmuch as great circulation has been given through the columns of the RECORD to that meeting and to the statements there made, I think it is no more than right and just, in the interests of fair play, that the RECORD should also contain this statement to the governor of Colorado, entitled "The Military Occupation of the Coal Strike Zone of Colorado by the Colorado National Guard, 1913-14." This, I understand, is an official document, being a report to the governor by his

direction. In connection with what I have said I ask unanimous consent to print it in the RECORD.

The VICE PRESIDENT. Without objection, it will be inserted in the RECORD.

Mr. THOMAS. I will modify my request for printing in the RECORD by limiting the request to the first half, or the first 66 pages of the document. The others contain orders and reports with which I will not burden the RECORD.

The matter referred to is as follows:

THE MILITARY OCCUPATION OF THE COAL STRIKE ZONE OF COLORADO BY THE COLORADO NATIONAL GUARD 1913-14.

[Report of the commanding general to the governor for the use of the congressional committee. Exhibiting an account of the military occupation to the time of the first withdrawal of the troops in April, 1914.]

FOREWORD.

I am directed to prefix to the report that follows a word of explanation.

A committee of the House of Representatives in the Sixty-third Congress investigated strike conditions in Colorado. They were not investigating the National Guard, but a mass of testimony was presented to the committee supporting a very bitter attack upon the State troops. To this attack and this testimony the National Guard paid little or no attention. At the conclusion of the committee's sittings in Colorado, his excellency, the governor and commander in chief, directed the commanding general to review the testimony presented to the congressional committee and to investigate and report the truth of all the charges and accusations made against the military arm of the State. The following report is the result of that order. It was prepared by the commanding general after careful investigation, and transmitted to the congressional committee by the governor for the purpose of aiding that body to arrive at a true and just estimate of the military situation. The governor's letter of transmittal accompanying the report to Washington precedes the report itself.

Inasmuch as this report exhibits a fairly detailed history of the military occupation almost to the time of the first withdrawal of the troops, and contains matter that can not fail of interest to all the people, it was directed to be printed in the present form for general public distribution.

EDWARD J. BOUGHTON,
Major and Judge Advocate of the Military District of Colorado.

THE GOVERNOR'S LETTER TO THE CHAIRMAN OF THE HOUSE COMMITTEE ON MINES AND MINING OF THE SIXTY-THIRD CONGRESS.

APRIL 6, 1914.

Hon. M. D. FOSTER,

Chairman Mines and Mining Committee, Washington, D. C.

DEAR MR. FOSTER: By my direction Gen. John Chase, commanding the National Guard in the strike zone, has prepared a statement of the operations of the guard, and I herewith inclose it, pursuant to conversation I had with you at the time of your departure for Washington. I have looked over this statement and believe it to be a very fair and reliable presentation of the facts. I sincerely hope it will be of value to your committee in arriving at a true understanding of the situation in Colorado.

With best personal regards, I am,
Sincerely yours,

E. M. AMMONS.

REPORT OF THE COMMANDING GENERAL TO THE GOVERNOR FOR THE USE OF THE CONGRESSIONAL COMMITTEE.

To the Hon. ELIAS M. AMMONS,

Governor of the State of Colorado.

YOUR EXCELLENCY: The Committee on Mines and Mining of the House of Representatives in the Sixty-third Congress, having been authorized to inquire of certain matters connected with the present strike in the coal fields of Colorado, and having in their investigations touched upon certain matters connected with the military occupation and the conduct of the Colorado National Guard, your excellency directed me to submit for the use of the committee a brief report of the peace conditions, military operations, conduct of the troops, and such information in my possession as might aid or interest the committee in the accomplishment of its errand under the House resolution.

Accordingly, and in obedience to your excellency's directions, I have made careful and, in most instances, personal investigation along the lines suggested, have accumulated and arranged the great mass of information that has come to me as commander of the State troops in the field, and beg leave to submit the following report.

For convenience of treatment, the report is divided into the following parts:

1. The general peace conditions existing in the disturbed region upon the calling out of the State troops.

2. A very brief outline of the principal incidents of the military occupation.

3. A succinct statement of certain military policies with respect to some matters inquired of or brought to the attention of the congressional committee.

4. A report upon some specific incidents in the conduct of the military brought to the attention of the congressional committee.

An appendix is added to the report, in which are collated and copied certain orders, reports, and other documents referred to herein.

I.—GENERAL CONDITIONS AT THE OUTSET.

In 1910 a strike was declared in Boulder County, Colo. This strike is still in existence. Deeds of violence have been committed by both sides to the controversy almost from the date of the strike to the present time. The operators in Boulder County repeatedly called upon the then governor of the State, Hon. JOHN F. SHAFROTH, for protection of their lives and property. Controversial correspondence was carried on between the governor, the sheriff of the county, and the mayors of the villages involved, with the strike leaders and with the operators in that county. At times the peace officers seemed able to control the violent individuals on both sides of the controversy, and at other times seemed wholly unable to do so. An utter contempt for legal processes and ordinary peace measures has for four years been exhibited in this section of the State. At one time a district Judge incarcerated for a period of several months 16 strike leaders whom he adjudged to be in contempt of his court for flagrantly and defiantly violating an injunction against picketing. This judgment was made the occasion of a demon-

stration by the strikers in parading around the courthouse in great force, as an intimidation to the civil authority; and the doctrine was inculcated that allegiance should be paid to the union rather than to the State or country.

Because of the failure to effect a settlement between the parties to the controversy in the northern coal fields, a strike in the southern zone was precipitated in August, 1913. On account of threatened violence to the properties of the operators and the lives of the workmen about the mines, the sheriffs of Huerfano and Las Animas Counties, being appealed to by the owners of the mines, placed on duty a large number of deputy sheriffs. The strike leaders selected strategic points for the establishment of the tent colonies which were made necessary by the departure of strikers from their homes on the mine premises. Nearly every one of these tent colonies was so placed that it commanded ingress and egress to and from the mines located in the canyon near by. The location of the colonies was not an accident, and, in view of the statute regarding picketing, it would seem that it was a deliberate attempt, on the part of those responsible for the placing of the camps, to bring about a thorough system of picketing without apparently violating the law. The canvas for the tents had hardly been raised before deeds of violence were reported from the vicinity of nearly every one of the colonies. Additional mine guards were placed about the properties to secure the safety of such workmen as were passing the colonies to work. There is no question but that there were instances where the mine guards unnecessarily provoked the residents of the tent colonies. These latter, in turn, seemed honestly to believe that they and their families were in danger from the mine guards. They, therefore, armed themselves for protection. As instances of violence increased, the opposing parties to the controversy became violently aroused. For at least 10 days prior to the calling out of the National Guard a condition of absolute terror prevailed in the mining camps and in the tent colonies. At least four pitched battles occurred, and at least nine men were known to have been murdered and a large number wounded. The civil authorities seemed, and, indeed, represented to your excellency, that they were wholly unable to do anything for the preservation of peace. A large number of battles had taken place throughout the two counties. Anarchy reigned supreme. No attention was paid to the courts or the civil peace officers whatever. People were arrested and detained in the tent colonies, and the sheriff, armed with civil process, was frankly informed that he would not be permitted to serve it. With all the deputies at his command, the sheriff was unable to discharge his usual duties without battle. This awful state of affairs was represented to your excellency by all of the civil authorities charged with the preservation of the peace. The sheriffs of both counties, the judge of the district court, mayors, aldermen, county officers, and numerous citizens—sympathizers with each side of the industrial conflict—implored your excellency to use the power of the State to end the open defiance of the constitution and laws.

Accordingly, your excellency directed me by executive order to mobilize the national guard and to enforce the constitution and laws, acting either in conjunction with or independently of the civil authorities, doing all such things as in my judgment seemed necessary to conserve the peace and vindicate the dignity of the State. I proceeded with the national guard to Huerfano and Las Animas Counties on the 28th of October, 1913. I found the conditions even worse than had been described to your excellency. I found two bodies of men in large numbers, fully armed, with the intensest hatred of each other in their hearts, ready to fly at each other's throats. The thirst for blood was unmistakably evident, as were the signs of an habitual and long-continued disregard and contempt for all civil government. The mining camps and tent colonies, though very numerous, were detached and widely separated over two large counties, the district presenting a front of about 100 miles. The military problem entrusted to me was interesting. With the all too meager force at my command, I was able, without bloodshed, to occupy this territory, reestablish the constitution, and enforce a sullen peace. The problems that developed day by day have been difficult and often delicate, and when the time came that there was added to our other difficulties the burden of deliberate deceit and misrepresentation, widely promulgated through the press bureau of the unions, our cup of tribulation nearly overflowed. In the discharge of our duties to the State as citizens, this volunteer force has had to go on silently in the accomplishment of the patriotic errand entrusted to it, under abuse and frequent scurrilous attacks, without a press bureau for the dissemination of the truth, often being placed in false light and false position before the public. But at the end of all the mission has been accomplished, and the State may well feel proud of its national guard, whose members, uncomplainingly and at the cost of great personal sacrifice, have served the State so well in its hour of need.

II.—HISTORY OF OPERATIONS.

Under this head no attempt is made to detail the daily occurrences and the daily and even hourly developments in the peace problem. Only a bare outline of the principal events can be undertaken.

Having moved the troops into the field and finding the situation in the disturbed counties as I have indicated above, my first effort was so to distribute the relatively meager forces at my command as to protect the entire line of 100 miles front. Bearing in mind that my sole and only object was to carry out the orders of your excellency and enforce peace and the observance of the constitution and laws of the State of Colorado, without reference to any incidental effect upon either side of the industrial conflict, my only desire was to accomplish my mission without bloodshed or the clash of arms, if possible. With two regiments of Infantry—not, however, fully recruited—three troops of Cavalry, one detachment of the Field Artillery, the Hospital Corps, and Signal Corps, we arrived in the disturbed region on the morning of the 29th of October, 1913.

I established one base camp upon the outskirts of the city of Trinidad, in Las Animas County, and another base camp at Walsenburg, in Huerfano County.

SOUTHWESTERN MINE AND POST-OFFICE ARSON.

While these necessary routine operations were progressing, and during the night of the 29th of October, our first day in the field, a conspiracy was formed among certain strikers at Aguilas, which resulted in a band of men going to the near-by Southwestern mine, pouring oil upon the tipple and mine buildings, setting fire thereto, and destroying that property, and, incidentally, the adjacent United States post office, with the mail contained therein. For a long time thereafter it was impossible to discover the perpetrators of this arson, but months later, through the efforts of the judge advocate's office and the military commission, the offenders were apprehended and turned over to the

United States marshal, upon the request of the Department of Justice of the United States.

DISARMAMENT.

On the 31st day of October, the third day of the occupation, when the establishment of the military camps was well under way, I undertook, pursuant to your excellency's express directions, to disarm both sides of the conflict that I found raging upon my arrival. Realizing that in the event of the concealment of their weapons I would have great difficulty in disarming the combatants, I consulted the strike leaders, including John R. Lawson, and obtained from them, and especially from him, an assurance that if I first disarmed the mine guards employed through the Baldwin-Felts Detective Agency to guard the operators' properties, the strikers would then cheerfully surrender the arms in their possession. It must be remembered that upon our first coming into the field the National Guard had, at least, the ostensible welcome and apparent cordial cooperation of the striking miners. Relying upon the assurances given me by Mr. Lawson and the other strike leaders, I proceeded to disarm the mine guards upon the various properties, against whom the most bitter feeling of the strikers prevailed. In the disarmament of these mine guards I had no difficulty whatever. They were assembled by their employers, the operating companies, and promptly turned over the high-power rifles with which they had been supplied. This disarmament I carried on with respect to the mine guards and employees of the operating companies in every camp throughout the entire strike zone and speedily finished the complete disarmament of that side of the industrial conflict.

It was arranged, upon the completion of the disarmament of the operators, that the military receive the arms of the strikers; and accordingly, upon the 1st of November, 1913, by an agreement between myself and the strike leaders, a parade of the troops to the tent colony at Ludlow, by far the largest of the strikers' colonies, was arranged. From all appearances the very best feeling prevailed between the troops and the strikers. I paraded detachments of the troops of various arms within Las Animas County, at the Ludlow tent colony, upon the suggestion and invitation of the strike leaders, including Mr. Lawson. My object was not only to receive the arms of the strikers, as promised, but to occupy peacefully and with good feeling the strategic points in the canyons about Ludlow, which the presence of so large a body of armed men might have made difficult of accomplishment without bloodshed had my entrance been disputed.

The parade of the troops at the Ludlow tent colony was memorable. The road for a half mile or more between the point of detraining and the entrance to the colony was lined on either side by men, women, and children. Many of the men were in the strange costume of the Greek, Montenegrin, Servian, and Bulgarian armies, for the colony numbered among its inhabitants many returned veterans of the Balkan wars. The little children were dressed in white, as for a Sunday-school picnic. All carried small American flags and sang continually the Union songs. Through this line of men, women, and children the troops paraded—Infantry, Cavalry, and Field Artillery. Flags were waved in welcome and an improvised band of the strikers heralded our approach.

We passed by Ludlow, occupied the Berwind and Hastings Canyons, and then returned to the colony to receive the surrender of the hundreds of high-power rifles I knew the strikers to be possessed of. At this point occurred the first instance of bad faith on the part of the striking people. Expecting to receive hundreds, if not thousands, of arms, there were delivered into my possession some 20 or 30 weapons, many of them of obsolete pattern, the strikers topping off the humor of the situation by including in the delivery of arms a child's toy popgun. Since that time the recovery of the strikers' arms has been attended with the greatest difficulty; it has been a game of hide and seek; and, while I have been able to recover, a few at a time, a large number of high-power weapons belonging to the union from various hiding places, I will state that there are hundreds of guns still concealed and waiting occasion for use.

CORONADO RIOT.

In the meantime I had upon my hands a large number of the mine guards, whom I had disarmed, and who being defenseless in the presence of enemies thirsting for their blood, had to receive protection. These mine guards I undertook to ship out of the strike zone. For that purpose I assembled a number of them in Trinidad. On the evening of the 31st of October I had in the Coronado Hotel at Trinidad a number of mine guards who had been disarmed, and were awaiting a train to take them out of the country. Notwithstanding the representations made to me concerning the disarmament of the detested mine guards, and when I had rendered them helpless by disarming them, all of which was known to the striking miners, a great crowd gathered around the Coronado Hotel, in which these disarmed men were contained, for the avowed purpose of wreaking condign vengeance upon their enemies, thus, as they supposed, delivered into their hands. Some five or six hundred men assembled around the Coronado Hotel with the express design of killing the disarmed and defenseless guards within. This is what is known as the Coronado Hotel riot. Notwithstanding all of the fair promises of Mr. Lawson and other strike leaders that induced me to disarm the mine guards first, they then rather gleefully assured me that they could not control their people, and that the feeling among the strikers, thirsting for the blood of the mine guards, was such as could not be stayed by any influence of the leaders. I found it necessary upon this occasion to assemble infantry and cavalry in the streets of Trinidad and to disperse the mob, thus bent upon wholesale murder, and to protect the disarmed mine guards until they could take the train out of the district. Fortunately I was able to quell this riot and prevent large loss of life without bloodshed or other serious consequences than a few arrests.

From this time forward, from the breach of faith concerning the disarmament until this day, the history of the strike leaders has been a record of bad faith, subterfuge, misrepresentation, and chicanery with the military forces of the State, who entered the field taking no sides, having no interest in the industrial conflict, intent only upon preserving the peace and guaranteeing the constitution, until by these methods the striking miners have come to look upon the National Guard as a foe, in league with their antagonist, and the guard has come to know that no faith can be placed and no honesty or integrity of purpose can be found in the strikers' camps as conducted by their present leaders. And I say this having no interest whatsoever in the industrial conflict still raging.

SHOOTING AT FORBES.

On the 5th of November the camp at Forbes was fired upon by the striking miners, and I found it necessary to send a company of infantry to that camp, which has received military protection ever since.

ARMijo MURDER.

On the 8th of November one Pedro Armijo was murdered near the tent colony of Aguilar. Armijo was a nonunion workman, who upon that day was visiting relatives in Aguilar. This town, one of the largest in the district, was inhabited almost exclusively by union people. It has been the center and hotbed of disorder during the entire campaign. A committee of the Aguilar local union was sent to Armijo to urge him to join the union. This committee, comprising the president and treasurer of the union and one other, frankly told Armijo that it was highly dangerous for him to stay in Aguilar unless he took a union card. Armijo, however, was not to be intimidated, and flatly refused to join. While the committee was inside the house threatening Armijo a large crowd of men assembled in the street. The town marshal, a very radical union sympathizer, was then sent by the union committee to deport Armijo from the town. The marshal took him out of his relatives' house and, followed by the crowd, escorted him through the streets of Aguilar in the direction of the tent colony on the outskirts of the town. Before reaching the colony the marshal turned Armijo loose and sent him upon his way toward the camp of his enemies. The unfortunate man was thrust into the jaws of death. Passing along by the tent colony, and about an eighth of a mile from where the marshal left him, he was murdered in his tracks by a gunshot. Instantly both the crowd from town and the inhabitants of the tent colony surrounded the body. That the killing was planned and advertised there can be no doubt. The tent-colony people and the idle men from the town were upon the ground to see the fun. If the murder had been deliberately planned by the town marshal and the union committee, they could not have acted with greater care to insure its success. Upon the examination of these men before the military commission they were most reluctant and unreliable witnesses as to the occurrences of that morning, giving a decided impression that they knew much more than they were willing to tell.

SMITH ASSAULT.

On the same day, November 8, Herbert Smith, a mine clerk at the McLaughlin mine near Trinidad, was overtaken upon his road home by three or four striking miners, and very brutally and severely beaten, so that at one time there was a question of his recovery. No reason for the assault existed other than that Smith was at work, and was considered a scab. The guilty parties were apprehended, and, upon recommendation of the military commission, detained for a while and then turned over to the civil authorities.

LA VETA KILLING.

Also on November 8 occurred what has since been known as the La Veta killing, when three mine guards and the driver of their car were shot and killed without warning.

One John Flockhart, the local representative of the United Mine Workers at La Veta in Huerfano County, learning that William Gambling, a mine guard, was coming to La Veta to have dental work done, with the assistance of Charles Richards and Peter Rich, assembled a number of the strikers, supplied them with guns and ammunition from his private residence, intercepted Gambling by forcibly taking him from a back, and then conducted him to Miners' Union Hall, where they undertook to make him join the union. Gambling was, however, permitted to telephone to the other mine guards on duty in the vicinity, who at once came to his rescue in an automobile. The armed party, under the leadership of Charles Richards, a professed expert shot, proceeded to the outskirts of the village and took up their position behind an embankment a few hundred yards from the county road, along which the mine guards must pass.

The guards passed into the village without molestation, took Gambling into their car, and quietly drove away within five minutes after their arrival. The party on returning from La Veta was composed of three mine guards, Gambling, and the chauffeur. When arrived at a turn in the road, about a half mile from La Veta, in full view of the detachment of strikers stationed behind the crown of the adjacent hill, a fusillade of shots was rained upon them. The guards tried to return the fire, but could see nothing of their assailants. Of those in the automobile four were shot and killed. Gambling, though wounded, was the only one of the party to escape the slaughter.

I at once sent a detachment to this locality to care for the dead and apprehend the murderers. As a result, Charles Richards, Charles Shepherd, Peter Rich, Sam St. John, and Jose Chavez were arrested. Upon examination they acknowledged the shooting. These men are now held for trial on the charge of murder. Flockhart disappeared immediately after the killing, being given the necessary funds for transportation by the union at Walsenburg, and is still a fugitive from justice. It may be well to remark that a large number of the inhabitants of La Veta were apprised of the coming killing and witnessed it from points of advantage, their advance information emanating from Flockhart and other leaders.

PIEDMONT DYNAMITING.

On the 18th of November the house of one Domenik Pefello at Piedmont was destroyed by dynamite. Pefello had been an active union man, but had deserted the ranks of the strikers and returned to work.

BELCHER ASSASSINATION.

Two days later, on the evening of November 20, occurred the assassination of George Belcher in the streets of Trinidad. Belcher had been one of the leaders or foremen of the mine guards employed by the operators through the Baldwin-Felts Detective Agency. I have already described the feeling that existed on the part of the strikers toward these mine guards. This feeling was concentrated and centered in a deep hatred of their leader, Belcher. Rumors were afloat for many days before his murder that he and Belk, another mine-guard leader, were shortly to be assassinated. About half-past 7 in the evening, which in Trinidad is the busiest and most crowded hour of the day, on the main corner of the city, at the intersection of Main and Commercial Streets, beneath an arc light that hangs in the middle of the street, and in the presence of perhaps a hundred onlookers, Belcher was shot from behind as he was walking across the street, by a Tyrolean Italian named Louis Zancanelli.

Belcher fell instantly. His blood flooded the pavement and his brains protruded from the bullet wound through his head. He expired almost at once. It happened that I myself and the judge advocate were present in the immediate vicinity at the time of this occurrence and saw Belcher before he died. Zancanelli was taken on the spot, and within five minutes of the occurrence was interviewed by myself and the judge advocate at the city jail. For five days he sullenly denied any knowledge of the murder, at the end of which time he voluntarily gave me, with the announcement that he had a confession to make. His confession was astounding, and was gratuitously offered, not as a result of any third-degree methods of examination or any promise of

clemency. He was a psychological study, and he was treated with great kindness, for it was believed that only by such means could he be induced to tell what he knew. The result proved that to be the case. He stated to me and to the judge advocate, and later to the military commission, that he had been hired to kill Belcher and Belk by one Anthony B. McGary and one Sam Carter. These two men were, and perhaps are yet, international organizers of the United Mine Workers of America. Zancanelli's story proceeded as follows: That McGary and Carter had made several trips to Ludlow, where Zancanelli lived, to offer him this employment. They offered the job likewise to one Mario Zeni, his tent mate. Zancanelli at first declined, but Zeni accepted and came to Trinidad to do the deed. A week afterwards Zancanelli came likewise, and was told by Zeni that he had not had an opportunity to accomplish the murder. McGary and Carter met Zancanelli in Trinidad and played upon his feelings and pride, telling him that Zeni was no good, had no courage, but that he, Zancanelli, could do the job if he would. Thereupon Zancanelli undertook it. McGary and Carter told him that he would probably be arrested, but that the union was so strong and powerful that it would get him out of jail at once and protect him from the consequences. They told him also that if he succeeded the union would take care of him the rest of his life, so that he would not have to work. They promised him \$1,000; that is to say, \$500 for each murder. The four of them—Carter, McGary, Zancanelli, and Zeni—went from union headquarters across the street to a saloon, and there McGary cashed a check for \$50, receiving the money in gold, and paid \$25 each to Zancanelli and Zeni upon account—two \$10 gold pieces and a \$5 piece to each. Zancanelli then had Belcher pointed out to him, and followed him around and lay in wait for him. On the evening of the second day thereafter his opportunity came, and he stole up behind his victim and shot him with a revolver that McGary had furnished him for the purpose. This revolver had certain peculiarities by which it was identified readily by its owner. It had belonged to one Barulich, a chauffeur employed by the union to drive its car. Barulich stated that he carried the gun in his automobile when driving McGary and Carter around from camp to camp, and that it had disappeared a short time before, and that he supposed either McGary or Carter had taken it.

Upon this confession of Zancanelli's, effort was immediately made to arrest McGary and Carter, and it was then discovered that they had fled the State the day after the murder. This same Barulich stated that he was directed by McGary and Carter to take them in the car to the first railroad station east of Trinidad; that upon arrival there McGary and Carter had directed him to proceed further eastward, and that upon arriving at each town in their progress he received similar orders to drive further, until they reached Lamar, a town on the Santa Fe Railroad near the Kansas border. Upon arrival at Lamar an east-bound train was just pulling in. This train was boarded by McGary and Carter, who directed Barulich to return to Trinidad.

I personally offered a reward of \$1,000 for the arrest and return of each of these two fugitives; but, notwithstanding the reward and all my efforts to discover them, their whereabouts are still unknown to any of the authorities.

Possibly there is no significance in the fact, but I have remarked that in the printed statement of the treasurer of the United Mine Workers, compiled at Indianapolis, in addition to the salary account paid McGary, there appears an item "A. B. McGary expense, \$50."

Zancanelli stated that he made this confession because McGary and Carter had not kept their word with him in getting him out of jail, and he felt that they had deserted him, and that they should bear as much of the blame as he. He was told, before he made the confession, that it would be used against him, and that he was under no compulsion to make it. He told his story circumstantially and minutely to a great many persons, but without feeling of remorse or regret. Zeni steadfastly denied all knowledge whatever. Later the grand jury indicted Zancanelli, Zeni, McGary, and Carter. Zancanelli was turned over to the civil authorities and is now held for murder. Zeni was turned over before the grand jury had indicted him, and the civil authorities released him. He stayed around long enough to make a very ridiculous affidavit, manifestly prompted by the strike leaders, concerning alleged cruelties to the military prisoners in the city jail, and then departed for parts unknown—another instance of the many affidavits men who can not be found after their affidavits have served their intended purpose. Zeni, like McGary and Carter, is now a fugitive from justice.

ALEXANDER MURDER.

On November 23 I discovered James Bicavaris in a hospital in Denver. I arrested him and took him to Trinidad, where his case was submitted to the military commission. The occasion was as follows:

During one of the battles between the strikers and mine guards in the Hastings and Berwind Canyons, one Alexander, a mine guard, was deliberately shot by the strikers. It seems that the mine guards at Hastings were not acquainted with the mine guards in the adjacent canyon at Berwind, and so they adopted the device of tying a handkerchief around their arms as a distinguishing mark, whereby they might recognize each other. Early one morning, before the troops arrived in the field, a group of mine guards from Hastings, expecting an attack from the strikers at Ludlow, were reconnoitering upon the hills adjacent to their camp. They were expecting to be reinforced by the mine guards from Berwind. In the dim light of breaking dawn the Hastings guards, of whom Alexander was one, encountered a tall man, with a heavy shock of red hair, with handkerchief tied upon his arm. This man called to the party of guards, saying, "We are the Berwind guards; come on." By this ruse he led the Hastings men up the side of a hill, and, as they approached the crest, concealed strikers rose from their cover a few feet away, and delivered a fusillade of shots, killing Alexander. The man who had been used as a decoy was seen to approach and rob the body of Alexander after the latter was killed. In the doing of it, however, he was accidentally shot in the leg by a stray bullet from his own people. The wounded decoy disappeared, and when I found Bicavaris in Denver, just recovered from a gunshot wound in the leg, and maintained in the hospital at the expense of the United Mine Workers of America, I caused to be introduced into the hospital ward Alexander's companions, who instantly picked him out of 20 or 30 patients, and identified him positively as the man who led Alexander to his death. This testimony being submitted to the military commission, Bicavaris was detained, and later delivered to the civil authorities, in whose custody he now is, awaiting trial for murder. It appeared from the testimony before the military commission that the United Mine Workers had officially taken care of Bicavaris, concealing him from the authorities, conducting him to Denver, and paying his hospital expenses during his recovery from his wound. Bicavaris is a Greek, speaking English but imperfectly.

MILITARY COMMISSION.

About this time I instituted the military commission, whose purpose, functions, and service I have explained elsewhere in this report.

STRIKE BREAKERS.

About December 1 your excellency modified your instructions concerning strike breakers, and directed me to see that the law was strictly enforced; where workmen were desirous of entering the State to secure work in the mines to give them necessary protection and see that they knew in advance the conditions of employment and that a strike existed. The first workmen arrived about the 17th of December. I was very careful to ascertain whether they knew the conditions of their employment and the pendency of the strike, and in those instances where I was not satisfied that the law had been complied with in that respect the strike breakers were held for investigation. In other cases they were given safe conduct and protection to the camps where they had contracted to labor.

VACCINATION OF LUDLOW TENT COLONY.

On the 29th of December I found it necessary to insist upon the vaccination of the inhabitants of the Ludlow tent colony. This task was accomplished by the medical corps of the National Guard, under the directions of the surgeon general of the State, Col. Lingenfelter. It was not performed without much dissent and protest on the part of the strikers in the colony, but the vaccination was successful and a plague of smallpox, which had started, was successfully stamped out.

ROUTT COUNTY EXPEDITION.

On the 5th of January your excellency directed me to send a company of infantry to Routt County. Accordingly I sent Company G, First Infantry, Capt. Dorn commanding, together with the necessary staff and medical officers. The occasion for the occupation of Routt County was that the citizens at Oak Creek rose en masse and announced that the union leaders were a menace to society and would have to leave the county within 24 hours or the citizens, banded together for that purpose, would drive them out. The strikers themselves called upon your excellency for protection against the citizens of Routt County, and that protection was promptly afforded.

MOTHER JONES.

On the 11th of January Mary Jones, or Mary Harris, alias "Mother Jones," appeared in Trinidad in defiance of your excellency, with the avowed and proclaimed purpose of stirring up trouble. I have discussed this woman elsewhere in this report. By your excellency's directions I arrested Mother Jones, placed her in San Rafael Hospital, a church institution, giving her every comfort, but depriving her of being at large to carry out her incendiary purposes.

MOTHER JONES RIOT.

Ten days later there occurred a riot in the streets of Trinidad, known as the "Mother Jones riot." By this time the military forces had been able to enforce a sullen and unwilling peace in the disturbed region, and the strikers had evinced a disposition to cause disturbance and disorder through their womenfolk. They adopted as a device the plan of hiding behind their women's skirts, believing, as was indeed the case, that it would be more embarrassing for the military to deal with women than with men. Accordingly a parade of women was arranged as a demonstration to protest against the incarceration of Mother Jones. The leaders in the movement consulted me, asking permission to carry out the parade, and promising that the line of march would be confined to the down-town streets of Trinidad, and particularly that no effort would be made to march upon the hospital where Mother Jones was detained and which is adjacent to the military camp, about a mile from the center of the city. With that understanding I freely gave permission for the parade to occur. The parade of women was had as planned, but it was noticeable that the men, while not in the parade, were present in the immediate vicinity and available to participate in any riot that might occur. Contrary to the promise given me by the leaders, the hundreds of women in the parade, together with the hundreds of men upon the sidewalk, started toward the hospital and the military camp with loud shouts of their intention to liberate Mother Jones by force. I found it necessary to break up the parade and clear the streets, which was done promptly and effectually. So soon as the disorder commenced the men, quite evidently waiting for that to transpire, joined the crowd and participated in the mêlée. The strike leader, Diamond, who was then in charge of the union people of Trinidad, instead of using his efforts to dissuade his people from their unlawful intentions, I discovered to be calmly taking photographs, for use doubtless of the union press bureau and the congressional committee. I was compelled to make numerous arrests upon that occasion of persons who were later released or turned over to the civil authorities. The fact that the parade itself consisted of women has been made the subject of much flamboyant and untruthful comment by the union leaders, but the situation was a dangerous one, and have to congratulate and commend the National Guard for the patience with which the crisis was handled. It was truly a miracle that no blood was shed, and the miracle is due alone to the self-restraint and patience of the National Guardsmen under the most provoking and trying circumstances. Sticks, stones, and other missiles were freely thrown by men and women alike at the soldiers, but the latter disregarded the blows they received and bore themselves well and manfully, intent alone upon clearing the streets and dispersing the mob.

WALSenburg BOMB.

On the 27th of January a crude bomb was thrown into the military camp at Walsenburg. It did not explode. Whence it came was a mystery, and no arrests could be made on this account. The incident, however, shows to what lengths those opposed to the military will go and what precautions must necessarily be taken by the State's troops in sheer self-preservation. Had the bomb exploded, it would have killed a great portion of the soldiers about the headquarters of the camp.

HABEAS CORPUS.

On the 29th of January four habeas corpus cases were tried before the district court of Las Animas County involving the right of the military authorities to arrest and detain persons without accusations of specific offenses. After a lengthy argument between counsel for the United Mine Workers and the judge advocate the district judge vindicated the right of the military to arrest and imprison, following in that respect the judicial determinations of the same question by every State court in which the situation has arisen, and by the Supreme Court of the United States.

FREMONT COUNTY EXPEDITION.

On the 31st of January your excellency directed me to send troops into Fremont County, the occasion being an attack by armed strikers upon trains bearing strike breakers to the mines. Pursuant to those directions, I sent Maj. Kennedy with a company of Infantry and a detachment of Cavalry to Florence, diminishing by this and the expedition to Routt County the all too meager force at my command wherewith to protect the citizens of Huerfano and Las Animas Counties.

By your excellency's orders, about the middle of February the troops were withdrawn, first from Fremont County and then from Routt County, the necessity for their presence, in your excellency's opinion, having passed.

MOTHER JONES'S HABEAS CORPUS SUITS.

Early in February counsel for the United Mine Workers made application to the Supreme Court of the State of Colorado for an original writ of habeas corpus in the case of Mother Jones. This application was denied by the supreme court.

On the 6th of March the habeas corpus petition in the case of Mother Jones, addressed to the district court of Las Animas County, was denied and Mother Jones remanded to my custody. During the arguments in court upon all of the habeas corpus cases the court room was packed on each occasion with a heterogeneous audience, the major portion of which neither spoke nor understood the English language. The crowd was very unusual and could not have been attracted by any desire to hear the proceedings which it could not understand. Without any doubt in the world these men—Greeks, Montenegrins, Italians, Servians, and other recent arrivals from the southern countries of Europe—were present for the one purpose of participating in any riot that might be started. On the last occasion—March 6—I discovered conspiracy among certain Indians in the audience to kill myself, the judge advocate, who was presenting the argument, and the district judge, who had incurred the hatred of the strikers by his decisions. The conspiracy was not unusual, since I have had military information of just such plots over and over again; but upon a showing of this particular conspiracy the actual production of Mother Jones in court was waived by counsel for the United Mine Workers. On each of these occasions I found it necessary to surround the courthouse with soldiers. I have always been able to enforce order and prevent riot or disperse mobs, but with all the forces at my command I could not prevent secret assassination, and assassination was impending that day.

FORBES MURDER.

An episode has occurred since the visit of the congressional committee which has been given nation-wide publicity through the press bureau of the United Mine Workers of America. The incident is so typical of the falsehoods spread broadcast concerning the National Guard by the union leaders that I beg leave to acquaint your excellency and, through you, the congressional committee with the facts. A nonunion miner by the name of Neil Smith, working at Forbes, was murdered on the railroad tracks between Forbes and Suffield. The murder was particularly brutal. It was committed with large stones held in the hand, with which the victim was beaten to death. His skull was smashed in and his whole body so pounded and mutilated as to be almost beyond recognition. The blood-drenched stones and clubs used are in the possession of the coroner of Las Animas County. After being killed the victim's body was laid on the railroad track to be run over, as it was, by an approaching train. The train passed over the body at 7:40 in the evening. At 6 o'clock the deceased was seen walking briskly toward Suffield at a point not a quarter of a mile from where he was discovered dead. In an hour and 40 minutes, if the union's theory is correct, he had walked less than a quarter of a mile. The stones and sticks covered with hair embedded in the dried blood found beside the railroad track conclusively negative any theory other than murder. Three distinct sets of footprints led from the body where it lay on the railroad track across country by a devious route into the union tent colony at Forbes. The footprints were very distinct and were not lost once. It was known that by an incident of this kind the union people desired to strike terror into the hearts of those at work. There were two tent colonies at Forbes, known as the upper and the lower colony. In one are men, women, and children; in the other are men only. It was to the latter colony that the footprints of the murderers led.

All of the tent colonies in the disturbed region are so established strategically as to guard the mouth of the canon and by their presence terrorize and intimidate nonunion workmen. This was particularly true of the Forbes colony. It is so established that no workmen can leave the camp at Forbes without passing along or through it. Upon discovering these facts I arrested all of the inhabitants of this lower colony, numbering some 16 men. I then directed the removal of the tents, and they were taken down. In my judgment it was a military necessity. The colony was known to harbor the murderers of Smith and was a menace and continuing intimidation.

So soon as the tent colony was razed the strike leaders besieged your excellency with protests and sent to the President of the United States a message to the effect that I had destroyed the homes of the people and turned women and children—nay, infants in arms—out into a blinding blizzard, homeless and with unspeakable suffering. There was no blizzard; there were no women, children, or infants in the colony; and every inhabitant deprived of a home by the razing of the tents was furnished shelter in the jails of Trinidad. I have the statement of the president of the Forbes local union, made to the judge advocate, that there were no women or children in this colony and never had been since its inception. Accordingly, by your excellency's direction, I telegraphed the true facts to the President of the United States, a copy of which message I attach hereto. In this case it is interesting to note that the president of the local union, in answer to a question of the judge advocate, stated that the Forbes local comprised some 53 members, mostly English speaking, being Englishmen, Scotchmen, Irishmen, and Welshmen, and that of the number there were but three American citizens. The examination of the prisoners revealed over and over again English-speaking men who had been in this country between 20 and 30 years, yet had never attempted to become American citizens, but remained still subjects to the British Crown. These are the class of men who clamor most loudly about their constitutional rights.

WILLIAMS'S ATTEMPTED ASSASSINATION.

As I write this report another instance of outlawry has occurred. The other night the business men of Trinidad met and formulated a

joint telegram to your excellency, indorsing your excellency's policy and pleading for the protection that continuance of the State troops in Trinidad assures. One of the business men so joining in approval of your excellency and the military forces of the State was discovered the day before yesterday in a dying condition in his office, having been murderously beaten and left for dead. He was taken to San Rafael Hospital and, from the latest reports received, has not yet recovered consciousness.

III.—GENERAL POLICIES.

USE OF HORSES, MULES, AND AUTOMOBILES.

On entering the field the National Guard owned only 14 head of draft horses, a totally inadequate number for the quartermaster general's department, which is charged with the supplying of the troops with all manner of stores. Two hundred and seventy-nine head of horses were finally purchased for draft use and mounted troops. The commanding general very gladly accepted the offer made by ranchmen and some of the operators to take over horses and mules, to be used without charge to the State. In this way 21 head of saddle horses were in use without expense other than their feed, being drawn from the ranches in the vicinity of the strike zone, and 15 head of mules were secured from the various coal mines of the district.

In Huerfano and Las Animas Counties the troops were distributed over about 120 miles of territory, much of which was distant from railroad transportation. It became necessary to provide transportation other than horses, in order that the commanding general and certain officers of his staff might pay frequent visits to the detached posts. At various times six different automobiles have been used, four of which were private cars and two said to have been owned by the operators. Some complaint was urged by the strike leaders against the use of these cars, and request was promptly made of Mr. Lawson that he also furnish one or two cars for the use of the troops. This request he declined.

ENLISTMENT OF MINE GUARDS.

The enlisted personnel of the National Guard of Colorado is largely made up of small property owners, clerks, professional men, and farmers. It has always been the custom, upon mobilization of the troops for protracted service, to relieve from duty those soldiers whose presence at home is most greatly needed, enlisting in their places men who have served in the Regular Army, in the Marine Corps and Navy, and the National Guard of this and other States, great numbers of whom are usually available in the cities and towns of the State. Among the mine guards who were thrown out of employment by the presence of the troops in the field a few ex-soldiers were found whose discharge papers were of such a character that it seemed desirable to enlist them in the National Guard of Colorado. So far as it has been possible to ascertain, no Baldwin-Felts man ever offered himself for enlistment or became enrolled in the service. All men enlisted in the National Guard were given the pay of the rank in which they were serving as soldiers, and were subject to the same orders as other soldiers. A few of the men enlisted among the mine guards were paid for a time additional sums by the operators. This is a matter in which the commanding general has no interest, as it has been customary for business houses to continue the pay of employees who are serving the State under orders of the governor.

DISARMAMENT.

The governor, in his first letter of instruction, directed that all persons should be disarmed unless authorized to bear arms. In compliance with this order, weapons were taken from the peace officers of both counties, from the deputy sheriffs and mine guards found about the properties of the operators, from the tent colonies of the strikers, and from such homes and stores as were being used to the disturbance of law and order. In all, 1,872 guns and pistols have been gathered from the deputies and strikers, and about two tons of explosives. Directions were given, very soon after entering the strike zone, that the importation of arms and ammunition should cease, and that no guns, ammunition, or explosives should be sold without the permission of the commanding general. Many of the guns which were in transit at the time of the mobilization of troops were returned to the factories and wholesale dealers in the East. Where arms were voluntarily turned over to the soldiers a receipt, carrying a description of the gun, was given to the owner of the weapon. Where false statements have been made as to the presence of guns it has been customary to confiscate the weapons when found. The first weapons gathered in Huerfano County were taken from the sheriff and his deputies.

STRIKE BREAKERS AND STRIKE NOTICES.

In the governor's letter of instruction dated October 28, 1913, occurred the following order:

"To see that all persons desiring to return to work shall be permitted to do so, and to go and come when they will without molestation or interference of any kind whatsoever, and during the restoration of order or until further orders no strike breaker shall be shipped in.

"With these purposes in view you should have the fullest cooperation of every good citizen."

Every operator in the strike zone was promptly notified of this ruling, and was directed that any plans under consideration for the introduction of workmen from outside the State of Colorado should be withdrawn until such time as the governor lifted the prohibition for the introduction of workmen from without the State. One band of 12 Japanese was permitted to come in by a special permit of the governor, as they had previously worked in the strike zone and were fully cognizant of the fact that the strike was in progress. The governor directed by telephone that at any time when two or three former workmen desired to return to any of the mines they should be allowed to do it. The strike leaders repeatedly called the attention of the commanding general to alleged efforts to violate the order concerning the introduction of workmen. Each case was investigated by an officer detailed for the purpose, and in only one instance—that of the introduction of Mexicans at Gray Creek—was there even an appearance of an effort to evade the order of the governor.

Prior to the issuance of General Order No. 17, a copy of which is attached, the operators were informed that they would not be permitted to import to their mines any workman who had not previously been interrogated by an officer of the National Guard as to his knowledge of the strike and conditions of employment in the State of Colorado. Each officer of the National Guard was furnished with copies of General Order No. 17, and the order was printed in the local press. The first importation of workmen arrived from the East, passing through La Junta. In order to test the efficacy of the method adopted for interviewing workmen, Capt. Nickerson was sent to La Junta to meet the train bearing the workmen. Upon his recommendation that there was ample time after the arrival of workmen in the district to test their knowledge of the strike and labor conditions in Colorado, no other

officer was sent out of the strike zone to intercept workmen. Upon several occasions complaints were made that workmen had been brought into the mines without a complete check being made. Officers were detailed to investigate, and their reports show that in each instance the check had been thoroughly made.

Prior to the promulgation of General Order No. 17 the operators were invited to a conference with the commanding general to devise a scheme of notification to the workmen entering the strike zone, which would give evidence of compliance with the law. At this time notices were drafted and printed in several languages, which were afterwards, as I am informed, supplied to each laborer imported. One of these printed notices is attached hereto.

UNITED STATES MAILS.

Nearly every mining camp in southern Colorado is located on land which, for purposes other than mining, is almost worthless. Such population as gathers about the mines is for purely mining purposes. This has necessitated the placing of post offices, for the convenience of the inhabitants, on mining property privately owned. One of the delicate situations requiring wise control on the part of the soldiers on duty in the strike region has been to permit all persons who were accustomed to receive mail at these mining post offices to proceed to the post office and at the same time insure against interference with persons or property connected with the other side of the industrial conflict. The condition referred to has been aggravated in several of the camps by the fact that county roads pass through the mining camp, and, as your excellency well knows, no highways in the strike zone are fenced. As an instance of the conditions referred to, of the care exercised by the officers and the good judgment exhibited by the enlisted men, the reports of the officers connected with the alleged interference of the mail at Rouse are herewith submitted.

ALLEGED PEONAGE.

Numerous inquiries have been made of the commanding general by the committee of the trades assemblies of Colorado by strike leaders and individuals among the strikers as to the restraint alleged to have been exercised by soldiers over workmen desiring to leave the various mining properties. It seems incredible that such a charge should be made against a soldier, for it is a well-known fact that the mine operators openly assert they want no man on the pay roll who has become dissatisfied with his work or who desires to leave. Therefore it is easy to understand that no request has ever been received by any officer or soldier of the National Guard of Colorado to prevent the departure of any workmen seeking to leave, nor has there been an instance known to the commanding general where an officer or enlisted man of the National Guard ever prevented the exit of any workman from a mine, unless all egress from a camp had been barred temporarily to investigate some alleged crime.

POLICE INFRACTIONS BY TROOPS.

Something over 2,000 different soldiers have been on duty in the strike zone of Colorado. The discipline of the men, the efficiency of the officers, and the quality of service rendered have been a constant surprise to such soldiers as have had the facts to judge from. No instance of disobedience or neglect of orders on the part of an officer has come to the attention of the commanding general. There have been fewer infractions than might have been expected from the nature of the service, which was peculiarly trying to disciplined soldiers. Every case of drunkenness or other irregularity was cared for by the proper military courts. The summary courts tried 424 cases and the general court-martial considered 30 cases.

THE MILITARY COMMISSION.

I feel it due to explain the purpose and functions of the military commission which was established by my order shortly after the assassination in the streets of Trinidad. I found that military prisoners were accumulating in the jails whose individual cases needed more thorough investigation than the commanding general had time or occasion to make. I therefore detached a board of officers which I designated the "military commission." This board or commission I constituted of officers of higher rank in the service of the State, known in their local communities as representative men of high ability, upright character, and irreproachable integrity. While the personnel of the commission was changed slightly from time to time as the necessities of the service required, still I aimed always to assign to this body officers in whom your excellency, the commanding general, and the people would have the greatest confidence. As originally established the commission comprised the inspector general and paymaster general of the State, Col. C. B. Carlile, who in civil life is a banker in Pueblo; the surgeon general of the State, Col. G. P. Lingeneffler, a distinguished Denver physician; Col. Edward Verdeckenberg, commanding the First Regiment of Infantry and the central camp at Walsenburg, a manufacturer of Denver; Maj. A. H. Williams, adjutant general of the First Brigade, a Denver business man; Maj. A. F. Reeves, a real estate man of Montrose, who has since been appointed postmaster of that city by the President; Capt. A. D. Marshall, the secretary of the Sons of the American Revolution; and Lieut. W. A. Spangler, a Denver attorney. Afterwards, at different times, Maj. Lester, a Walsenburg physician; Capt. Dalley, clerk of the district court at Fort Morgan; Capt. Frost, an attorney of Colorado Springs; Capt. F. D. Bartlett, a professional man of Denver; and Capt. Downer, a merchant of Ordway, served upon the commission.

The purpose in view in establishing the military commission was to prevent the imposition of unnecessary hardship and imprisonment in cases where no reasonable grounds existed for detention, and to insure, by the collective judgment of such a board, wise and discriminating imprisonment of those who should be detained as a military necessity. While the board was advisory purely, I yet sought to substitute for the sole judgment of the commanding general the collective wisdom and painstaking results of these high-minded and patriotic gentlemen. The military commission was in no sense a court. It did not undertake to try anyone for criminal offenses or anything else. It was a kindly and humane device established for the sole purpose of minimizing the possibility of error in judgment attaching to the incarceration of civilians.

In the same order I established the office of the judge advocate of the military district, and designated Maj. Edward J. Broughton, an attorney of Denver and Cripple Creek, the judge advocate, assigning to his office as assistants Capt. William C. Danks, of Denver; Capt. Edward A. Smith, of Denver; Capt. Hildreth Frost, of Colorado Springs; and Capt. J. R. Charlesworth, of Delta; all practicing attorneys at law.

The purpose of the military commission and the judge advocate's office was accomplished even beyond my expectations. A very large number of arrests were made for various reasons. All of these cases were investigated, the evidence collected and submitted to the military

commission by the judge advocate, and recommendations either of release or continued detention were made by the commission to the commanding general, and acted upon promptly by him. In all, 172 cases were thus investigated and disposed of. It is interesting to note that 325 witnesses appeared before the commission. Of the prisoners, 141 were foreigners, 14 were Greeks, 46 Italians, 43 Mexicans, 24 Slavs, 14 other foreign nations. There were 31 Americans. The moral effect of the military commission was tremendous. It was able to ascertain the true facts in cases where the civil authorities had confessed themselves wholly unable to do anything. Whenever it was discovered that the prisoners were amenable to the civil law for specific criminal offenses, they were turned over to the civil authorities, together with the evidence collected by the commission. The nature of the cases submitted may be summarized as follows: Murder, 29; assault, 42; disturbance, 20; rioting, 19; subverting military discipline, 17; arson, 20; drunkenness and disorderly conduct, 15; held as witnesses, 21; insanity, 1; picketing, 1; fugitive from justice, 1. No effort was, of course, made in that direction, but it so happened that the political complexion both of the military commission and the judge advocate's office was distributed very evenly among the recognized political parties in the State, even the Socialist Party being represented thereon.

"MOTHER JONES."

The person known as "Mother Jones" has occasioned considerable publicity and some embarrassment during the occupation. The embarrassment of her presence is not, however, confined to the military authorities by any means. It was at one time stated to me and the judge advocate by Mr. McLennan, one of the principal strike leaders, that Mother Jones was invaluable as an organizer in the early stages of the strike, because she excited the men, but had always proved very embarrassing to the union chiefs in the later stages, particularly when there was possibility of a compromise or adjustment. McLennan stated in that conversation that Mother Jones was a very headstrong old woman, who would not submit to guidance or suggestion of any kind, even from her own people, and that they had to suffer her to do as she wanted, oftentimes to the great annoyance of those in charge of the strike. She is an eccentric and peculiar figure. I make no mention of her personal history, with which we are not concerned. She seems, however, to have in an exceptional degree the faculty of stirring up and inciting the more ignorant and criminally disposed to deeds of violence and crime. Prior to the advent of the State's troops she made a series of speeches in the strike zone, of which I have authentic and verbatim reports. These speeches are couched in coarse, vulgar, and profane language, and address themselves to the lowest passions of mankind. I confidently believe that most of the murders and other acts of violent crime committed in the strike region have been inspired by this woman's incendiary utterances. The fact that she is a woman and advanced in years she uses as a shield, as well as a means of invoking popular sympathetic sentiment in case of her incarceration. She is undoubtedly a most dangerous factor in the peace problem. I am informed that she was so found in West Virginia and elsewhere that disturbance and anarchy held sway. She was held for murder in West Virginia, and I am advised that her police record is in the possession of the Pinkerton detective agency.

As your excellency is fully aware, she defied all government and all authority of the governor to your excellency. Every effort was made to induce her to remain away from the troubled district, and the cooperation in that respect of the strike leaders was invited. These latter, however, while evincing a disposition to keep Mother Jones out of the territory, frankly confessed their inability to do so. She came to Trinidad after publicly declaring her intention to incite trouble.

In view of her history in other places and the evident effects of her incendiary utterances in Colorado, your excellency deemed it wise, and even necessary, as a military measure, to restrain Mother Jones of her liberty so long as she persisted in remaining in the strike region. Accordingly, upon the day of her arrival in Trinidad, I arrested her and placed her in San Rafael Hospital, upon the outskirts of the city, where she was given every attention conducive to her comfort. She was advised that she was always at entire liberty to leave the disturbed parts of the State, but she pertinaciously and with great contumacy insisted on remaining in imprisonment. It was avowedly present in her mind to excite sympathy for the union cause by submitting to a continued incarceration, and with that in mind she was at first very angry that she had been so nicely restrained at the hospital, instead of being confined in a common jail, of which she felt she would be able to make more capital. After many weeks' confinement, however, she sought a confidential interview with Col. Davis, commanding the central camp at Trinidad, in which she discussed ways and means of bringing about her departure and at the same time saving her face. Being anxious only to get rid of the incendiary woman, her suggestion that she be permitted to go to Denver, ostensibly to see your excellency, and that if liberated at that place she would depart upon some excuse of her own, was readily adopted. Upon her own suggestion she was brought to Denver and liberated as suggested, but she promptly repudiated the rest of her proposal, and, after interviewing her attorney and strike leaders and remaining in Denver for three or four days, she returned to the strike district, where again, by your excellency's directions, I have had the unpleasant duty of detaining her. She was again notified that she was free to leave the district at any time she wished. She returned to the strike district, not for the transaction of any business, or for any other purpose than to defy the power of the State, and, as she stated in numerous interviews, "to establish her constitutional right to go where she pleased," and in open defiance of the power and authority vested in the chief executive.

IV.—SOME SPECIFIC INCIDENTS.

I come now to report upon specific incidents testified to before the congressional committee. In this connection, it should be remarked that considerable testimony was presented of complaints against the conduct of officers or soldiers of the National Guard. In a great many of these instances the witness could not, or at any rate did not, state facts from which either the identity of the men complained of or the incident referred to could be established. Such testimony has been painfully illusive, since it has afforded no means of checking the witness by investigation, and affords no opportunity to combat or refute the testimony. Another large class of testimony produced before the committee and attacking the National Guard does not appear to fall relevantly within any of the enumerated lines of inquiry authorized by the House resolution. Again, much was stated to the committee concerning minor police infractions by individual soldiers, whose offenses were properly disciplined in the usual way wherever known. In this connection it was very easily discernible that a disposition existed in the witnesses hostile to the National Guard, and in those individuals conducting the attack upon the guard, to keep secret from the proper

military officers any misconduct on the part of soldiers, thus often preventing the disciplining of the offender or proper investigation of the charge at a time when the true facts were ascertainable. It seemed to be a settled purpose to treasure up known charges of alleged misconduct against soldiers to be used as testimony before the committee, great care being taken, wherever possible, not to acquaint the military authorities with the grounds of complaint against individual soldiers, so as to afford means of correction. With the large number of soldiers in the field, and scattered among some 36 detached posts over a territory 120 miles in extent, there have doubtless occurred instances of misconduct and disorder on the part of individual soldiers. It would, indeed, be very strange if such was not the case. But I can confidently assert that no very serious offenses have been committed, and that in every instance where infraction of the law or the moral misconduct of men has occurred, and where the military authorities had knowledge, or could by the exercise of the utmost diligence have obtained knowledge, the offenders have been promptly and severely disciplined and punished. Considering the size of the force, the necessity of such discipline and the occasions of such misconduct have been remarkably few; and, indeed, I have to commend the patience and good conduct of the men in the field as truly exceptional under a great strain and often under almost unbearable provocation.

So far, then, as I have been able to ascertain from the testimony produced before the committee what incidents and what men were referred to by the hostile witnesses, I have thoroughly and personally investigated the cases cited and am able to report the true facts of each.

EXCLUSION OF LABOR COMMISSIONERS.

It was testified by the witness, Eli Gross, that he and certain other representatives of Labor Commissioner Brake were sent to Delagua, Hastings, Tabasco, Berwind, and Forbes to discharge certain official duties, and that at the latter place they were prohibited from seeing the men in the mines, and escorted out of camp and excluded therefrom by Lieut. Olinger, of the National Guard. The facts are that Mr. Gross and his party were ostensibly visiting the properties for the purpose of examining the plant and machinery, as provided by the State inspection law. This they were permitted to do, as testified by Mr. Gross himself; but in the party at Delagua and Hastings was a certain Italian by the name of Mancini, likewise a deputy labor commissioner, who stated to Maj. Hamrock, in command of that district, that by express directions of Labor Commissioner Brake he accompanied the party for the purpose of talking to the employed and working nonunion miners in Italian, and that he had had express directions from his chief to persuade the workmen to quit work by every means, either of argument, entrapment, or intimidation. Colorado has a State law prohibiting such interference with workmen, making it criminal. To have permitted the State labor commissioner to violate the law through his Italian deputy would have increased the difficulty of maintaining peace. Upon this information being furnished by Maj. Hamrock, and observing that the labor commissioner's party desired not to inspect the machinery but to talk to and dissuade the workmen from their employment, as a peace measure, Lieut. Olinger was directed to exclude them from the camp. These orders were carried out by the Lieutenant courteously and after entertaining the party at dinner as his guests.

THE LA JUNTA INCIDENT.

It was testified by some witness that, coming into the State as a strike breaker with a number of others, the train was boarded by guardsmen at La Junta, the soldiers guarding the front and rear platforms of the car and preventing any person from leaving it. The witness stated that a woman and child desired to go from one car to another, and were forcibly detained upon the platform for a long time, exposed to the cold. This incident simply did not occur. The only National Guardsman ever sent out of the district to meet an incoming train of strike breakers was Capt. Nickerson, who testified at the committee's request that upon one occasion he went alone to La Junta under instructions to ascertain whether the State law requiring knowledge of the strike conditions to be imparted to strike breakers had been complied with, and that he went through the car and ascertained that in each instance the law had been obeyed, and interfered with nobody.

THE VALENTI TESTIMONY.

A witness calling himself Salvatore Valenti testified that he was compelled by soldiers to remain at work in Delagua after he wished to quit; that, being refused permission to leave, he managed to escape by another way, and, being in Trinidad on the day of the "Mother" Jones riot, heard Gen. Chase say: "Go ahead and fight; kill all you want; kill all the people right away; chase the people out of the road; go ahead and chase these people out and kill them; kill all the people you want."

The latter part of this testimony ought not to be dignified by a denial, and, indeed, I should not have included so ridiculous a statement were it not for the fact that it affords quite a typical instance of much of the testimony that was offered against the soldiers. This witness, Valenti, during his examination stated that his name was Dominick Bonito; that, in giving the name Salvatore Valenti at first, he had forgotten for a moment what his own name was and so gave his uncle's name. He stated that he had served a full three-year's enlistment in the United States Army, being discharged on the 18th of February, 1912, and that he had served in the Philippines in 1910. He could not read or write, nor did he know the difference between a colonel, a captain, and a sergeant. He stated that he belonged to Troop B of the Thirty-sixth Cavalry, and that his colonel was Tom Shaeffer, a German. As a matter of fact, no man who can not read or write has been admitted to the United States Army in the last 25 years. There is no Thirty-sixth Regiment of Cavalry, and has not been. The name of Tom Shaeffer does not appear on the Army Register, either as colonel or anything else. The witness insisted he had his discharge papers in a trunk at Delagua. Upon the suggestion of the committee, it was arranged that the strike leaders should bring this witness to the evening train, and that the general, who happened to be returning to the district that night, should personally give him safe conduct to Delagua to find his trunk and his discharge papers. The general and the strike leaders were at the train, as agreed upon, but there was no Valenti. He has fled, and the strike leaders profess to the general that they do not know his whereabouts. He has no trunk and no discharge papers at Delagua, and the tale that he tells of enforced work and personal restraint by the soldiers is not true. Yet this is the class of witness that was often introduced to the committee as worthy of credit and belief, to attack the National Guard.

THE BARBED-WIRE EPISODE.

It was stated by the witness John Lawson and others that Lieut. Linderfelt had directed that some barbed wire be cut in small pieces and thrown into a well used by the inhabitants of the Ludlow tent

colony as a source of water supply, thus polluting the well. The self-constituted committee of labor organizations was at the time of this incident conducting what it was pleased to call an investigation of the militia. That committee had announced that it would make no report until it had completed its so-called investigation; but so appalling did this incident appear to it that the committee interrupted its work at once and telegraphed to your excellency about the matter as of serious and immediate import.

The telegram stated that upon the occasion of the occurrence Lieut. Linderfelt had brutally assaulted an inoffensive boy and grossly abused a man in no way connected with the strike, and unjustifiably arrested Louie Tikas, the headman of the Ludlow tent colony; adding that the lieutenant had a deliberate purpose to provoke the strikers to bloodshed, and asking for his removal.

By your excellency's directions I instigated a searching investigation of this incident at the time of its occurrence and learned, as I advised your excellency, that the facts were as follows: On the evening of December 30 a patrol of Lieut. Linderfelt's company was returning from Barnes, and when opposite the Ludlow tent colony in the county road Corp. Cuthbertson's horse encountered a double strand of barbed wire which had been strung across the highway. The horse became entangled in the wire and unmanageable and severely injured his rider, the horse itself being severely cut by the barbs. Again, on the 7th day of January another wire entanglement was discovered in almost the same place and removed. Upon one occasion prior to the injury of Corp. Cuthbertson another wire entanglement was discovered across the county road near the tent colony. After the injury to Cuthbertson, Lieut. Linderfelt directed his men to cut the wire into pieces, which they did, throwing it into a near-by well which was supposed to be abandoned, and I now find this well was at no time used by the strikers for water for drinking purposes. Lieut. Linderfelt then arrested Louie Tikas, together with another man who was pointed out to him as the person who had strung the wire. At first Tikas protested that he did not know the other man, but upon being sent to Maj. Kennedy for examination admitted that he had lied in that respect and that he knew him very well, but protested innocence of the wire entanglement. The inoffensive boy referred to in the labor committee's report denied that Lieut. Linderfelt had struck him, confirming the lieutenant's statement in that respect. This incident is reported in full as showing the lengths of falsehood, bias, and deliberate misconstruction to which those engaged in attacking the national guard have gone.

INTERRUPTED FUNERAL.

Witness Hall, an undertaker of Trinidad, whom the strikers employ exclusively, stated that a funeral procession conducted by him had been interfered with and broken up by a soldier driving an automobile. In this connection it should be explained that mobs and street processions have been prohibited in the strike zone for the very obvious reason that such demonstrations at a time like the present usually result in disorder and riot. Funeral processions have, however, always been allowed and never interfered with. The result is that the striking miners utilize a funeral for the purpose of making a parade through the streets. On such occasions there is very little funeral sentiment, but often considerable sociological demonstration. It matters not that the deceased was wholly unknown to those taking part in the procession, or whether the deceased had lived in the community 1 day or 10 years, the funeral is always made the occasion of a street parade in which flags and banners of the striking miners are carried and large numbers of men march to demonstrate strength. I feel this explanation is necessary to an understanding of what occurred in the incident referred to by Undertaker Hall. Pvt. Ward J. Watson was driving an automobile upon a military errand between the city of Trinidad and the military camp a mile away and overtook one of these funeral processions or parades. Reaching the rear of the procession a short way from the military camp and attempting to pass by without molesting it he slowed up to turn aside. The men in the procession turned about and began to abuse him, calling vile names, making threatening gestures, and climbing upon and over the sides of the automobile. Thereupon Pvt. Watson, guiding his car with one hand, drew his pistol and struck at one of the men attempting to board the car. In fear of what might follow, he being one against so many, he drove the car at full speed through the mass of men until he reached the buggies and cabs in the procession, when he swung to the side and went on to the military camp. Pvt. Watson insists that he felt it necessary to act thus as the only means of protecting himself against the demonstration made. It was really a flight.

THE PATTRUCCI INCIDENT.

A woman by the name of Pattrucci testified that soldiers arrested her husband, taking him to the guard tent at Ludlow, and then returned and offered her \$2 to prostitute herself. The offer, she stated, was made in the rather ambiguous language: "Where can I spend these \$2?" The witness placed her own interpretation upon it. I have no means of ascertaining whether such incident ever occurred, since the witness, though pressed, was unable to give any information as to who the men were. She said, however, that she complained of the incident to Maj. Kennedy, whom she knew, and that he had punished the men; and, in an effort to discover who the men were, the committee itself requested the presence of Maj. Kennedy, from whom it was hoped to obtain the names. Maj. Kennedy at the time was in command of the force in Fremont County, but upon the committee's request was brought all the way from Florence to Trinidad, and, being upon the stand, testified that he knew nothing of the incident; that none had been reported to him, nor was anyone punished; and that on the date of the alleged incident and conversation with him at Ludlow he was, in fact, over 100 miles away.

MRS. THOMAS.

Two incidents were testified to before the committee in connection with the Mother Jones riot—one by Mrs. Thomas, and the other by a young girl, Sarah Slator. Mrs. Thomas testified that she was shoved, pushed, jabbed in the back with a bayonet, arrested, and held in jail 11 days. The arrest and imprisonment are facts, but the rest of her testimony is largely fiction. She was a vociferous, belligerent, and abusive leader of the mob. She forcibly resisted orders to move on, responding only with highly abusive and, to say the least, unwomanly language. She attacked the troops with fists, feet, and umbrella. In her testimony she made much of the awfulness of treating a riotous woman in the same way as a riotous man. This woman has been under surveillance for a long time, and the truth is that not long before, upon the occasion of the arrest of her husband for knocking down a woman—an arrest directed by the union leader, Uhlich—this same Mrs. Thomas strenuously defended her spouse at Miners' Union Hall, with

the argument that women who act the part of men must be treated as such. The next day she appeared at the newspaper office of the Trinidad Advertiser and professed her intention to kill the editor for having printed as a news item the incident concerning her husband, and returned a little later with a pistol to carry out her purpose; but, being excluded from the office, she remained for some time upon the sidewalk, attracting a crowd by her loud, vile, and boisterous denunciations. She is altogether a violent and, upon occasions like the Mother Jones riot, a dangerous woman. She claims to have lived in America a little less than a year. It was necessary to arrest her.

SARAH SLATOR.

This young girl testified that on the same occasion the commanding general dismounted for the purpose of kicking her in the breast. The absurdity of this statement will be apparent to all. The young girl, who was playing truant from school on that day, offered considerable resistance to the soldiers, positively refusing to move on or go home, and continually calling names and abetting the troubles occurring within her sight. Before night her father represented to me her age and irresponsibility, and, feeling that a jail was no place for a girl of tender years, she was released and delivered to her father's custody.

OVERWORKED TRAIN CREW.

A Colorado & Southern brakeman testified that on December 25, 1913, Lieut. Griffin compelled a train crew to work over the 16 hours out of 24, limited by Federal statute. The report of Lieut. Griffin, who had charge of the detachment upon an errand of safe-conduct of workmen, as well as the statement of Sergt. Goodell, who was with him at the time, show that the facts were these: A conversation occurred between the military officers and the train crew concerning the attitude of the National Guard toward the railroad trainmen and unions, and in this conversation members of the crew stated that all trainmen "had it in" for the military, as the military was always against the interests of the unions. It was noticed that a great delay in moving the train was occurring, and upon inquiry it was stated that the crew was "stalling," so that the 16 hour period would expire, leaving the military detachment in the yards. Whereupon the lieutenant told the conductor that he was placed in charge of the train to deliver workmen and return with his command to Trinidad, and that the lieutenant's orders were to see that he did it; at this the train was moved. If the 16-hour limit expired before the time the train reached Trinidad, a matter of which the lieutenant was in ignorance, it was because of the deliberate plot on the part of the train crew to bring that condition about.

PEONAGE.

There was some evidence introduced to the effect that men were forcibly prevented from quitting work and leaving the camps at Hastings and Delagua, and that this sort of peonage was enforced by the soldiers in charge. After a careful examination, I state that this testimony was in every instance false, so far, at least, as the same concerns the troops. The commanding officer in charge of the troops in the Hastings-Delagua Canyon states positively that all civilians who made application to leave the camps were at once given a pass, and that at no time was the military instrumental in detaining anyone desiring to quit work and leave the camp. That a man was killed in the mine in Delagua during December while trying to leave, and that the soldiers were present and participated, as mentioned in certain affidavits, and that the name of the man killed was Hayes, and that a man by the name of Davis witnessed the killing, is wholly false. No man was killed at this mine during December, and the records show that no man by the name of Hayes was employed at the mine, nor was there a man by the name of Davis employed or present, so far as can be discovered.

INSULTS AT STARKVILLE.

Two women of the lower classes, named Ramponi and Minardi, testified to certain vile and nasty insults by soldiers at Starkville. Upon the coming in of this testimony the individuals accused became highly indignant. They are young men of good families in Colorado Springs, who felt besmirched and humiliated by such false and scurrilous testimony. Acting through their captain, Hildreth Frost, the accused men submitted to me their sworn statements, together with the affidavits of several civilians who witnessed the incident referred to by the women, with a request that the same be handed to the committee as a matter of personal vindication. From these affidavits it appears that these women were continually hanging around the soldiers' camp and baiting them with the vilest kind of talk imaginable. These women, prior to the closing of the saloons in Starkville, used to tend bar at a place frequented by the rougher and lower element among the miners, and it would appear that, instead of the soldiers offering insult to them, they went out of their way to shout the most hideous words at the troops. The language used can not find space here, but reference is made to the affidavits supplied by Capt. Frost's men.

JASSINSKY INCIDENT.

The incident of an alleged robbery testified to by the family named Jassinsky, of Suffield, was investigated by my express direction at the time it was said to have occurred. The report of Capt. Smith, who conducted an exhaustive investigation, wholly discredits the statements made. Capt. Smith testified before the committee concerning the matter, and it needs no further attention here.

GRAVE-DIGGING STORY.

A great deal has been said about a man being compelled to dig his own grave by a detachment of soldiers at Lester. One Andy Colnar has related in affidavits, speeches, and interviews with the press a horrible tale of his being told that a hole he was compelled to dig was intended for his own grave; that he was measured for it; that he was told in his own language that he was about to be shot and buried; and that he was so frightened that he fell fainting into the hole. His description of the torture is graphic and has been given the widest publicity. The tale is made of whole cloth. The incident never occurred.

It is perhaps well that the committee and the public know the facts, that they may judge of the methods used by the defamers of the National Guard. On or about the 28th of November, 1913, a letter was written by Andy Colnar, addressed to Paul Antovitch, the fire boss then working at the Prior mine. This letter, written upon the letter-head of the United Mine Workers of America, threatened violence to Antovitch if he did not instantly quit his job and join the union tent colony. The letter was delivered by one "Kink" True, who, as soon as Antovitch had read it, snatched it from Antovitch, saying that it was not necessary for the letter to remain in his hands. True then conducted Antovitch to a cut in the road, part way between Prior and the tent colony, where Andy Colnar and others were awaiting him. At this place Colnar threatened and intimidated the working miner, who

did not return to work, but felt it necessary to quit the mine. On this information Capt. Drake, in charge of the district, directed Lieut. Work to arrest and detain Colnar and True, and on the evening of November 28 both were taken and kept in separate apartments. True was placed in the upper part of the building with a sentry, and Colnar was given a bed in the assembly room and handcuffed with his hands in front of him from 11 o'clock p. m. until 6 o'clock the next morning. This was done to prevent escape, as there was not a sufficient number of soldiers to spare a sentry to guard Colnar. The next morning he was given a good breakfast and interviewed by Capt. Drake, who demanded of Colnar that he recompose the letter which he had written to Paul Antovitch. Colnar protested he could not remember it. The captain told him he would remain where he was until he did, and left him pencil and paper. During the day he sat in the assembly room near a comfortable fire. The captain, who had interviewed True, produced the original letter to Colnar. Antovitch was then sent for and identified the original letter as the one delivered to him by True. After a warning against carrying threatening letters and against intimidation, True was released, and Colnar was detained for further investigation. True is the president of the local union at Prior. The night of November 29 Colnar was placed in a comfortable bed in the town jail, and the next morning he was taken out under guard and set to digging a new latrine. The lieutenant had been reprimanded for the condition of the old latrine and, as was customary, utilized his prisoners for the purpose of digging a new one. While Colnar was thus engaged one of the soldiers, who speaks a little Slavish, passed the place and gave Colnar a "good morning" in the Slavish tongue. Colnar asked this soldier if what he was digging was a grave, but before the soldier answered him the drill call sounded, and the soldier replied, "I don't know," and ran hastily to where the detachment was assembling. During inspection that morning Colnar was placed in an interval in the center of the detachment, after which he requested to be permitted to telephone to his wife and babies, but the request was denied. He then said he felt sick, and was asked if he wished to go to the latrine, but his answer was unintelligible. He was taken out and put to work at the same place. About 11:30, after having his dinner, he was again interviewed by Capt. Drake, who stated that he understood that he had a wife and babies out on a ranch north of town, and that if he would promise to go and take care of them and abandon attempts to intimidate workmen he would discharge him and permit him to go home, but would keep him under surveillance. Colnar was exceedingly thankful, dropped to his knees, and invoked the Deity to witness that he would not transgress again. He said that if anybody at the tent colony wanted him to write threatening letters again they could murder him before he would do it. The captain told him to get to his feet and go to his wife. Colnar's thanks and expressions of gratitude were profuse, and tears streamed down his cheeks as he mentioned the good meals given him and the kind treatment accorded him while a prisoner. He was never measured for a grave; he was not told he was digging one; and he did not fall fainting into a hole nor anywhere else; neither was he told he was to be shot. Capt. Drake has still the letter of intimidation as originally written by Colnar. Upon Colnar's release he shortly imagined the weird tale that has earned him so much notoriety.

This campaign has not been a pleasure trip for the members of the National Guard, but a tour of duty, and the magnified stories circulated concerning alleged offenses or indiscretions on the part of soldiers while performing their duty can be assigned for no other reason than that of distracting the attention of the public from the real issues involved.

In concluding this report, I feel that I would be derelict in my obligations toward the officers and men of my command if I did not emphasize again the splendid conduct of the National Guard as a whole. These men are volunteer soldiers, who receive a mere pittance for their services as compared with their ordinary earning capacity in daily life. They have promptly and cheerfully responded to the State's call in the hour of danger, and their service has been attended in almost every instance with great personal sacrifice, and oftentimes downright suffering. The danger of destruction by assassination or otherwise has not been wanting. The errand was a patriotic one and occasioned by a quarrel wholly impersonal and void of interest to any one of them. The men of the guard have discharged their services well, faithfully, and patiently. For all the task has been a thankless one. The only visible return for the sacrificing citizenship displayed has been the heaping of reproach and opprobrium, falsehood and scurrility, upon the shoulders of the Commonwealth's defenders. It is hoped that a just and discriminating public will in the end come to realize the disinterested service of these champions of the State's integrity and honor, who for the present have only the consciousness of a stern and unpleasant duty well performed to console them.

All of which is very respectfully submitted.

JOHN CHASE,

Brigadier General, Commanding the Military District of Colorado.

Mr. THOMAS. I shall make no comment on either of these insertions. I merely insist that it is due to both sides of this controversy, if one is to have the benefit of the columns of the CONGRESSIONAL RECORD to any extent the other ought to have it to like extent. My remarks must not be construed as an indorsement of what appears in this document. I have the same reason for indorsing or condemning it that I have for indorsing or condemning the other. Allowance must be made on all sides for the excitement and passion and hysteria which have been engendered by this terrible and unfortunate tragedy. Time will sift the true from the false as nothing else can.

Mr. President, before the General Assembly of Colorado adjourned it voted bonds for military purposes or, to speak more accurately, for the purpose of preserving peace and aiding the Government in the execution of the laws. It voted a series of bonds aggregating \$1,000,000, a great portion of the proceeds which, of course, will be required to meet the expenditures thus far sustained during the mobilization of the National Guard. There will be left, however, a very considerable sum—that is, a considerable sum for the State of Colorado—of between \$300,000 and \$400,000, which will be available for the uses of the State should any similar emergency occur in the future, which God forbid.

The legislature before adjourning appointed a committee consisting of members of both houses and representing the several political organizations of the State, and charged them with the duty of inquiring into and bringing about an adjustment of the difficulties between the miners and the mine operators. That committee has been in constant session ever since the legislative adjournment, which took place, as I recall, on Saturday, the 16th day of May. It has recently reported that the prospect for reaching a satisfactory conclusion is now very promising. It may be, therefore—and I hope it will be the fact—before this commission, if it shall be provided for and appointed and shall have gone to the expense of an investigation, that an adjustment will have been reached.

I am also informed that the Department of Labor, by the direction of the President, has detailed two of its best men especially charged with the duties of an investigation, and have for some time been engaged in the attempt to reach the same result.

I hope that the Committee on Interstate Commerce, to which committee I understand the resolution will be referred, will expedite the consideration of it and make a favorable report upon it as soon as possible.

The VICE PRESIDENT. The Chair inquires of the Senator from Colorado if the resolution ought not to go to the Committee on Education and Labor.

Mr. THOMAS. The request was made by the Senator from Oklahoma, when he introduced the resolution, that it go to that committee. I ask that it may go there, unless it belongs properly somewhere else; and that is one reason why I asked that it might lie on the table under the rule.

The VICE PRESIDENT. Bills and resolutions are referred on motion and not on the request of a Senator, if there is any objection.

Mr. THOMAS. The Chair asked me the question, and I was obliged to answer it as I did.

The VICE PRESIDENT. The Chair thinks it ought to go to the Committee on Education and Labor, and the Chair is going to refer it to the Committee on Education and Labor unless a motion is made to refer it to some other committee.

MISSOURI RIVER BRIDGE.

Mr. STONE. Mr. President, I have just come into the Chamber and I do not know what the Senate is engaged upon, but if it is in order I should like to ask unanimous consent to take from the calendar a bill for the construction of a bridge across the Missouri River. It is a House bill.

The VICE PRESIDENT. The morning business has not yet been closed, but by unanimous consent the bill may be considered.

Mr. STONE. It will not take more than a moment. I have some telegrams, I will say to the Senate, that are urging the importance of speedy action upon the bill. I ask the Senate to proceed to the consideration of the bill (H. R. 14189) to authorize the construction of a bridge across the Missouri River near Kansas City.

Mr. JONES. I am not going to object to the consideration of the bill, but I want to ask the Senator from Missouri, who is one of the leaders of the body, if he has any idea when we will be able to get started on the calendar and go through the calendar, and if we can count on his assistance to help us to get consideration of the calendar?

Mr. STONE. I am very anxious to get on the calendar. There are a number of measures on the calendar that ought to be disposed of, and undoubtedly many more important than the one that I now ask to have considered.

Mr. JONES. This bill is no doubt of importance locally, but I feel that if we let all matters of local importance get through we will not be able to get to the bills on the calendar. I am not going to object to the consideration of the Senator's bill; I want to have it passed; but I do hope he will help us to get started on the calendar very soon.

The VICE PRESIDENT. Is there objection to the bill indicated by the Senator from Missouri?

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

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

TRANSPORTATION OF PARCEL-POST PACKAGES.

The VICE PRESIDENT. The Chair lays before the Senate the following resolution coming over from a preceding day.

The SECRETARY. Senate resolution 363, submitted by Mr. SMITH of Georgia on May 14.

Mr. NORRIS. The Senator from Georgia not being present, I ask unanimous consent that the resolution may go over without prejudice.

The VICE PRESIDENT. The resolution will go over without prejudice. The morning business is closed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House agrees to the amendment of the Senate to the bill (H. R. 14385) to amend section 5 of an act to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone, approved August 24, 1912.

LEGISLATIVE, ETC., APPROPRIATIONS.

Mr. MARTIN of Virginia. I ask that the Senate proceed to the consideration of House bill 15279, the legislative appropriation bill.

The VICE PRESIDENT. Is there objection?

Mr. KENYON. I object, Mr. President.

Mr. MARTIN of Virginia. I move that the Senate proceed to the consideration of the bill. I will say to the Senator from Iowa that this bill will come up as the regular order at 1 o'clock, and if there is any matter the Senate ought to proceed to consider that is of importance, I shall not insist on it now.

Mr. KENYON. I will state very frankly the reason for my objection. I gave notice on March 9 that I would as soon as possible move to take up a certain bill, and for reasons which are within the knowledge of everybody it has been impossible so to do. I thought, inasmuch as the bill the Senator has in charge will come up at 1 o'clock, the time from now until 1 o'clock might be devoted to the consideration of that bill.

Mr. MARTIN of Virginia. I ask the Senator what the bill refers to?

Mr. KENYON. It is the bill known as the volunteer officers' retired bill. It has been before Congress for a good many years. I know the Senator is not in favor of it, but I think it is entitled to a hearing.

Mr. MARTIN of Virginia. It is perfectly clear that it would be impossible to dispose of that bill in the time before 1 o'clock. It proposes to make a very large appropriation; \$5,000,000 is, I understand, the amount involved.

Mr. KENYON. About that; but it is a very simple issue.

Mr. MARTIN of Virginia. It is a simple issue, but it is going to take a good deal of time. I am exceedingly anxious to get this appropriation bill through, but no more so than must be every other Senator. The summer is far advanced, and we ought to be disposing of some of the measures that we must act on before we adjourn.

Mr. KENYON. I am in accord with the Senator's idea as to the appropriation bill, but I want to say to the Senator if there is no merit in this bill of course it ought to be defeated, and if there is any merit it ought to receive consideration. I want to say to the Senator that of the committee—six officers of the Civil War—who presented this matter to the Military Committee, I understand three of them have already passed away. If we are ever going to do anything, it ought to be done at this session of Congress. Would the Senator have any objection to this kind of a motion, to make the bill a special order for some day next week? It would not take any of the time the Senator desires to devote to his bill; it would come up only during the morning hour.

Mr. MARTIN of Virginia. I have not that familiarity with the bill referred to that would justify me in agreeing to anything in relation to it to-day. I gravely doubt the wisdom of passing the bill at the present session of Congress. I certainly am not prepared to enter into any agreement, as far as I am personally concerned, in reference to it, because my course in respect to it is not determined.

Mr. KENYON. Of course the Senator has no objection to a hearing on the bill upon its merits?

Mr. MARTIN of Virginia. If an opportune occasion should arise, of course I would be glad to have it considered; but at present there is an important appropriation bill regularly before the Senate, and it ought to have precedence. I move that the Senate proceed to the consideration of House bill 15279.

The motion was agreed to, and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 15279) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. KENYON. I move if it be now in order that Senate bill 392 be made the special order—

Mr. MARTIN of Virginia. I make the point of order that the appropriation bill is before the Senate.

Mr. KENYON. Let me make my motion, please. I move that the bill be made a special order for 12 o'clock June 15.

Mr. MARTIN of Virginia. The motion is out of order, Mr. President.

Mr. KENYON. I do not know whether it is or not. I am going to try to get the bill up on every possible occasion.

Mr. OVERMAN. The appropriation bill is pending before the Senate, and the motion is not in order.

The VICE PRESIDENT. The Chair is of the opinion that the motion can be entertained only by unanimous consent. The Senate has just voted to take up House bill 15279.

Mr. MARTIN of Virginia. I ask for the regular order, which is the consideration of that bill.

The VICE PRESIDENT. The Chair thinks, in justice to the Chair, a statement ought to be made now with reference to the unfortunate incident of last night between the Chair and the Senator from Virginia [Mr. MARTIN].

Mr. MARTIN of Virginia. Mr. President, if the presiding officer will permit me to say so, I think I was too hasty in the remark I made. I am sure the President of the Senate makes fewer mistakes than any Senator on the floor; and the disappointment to me at the time was such that, under the impulse of the moment, I made a comment which I immediately regretted, and which I wish to withdraw in the fullest and amplest and broadest sense.

The VICE PRESIDENT. It is not only for the Chair, because the Chair has no feeling about the matter, and he believes that the Senator from Virginia is a friend of the Chair, but the Chair desires to explain what really took place.

There is a rule of the Senate that a Senator shall rise and address the presiding officer and that the presiding officer shall recognize the first Senator who addresses the Chair; but there has grown up a custom in the Senate, which the Chair has been recognizing, of permitting Senators to send up requests to be recognized, both for the purpose of speaking and for the purpose of making motions. There is not any doubt at all that the Chair promised the Senator from Virginia [Mr. MARTIN] that he would recognize the Senator from Virginia; the Chair also promised the Senator from South Carolina [Mr. SMITH] that he would recognize the Senator from South Carolina; and the Chair also promised the Senator from Nevada [Mr. NEWLANDS] that he would recognize the Senator from Nevada immediately on the conclusion of the tolls-bill debate. So the Chair had three promises out to recognize three different Senators. The Chair had forgotten the promise to the Senator from Virginia; he managed a release from his arrangement with the Senator from Nevada, and recognized the Senator from South Carolina. Immediately, when the Senator from Virginia arose, the Chair remembered that he had two promises out; he also knew that the Senator from Virginia had the right of way under the rules; so the Chair stood by the recognition of the Senator from South Carolina. The Chair knows there is no feeling between the Senator from Virginia and the Chair, and hopes there is no feeling on the part of the Senate as to what the Chair did.

Mr. MARTIN of Virginia. Mr. President, I want to say that not only is there no feeling, but there is no sense of grievance—none whatever—on my part.

The VICE PRESIDENT. The Secretary will read the bill.

Mr. MARTIN of Virginia. I ask that the formal reading of the bill be dispensed with, that the bill be read for amendment, the committee amendments to be first considered.

The VICE PRESIDENT. Is there objection to the request of the Senator from Virginia? The Chair hears none. The formal reading of the bill will be dispensed with, and the Secretary will read the bill for committee amendments.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Appropriations was, under the head of "Legislative," subhead "Senate," on page 2, after line 3, to strike out:

For actual traveling expenses incurred by Senators, including actual traveling expenses of immediate and dependent members of their families, incurred in going to and returning once from each session of Congress by the nearest route usually traveled, the same to be paid on certificates duly approved as in the manner heretofore prescribed for the payment of mileage, \$25,500.

And in lieu thereof to insert:

For mileage of Senators, \$51,000.

Mr. KENYON. Mr. President, I should like to ask the chairman of the Committee on Appropriations where the provision for mileage of Members of the House is contained in the bill?

Mr. MARTIN of Virginia. It will be found on page 18, but it is not necessary to turn to it now, because exactly the same provision is made for the House Members as is made for Senators. It restores the mileage law which has been in existence for years.

Mr. KENYON. Mr. President, there are many more Members of the House than there are of the Senate. As I understand the situation, the House has decided on a plan of mileage that shall cover actual expenses of Members in traveling to the seat of government and of the families immediately dependent upon them. Now, the House having so many more Members, it seems to me that the Senate in this matter ought to defer to the judgment of the House. I think at the time when I suggested an appropriation for the father of former Representative Pepper, who had died, the Senator from Virginia made an argument on the proposition to the effect that that was a matter entirely with the other House. The great bulk of this appropriation is going to the House, and it would seem to me that we ought not to interfere with it.

In the second place, it seems to me that the provision of the House in reference to the mileage proposition is a fair one. It embodies what was always the intention of mileage, to wit, to cover the actual traveling expenses, and this would do it. As the situation is now, a man with no family receives his mileage, and it is more than his actual expenses, while a man with a large family is compelled to bring them here, and the amount allowed for mileage does not cover the expense. For that reason I am very much in favor of the House provision.

Mr. MARTIN of Virginia. Mr. President, it is true that I have always insisted that each House should take care of its own expenditures, but this is a joint expenditure; this is not an expenditure exclusively appertaining to the other House. This is a provision for mileage for the membership of both Houses. The committee, after careful consideration, was of the opinion that the old flat rate of mileage was juster, and would in the end prove quite as economical as the mode now proposed by the other House.

In addition, Mr. President, we felt that it might be the subject of very great abuse under the language of the House provision, which is very vague. It reads:

Traveling expenses of the immediate and dependent members of their families.

That is a very latitudinarian phrase. It is difficult to see where it would lead us. It does not fix the mode of travel. Are they all to have drawing-rooms? It is a very vague and unsatisfactory provision for the payment of mileage. The committee of the Senate did not think it was wise to make the change and reported an amendment accordingly. The matter will go to conference; and if there be any strenuous desire on the part of the other House to make this change, it will have due consideration; but the judgment of the Senate Committee on Appropriations is that there should be no change, or certainly not the change proposed by the other House.

Mr. LANE. Mr. President, I was under the impression that the change proposed by the House of Representatives was in the interest of economy, and that it would cut the mileage expense in half; and I observe that the sum appropriated in the bill amounts to only about half of the usual appropriation for the purpose. I think it would be a good idea to give this plan a trial. There is a great deal of dissatisfaction among the people throughout the country in relation to the matter of mileage.

I do not think that it pays the Members of the Senate or honors the Senate to accept mileage. If there is any other satisfactory way of having such expenses paid, I think we ought to substitute it for this. The payment of mileage has always caused reflections to be made upon the two Houses. I do not think this body can afford to continue the practice if there is any other method which they can adopt; and I support the House provision for that reason.

Mr. WARREN. Will the Senator from Oregon allow me to ask him a question?

Mr. LANE. Certainly.

Mr. WARREN. Mileage is by law a part of the compensation of Senators and Members of the other House, and always has been so regarded. Does not the Senator from Oregon believe that there is just as much talk against the increase of Senators' salaries as there is against the payment of mileage?

Mr. LANE. I do not know.

Mr. WARREN. It is all one under the law.

Mr. LANE. It may be, but it is under the law in a different light; and if you are going to increase the salary—

Mr. NORRIS. Will the Senator from Oregon yield to me?

Mr. LANE. I will.

Mr. NORRIS. I want to make a remark in reference to the suggestion of the Senator from Wyoming [Mr. WARREN], to the effect that mileage is a part of our compensation by law. I may be mistaken, of course, but I think the Senator from Wyoming is wrong about that.

Mr. WARREN. I invite the attention of my distinguished friend, who is a very able lawyer, to the statute; that is all that is necessary.

Mr. NORRIS. I will invite the attention of my distinguished friend to the opinion of the Court of Claims, where they have construed that law. As I remember—I have not looked at the opinion for a good while—

Mr. WARREN. As to the mileage of Senators? Oh, that is merely a technicality. It has been considered as compensation.

Mr. NORRIS. As to the mileage of the Members of the House of Representatives, which is the same thing.

Mr. KENYON. Did that decision have any relation to the income-tax law?

Mr. NORRIS. No.

Mr. KENYON. What was the case?

Mr. NORRIS. If the Senator from Oregon will yield, I think I can outline the case briefly. I speak of it from memory, but the case is accessible and can easily be obtained and read. It arose in this way: I think it was in the Fifty-eighth Congress, when one session of Congress merged into another, as it did at the last session, and a claim was made by a Member of the House of Representatives for mileage that had not been appropriated for. He claimed his mileage for the new session, on the ground that it was a part of his compensation. Of course, if it was a part of his compensation it made no difference whether or not he actually went home and came back. That case was taken to the Court of Claims. I believe there was a joint resolution of Congress passed authorizing the court to take jurisdiction of that case, although I may be mistaken about that; I was in the House at the time; but the case at least went to the Court of Claims, and that court passed on it.

Mr. JONES. Mr. President, I have not examined the decision of the Court of Claims, but I know that the contention was that it was different from the ordinary case, because one session was a special session, while the statute, I think, applies to mileage for regular sessions. I do not know whether the Court of Claims decided the case on that point or not.

Mr. NORRIS. No; I think the Court of Claims held that it was a regular session of the Congress, and that in law there was no difference; but they discussed the proposition of what mileage meant, and they decided it. As I remember, the opinion was contrary to the contention of the Senator from Wyoming, and held that the Member of the House was not entitled to mileage.

Mr. WARREN. If the Senator will review the case I think he will admit he is practically mistaken. The law as it has always stood has seemed to contemplate mileage as a part of the compensation. The law for some two or four years read that mileage should only be paid for two sessions of Congress, and, hence, if there was an extra session a Member of Congress could not, of course, draw mileage for that session. Then, at another period, the law read that "in no case shall constructive mileage be computed and paid," which would perhaps cover the case the Senator has mentioned, the mileage in that instance being constructive mileage, there not having been any lapse of time between the close of one session of Congress and the commencement of another, as the Senator has stated it.

Mr. SUTHERLAND. Will the Senator from Oregon yield to me for just a moment while we are on this subject?

Mr. LANE. I yield.

Mr. SUTHERLAND. This question has been up for discussion several times before. It seems to me that the statute is perfectly plain; that the mileage is no part of the compensation, but is something wholly outside of the compensation and in addition to it. The language of the statute is—

Mr. WARREN. Will the Senator let me call his attention to one thing?

Mr. SUTHERLAND. That is exactly what I had before me and was about to read. I have no objection, however, to the Senator reading it.

Mr. WARREN. Oh, no; the Senator may read it.

Mr. SUTHERLAND. Very well. The statute reads:

The compensation of each Senator, Representative, and Delegate in Congress shall be \$7,500 per annum—

That is, the compensation—

and in addition thereto mileage—

Not compensation—

in addition thereto—

That is, in addition to compensation.

Mr. SMITH of Arizona. It is, then, compensation, is it not?

Mr. SUTHERLAND. Oh, no; it is "in addition thereto." What does "thereto" refer to? It refers to compensation. The compensation shall be so much, and "in addition

thereto"—that is, in addition to the compensation—there shall be allowed mileage.

Mr. SMITH of Arizona. That is, a Member of Congress may have compensation, and then additional compensation—

Mr. SUTHERLAND. No. In addition to the compensation there shall be mileage; not in addition to the compensation there shall be more compensation, but in addition to the compensation—

mileage at the rate of 20 cents a mile, to be estimated by the nearest route—

And so forth.

It seems to me the statute is perfectly clear that the mileage is a separate and distinct thing, and forms no part of the compensation. However, I do not see what that particularly has to do with the question of whether it should be allowed.

Mr. NORRIS. If the Senator from Oregon will allow me, I have here the opinion of the Court of Claims, to which I referred a while ago. It is No. 29799, decided March 29, 1910: John F. Wilson against The United States. I do not suppose, without taking time to carefully look it over, I ought to read at random from the opinion in the case, but I will see if I can find something near the close of it that gives the conclusion of the court.

Mr. McCUMBER. If I may ask the Senator one question, I will ask what practical difference does it make whether you call it "compensation" or "mileage," so far as the merits of the proposition are concerned?

Mr. NORRIS. That is the legal proposition in this case. As I remember the case, it was the question at issue whether or not mileage was part of the compensation. However, I did not raise that question here, but it was raised by the Senator from Wyoming [Mr. WARREN].

Mr. WARREN. Can the Senator point to the portion of the decision which makes that statement?

Mr. LANE. Mr. President, I shall merely make a brief observation, and then I shall be through. I desire to say that this is an unequal way of paying the traveling expenses of Members of the Senate. Some do not receive the amount which they should receive, while others receive more than they are actually entitled to. In my own case I receive 20 cents a mile on a mileage of some 3,200 miles. It amounts to twice the amount that I would be justly entitled to if it were merely the intention of the Government to pay the actual expenses of myself and my family. There are other cases of Senators who live in the eastern portion of the country, where the amount allowed does not pay their expenses, and they have to pay money out of their own pockets.

In a general way the people look upon mileage as a sort of baksheesh, a way of obtaining money indirectly, and for the sake of the Senate itself it would be better, in my opinion, for the Senate to adopt some other method and to slough off this one, which is not respected by the people of the country.

Mr. McCUMBER. Mr. President, I want to defend the people in just one word. The people are not picayunish at all. The people are not thinking about this mileage. You can not find one out of a million who is paying any attention whatever to it. They care nothing about it, except when some politician thinks he can make himself stronger by telling the people that they are losing a few pennies, or something of that kind. I do wish that we could consider these matters without all of us thinking the people are watching the pennies, while we are letting millions upon millions slip through our fingers, and the people are not paying a great deal of attention to it. The people are willing to pay a fair, honest amount, and they do not think anything about the salary; they are not inquiring about that; and they are not considering anything about the mileage paid, unless somebody calls their attention particularly to it, and then they have to have it explained.

Mr. LANE. Mr. President, I did not suppose that my remarks would harrow the feelings of any of the worthy brethren. I wish to say that the Senator is quite right in saying that the people do not care about what salary is paid; they are willing to pay a good salary; but they like to pay it openly. They do not like to have their Senators and Representatives in Congress receiving money with their hands out behind them like a policeman or a waiter taking a tip. That is a different proposition; and that is the basis of my objection. It is not an open method. If you wish to add the mileage to your salary and increase it to that amount and any Senator in the Senate has courage enough to make a motion to that effect, that is a different proposition. I have an idea that very few of them would make a motion to increase their salaries by the amount of the mileage paid. What I want is to keep the matter in the open.

Mr. SHEPPARD. Mr. President, I wish to ask the chairman of the committee what is the rate per mile of this mileage?

Mr. MARTIN of Virginia. It is 20 cents a mile each way.

Mr. SHEPPARD. When was this rate fixed?

Mr. MARTIN of Virginia. I can not give the date, but many years ago. Ever since I can remember that has been the rate.

Mr. SHEPPARD. It was fixed many years ago, when the expense of travel was much greater than it is now.

Mr. LANE. Undoubtedly.

Mr. SHEPPARD. It undoubtedly was fixed many years ago, when the expense of travel was much larger than it is now; and when it was fixed at some time before that I think it was a still larger amount, because travel was still more expensive then.

I think we ought to be honest in the matter. I think we ought to appropriate only an amount sufficient for the actual expense of travel. Therefore, as a substitute, I move to insert "\$12,750," instead of "\$51,000," which is 5 cents a mile.

Mr. MARTIN of Virginia. That does not change the rate. It simply makes that appropriation.

The matter is one of entire indifference to me, except that we ought to do what is right. We have considered it. There are few Senators in this body to whom individually the matter is of as little importance as to me, since I live so near Washington. I considered it on the plane of what was fair and right.

There is a great deal of travel that a Senator has to undergo besides one trip to Washington. When you get down to the real equities of the matter, the present rate does not compensate Senators for the actual travel that they have to undergo. Take the case of a Senator from the far West: He has to go home. The necessities and obligations upon him, both personal and official, are such that he can not get along with one trip a year. He is put to greater expense.

So, when you get at the real equities and real fairness and honesty of the transaction, I believe it is about as well disposed of under existing rules as it would be under any that could be applied. Certainly nothing has been proposed that is an improvement on the present rule. The committee felt that way, and we reported that way. It is for the Senate to determine. It is not a matter in which we have any pride of opinion or any peculiar interest. The only interest we have is to legislate justly and equitably. We have reported the bill as we think it ought to be. It is for the Senate to determine whether the amendment offered by the committee shall be rejected or adopted.

Mr. SMOOT. Mr. President, I care very little as to the amount of mileage the Senate agrees upon, but I am opposed to the House provision. If the House provision should become a law, then, in my opinion, there would be scandals, beginning with the first year, until the law is repealed.

Who is an immediate member of a family? Who is a dependent member of a family? When the Congressman or Senator decides that question for himself, is he going to travel in a special car, or in one stateroom, or will he take all the staterooms of the sleeper, or will he travel in a sleeper at all? If so, in an upper berth or a lower berth? Or will he travel in a day couch?

I do not believe the Senate should vote for the ambiguous honor provision. I have heard the present mileage rate criticized by Members of Congress and the Senate, but I have never heard a single person outside of Congress refer to the subject.

I want to say that there are many things to take into consideration in this matter. In the case of a Senator who lives on the Pacific coast it is true that it does not cost him as much to travel to Washington and back as his mileage amounts to. It is true, also, that Senators coming from places near Washington do not receive much more than actual expenses. The Senator who lives around Washington, however, can go home every week if he desires. He can attend to his business at home. He can see his business associates. His family, in many cases, can and does live at home; and he is not compelled to maintain two homes, as every Senator from the West must do. The Senators from the West have their homes in the far West which they are compelled to maintain all the time. They are also compelled to maintain a home while they are in Washington. They can not return weekly or monthly to attend to their business which needs their personal attention.

When we take everything into consideration, it seems to me the present mileage system is about as just a one as can be arrived at.

Mr. SHEPPARD. Mr. President, the proposition is not to change the present plan; it is to change the rate of mileage so as to conform to the expense of present-day travel. The rate

of 20 cents a mile was fixed at a time when that was the ordinary expense of travel. The prevailing railroad rate now is about 2 cents a mile, but in my amendment I have placed the amount at one which is equivalent to 5 cents a mile.

Mr. SMOOT. Mr. President, of course, as the Senator from Virginia says, the amendment will go into conference and it will be open for consideration between the conferees. If the Senate wants to vote against the amendment offered by the committee, well and good; but as far as I am personally concerned I wish to say now that in my judgment the present arrangement is as satisfactory and as just as any that can be arrived at, taking into consideration all the circumstances and conditions.

Mr. SHEPPARD. Does the Senator mean by "the present arrangement" the present rate also?

Mr. SMOOT. The present rate also. I want to say to the Senator that the amendment he has offered does not take into consideration the number of persons in a Senator's family. A Senator who comes to Washington, especially of late, and remains for 18 long months without even going home or having a chance to go home, is going to have his family with him. Not only that, I believe every Senator ought to have his family with him in Washington. It will cost to bring that family here sometimes more than his mileage amounts to, particularly when the Senator has a number of children.

Mr. SHEPPARD. The expense of bringing his family here ought to be paid out of the Senator's salary. The people ought not to be saddled with the expense of buying the railroad tickets and paying the other traveling expenses of his family.

Mr. SMOOT. I wish to say to the Senator from Texas, as I said before and as has been said, that no Senator has to draw any more of his mileage than he really feels he is justified in taking. I believe every man ought to take just what the law allows him. I do not believe the country is complaining of the amount that is paid for mileage to Senators and Congressmen. The only time the matter ever comes up, or the country ever thinks of it, is when we bring it up ourselves and try to make ourselves appear before the country as receivers of money not due us.

Mr. LANE. Mr. President, I do not see why it is not entirely fair to charge the actual expenses incurred in traveling. Nothing could be fairer than that, both to the Senator and to the Government.

Mr. SMOOT. Mr. President, the provision of the House bill says "traveling expenses of immediate and dependent members of their families." I will say to the Senator right now that if that should ever become the law, there would be a scandal within one year after its passage. There is not any question, in my mind, but that there would be. Why, every Senator and every Congressman would have to pass upon the question as to what a dependent of his family may be. Is a servant a dependent? Is a sick aunt one? Are relatives a Senator is providing for dependents? I might go on and ask other questions of a similar character.

Mr. LANE. I do not think he would make many mistakes of that sort. I think he would be cured of the habit.

Mr. NORRIS. Mr. President, while the discussion has been going on I have hurriedly examined the opinion of the Court of Claims, to which I have heretofore referred, and I find they have decided both of the questions in accordance with the suggestion I made to the Senator from Wyoming—first, that mileage is not part of the salary of a Member of Congress, and, second, that there is not any difference between a special session and a regular session of Congress. They are all regular sessions of Congress. The opinion gives, to some extent, a history of the legislation on this question. It seems to me it would be interesting for Members of the Senate, and also Members of the House, to read this opinion. I do not want to take up the time of the Senate now to read it, but I ask that it may be printed in the Record.

The VICE PRESIDENT. Is there any objection? The Chair hears none.

The matter referred to is as follows:

COURT OF CLAIMS OF THE UNITED STATES.

No. 29799.

(Decided Mar. 29, 1909.)

JOHN F. WILSON V. THE UNITED STATES.

Barney, J., delivered the opinion of the court.

This is a suit brought by Hon. John F. Wilson, who was a delegate to the Fifty-eighth Congress from the Territory of Arizona, for mileage claimed to be due him. Mr. Wilson attended the extraordinary session of the Fifty-eighth Congress which was convened by the proclamation of the President on November 9, 1903. This extraordinary session continued in session until December 7, 1903, the day appointed by the Constitution for the annual convening of Congress, and up to a few minutes before the annual constitutional session was called to order.

The Fifty-seventh Congress at its last regular session made an appropriation for the mileage of Senators, Members of the House of Representatives, and Delegates from the Territories for the fiscal year 1904 (32 Stat., 854, 858), and this appropriation was made available and authorized to be paid to the Senators, Members, and Delegates for attendance on the extraordinary session of Congress which convened November 9, 1903 (33 Stat., 1); and the claimant received the mileage due to him out of said appropriation. No further appropriation was ever made by Congress for the payment of mileage to Members of Congress and Delegates for attendance upon the session of Congress which convened pursuant to the Constitution December 7, 1903. It appears, therefore, from the petition, that none of the Members of the Fifty-eighth Congress ever received any mileage for attendance upon Congress at the extraordinary session of November 9, 1903, and the regular annual session of December 7, 1903, except the one mileage provided for and made available in the manner before stated.

The foregoing is a statement in substance of the facts set out in the petition in this case. To this petition the Government has demurred, stating two grounds of demurrer—(1) that this court has no jurisdiction of the subject matter of the petition, (2) that the petition does not state facts sufficient to constitute a cause of action; and the issue of law raised by this demurrer is now before this court for decision.

I. We can not agree with the contention of the attorney for the Government that this court is without jurisdiction in this suit. He has quoted section 6, Article I, of the Constitution, as sustaining this contention, as follows:

"The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the Treasury of the United States."

This provision only places Members of Congress as to compensation upon the same footing with all other officers of the Government, i. e., their compensation is fixed by law of Congress (and not by a provision in the Constitution) and, more important still, is paid out of the Treasury of the United States. The reason for this provision in the Constitution is apparent and needs no discussion here, but reference for a treatment of the subject is made to Story on the Constitution, sections 851-858.

An argument is attempted to be made upon some statutes quoted that the salary and mileage of Representatives and Delegates in Congress is entirely dependent upon the certificate of the Speaker and that such certificate is conclusive upon that subject. We do not think any such conclusion can be made from the statutes called to our attention; and if it could, we do not think any such judicial power can be delegated to that officer.

By the first section of the Tucker Act this court has jurisdiction of all "claims founded upon any law of Congress." The claim in this case is founded upon a law of Congress enacted agreeably to the express words of the Constitution; hence our jurisdiction is beyond question.

II. Some discussion has been had as to whether there were two or three sessions of the Fifty-eighth Congress; in other words, whether the extraordinary session which convened November 9, 1903, by proclamation of the President, continued over the 7th day of December following, the date prescribed by the Constitution for the annual convening of Congress, thus constituting but one session. Without discussing the question at length here, we simply state that we are of the opinion that the extraordinary session closed when the time arrived for the convening of the session provided by the Constitution, thus making two sessions even if the meeting of the Members of that Congress from day to day had been continuous.

By thus holding we are confronted with the question, Whether the Members of the Fifty-eighth Congress are entitled to pay for mileage for each of these sessions? It appears from the petition that the claimant never returned to his home after the close of the extraordinary session and came back again to be present at the opening of the constitutional session; in fact, had no time to do so, unless he traveled upon the wings of lightning.

As the right of the claimant under the law to receive anything for mileage at either of the sessions of the Fifty-eighth Congress, except actual traveling expenses, has been questioned by Government counsel, we deem it proper at this point to give the history of legislation on this subject so far as it can be said to relate to this case.

The act of July 28, 1866 (14 Stat., 323), provided:

"That the compensation of each Senator, Representative, and Delegate in Congress shall be \$5,000 per annum, to be computed from the first day of the present Congress, and, in addition thereto, mileage at the rate of 20 cents per mile, to be estimated by the nearest route usually traveled in going to and returning from each regular session."

This statute was in force until 1873, when it was superseded by the act of March 3, 1873 (17 Stat., 486), which provided:

"And Senators, Representatives, and Delegates in Congress, including Senators, Representatives, and Delegates in the Forty-second Congress holding such office at the passage of this act and whose claim to a seat has not been adversely decided, shall receive \$7,500 per annum each, and this shall be in lieu of all pay and allowances, except actual individual traveling expenses from their homes to the seat of government and return, by the most direct route of usual travel, once for each session, of the House to which such Senator, Member, or Delegate belongs, to be certified to under his hand to the disbursing officer, and filed as a voucher."

This law was repealed the very next year by the act of January 20, 1874 (18 Stat., 4), which is as follows:

"That so much of the act of March 3, 1873, entitled 'An act making appropriations for legislative, executive, and judicial expenses of the Government for the year ending June 30, 1874,' as provides for the increase of the compensation of public officers and employees, whether Members of Congress, Delegates, or others, except the President of the United States and the Justices of the Supreme Court, be, and the same is hereby, repealed, and the salaries, compensation, and allowances of all said persons, except as aforesaid, shall be as fixed by the laws in force at the time of the passage of said act."

It is insisted by the Government that the law of 1874 only repealed the law relating to the salary of Members of Congress, and never repealed the provision for mileage in the law of 1873. It is true that in the law of 1874 there was no repeal as to mileage in express terms, but after the repealing clause the section further provides that "the salaries, compensation, and allowances of all persons, except as aforesaid, shall be as fixed by the laws in force at the time of the passage of said act." The law in force at the time of the passage of the salary law of 1873 was the act of July 28, 1866, which was thus reenacted as to salaries, compensation, and allowances; and certainly mileage is either compensation or an allowance. Thus it will be seen that the law of 1866 as to the salary and mileage of Members of Con-

gress was in force during the Fifty-eighth Congress. If there was any doubt about this question, the fact that Congress has so construed the law for more than 30 years would be very persuasive at least.

3. It is contended on behalf of the claimant that the mileage provided for in the law of 1866 is a part of the salary of Members of Congress, and that they are entitled to receive it each session regardless of whether they perform any travel or not; while on the other side it is insisted that the provision for mileage is a recompense for travel actually performed, and that Members of Congress are only entitled to it when travel is necessary to attend upon the sessions of Congress whether extraordinary or the sessions which convene under the Constitution on the first Monday in December.

The statute of 1866 under consideration provides:

"That the compensation of each Senator, Representative, and Delegate in Congress shall be \$5,000 per annum to be computed from the first day of the present Congress, and in addition thereto mileage at the rate of 20 cents per mile, to be estimated by the nearest route usually traveled in going to and returning from each regular session."

It is contended by the claimant that the mileage provided for is arbitrarily payable regardless of actual travel, because after providing for the \$5,000 per annum the law says, "and in addition thereto mileage"; that is to say, as we understand the argument, the words "in addition thereto" couple the \$5,000 provided for and the mileage so inseparably that they both together constitute the annual salary of Members of Congress.

We see no force in such a construction of those words. Mileage, in whatever terms provided for any public officer, is in addition to the per diem or annual compensation received—i. e., it is compensation allowed for traveling expenses, besides, together with or in addition to the compensation otherwise provided, and whichever of those terms is employed the signification is the same. Doubtless when a Member of Congress receives his allowance for mileage he puts it in the same pocket or the same bank to be added to his annual salary, but that fact does not deprive it of its quality as mileage. If only actual traveling expenses were allowed, as in the act of March 3, 1873, *supra*, the same language might well have been employed and its signification would have been the same as in the act of July 28, 1866. The separation of salary from mileage, in providing for the compensation of Members of Congress, is clearly indicated by the language used in the repealing act of January 20, 1874, *supra*. It says, "and the salaries, compensation, and allowances of all said persons, except as aforesaid, shall be as fixed by the laws in force at the time of the passage of said act" (i. e., act of July 28, 1866). Thus we see that this provision for mileage was regarded as an "allowance." While the term "allowance" has a very indefinite legal signification, it here certainly means something entirely separate from salary, and can only refer to mileage.

In the case of *Sherburne v. United States* (16 C. Cls. R., 491), in which the signification of the words "pay" and "allowances" was involved as applied to officers of the Army this court said:

"Pay is a fixed and direct amount given by law to persons in the military service in consideration of and as compensation for their personal service. Allowances, as they are now called, or emoluments, as they were formerly termed, are indirect or contingent remuneration, which may or may not be earned, and which is sometimes in the nature of compensation, and sometimes in the nature of reimbursement." (Id., 496.)

There was no provision in the law of 1866 for the payment of any money for "allowance" as distinguished from "salary" except the provision for mileage. This fact clearly indicates no intention of Congress in the acts of March 3, 1873, and January 20, 1874, to make the mileage provided for an inseparable part of the salary or compensation of Members.

It is also a fact of some significance in the discussion of this question that Congress, at least ever since 1874, in every legislative, executive, and judicial appropriation bill has appropriated for the salary and mileage of Members of Congress separately in the following language:

"For compensation of Senators, Members of the House of Representatives, and Delegates from Territories * * * dollars." "For mileage * * * dollars." (18 Stat., 87, 345; 34 id., 392, 338.)

"Mileage" is defined in the Century Dictionary as payment allowed to a public functionary for the expenses of travel in the discharge of his duties, according to the number of miles passed over. Substantially the same definition is found in *Bouvier's* and other law dictionaries.

Smith v. United States (26 C. Cls., 568; 158 U. S., 346) was a suit brought by a United States district attorney for the Territory of New Mexico to recover mileage, which had been disallowed him by the accounting officers of the Treasury on the ground that such mileage was a part of his compensation provided by law. At that time United States district attorneys received the larger part of their compensation in fees, with a maximum limitation in the case of district attorneys from New Mexico of \$3,500; and it appeared that the plaintiff in that case had already been allowed sufficient fees for the year in question to make up that sum.

The statute in fixing the fees of United States district attorneys, among other items, provided "For traveling from his place of abode to the place of holding any court of the United States in his district, or to the place of any examination before a judge or commissioner of a person charged with a crime, 10 cents a mile for going and 10 cents a mile for returning." (Sec. 824, R. S.)

The Supreme Court affirmed this court in deciding that the mileage thus provided for was not compensation for official services, but was an allowance by way of reimbursement for expenses incurred or presumed to have been incurred in traveling.

In its opinion the Supreme Court used the following language:

"While an allowance for travel fees or mileage is, by section 823, included in the fee bill, we think it was not intended as a compensation to a district attorney for services performed, but rather as a reimbursement for expenses incurred, or presumed to be incurred, in traveling from his residence to the place of holding court, or to the office of the judge or commissioner. The allowance of mileage to officers of the United States, particularly in the military and naval service, when traveling in the service of the Government, is fixed at an arbitrary sum, not only on account of the difficulty of auditing the petty items which constitute the bulk of traveling expenses, but for the reason that officers travel in different styles; and expenses which in one case might seem entirely reasonable might in another be deemed to be unreasonable. There are different standards of traveling as of living, and while the mileage in one case may more than cover the actual expenses, in another it may fall short of it. It would be obviously unjust to allow one

officer a certain sum for traveling from New York to Chicago and another double that sum, and yet their actual expenses may differ as widely as that. The object of the statute is to fix a certain allowance, out of which the officer may make a saving or not, as he chooses or is able. And while in some cases it may operate as a compensation, it is not so intended, and is not a fee, charge, or emolument of his office within the meaning of section 834." (Id., 349.) The liberal allowance of mileage in the act of July 28, 1866, doubtless operates as a compensation, as was said by the court in the above case might sometimes occur, but that fact does not take from it its characteristic as mileage.

The act of February 22, 1875 (18 Stat., 333-334), was a statute to regulate the fees and costs of district attorneys, marshals, and clerks, and among other things it provided: "And from and after the 1st day of January, 1875, no such officer or person shall become entitled to any allowance for mileage or travel not actually and necessarily performed under the provisions of existing law."

In commenting upon this statute, in a case before him, the Attorney General said:

"That provision was intended to apply to cases in which no actual travel is performed in serving process, as, for instance, where the writ is sent through the mail to be served by deputy at or near the place of service. It was well known to Congress that under the fee bill the practice of thus serving writs and charging mileage therefor as if travel had been actually performed to serve them, prevailed. The claim of an allowance for travel for such service—the travel being in fact constructive only—was regarded as an abuse. To remedy this and to confine the allowance of mileage to cases in which there has been actual travel it is believed the provision in the act of 1875 was enacted." (16 Op. Atty. Gen., 163-169.)

This opinion was cited by the Supreme Court with approval. (*Harmon v. United States*, 147 U. S., 268-280.)

In short, under all the authorities "mileage" means an allowance for actual travel about the public business, and mileage and travel are thus inseparably connected.

The language of the statute in question reinforces this interpretation, for it provides for "mileage at the rate of 20 cents per mile by the nearest route usually traveled in going to and returning from each regular session." This also seems to be the interpretation which Congress has given to the statute, for during the present session of the Sixtieth Congress a Member who, for reasons unnecessary to state, had not been in attendance at all, wrote to the Sergeant at Arms for his mileage (presumably for the purpose of "adding" it to his salary), and he was promptly informed by that official that as he had not attended the session no mileage was due him. (CONGRESSIONAL RECORD, 60th Cong., 2d sess., 1178.) This Member was paid his regular salary until he was declared to have vacated his office. If mileage is a part of the regular compensation of a Member of Congress under the law in question, there was no reason why this Member should not have received his mileage as well as his \$7,500 per annum. Or if, under this law, this Member was not entitled to mileage because he did not come to Washington to attend upon the session of Congress, why should a Member of Congress receive mileage for a session beginning almost simultaneously with the closing of a session for which he had been paid his mileage?

If we look beyond the letter of the law and look at its spirit and reason, we must come to the same conclusion; for the construction asked for by the claimant would make the compensation of Members of Congress unequal. The compensation of a Member of Congress of the Fifty-eighth Congress from one of the Pacific States, would be more than a thousand dollars more than the compensation of a Member from any of the States in the vicinity of Washington, with no traveling having been made to justify this extra pay.

The act of July 28, 1866, provides for mileage for Members of Congress for attendance upon "each regular session." There is no distinction in the nomenclature of sessions of Congress in the Constitution, and we believe every session of Congress regularly called and convened is a "regular session." At least we so consider them for the purpose of deciding this case, and we hold that there were three sessions of the Fifty-eighth Congress—the extraordinary session, beginning November 9, 1863, and closing December 7, and the two regular annual sessions following.

The Fifty-seventh Congress made an appropriation for mileage of Members of Congress for the fiscal year 1904, and this was made available by the Fifty-eighth Congress as soon as it convened in extraordinary session, as before stated. It appears from the petition that but one travel was necessary to go to and return from both this extraordinary session and the December session, and for this travel the claimant had received his mileage.

It might not be out of place here to state that the House of Representatives of the Fifty-eighth Congress, while in Committee of the Whole House on the state of the Union, by a unanimous vote refused to make an appropriation for an extra mileage for these first two sessions. (CONGRESSIONAL RECORD, 58th Cong., 2d sess., 1419.) This is at least persuasive that that great body was of the opinion that the law did not authorize such an appropriation. We say this realizing, of course, that if the appropriation had been made that would have been the law regardless of what the act of July 26, 1866, provided.

We think the claimant has received all the mileage to which he is entitled under existing law, and the petition is dismissed.

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

Mr. SHEPPARD. On that I ask for the yeas and nays.

Mr. NORRIS. I have not yielded the floor, Mr. President.

The VICE PRESIDENT. The Chair begs the pardon of the Senator from Nebraska.

Mr. NORRIS. I desire to make an inquiry about the very question that the Chair propounded. I supposed the amendment offered by the committee was before the Senate, and I wish to inquire whether the Senator from Texas has moved to amend the amendment of the committee. Is that the idea?

Mr. SHEPPARD. Yes.

Mr. NORRIS. In what respect?

Mr. SHEPPARD. I have moved to amend by substituting "\$12,750" for "\$51,000." The amount I propose is one-fourth of \$51,000, or 5 cents a mile.

Mr. NORRIS. Is the Senator from Texas opposed to the text of the bill as it came from the House?

Mr. SHEPPARD. I am opposed to it as I view it at present. I think it is better to have a plain provision of a stated sum for mileage; to have a flat rate of mileage. Then there will be no scandal and no complication.

Mr. NORRIS. Mr. President, I confess that I was impressed with the provision of the bill as it came from the House. It seemed to me that it was a fair proposition. I know that for quite a number of years I served in Congress with two colleagues coming from adjoining districts, one of whom had a family consisting of 9 or 10 and I am not sure but 11, members, while the other Member, adjoining him, was a bachelor. The towns in which they lived were very close together, not more than 50 or 60 miles apart. The one with the large family did not get, under the law, enough mileage to pay his actual expenses, while the other one, without any family, got practically the same amount, an amount to which his expenses bore no relation whatever.

I think it is conceded by everybody that a man with a family ought to have his family with him, especially when he has to remain during the long sessions of Congress. I do not think there is any objection to paying the actual expenses. Now, I am not sure but that he would find difficulty in applying this provision practically. There may be something in that; but it seems to me there ought to be some other method devised than the one we have now, because that evidently is not fair. The effect of it is that some Members of Congress have their salaries increased a thousand or sometimes fifteen hundred dollars over the amount paid some other Members, while their actual and necessary expenses in coming to and going from the sessions of Congress may be less. It has always seemed to me that that was not fair, and that we ought to adopt some other method.

Mr. KENYON. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Iowa?

Mr. NORRIS. In just a moment. It strikes me that the mileage ought to be so adjusted that it would do what it is intended to do, as the court says—pay the actual expense of the Member in coming here and going back.

I now yield to the Senator from Iowa.

Mr. KENYON. Mr. President, I thoroughly agree with the statement of the Senator. I rose to ask him a question, however. He suggested that there might be difficulties in the practical operation of the House provision, and the Senator from Utah made the same suggestion.

Mr. NORRIS. I think the Senator from Texas has that idea in his mind, too.

Mr. KENYON. That is really an indictment, is it not, of the honesty of Members of Congress, if they would abuse any privilege of that kind? The law would be reasonably clear. It says, "immediate and dependent members of their families."

Mr. NORRIS. I will say to the Senator from Iowa that of course there is a possibility of abuse of it, and occasionally that might happen; but it seems to me it would be more just than the present law.

Mr. KENYON. It would not happen a second time, would it?

Mr. NORRIS. I should not think so. I am not saying that it would happen. It strikes me that if you find out there is some abuse of it there may be a way to rectify it. At least the present system is not right, it is not fair, and it strikes me that the House provision, honestly and fairly enforced, would be fair.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Texas to the amendment of the committee.

Mr. SHEPPARD. Mr. President, when I come to examine the bill I do not think my amendment is in order on this particular paragraph. As I understand, the question now is, Shall the House provision be stricken out?

The PRESIDENT pro tempore. What is the suggestion of the Senator from Texas? The Chair does not quite understand it.

Mr. SHEPPARD. I wish to know whether my amendment is now in order, to substitute, on line 11, "\$12,750" for "\$51,000," or whether I should wait until we vote on the preceding paragraph?

Mr. OVERMAN. Mr. President—

The PRESIDENT pro tempore. The committee amendment is to strike out and insert. There is no proposition by the committee to amend the part stricken out; so a motion to amend the part to be inserted is in order. The Senator's amendment is in order.

Mr. SHEPPARD. My amendment is to amend the part to be inserted.

Mr. SUTHERLAND. Mr. President, I should like to ask the Senator from Texas a question. The motion of the Senator

from Texas is to strike out "\$51,000" and insert "\$12,750," which would then make the appropriation read:

For mileage of Senators, \$12,750.

That would be all there would be on the subject in the appropriation bill; but we have a general standing law which says that Members shall receive mileage at the rate of 20 cents a mile. Upon what authority will this \$12,750 be divided up?

Mr. OVERMAN. Mr. President, a point of order.

The PRESIDENT pro tempore. The Senator from North Carolina will state the point of order.

Mr. OVERMAN. On lines 4 to 10, inclusive, the committee amendment proposes to strike out that language; and then, on line 11, to insert "\$51,000." I submit that the question is whether or not the Senate will agree to the committee amendment proposing to strike out the House language. If we should strike out the House language, then I think the amendment of the Senator from Texas would be in order.

The PRESIDENT pro tempore. The motion to strike out and insert is in its earliest consideration two motions, and when put in the form of one motion the adoption of the committee amendment to insert \$51,000 will have the effect of striking out the part of the text indicated; in other words, the House provision on the subject.

Mr. SMOOT. I did not quite understand what the Chair just said, but I take it for granted that the ruling of the Chair was that the amendment offered by the Senator from Texas is in order.

The PRESIDENT pro tempore. There is no doubt of that. That part has been settled.

Mr. SMOOT. There is no question about it at all.

Mr. SHEPPARD. In answer to the Senator from Utah [Mr. SUTHERLAND] I wish to submit my amendment in a modified form in order to relieve it of the objection. I will move to insert:

For mileage of Senators at 5 cents per mile, \$12,750.

Mr. SUTHERLAND. How is the Senator to arrive at it? Who is to determine the mileage? The law now is quite specific. It says, "Mileage at the rate of 20 cents per mile, to be estimated by the nearest route usually traveled in going to and returning from each regular session," and it further provides that "mileage accounts of Senators shall be certified by the President of the Senate, and those of Representatives and Delegates by the Speaker of the House of Representatives." The Senator is not making a very complete law on the subject, as it seems to me.

Mr. WARREN. I make a point of order against the amendment.

The PRESIDENT pro tempore. The Senator from Wyoming will state his point of order.

Mr. WARREN. The point of order is that the amendment proposes to change existing law and without any estimate or without any recommendation of a committee.

The PRESIDENT pro tempore. The Chair is inclined to sustain the point of order, but there is some complication about it in view of the fact that the House sent here a provision which does change existing law.

Mr. WARREN. That is true, but the amendment to the committee only alludes to the part which is the Senate committee amendment and does not refer to the text of the bill.

The PRESIDENT pro tempore. The Chair thinks the point of order is well taken. Of course the Senator from Texas can make a motion to amend the amount even though it might leave a deficiency under existing law to be provided for hereafter. A motion to reduce the amount appropriated is in order. The effect of its adoption would be to create a deficiency which would have to be taken care of hereafter.

Mr. SHEPPARD. My original amendment was simply to reduce the amount from \$51,000 to \$12,750.

The PRESIDENT pro tempore. The effect of the adoption of that amendment would be to create a deficiency. It would not change the rate a Senator or Representative is entitled to receive, and the disbursing officer would pay out \$12,750 on the basis of 20 cents a mile as long as it lasted, and there would be a deficiency to be taken care of hereafter.

Mr. WARREN. The consequence would be that some Members would draw mileage and others would not.

The PRESIDENT pro tempore. That would, of course, follow.

Mr. WARREN. The amount is too small, as the Senator from Texas must know. In fact, the amount put in by the House committee is only a guess. They probably do not expect that it is enough, because it has developed already that in some families there are seven or eight children, not counting other dependents, and hence the proposed new way would be more expensive than the old. We would have to consult the Vice President and find out what his opinion might be as to what

our expenses are under the new proposition. So the Senator's amendment can not affect anything if he leaves the law as it is and appropriates only enough to pay a few of the Members.

Mr. SHEPPARD. In view of the situation as it has developed, I will withdraw my amendment and introduce an amendment to the general law.

The PRESIDENT pro tempore. The question is on the adoption of the amendment of the committee.

Mr. KENYON. I ask for the yeas and nays on agreeing to the amendment.

The yeas and nays were not ordered.

Mr. KENYON. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Iowa suggests the absence of a quorum. Let the Secretary call the roll.

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

Brady	Johnson	Owen	Stephenson
Bryan	Jones	Page	Sterling
Burton	Kenyon	Perkins	Stone
Catron	Kern	Ransdell	Sutherland
Clapp	Lane	Shafrroth	Thomas
Clarke, Ark.	Lea, Tenn.	Sheppard	Thornton
Crawford	McCumber	Sherman	Tillman
Cummins	Martin, Va.	Shively	Warren
Fletcher	Martine, N. J.	Simmons	West
Goff	Nelson	Smith, Ariz.	White
Hollis	Norris	Smith, Md.	Williams
James	Overman	Smoot	

Mr. LANE. I wish to announce the unavoidable absence of my colleague [Mr. CHAMBERLAIN] and to state that he is paired with the Senator from Pennsylvania [Mr. OLIVER].

Mr. WARREN. I wish to announce the unavoidable absence of my colleague [Mr. CLARK of Wyoming]. He is paired with the Senator from Missouri [Mr. STONE]. I make this announcement to stand for the day.

The PRESIDENT pro tempore. The Sergeant at Arms will notify Senators in the cloak rooms that a call of the Senate is being made.

Mr. KERN. I suggest that the names of the absentees be called.

The PRESIDENT pro tempore. The Secretary will call the names of the absent Senators.

The Secretary called the names of the absentees, and Mr. HUGHES and Mr. SMITH of Georgia answered to their names when called.

Mr. KENYON. I desire to announce the necessary absence from the city of the Senator from Massachusetts [Mr. WEEKS]. That announcement I will let stand for the day.

Mr. MARTINE of New Jersey. I was requested to announce the unavoidable absence of the Senator from West Virginia [Mr. CHILTON]. He is paired with the Senator from New Mexico [Mr. FALL].

Mr. CATRON. I wish to announce the necessary absence of my colleague [Mr. FALL] from the city.

Mr. HOLLIS. I desire to announce the unavoidable absence of the junior Senator from Montana [Mr. WALSH]. He is paired with the senior Senator from Rhode Island [Mr. LIPPIETT].

Mr. SMOOT. I desire to announce the unavoidable absence of the Senator from Maine [Mr. BURLEIGH]. I wish also to announce that the senior Senator from New Hampshire [Mr. GALLINGER] is unavoidably detained from the Senate.

The PRESIDENT pro tempore. Forty-nine Senators having answered to their names, a quorum of the Senate is present. The question is on the adoption of the amendment proposed by the Committee on Appropriations.

Mr. KENYON. With a larger attendance, I trust we can now secure a yea-and-nay vote. I ask for the yeas and nays.

The PRESIDENT pro tempore. Does the Senator know of any precedent for making a second call for the yeas and nays? The Chair is not advised of any. That call was made and put to the Senate and denied, and nothing has intervened. The Chair is disposed to be liberal about it, and if the Senator has any precedent that justifies it, he will be very glad to conform to it.

Mr. KENYON. I made the call for a quorum, and I again call for the yeas and nays.

The PRESIDENT pro tempore. The Chair is not disposed to make any ruling against it, but the Chair simply wants to know what the precedent has been. He has none that justifies a second call for the yeas and nays when the first call has been denied.

Mr. KENYON. Do I understand that the Chair declines to entertain the call?

The PRESIDENT pro tempore. The Chair is inclined to entertain it if the Senator can cite him to any precedent to justify it. He simply desires not to make a precedent when he does

not find a precedent. In the absence of such a precedent the Chair can see very readily that the rule insisted upon by the Senator may be abused. The question is on the adoption of the amendment reported by the Committee on Appropriations to strike out the matter which appears on page 2, from line 4 to line 10, inclusive, and to insert "For mileage of Senators, \$51,000." [Putting the question.] The ayes seem to have it. The ayes have it and the amendment is agreed to.

Mr. KENYON. I assume now that business has been transacted I can call for the yeas and nays.

The PRESIDENT pro tempore. The matter has been disposed of. The amendment has been adopted. There is now nothing upon which to call the yeas and nays.

Mr. KENYON. The Chair decided it so quickly that it was impossible to make the request before the Chair announced it.

The PRESIDENT pro tempore. That was the very question upon which the yeas and nays were called and the call was denied. A yea-and-nay vote was denied with reference to the amendment. It is not open to a Senator to call for a vote after the vote has been taken. The amendment has been adopted. The Secretary will continue the reading of the bill.

The Secretary resumed the reading of the bill.

The next amendment of the Committee on Appropriations was, on page 2, line 22, after "chief clerk, \$3,250," to strike out "and \$1,250 additional while the office is held by the present incumbent."

Mr. McCUMBER. I should like to have an explanation of the amendment. What is the reason for striking this out?

Mr. MARTIN of Virginia. The committee were of the opinion that the salary of \$3,250 is a sufficient and adequate salary. In the next place, the committee were indisposed to the addition of \$1,250 which was put in the bill when an incumbent of long service held the office. For myself I will say that I do not approve of supplements to salaries to hold simply during the tenure of a particular officer. I think the office ought to carry a salary, that none but competent men ought to be put in these positions, and when they are in those positions they ought to receive a salary which is sufficient for a competent man. The committee felt that \$3,250 was a sufficient salary for a competent man, and it struck out those words in order to accomplish that purpose.

Mr. McCUMBER. Does the Senator think that the present incumbent holding the same position—I do not know who he is—is worth less and should be paid less than the other should have been paid? Is that it?

Mr. MARTIN of Virginia. I can not say. I have no doubt he is as competent a man, but through long association in that particular position the former incumbent was dealt with generously, more generously we think than the services rendered required. We feel that \$3,250 is a sufficient salary for the position and we have reduced it for that reason to that sum.

Mr. McCUMBER. I confess I feel that the position ought to have a fixed salary and the salary ought not to be fixed according to the individual who may happen to hold it. It ought to be sufficient to pay a reasonable, a fair compensation. That compensation ought to be paid to whomsoever fills the official position, and whether he fills it 1 month or 20 years; it is the office, the official position that we are filling.

If the Senator from Virginia feels that the amount now proposed, \$3,250, is proper and adequate, I shall make no objection, but I think it ought to have been the same, no matter who holds the position.

Mr. MARTIN of Virginia. It is the opinion of the committee that it is a sufficient and adequate salary.

Mr. SMOOT. I will simply say to the Senator from North Dakota that this position was held for many years by Mr. Gilfry and \$1,250 additional was given to him on account of his long service in the position. He has been removed from that position and holds another of less importance, I suppose on account of his age. There has been appointed a chief clerk now at a salary of \$3,250, and I understand he is capable and also satisfied with the salary named. It is for that reason that the additional amount named in the former appropriation acts has been stricken from the bill.

Mr. McCUMBER. It is the additional amount that I am particularly protesting against. There are Senators here who have served for a great many years and undoubtedly they are more valuable and better informed than those who have just arrived, at least they may be in some instances, but I do not think that would be any justification for making a difference in their salaries.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, on page 3, line 3, after the word "clerk," where it occurs the first time, to strike out "2 clerks"; in the same line, after the word "and," to strike out "clerk compiling a history of revenue bills" and insert "3 clerks"; and in line 12, after the words "in all," to strike out "\$96,730" and insert "\$95,480," so as to make the clause read:

Office of Secretary: Secretary of the Senate, including compensation as disbursing officer of salaries of Senators and of the contingent fund of the Senate, \$6,500; hire of horse and wagon for the Secretary's office, \$420; assistant secretary, Henry M. Rose, \$5,000; chief clerk, \$3,250; financial clerk, \$3,000 and \$1,250 additional while the office is held by the present incumbent; minute and journal clerk, principal clerk, reading clerk, and enrolling clerk, at \$3,000 each; executive clerk, and assistant financial clerk, at \$2,750 each; librarian, file clerk, chief book-keeper, assistant journal clerk, printing clerk, and 3 clerks, at \$2,500 each; first assistant librarian, \$2,400; keeper of stationery, \$2,400; 4 clerks, at \$2,220 each; 2 clerks, at \$2,100 each; assistant librarian, \$1,800; skilled laborer, \$1,200; clerks—1 at \$1,800, 2 at \$1,600 each, 1 at \$1,440; assistant keeper of stationery, \$2,000; assistant in stationery room, \$1,200; messenger, \$1,440; assistant messenger, \$1,200; laborers—3 at \$840 each, 3 at \$720 each, 1 in stationery room \$720; in all, \$95,480.

The amendment was agreed to.

The next amendment was, on page 3, after line 15, to strike out:

Clerks and messengers to the following committees: Additional Accommodations for the Library of Congress—clerk, \$2,220; messenger, \$1,440. Agriculture and Forestry—clerk, \$2,500; assistant clerk, \$1,800; messenger, \$1,440. Appropriations—clerk, \$4,000; two assistant clerks at \$2,500 each; two assistant clerks at \$1,440 each messenger, \$1,440; laborer, \$720. To Audit and Control the Contingent Expenses of the Senate—clerk, \$2,500; messenger, \$1,440; messenger, \$1,200. Canadian Relations—clerk, \$2,220; messenger, \$1,440 messenger, \$1,200. Census—clerk, \$2,220; assistant clerk, \$1,200 messenger, \$1,440. Civil Service and Retirement—clerk, \$2,220 messenger, \$1,440; messenger, \$1,200. Claims—clerk, \$2,500; assistant clerk, \$2,000; assistant clerk, \$1,440; messenger, \$1,200. Coast and Insular Survey—clerk, \$2,220; messenger, \$1,440. Coast Defenses—clerk, \$2,220; assistant clerk, \$1,440; messenger, \$1,200. Commerce—clerk, \$2,500; assistant clerk, \$1,800; messenger, \$1,440. Conference Minority of the Senate—clerk, \$2,220; assistant clerk, \$1,800; messenger, \$1,200. Conservation of National Resources—clerk, \$2,220; assistant clerk, \$1,200; messenger, \$1,440. Corporations Organized in the District of Columbia—clerk, \$2,220; messenger, \$1,440. Disposition of Useless Papers in the Executive Departments—clerk, \$2,220; messenger, \$1,440; District of Columbia—clerk, \$2,500; assistant clerk, \$1,800; messenger, \$1,440. Education and Labor—clerk, \$2,220; assistant clerk, \$1,440; messenger, \$1,200. Engrossed Bills—clerk, \$2,220; messenger, \$1,440. Enrolled Bills—clerk, \$2,220; assistant clerk, \$1,440. To Examine the Several Branches of the Civil Service—clerk, \$2,220; messenger, \$1,440. Expenditures in the Department of Agriculture—clerk, \$2,220; messenger, \$1,440. Expenditures in the Department of Commerce and Labor—clerk, \$2,220; messenger, \$1,440. Expenditures in the Department of Justice—clerk, \$2,220; assistant clerk, \$1,440; messenger, \$1,440. Expenditures in the Navy Department—clerk, \$2,220 messenger, \$1,440; messenger, \$1,200. Expenditures in the Post Office Department—clerk, \$2,220; messenger, \$1,440; messenger, \$1,200. Expenditures in the Department of State—clerk, \$2,220; messenger, \$1,440. Expenditures in the Treasury Department—clerk, \$2,220 messenger, \$1,440; messenger, \$1,200. Expenditures in the War Department—clerk, \$2,220; messenger, \$1,440; messenger, \$1,200. Finance—clerk and stenographer, \$3,000; assistant clerk, \$2,220; assistant clerk, \$1,600; assistant clerk, \$1,440; messenger, \$1,440. Fisheries—clerk, \$2,220; assistant clerk, \$1,440; messenger, \$1,440. Five Civilized Tribes of Indians—clerk, \$2,220; messenger, \$1,440. Foreign Relations—clerk, \$2,500; assistant clerk, \$2,220; messenger, \$1,440. Forest Reservations and Protection of Game—clerk, \$2,220; messenger, \$1,440. Geological Survey—clerk, \$2,220; messenger, \$1,440. Immigration—clerk, \$2,220; assistant clerk, \$1,800; messenger, \$1,440. Indian Affairs—clerk, \$2,500; assistant clerk, \$1,440; messenger, \$1,440. Indian Depredations—clerk, \$2,220; messenger, \$1,440. Industrial Expositions—clerk, \$2,220; messenger, \$1,440; messenger, \$1,200. Interoceanic Canals—clerk, \$2,220; assistant clerk, \$1,440; messenger, \$1,200. Interstate Commerce—clerk, \$2,500; two assistant clerks at \$1,800 each; messenger, \$1,440. To Investigate Trespassers on Indian Lands—clerk, \$2,220; messenger, \$1,440. Irrigation and Reclamation of Arid Lands—clerk, \$2,220; messenger, \$1,440; messenger, \$1,200. Judiciary—clerk, \$2,500; assistant clerk, \$2,220; two assistant clerks at \$1,800 each; messenger, \$1,440. Joint Committee on the Library—clerk, \$2,500; assistant clerk, \$1,440; messenger, \$1,200. Manufactures—clerk, \$2,500; assistant clerk, \$1,440; messenger, \$1,440. Military Affairs—clerk, \$2,500; assistant clerk, \$2,220; assistant clerk, \$1,440; messenger, \$1,200. Mines and Mining—clerk, \$2,220; messenger, \$1,440; messenger, \$1,200. Mississippi River and Its Tributaries—clerk, \$2,220; messenger, \$1,440. National Banks—clerk, \$2,220; messenger, \$1,440. Naval Affairs—clerk, \$2,500; assistant clerk, \$1,440; messenger, \$1,440. Pacific Islands and Porto Rico—clerk, \$2,220; assistant clerk, \$1,800; messenger, \$1,440. Pacific Railroads—clerk, \$2,220; messenger, \$1,440. Patents—clerk, \$2,220; messenger, \$1,440; messenger, \$1,200. Pensions—clerk, \$2,500; assistant clerk, \$1,800; three assistant clerks at \$1,440 each; messenger, \$1,440. Philippines—clerk, \$2,220; assistant clerk, \$1,800; messenger, \$1,440. Post Offices and Post Roads—clerk, \$2,500; three assistant clerks at \$1,440 each; messenger, \$1,440; clerk of printing records, \$2,220; assistant clerk, \$1,800; messenger, \$1,440. Private Land Claims—clerk, \$2,220; assistant clerk, \$1,800; messenger, \$1,440. Privileges and Elections—clerk, \$2,220; assistant clerk, \$1,440; messenger, \$1,440. Public Buildings and Grounds—clerk, \$2,500; assistant clerk, \$1,440; messenger, \$1,440. Public Health and National Quarantine—clerk, \$2,220; assistant clerk, \$1,440. Public Lands—clerk, \$2,500; assistant clerk, \$1,800; messenger, \$1,440. Railroads—clerk, \$2,220; messenger, \$1,440. Revolutionary Claims—clerk, \$2,220; messenger, \$1,440. Rules—clerk, \$2,220; assistant clerk, \$1,800; messenger, \$1,440. Standards, Weights, and Measures—clerk, \$2,220; messenger, \$1,440. Territories—clerk, \$2,220; assistant clerk, \$1,800; messenger, \$1,440.

\$1,440; messenger, \$1,440. Transportation and Sale of Meat Products—clerk, \$2,220; messenger, \$1,440. Transportation Routes to the Seaboard—clerk, \$2,220; messenger, \$1,440. University of the United States—clerk, \$2,220; messenger, \$1,440. Woman Suffrage—clerk, \$2,220; messenger, \$1,440. In all, \$364,640.

And to insert:

Clerks and messengers to the following committees: Additional accommodations for the Library of Congress—clerk, \$2,220; assistant clerk, \$1,440; messenger, \$1,200. Agriculture and Forestry—clerk, \$2,500; assistant clerk, \$1,800; messenger, \$1,440. Appropriations—clerk, \$4,000; 2 assistant clerks, at \$2,500 each; 2 assistant clerks, at \$1,440 each; messenger, \$1,440; laborer, \$720. To Audit and Control the Contingent Expenses of the Senate—clerk, \$2,500; assistant clerk, \$1,440; messenger, \$1,200. Banking and Currency—clerk, \$3,000; assistant clerk, \$1,440; messenger, \$1,200. Canadian Relations—clerk, \$2,220; assistant clerk, \$1,440; messenger, \$1,200. Census—clerk, \$2,220; assistant clerk, \$1,440; messenger, \$1,200. Civil Service and Retrenchment—clerk \$2,220; assistant clerk, \$1,440; messenger, \$1,200. Claims—clerk, \$2,500; assistant clerk, \$2,000; assistant clerk, \$1,440; messenger, \$1,440. Coast and Insular Survey—clerk, \$2,220; assistant clerk, \$1,440; messenger, \$1,200. Coast Defenses—clerk, \$2,220; assistant clerk, \$1,440; messenger, \$1,200. Commerce—clerk, \$2,500; assistant clerk, \$1,800; messenger, \$1,440. Conference minority of the Senate—clerk, \$2,220; assistant clerk, \$1,800; 2 messengers, at \$1,200 each. Conservation of National Resources—clerk, \$2,220; assistant clerk, \$1,440; messenger, \$1,200. Corporations Organized in the District of Columbia—clerk, \$2,220; assistant clerk, \$1,440; messenger, \$1,200. Disposition of Useless Papers in the Executive Departments—clerk, \$2,220; assistant clerk, \$1,440; messenger, \$1,200. District of Columbia—clerk, \$2,500; assistant clerk, \$1,800; messenger, \$1,440. Education and Labor—clerk, \$2,220; assistant clerk, \$1,440; messenger, \$1,440. Engrossed Bills—clerk, \$2,220; assistant clerk, \$1,800; messenger, \$1,200. Enrolled Bills—clerk, \$2,220; assistant clerk, \$1,440; messenger, \$1,200. To Examine the Several Branches of the Civil Service—clerk, \$2,220; assistant clerk, \$1,440; messenger, \$1,200. Expenditures in the Department of Agriculture—clerk, \$2,220; assistant clerk, \$1,440; messenger, \$1,200. Expenditures in the Departments of Commerce and Labor—clerk, \$2,220; assistant clerk, \$1,440; messenger, \$1,200. Expenditures in the Interior Department—clerk, \$2,220; assistant clerk, \$1,800; messenger, \$1,200. Expenditures in the Department of Justice—clerk, \$2,220; assistant clerk, \$1,440; messenger, \$1,200. Expenditures in the Navy Department—clerk, \$2,220; assistant clerk, \$1,440; messenger, \$1,200. Expenditures in the Post Office Department—clerk, \$2,220; assistant clerk, \$1,440; messenger, \$1,200. Expenditures in the Department of State—clerk, \$2,220; assistant clerk, \$1,440; messenger, \$1,200. Expenditures in the Treasury Department—clerk, \$2,220; assistant clerk, \$1,440; messenger, \$1,200. Expenditures in the War Department—clerk, \$2,220; assistant clerk, \$1,440; messenger, \$1,200. Finance—clerk, \$3,000; assistant clerk, \$2,220; assistant clerk, \$1,600; messenger, \$1,440; messenger, \$1,200. Fisheries—clerk, \$2,220; assistant clerk, \$1,440; messenger, \$1,440. Five Civilized Tribes of Indians—clerk, \$2,220; assistant clerk, \$1,440; messenger, \$1,200. Foreign Relations—clerk, \$2,500; assistant clerk, \$2,220; messenger, \$1,440. Forest Reservations and Protection of Game—clerk, \$2,220; assistant clerk, \$1,440; messenger, \$1,200. Geological Survey—clerk, \$2,220; assistant clerk, \$1,440; messenger, \$1,200. Immigration—clerk, \$2,220; assistant clerk, \$1,800; messenger, \$1,440. Indian Affairs—clerk, \$2,500; assistant clerk, \$1,440; messenger, \$1,440. Indian Depredations—clerk, \$2,220; assistant clerk, \$1,440; messenger, \$1,200. Industrial Expositions—clerk, \$2,220; assistant clerk, \$1,440; messenger, \$1,200. Interstate Canals—clerk, \$2,220; assistant clerk, \$1,800; messenger, \$1,200. Interstate Commerce—clerk, \$2,500; 2 assistant clerks, at \$1,800 each; messenger, \$1,440. Irrigation and Reclamation of Arid Lands—clerk, \$2,220; assistant clerk, \$1,440; messenger, \$1,200. Judiciary—clerk, \$2,500; assistant clerk, \$2,220; 2 assistant clerks, at \$1,800 each; messenger, \$1,440. Joint Committee on the Library—clerk, \$2,500; assistant clerk, \$1,440; messenger, \$1,200. Manufactures—clerk, \$2,500; assistant clerk, \$1,440; messenger, \$1,440. Military Affairs—clerk, \$2,500; assistant clerk, \$2,220; assistant clerk, \$1,440; messenger, \$1,200. Mines and Mining—clerk, \$2,220; assistant clerk, \$1,440; messenger, \$1,200. Mississippi River and Its Tributaries—clerk, \$2,220; assistant clerk, \$1,440; messenger, \$1,200. National Banks—clerk, \$2,220; assistant clerk, \$1,440; messenger, \$1,200. Naval Affairs—clerk, \$2,500; assistant clerk, \$1,800; assistant clerk, \$1,440; messenger, \$1,440. Pacific Islands and Porto Rico—clerk, \$2,220; assistant clerk, \$1,800; messenger, \$1,440. Pacific Railroads—clerk, \$2,220; assistant clerk, \$1,440; messenger, \$1,200. Patents—clerk, \$2,220; assistant clerk, \$1,440; messenger, \$1,200. Pensions—clerk, \$2,500; assistant clerk, \$1,800; 3 assistant clerks, at \$1,440 each; messenger, \$1,440. Philippines—clerk, \$2,220; assistant clerk, \$1,800; messenger, \$1,440. Post Offices and Post Roads—clerk, \$2,500; assistant clerk, \$2,000; 2 assistant clerks, at \$1,440 each; messenger, \$1,440. Printing—clerk, \$2,220; assistant clerk, \$1,800; messenger, \$1,440. Private Land Claims—clerk, \$2,220; assistant clerk, \$1,800; messenger, \$1,200. Privileges and Elections—clerk, \$2,220; assistant clerk, \$1,440; messenger, \$1,440. Public Buildings and Grounds—clerk, \$2,500; assistant clerk, \$1,440; messenger, \$1,440; Public Health and National Quarantine—clerk, \$2,220; assistant clerk, \$1,440; messenger, \$1,200. Public Lands—clerk, \$2,500; assistant clerk, \$1,800; messenger, \$1,440. Railroads—clerk, \$2,220; assistant clerk, \$1,440; messenger, \$1,200. Revolutionary Claims—clerk, \$2,220; assistant clerk, \$1,440; messenger, \$1,200. Rules—clerk, \$2,220; assistant clerk, \$1,800; messenger, \$1,440. Standards, Weights and Measures—clerk, \$2,220; assistant clerk, \$1,440; messenger, \$1,200. Territories—clerk, \$2,220; assistant clerk, \$1,440; messenger, \$1,440. Transportation and Sale of Meat Products—clerk \$2,220; assistant clerk, \$1,440; messenger, \$1,200. Transportation Routes to the Seaboard—clerk, \$2,220; assistant clerk, \$1,440; messenger, \$1,200. University of the United States—clerk, \$2,220; assistant clerk, \$1,440; messenger, \$1,200. Woman Suffrage—clerk \$2,220; assistant clerk, \$1,440; messenger, \$1,200. In all \$407,800.

Mr. BRYAN. On behalf of the committee I offer an amendment to the amendment.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 8, line 16, after the numerals "\$1,200," near the end of the line, amend the amendment of

the committee by inserting the following: "Cuban Relations—clerk, \$2,220; assistant clerk, \$1,440; messenger, \$1,200."

Mr. BRYAN. Mr. President, the object of the amendment to the amendment is to provide for a committee created by a resolution of the Senate since the bill was considered originally by the committee. The Senate, by a resolution, created an additional committee, and this is designed to provide the necessary clerks.

The amendment to the amendment was agreed to.

Mr. KENYON. I should like to ask the Senator from Florida or some one in charge of the matter, why a distinction is made in the salaries paid messengers of these different committees. Why are some paid \$1,440 and others \$1,200? Why are some clerks of committees paid higher than clerks of other committees? A messenger does not do any different work.

Mr. BRYAN. I understand the messengers for the minority Senators who are not chairmen of committees receive \$1,200, and the messengers of the committees receive \$1,440.

Mr. KENYON. The messenger of a committee where one of the minority is chairman is paid \$1,200, and where one is a majority chairman the messenger is paid \$1,440. Is that the distinction?

Mr. BRYAN. I think so. That has always been the distinction.

Mr. KENYON. The work is the same, is it not? The messenger for the Committee on the Distribution of Useless Papers in Executive Departments does not work any more than some other messenger?

The amendment to the amendment was agreed to.

Mr. McCUMBER. I move to amend the amendment by striking out the words "messenger, \$1,200" wherever they appear, and inserting in lieu thereof "messenger, \$1,440."

The reason for this amendment, Mr. President, as we all know, is that the messengers in the committees of minor importance are doing the work of clerks; in other words, there is no Senator who has not enough work to do in his office to keep at least three clerks employed in clerical business, and to keep them all busy; and it is necessary that he should have those who are competent to do the business. He can not use what we would ordinarily understand to be a messenger only, but must have some one who is capable of assisting him in the clerical work. While Senators in the minority are not at the head of committees, they are all members of large and important committees, and are often put on subcommittees, to do work in which they must use the messengers for their clerks. If we are to consider them in the light of messengers only, then a messenger upon an important committee has no other or different character of work than a messenger upon an unimportant committee, and in important committees sufficient clerks have been provided to do the clerical business independent of the messenger. If it is necessary to use the messenger, as it often is—I am not complaining that you are paying him in every one of these instances \$1,440 a year—in actual justice every one of the messengers who are used by a Senator to do his clerical work ought to receive at least \$1,440. The amount involved would be a mere bagatelle; and yet it would put them all upon a standing in which they should be, and it would make their compensation correspond in some degree to the actual services that are rendered to the committees with which they are connected. For that reason, Mr. President, I urge the adoption of the amendment.

Mr. MARTIN of Virginia. Mr. President, no request has been made to the committee for the increase of salaries now suggested; no amendment has been offered for that purpose. These salaries were not fixed by the committee at this time, but they are the salaries which have been heretofore paid. There are very few, perhaps two or three, instances in this bill where the committee has increased the salaries of Senate committee employees, when Senators appeared before the committee and gave special reasons why increases should be made; but the proposition now presented is that the salaries shall be increased on a general idea of abstract justice. No such increase has been requested; the committee has not considered the increase; we can not say that it is right, and the Senate can not say that it is right.

In some of these positions on important committees, or with Senators who have a great deal of work, it may be that the messenger in such case should have \$1,440 a year. There are other cases where the messengers are doing only the work which properly belongs technically to a messenger, and even the work of a laborer. When the work that is being done is compensated for at \$1,200, we ought not to increase the compensation. We are not paying salaries according to the nomenclature of the service. As I have said, nobody has asked for these increases and nobody has stated to the committee any facts justi-

fying them. Many of these messengers are doing merely nominal work. You must bear in mind that until recently each Senator only had two employees, unless he was a chairman of a committee. Then we were asked to give three employees to each Senator and to fix the salary of the third man at \$1,200. I think it would lead to a very great increase in the expenses of the Government if we are to increase salaries on the abstract idea when nobody has explained the service which is being rendered or asked for the increase.

I am sure that the committee has been very liberal. Whenever it has been shown to the committee that a salary was too low, we have increased it; and I do protest against a wholesale increase without any explanation or without any facts to justify it.

Mr. McCUMBER. The Senator from Virginia says that no one has asked for this increase; that nobody has suggested it to the committee. Who would the Senator expect to make the suggestion, and who would be better qualified to make the suggestion than the Senators themselves, who employ, or who at least appoint, these messengers, who act as clerks, and the Senators who know what they are doing?

I believe there is not a Senator here who has one of these clerks—because that is what they are, although they are denominated messengers—who will not say that his messenger does exactly the same character of work that his clerks do; that he calls upon him to do the same clerical work that is performed by the others.

We do not need any great discussion, any hearings before the committee, on this matter, because every Senator knows just exactly what it means. It is for the Senator from Virginia to vote upon an amendment in the proper place just exactly what he thinks ought to be done. If he feels that I am in error in my statement that the messengers for all of these committees do clerical work, he would be justified in saying they ought not to receive as much as those denominated clerks—I mean the \$1,440 clerks—but if he feels that they are performing, and he himself knows that he is using them to perform exactly the same service, then I certainly feel that he is justified in supporting this amendment to give them the same salary, which amounts to \$240 per year more than the \$1,200 salary now paid.

Mr. SHAFROTH. Mr. President, it seems to me that everyone knows that he has grades of clerks who really ought to have different compensations. That is true as to the chief clerk of every committee. He gets a higher salary than the first assistant, and the first assistant gets a higher salary than the messenger. The messenger, in many instances, is not a stenographer and does not perform the same character of duty as the other members of the Senator's staff. That being the case, it seems to me that the salary of \$1,200 a year is amply sufficient to pay the messengers a fair compensation.

We know, as a matter of fact, that we can go down town here and get such services at a great deal less than \$1,200 a year. I do not believe in absolutely cutting it down to the very salary which is paid in stores and in private offices, because one can get even stenographers at from \$50 to \$60 a month; but I believe in allowing a fair amount, and \$1,200, it seems to me for that class of work, is a fair amount. This compensation has to be graded. We have to limit the governmental expenditures to some extent, and it seems to me, this being the custom, we should adhere to it.

Mr. McCUMBER. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from North Dakota?

Mr. SHAFROTH. I do.

Mr. McCUMBER. May I ask the Senator what class of clerks he refers to when he says \$1,200 is sufficient for that class of work?

Mr. SHAFROTH. I mean any assistant around an office. Every Senator knows that his chief clerk does a great deal of dictating which the Senator ordinarily would do, and he is supposed to command a higher salary than persons who simply take dictation from others. The second person who is employed generally assists in that particular to some extent, and is always a stenographer. The messenger is sometimes a stenographer and sometimes he is not. These places, however, are being sought at the present salaries. They are paid better compensation than clerks can get down in this city or in any other city in the United States. That being the case it seems to me that we are doing fair by them.

Mr. McCUMBER. If the position of the Senator is correct that the person called a messenger, for whom there is appropriated \$1,200 a year, is a messenger only, and that he is used for that purpose alone, then I entirely agree with the Senator that this is good pay; but if, as a matter of fact, which I un-

derstand to be the fact—and I know it is the fact so far as my own office is concerned—the messenger does exactly the same kind of work as does the \$1,440 clerk, and may be called upon to do exactly the same kind of work, and if that is practically universally so in all of the committees, then I believe that such messengers should be paid the same for doing the same kind of work.

If the Senator's position is correct, and that it is messenger service only that these persons are performing, then they are receiving a sufficient salary; but, as a matter of fact, that is not correct. Practically all of them are performing the work of a clerk and an assistant and doing good work. They are required to do that work, and they ought to be paid \$1,440.

Mr. SHAFROTH. Mr. President, as I said before, every Senator has grades of work for his employees. The first man does the important work, dictating very largely in cases where the Senator ordinarily would do it, which directly relieves the Senator of work. He generally dictates to the second person, who is a stenographer; he is a person better skilled and more experienced, who would get more compensation in the open market, if his services were demanded. The third is usually a helper, and does not take the important dictation that is required, even if he is a stenographer. Inasmuch as we find no person who is willing to resign these positions, for they all want them, as the class of employment is higher here in the way of compensation than the ordinary commercial salaries, it seems to me that these salaries should not be increased.

Mr. THOMAS. Mr. President, the last remark of my colleague [Mr. SHAFROTH] suggests a very important truth; and I venture to inquire of him whether, if there is going to be a change here for the purpose of equalizing the salaries of all messengers, it would not be better to strike out "\$1,440," wherever it occurs, and to insert "\$1,200"? If I have counted correctly, there are about 23 messengers who get \$1,440 and 20 or 21 whose compensation is \$1,200. It seems to me that that is ample when you consider the work that is required of these people and what they could command in the same position outside of public employment. It would be far better for the public service, in my judgment, and a move toward economy to take off the difference between \$1,440 and \$1,200, instead of adding the difference to the salary of the \$1,200 clerks.

Mr. McCUMBER. I want to ask the junior Senator from Colorado, who has a messenger at \$1,440, if that messenger only performs the service of a messenger, why he should not also be cut down to \$1,200, the same as the other messengers?

Mr. SHAFROTH. Is that question directed to me?

Mr. McCUMBER. Yes. If the Senator's statement is correct that plenty of employees for this class of service can be obtained at \$1,200, and that in every one of the committees, including the Senator's committee, messengers perform the character of work which might be called messenger work, then why should not, as suggested by the senior Senator from Colorado [Mr. THOMAS], the messenger employed by the junior Senator from Colorado be cut down to the \$1,200 basis? I am assuming that some of the messengers are being paid \$1,440 because in reality they are performing the work of clerks, and I am not complaining of that; I think they ought to have it; but if you pay them \$1,440, why should you not pay all the others \$1,440, and if the services of the others are not worth more than \$1,200, why should a messenger in another committee be paid more than \$1,200?

Mr. SHAFROTH. Mr. President, the salaries attached to the various employees assigned to the different committees were fixed some time ago. So far as my committee is concerned, the salaries of its employees were fixed before I was made chairman of the committee. I have heard of no change in their salaries, and I had no part in fixing them. I presume the salaries are fixed upon the basis of the importance of the committees, upon the theory that one committee has more work than another committee; and that, therefore, in the end really more work is required of some employees than of others. The employees designated as messengers do not perform exclusively messenger service; there is no doubt about that; they do help in every line of work in the office; there is no question of that; but the relative importance of the work always descends with the diminution of the responsibility and the amount of work required. That is true of all the committees, I think, and that is the reason I am not in accord with the position taken by the Senator.

Mr. McCUMBER. Mr. President, I want to state, in response to the Senator, that I think he is in error. I have been chairman of one of the larger committees during my term of service here, and I am free to say that the messenger of the larger committees does not perform the same amount of work nor the same grade of work as is required of the mes-

senger of the smaller committees, because in the larger committees there is a sufficient number of competent clerks to do the work and the messenger has little to do, except what might be called purely messenger work. There is not a Senator here who does not really require three clerks to do his work; and, therefore, as a matter of fact, the messenger of a smaller committee or the messenger of a Senator, where he has only three employees, is really required to do a higher class of work and more important work than is the messenger of a larger committee.

Mr. KENYON. Mr. President, I do not want to object to any reasonable compensation for the employees of the Senate. I tried to find out from the Senator from Florida [Mr. BRYAN] why it was that certain messengers were paid \$1,200 a year and others were paid \$1,440 a year. He gave as the reason, as I understood him, that the chairmen of minority committees, Republican Senators holding chairmanships, were allotted messengers who were paid \$1,200, while the messengers to majority committees were paid \$1,440. I was not making any objection to that. Now, the Senator from Colorado gives as one of the reasons the difference in the importance of the committees. I want to call the attention of the Senator from Colorado to one or two items in this bill. I am merely insisting that these employees ought to be paid the same amount for the same kind of work.

Here is the Committee on Expenditures in the Department of State, of which the distinguished Senator from Illinois [Mr. LEWIS] is chairman. The messenger of that committee is paid \$1,200 a year. The messenger of the Committee on Expenditures in the Treasury Department is paid \$1,200 a year. Those are both what would be called majority committees. The messenger of the Committee on Expenditures in the Department of Justice, of which the distinguished Senator from Utah [Mr. SUTHERLAND] is chairman, is paid \$1,440. The various committees on expenditures in the departments certainly rank about the same. I do not suppose any of those committees have ever had any meetings. Now, why is a messenger of a minority committee, whose chairman is a member of the minority side of the Chamber, paid a higher salary than is paid the messengers of the same class of committees on the majority side? I am not objecting to it, but I am wondering why it is.

Mr. SUTHERLAND. Mr. President—

Mr. KENYON. I am not through, but I will yield to the Senator.

Mr. SUTHERLAND. If the Senator will permit me, I should like to say a word.

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Utah?

Mr. KENYON. I yield to the Senator.

Mr. SUTHERLAND. The Senator has called attention to the committee of which I am chairman. I will say to the Senator that the salaries paid to the employees of that committee were already fixed when I was made chairman of that committee, and I had nothing to do with the fixing of the salaries. I will say very frankly to the Senator from Iowa that I think all messengers of committees ought to be paid the same amount. I think I am not entitled to a messenger at \$1,440 a year while the messenger of the Senator from Iowa, who has as much work as I have and whose work is of the same character, is paid \$1,200; it is not fair.

Mr. KENYON. That is the point I was making.

Mr. SUTHERLAND. I entirely agree with the Senator, and, while it would be a hardship upon the young man who is holding this position in my committee to cut his salary down, I would vote to make the salaries of all messengers of Senate committees \$1,200 or to make them all \$1,440. They ought to be the same; the Senator from Iowa is quite right about that.

Mr. KENYON. I want to call attention to one other matter.

Mr. OVERMAN. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from North Carolina?

Mr. KENYON. I yield to the Senator.

Mr. OVERMAN. I want to say to the Senator that we have discussed this matter considerably heretofore, and I think there is a disposition to arrange it in some way so as to equalize conditions. This practice, however, has grown up and has been followed here for 20 years, and we have simply followed that practice, but we all feel that something ought to be done to remedy the existing situation, and it probably will be done in the near future.

Mr. JONES. I should like to ask the Senator from North Carolina a question.

Mr. KENYON. I desire to hold the floor, Mr. President.

The PRESIDENT pro tempore. The Senator from Iowa has the floor. Does he yield to the Senator from Washington?

Mr. KENYON. I yield.

Mr. JONES. I want to say to the Senator from North Carolina that I am endeavoring to prepare a plan of reorganization so far as the employees of committees of the Senate are concerned, and I want to ask the Senator if he will help me when we get a chance to vote on that proposition?

Mr. OVERMAN. The Senator from Washington appeared before the committee, and we all agreed that something ought to be done. As I have said, however, the practice has grown up here through a number of years, and it is time that conditions should be changed. Probably we ought to have a committee appointed to bring about a reorganization; and if the duty is assigned to the Committee on Rules, they will undertake it.

Mr. JONES. I am endeavoring to prepare a proposition which I should like to submit either to the Committee on Rules or to a special committee; and what I want to ask the Senator is, if he will not help me?

Mr. OVERMAN. I will be glad to help the Senator in adopting any plan that will bring about an equalization.

Mr. WARREN. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Wyoming?

Mr. KENYON. I yield to the Senator.

Mr. WARREN. Mr. President, I think there should be some explanation in regard to the minority committee referred to by the Senator from Iowa which has a messenger who is paid at the rate of \$1,440 per year. The Senator from Utah [Mr. SUTHERLAND], who is chairman of that committee, has either forgotten or else he is too modest to state the fact that that committee was up to within a recent time a majority committee and not a minority committee; and, like many of the other old majority committees, its messenger was paid \$1,440. I happen to be serving on the Committee on Committees, and so I am in a position to know something about the matter. After the committees had been tentatively made up—the Senator from Indiana [Mr. KERN] having charge of the Committee on Committees on the majority side—the Senator from Utah was assigned to the chairmanship of a committee different from that of which he is now the chairman. It was, I believe, Woman Suffrage. As I recall now, there came to us a direction or, perhaps it would be better to say, a request that we make changes in certain committees. The majority side wanted to take over the Committee on Woman Suffrage, of which the distinguished Senator from Colorado [Mr. THOMAS] is now chairman, from the minority and make it a majority committee, and in place of that and one other committee they gave us the Committee on Expenditures in the Interior Department and the Committee on Expenditures in the Department of Justice. The appropriation bill carrying the salaries of the employees of those committees had passed and was a law, and so the Senator from Utah, without knowing it himself, because I think I was the one who, later on, told him of it, fell heir to a committee to which was attached a messenger drawing \$1,440 per annum.

As everyone knows, the distinguished Senator from Utah has been here a good while. He is a member of very important committees, and although the committee of which he is chairman may be a very small one and may have but little work, yet in other and larger committees of which he is a member he has hard work to do and has greater necessity of more and a better class of service than perhaps a Senator who has just come to the Senate and has not yet received the benefits that later follow in being assigned to the more important committees.

Mr. KENYON. Mr. President—

Mr. WARREN. Just a moment, please, and then I will be through. For that reason the committee did not cut down the salary of the messenger attached to the committee of which the Senator from Utah is chairman. I say this in justice to the Senator from Utah.

Mr. KENYON. Mr. President, to my mind there is nothing too good for the Senator from Utah [Mr. SUTHERLAND]. I am not raising any objection at all that the messenger to his committee is paid \$1,440; it did not occur to me to object to that.

Mr. WARREN. I thought I should explain that it happened in that way in the exchange. The Senator can see how it came about.

Now, one word more. I have always, so long as I have served on the Committee on Appropriations, been a member of the subcommittee on this bill. I was always in favor of paying liberal salaries to employees of committees when we were in the majority, and when the minority asked for increases in the salaries of their employees I was always willing, if the minority were nearly a unit in the demand, to try to meet their demands. I recall now that two distinguished Senators, whom I see on the other side, approached me when I was chairman of the com-

mittee with requests to increase certain salaries of employees attached to their committees, but I think the distinguished Senator [Mr. CLARKE of Arkansas] who now occupies the chair was about to make a point of order if the change had been made at that time, and so the Senators did not follow it up, and it fell by the wayside.

I feel that we ought not when in the minority to ask any more of the majority than the minority asked and received of us when we were in the majority; in other words, "Turn about is fair play." There is something, to my mind, not in the committees alone, but, taken in connection with the personnel of the Senate, which must lead to some distinction between a Senator who is serving on various committees and who has a great deal of work to do and a new Senator who serves on committees, of course of distinction, but involving less labor.

Mr. KENYON. Mr. President, the Senator has sounded the exact keynote and has very frankly, I think, stated the reasons for the differences in this bill. It is the difference between Senators. Some are more distinguished and some have more committees and should have more help. It is right along that line.

Mr. WARREN. Mr. President, the Senator must not impute to me the idea that one Senator is more distinguished than another, but some have more work to do than have others.

Mr. KENYON. I am responsible for the statement that they are more distinguished. I want to call attention in that connection to the fact that under this bill the employees in the Committee on Expenditures in the Department of Commerce and Labor are paid as follows:

Clerk \$2,200, assistant clerk \$1,440, messenger \$1,200.

The chairman of that committee is the Senator from Kansas [Mr. THOMPSON], of the majority. The next item of the bill reads:

Expenditures in the Interior Department—clerk \$2,220, assistant clerk \$1,800, messenger \$1,200.

The chairman of that committee is the distinguished Senator from Utah [Mr. SMOOT]. Now, why should the assistant clerk of the distinguished Senator from Utah receive \$1,800, the Senator from Utah being the chairman of a minority committee, while the assistant clerk of the committee of which the Senator from Kansas, a member of the majority, is chairman receives but \$1,440? It seems to me that what the Senator from Wyoming has said is true, and, of course, if that is the way the clerks and messengers of committees are to be paid, it is well to know it.

Mr. MARTIN of Virginia. Mr. President, I will detain the Senate but a moment. I simply want to say to the Senator from Iowa particularly, and to all other Senators, that of the Senators who employ messengers at \$1,200 a year—and there are between 25 and 30 of them, and some of the majority Senators have attached to their committees messengers who receive only \$1,200 a year—not one of those Senators has appeared before the committee and said that he had a messenger in his employ receiving too little compensation. Not a single instance can be cited where the Senator employing a messenger has appeared before the committee and stated that his messenger was receiving too small compensation.

Mr. KENYON. May I ask the Senator from Virginia a question?

Mr. MARTIN of Virginia. Certainly.

Mr. KENYON. Why was the salary of the assistant clerk of the Committee on Expenditures in the Department of the Interior raised from \$1,440 to \$1,800?

Mr. MARTIN of Virginia. Who is chairman of that committee?

Mr. KENYON. The Senator from Utah [Mr. SMOOT].

Mr. MARTIN of Virginia. The Senator from Utah gave what the committee considered good reasons for that increase in the salary of the assistant clerk of his committee; and if the Senator from Iowa has a clerk or a messenger attached to his committee who he thinks is inadequately paid it does seem to me it is due, in fairness to the committee and in fairness to the Senate, that he should take it up in the orderly and systematic method of legislation and should appear before the committee preparing the appropriation bill and explain why his clerk or his assistant clerk or his messenger is not receiving the amount to which he is entitled.

Mr. KENYON. That is not at all my object in calling attention to that matter. The employees allotted to me are paid sufficient. I am not raising any objection to that. My messenger is paid \$1,200 a year, and I use him as a stenographer; and that is sufficient compensation. I am simply objecting that one employee is paid differently from another employee who is doing the same kind of work.

Mr. MARTIN of Virginia. Mr. President, they do not all render exactly the same service; and Senators who think their messengers or their assistant clerks or their clerks are entitled to more money than they are receiving, in justice to themselves and in justice to their employees and in justice to the committee, ought to appear before the committee and state the facts, and the committee will give careful consideration to them.

The committee, I think, has been very liberal in the matter of paying the employees of Senators. It must be borne in mind—as the matter was referred to just now I reluctantly refer to it myself—that each of the minority Senators now has a third man to assist him in his work. When the Democrats were in the minority they had only two men. The Democrats have been more generous, or at least they have allowed a larger number of employees and better salaries than were allowed to them by the Republicans when the Republicans were in the majority.

I do not wish to claim any credit for this generosity. The work of Senators has increased, and we have met it. I do not think politics enters into it. We have endeavored to deal fairly by every Senator. No Senator has appeared at any time before the Committee on Appropriations and complained without his complaint having careful consideration, and redress when the committee could see its way clear to give him the redress. Not a single messenger nor a single Senator employing messengers has appeared before the committee to ask that these salaries be increased. They were fixed within the last 12 months, when these additional employees were given to the minority Senators, about 25 of them.

The minority asked for these employees. The majority thought the request was right and reasonable, and it provided for them and provided salaries that were satisfactory. No complaint has since been made of these salaries, until we hear it to-day on the floor of the Senate. I do not think that is a reasonable or fair or safe way to legislate. If these things are not right, the objections should be made to the committee, and the committee should have an opportunity to investigate thoroughly. I am sure the committee is open-minded in the matter and is ready to do what is just and right for all of these employees.

Mr. McCUMBER. Mr. President, I had supposed that one of the functions of the Senate as a body was the right to offer amendments, even though those amendments had not been offered before a committee. I think the Senator will agree with me that the Senate as a body now sitting here is better able to determine what ought to be done in justice in the matter of these clerks than anyone could do in appearing before the committee.

I have believed at all times that the salaries of these messengers should be above \$1,200. When we were in the majority on this side I was just as earnest and ardent in my desire, and I think every year I made the motion to raise those salaries in every instance to the \$1,440 figure. That always has been my view, and I still think it ought to be done. It is not a question of going before the committee beforehand, because every Senator knows about what service he is employing in his own committee. While the Senator from Iowa [Mr. KENYON] thinks the amount of \$1,200 is a sufficient amount for the assistant he has, I am perfectly frank to say that the messenger I have is worth more than \$1,200 a year, and ought to be paid \$1,440; but I would not go before a committee and ask that one should be put on a different plane from the others. If they were all \$1,200, I would say that they would have to be satisfied with that, although I should insist they were all worth more than \$1,200. What I do claim is simply that there ought to be no difference in the salaries paid to messengers, and that all should be put on the \$1,440 basis, according to my view.

Mr. MARTIN of Virginia. Mr. President, with the permission of the Senator, I simply desire to correct a statement I made just now. I said there were about 25 messengers. I had reference to the minority appointments. There are about 45 messengers in all, instead of 25, employed by the committees of the Senate, who are receiving only \$1,200 each.

Mr. SHAFROTH. Mr. President, I want to say to the Senator from North Dakota that the minute you raise these salaries universally to \$1,440 the assistant clerks will want \$1,800, and they will be in here insisting upon it, because they will show you and show each one of us that their work is more important, that they are called upon to do work on more important occasions, and that it is a higher class of work than the messenger performs, even where the messenger is a stenographer and does relieve the assistant clerk of the committee.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from North Dakota [Mr.

McCUMBER] to strike out "\$1,200" where it appears in connection with the salaries of the messengers named in the amendment proposed by the committee and to insert in lieu thereof "\$1,440."

The amendment to the amendment was rejected.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 12, after line 6, to insert:

All Senate resolutions passed prior to July 1, 1914, authorizing the payment for clerical and messenger services from the contingent fund of the Senate are hereby repealed.

Mr. SIMMONS. Mr. President, I move to amend the amendment of the committee by inserting, on page 12, line 10, after the word "Senate," the words "whose services are specifically provided for herein."

The PRESIDENT pro tempore. The Senator will send the amendment to the desk and let the Secretary state it.

The SECRETARY. On page 12, line 10, in the committee amendment, after the word "Senate," the Senator from North Carolina proposes to insert the words "whose services are specifically provided for herein."

Mr. SIMMONS. Mr. President, I will ask the Senator from Virginia if the committee will not accept that amendment.

Mr. SMOOT. I should like to have the amendment stated again.

The PRESIDENT pro tempore. The Senator from Utah asks that the amendment may be again stated to the Senate.

The Secretary again stated the amendment.

Mr. MARTIN of Virginia. Mr. President, as I understand, the Senator from North Carolina asks if I will accept that amendment for the committee. I can not do so. I am not authorized by the committee to do so, because the committee has not acted upon it.

Mr. SIMMONS. Then, I offer that amendment.

The Senator will observe that in the preceding section of the bill, beginning on page 7, line 17, it specifies various salaries for committee clerks and assistant clerks. The committee amendment now pending repeals all resolutions passed by the Senate prior to July 1, 1914, authorizing the payment for clerical and messenger services from the contingent fund of the Senate. It is very well known that occasionally a resolution passes the Senate providing for extra service for certain committees. If this amendment should be adopted it would repeal all of those resolutions and abolish the right of the committee to appoint these extra men.

To illustrate, the Finance Committee, of which I have the honor to be the chairman, has been from time immemorial permitted by resolution of the Senate to employ an expert to assist the committee, and the committee has been allowed to fix his salary at a reasonable sum. I do not think there has been a time since I have been in the Senate, in the last 13 years, when a resolution of that kind has not been in force. In fact, it has been the custom before the adjournment of every Congress to pass a resolution of that kind with respect to this committee. My understanding is that there are probably other resolutions of a similar character; but these other resolutions, as I understand—I may be mistaken about it—are probably provided for in the preceding section.

The effect of this amendment will be largely to repeal a resolution providing for extra service for the Finance Committee. The majority has an expert and the minority has an expert. Heretofore, in addition to the expert, the minority and the majority, as I understand, have each had an additional man. We have cut off those men, and we are now only employing one expert each for the majority and the minority.

Personally, I should be very much embarrassed if this amendment should be agreed to without this qualification, because it would deprive me of the services of an expert in connection with the work of the Finance Committee, and I am seriously in need of him every day. There is scarcely a day, or certainly not many days at any time, when I have not inquiries about the tariff, the effect of its operation, and its meaning which require some investigation before being answered. I have not the time to do it, and I have had this gentleman to do that work for me. It requires an expert to do it. An ordinary clerk or secretary could not well do it.

Mr. SMOOT. Mr. President—

The PRESIDENT pro tempore. Does the Senator from North Carolina yield to the Senator from Utah?

Mr. SIMMONS. I do.

Mr. SMOOT. If I understand the amendment offered by the Senator, I do not believe it will accomplish what the Senator desires to accomplish.

Mr. SIMMONS. I think it will.

Mr. SMOOT. In that connection, I wish to say to the Senator that I am in full accord with the former practice of having an expert for the majority and an expert for the minority of the committee, but I do not believe it ought to go further than that.

Mr. SIMMONS. That is as far as it goes.

Mr. SMOOT. I say, it has gone further, but I do not think it ought to go further.

Mr. SIMMONS. It has; but we have abolished that.

Mr. SMOOT. I think it ought to be abolished. If the Senator's amendment is not agreed to, however, and the amendment of the committee is agreed to, all that it would be necessary for the Senator to do would be, on the 30th of June, to have a resolution passed, as we always have done in the past, providing for those two positions.

Mr. SIMMONS. Of course, I understand that; but I wish to avoid the necessity of having to secure the passage of such a resolution.

Mr. SMOOT. I was going to say to the Senator that if his amendment does accomplish what he desires to accomplish by it, then it is going to affect also a great number of others who are on the rolls to-day by virtue of special resolutions of the Senate, and that we do not want to do.

Mr. SIMMONS. No; I think the Senator is mistaken.

Mr. MARTIN of Virginia. Mr. President—

Mr. SMOOT. I will give way to the Senator from Virginia in just a minute. I will say to the Senator that all of the employees of committees are provided for now by being specifically named in the amendment that has just been adopted by the Senate. That being the case, we wanted to repeal all the resolutions that have been passed prior to July 1, because every messenger, clerk, and assistant clerk is provided for that we think ought to be provided for in the amendment that has already been adopted. I will say frankly, however, that the two positions of which the Senator speaks are not provided for; and they are the only two, I understand, that the Senator wants to reach.

Mr. SIMMONS. This amendment repeals all resolutions authorizing them.

Mr. SMOOT. Yes.

Mr. SIMMONS. I want to confine that repeal to the provisions of this particular section.

Mr. SMOOT. I will say to the Senator that if his amendment is put in here it will not repeal the many resolutions that have been passed by the Senate; and I believe that now would be a very good time to have everything cleared up, so that we will know just exactly where we are up to date, anyhow. That was the object of this amendment. I will say to the Senator that I believe the Senate would gladly pass on the 30th day of June a resolution providing for the two positions of which he speaks; but this amendment not only provides for those two, but it also prevents the repeal of the resolutions of last year.

Mr. MARTIN of Virginia. Mr. President, as we all know, a custom has grown up here of making appointments of persons to be paid for out of the contingent fund of the Senate. The committee found 30 of those appointees, and our object was to take in all of them. We felt that where employees were needed permanently they ought to be provided for by law and not by Senate resolution; that they ought to be paid out of the Treasury and not out of the contingent fund of the Senate.

I have before me a list of 30 employees that we took from the list of persons that were being paid out of the contingent fund of the Senate, and we have provided for them in this bill by appropriation. Having done that, we do not wish to have those same names stay on the pay roll, to be paid out of the contingent fund of the Senate, and our object was to prevent that duplication.

Mr. WARREN. If my colleague on the committee will permit me, was it not the object to get a perfect clean-up, and then, if extra men for extra seasons or for extra purposes were wanted, of course, it can be reached by resolution?

Mr. MARTIN of Virginia. That was the purpose of the committee. I will say for myself, and I think I can say for the committee, that none of us knew anything about, or certainly did not have in mind, the fact, if we ever heard of it—and I do not think I ever have, though I can readily see now how the practice arose—that the Finance Committee had some experts employed. Our object was, as the Senator from Wyoming says, to clean up this matter and put on the permanent roll all the employees that were needed and have them paid by law and not by Senate resolution.

Mr. WARREN. It ought to be freshened up by passing new resolutions.

Mr. MARTIN of Virginia. It has now come to our knowledge, however, that in using general language, repealing all of

these Senate resolutions, there are some few that we did not provide for in this bill that no doubt ought to be continued in the service of the committees. With a view of protecting such cases as that, I asked the clerk of the Committee on Appropriations to prepare an amendment, which is the amendment that has been offered by the Senator from North Carolina, and which limits the repeal to the cases where the employees have been put by this bill on the permanent roll, and does not repeal the resolutions where the persons paid by Senate resolutions out of the contingent fund have not been provided for by the pending bill.

Mr. SMOOT. Mr. President—

The PRESIDING OFFICER (Mr. POMERENE in the chair). Does the Senator from Virginia yield to the Senator from Utah?

Mr. MARTIN of Virginia. I do.

Mr. SMOOT. That is absolutely true if they are specifically provided for in the amendment that has just been adopted; but I call the Senator's attention to the fact that not only are there the two cases the Senator has undertaken to reach by his amendment, and which he has explained to the Senate, but, if the Senator will remember, there are a number of resolutions that have been passed here for temporary help.

Mr. MARTIN of Virginia. Mr. President, I will say to the Senator that if that is so this amendment protects them. This amendment repeals those resolutions only where the employees have been put in this bill and appropriated for.

Mr. SMOOT. That is true, but we wanted to go further than that. We wanted, as I understood—and being a member of the committee I thought the Senator understood it the same way I did—to go further than that. We wanted to adopt an amendment to the bill repealing all of the resolutions in regard to every employee that is not specifically provided for in the bill, just as the Senator from Wyoming [Mr. WARREN] stated. If there were only the two that the Senator from North Carolina has mentioned, then the amendment would be perfectly right; but I wish to say to the Senator that we have passed resolutions here for temporary employees whose employment does not cease at the end of the fiscal year, and if these words are put in this amendment now it will not repeal those particular resolutions.

Mr. MARTIN of Virginia. It will not.

Mr. SMOOT. I think they ought to be repealed.

Mr. MARTIN of Virginia. That is a question for the Senate to determine. I was simply explaining the attitude of the committee.

Mr. SIMMONS. Mr. President, does the Senator from Utah know of any case except that of the Finance Committee, and possibly the Committee on Interoceanic Canals? They were authorized to employ some extra service in connection with the bill just passed on yesterday. I think they are probably the only cases that are not included in the enumeration in the amendment of the committee.

Mr. MARTIN of Virginia. Mr. President, as I stated at the outset, as the committee had adopted this amendment I did not feel at liberty, for and in behalf of and in the name of the committee, to consent to the proposed change; but really, when it is stated that these assistants are necessary, it seems to me not of any great consequence whether they are paid for by law or out of the contingent fund. We certainly diminished this evil very much when we provided for 30 of these employees.

Mr. SMOOT. The Senator does not understand that I am objecting at all to taking care of those two men?

Mr. MARTIN of Virginia. No; I understand the Senator very well.

Mr. SIMMONS. I think the Senator will find that every clerk or employee who has been provided for by special resolution is taken care of in the preceding section, except the two cases I have cited. At least, that has been my understanding from conversations I have had with the officials of the Senate who pay these clerks.

Mr. SHAFROTH. Mr. President, as a member of the Committee to Audit and Control the Contingent Expenses of the Senate, I will state that we have had up for consideration before the committee several times the matter of help that was desired by the chairman of the Committee on Finance, as well as the ranking minority member of the Committee on Finance. The temporary employment, as I understand, which was authorized by the resolution and was payable out of the contingent fund of the Senate, consisted of three employees. They remained on the roll for a considerable length of time, until the committee felt that it ought not to—

Mr. SIMMONS. Three on the part of the majority and three on the part of the minority.

Mr. SHAFROTH. Yes, sir; three on the part of the majority and three on the part of the minority. We had the matter up

several months and we refused to audit for two of those persons for a while, and at last we would yield, until we came to the conclusion that we would audit for one for each—one additional employee over the regular help of the chairman and one to the ranking minority member.

We want to get rid of this very thing of paying salaries out of the contingent fund of the Senate, because we do not think it is the best way to do it. It ought to be provided by law.

I do not know what force the Senator has in his committee. He has a good-sized force. How many clerks, messengers, and so forth, are regularly provided in the Finance Committee?

Mr. SIMMONS. I have two assistant clerks.

Mr. SHAFROTH. Two assistant clerks? I thought the force was considerably larger than that.

Mr. SIMMONS. That is, in addition to the chief clerk.

Mr. SHAFROTH. The Senator has three altogether, then?

Mr. SIMMONS. Yes; and I have a messenger.

Mr. SHAFROTH. And a messenger; a total of four. I am perfectly willing to insert in this bill, if necessary, a specific provision for the one man that the Senator wants. Of course that would be perfectly satisfactory. How many are provided in this bill for the Finance Committee?

Mr. SIMMONS. Mr. President, I wish to call the Senator's attention to the fact that the minority have always been accorded the same number that the majority have, as far as that is concerned; and I would not want to claim for myself a right that I would not concede to the minority, in view of the practice in this matter from time immemorial.

Mr. SHAFROTH. Mr. President, here is a general provision that is sweeping in its effects, and which may affect a good many committees. We can not tell. Perhaps you can not point them out now; but it is not wise, it seems to me, to legislate in a general manner when you are attempting to get a specific thing. If the Senator wants this one expert, I am perfectly willing to vote for it; but it seems to me it ought to be done by a direct insertion in the bill, together with the salary which should be attached to the position.

Mr. SIMMONS. Mr. President, I think I can assure the Senator, from conversations I have had with an official of the Senate who has charge of the payment of these salaries, that nobody would be affected by the amendment I propose except the two assistants allowed the Finance Committee, one for the majority and one for the minority.

Mr. SHAFROTH. Why not make it specific, then, so that we can not have any difficulty about it?

Mr. SIMMONS. I shall not object if that is done, and two experts are provided for—one for the majority and one for the minority. I shall have no sort of objection to that.

Mr. SHAFROTH. What salaries have they been drawing?

Mr. SIMMONS. I think \$2,000 each. That is my recollection.

Mr. SHAFROTH. My objection to this amendment, more particularly, is to avoid the difficulties we have had in the Committee to Audit and Control the Contingent Expenses of the Senate. It mixes up matters considerably. We do not know where we are in the way of salaries. We do not know what resolutions may be affected by this very provision. If the Senator will insert "two experts" or "one expert for the chairman, at a salary not exceeding \$2,000," and the same for the minority, or for the exact amount of \$2,000, if that is the salary—I want it exactly the same.

Mr. SIMMONS. I think that is the salary.

Mr. SHAFROTH. That would be perfectly satisfactory; but it seems to me it is unwise to put in a general clause here that may affect 30 committees, and that we would wake up and find that there were several cases covered by it that we did not intend to have covered.

Mr. MARTIN of Virginia. Mr. President, in order to save time I understand the Senator from North Carolina withdraws the amendment and will prepare an amendment providing for two experts, one for the majority and one for the minority.

Mr. SIMMONS. I ask the Senator if we can not agree to that right now as an amendment on page 9, line 19.

Mr. MARTIN of Virginia. Simply for the reason that unanimous consent has been given to dispose of the committee amendments first, and we have not finished with them. If the Senator will wait I am sure there will be no objection—I certainly have none—to his proviso for two experts.

Mr. SIMMONS. Very well.

Mr. KERN. In this connection I desire to inquire only for information as to if, when there are no tariff bills or other important measures pending before the Committee on Finance, it is necessary that they should keep in their employment these two experts? What purpose is to be served? What kind of work is to be done?

Mr. SIMMONS. I explained, probably before the Senator came into the Chamber, that ever since I have been here the Finance Committee has been allowed these experts, one for the majority and one for the minority, and then when a tariff bill has been up the committee has been allowed additional force. While we were considering the tariff bill the majority had three extra men and the minority had three extra men. In addition to that, I suppose we had in the employ of the committee at least 10 or 12 other persons and they were at work from morning until night and very frequently far into the night. After we finished the tariff bill in a short time I discharged all of my three men except one. Finally the Committee to Audit and Control the Contingent Expenses of the Senate decided that they would permit the majority to have one extra man and the minority to have one extra man.

Now, as to the need of this man, I stated before the Senator came in that ever since the passage of the tariff law—and I suppose that has been the experience all along—there are numerous inquiries of the chairman of the committee with reference to provisions of the tariff, its meaning and effect, the construction, and all those things, and a great deal of work has to be done in order to get up the necessary data to answer those inquiries. No one can do it except a man who has some knowledge of the tariff. I have found that the gentleman who has been on the roll as an expert for the majority has been about the hardest-worked man in my office. If I did not have him, I would have to do that work myself. It is no invasion of the ordinary custom. I do not think there is a Senator here who can name a time when the Finance Committee, whether a tariff bill was up or not, has not been allowed one extra man to help in the performance of this work. The Senator from Utah [Mr. Smoot] has long been upon that committee, and I will ask him if my statement is not absolutely correct?

Mr. SMOOT. I will say in answer to the Senator that his statement is correct. I will also add to what the Senator has stated, and in answer to the Senator from Indiana, that when tariff bills were not before Congress in the past we have always kept the experts for this particular work. As the importations and exportations take place and the decisions of the customs court are given and also at the port of entry are made, he keeps track of all those. He is virtually a library for the committee, and when any question may be asked the committee from any part of the United States he is supposed to have the answer at hand. When a Senator asks a question upon the importation of goods or any other question affecting the tariff he is supposed to have the information at his fingers' ends. We keep those men for that purpose. They are just as busy, or should be just as busy nearly, when a tariff bill is not before Congress as when it is.

Mr. SIMMONS. Mr. President—

Mr. MARTIN of Virginia. If the Senator will yield, in order to save time, no one is disputing this, and if he will just give Senators an opportunity to vote on it, I think it will be disposed of.

Mr. KERN and Mr. LANE addressed the Chair.

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

Mr. MARTIN of Virginia. If the Senator from North Carolina will yield to me, I offer this amendment.

The PRESIDING OFFICER. The Senator from Virginia offers an amendment, which will be stated.

The SECRETARY. On page 9, line 19, after the numerals "\$1,440," insert:

Two experts, one for the majority and one for the minority, at \$2,000 each.

Mr. SHAFROTH. Mr. President, I should like to ask the Senator from North Carolina a question.

The PRESIDING OFFICER. One moment. The Secretary advises the Chair that the amendment of the committee has already been agreed to.

Mr. MARTIN of Virginia. I ask that it be reconsidered.

The PRESIDING OFFICER. Is there objection to a reconsideration of the amendment of the committee? The Chair hears none, and it is reconsidered.

Mr. MARTIN of Virginia. I now offer the amendment to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Virginia, which has just been read, to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. SHAFROTH. Mr. President, I wish to ask the Senator from North Carolina, so that the Committee on Contingent Expenses of the Senate will understand exactly where they are with relation to this matter. The bill provides that there shall be 1 clerk to the Finance Committee, at \$3,000; 1 assistant clerk,

at \$2,220; 1 assistant clerk, at \$1,600; an assistant clerk, at \$1,440; and a messenger, at \$1,440. That makes 5. Under any resolution will there be any money that will be expended out of the contingent fund?

Mr. SIMMONS. Absolutely none.

Mr. SHAFROTH. None whatever?

Mr. SIMMONS. None.

Mr. SHAFROTH. That is, when these experts are added there will be nothing for the Committee on Contingent Expenses to allow for your committee.

Mr. SIMMONS. Absolutely nothing.

Mr. SHAFROTH. Very well.

Mr. SIMMONS. Unless we have another tariff bill coming up. Mr. MARTIN of Virginia. Mr. President, the regular order. The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee as amended.

The amendment as amended was agreed to.

The PRESIDING OFFICER. The question now is on the amendment offered on page 12. Without objection, it is agreed to.

Mr. LANE. Let it be reported, please.

The PRESIDING OFFICER. The amendment will be again read.

The SECRETARY. On page 12, after line 6, insert:

All Senate resolutions passed prior to July 1, 1914, authorizing the payment for clerical and messenger services from the contingent fund of the Senate are hereby repealed.

The amendment was agreed to.

Mr. McCUMBER. Before we proceed further I wish to reserve the right to offer, as soon as I can have it drawn, an amendment, following line 6, on page 12, which will provide for an extra month's salary for each of the employees of the Senate.

The PRESIDING OFFICER. The Chair takes it that that would properly come up after the committee amendments have been disposed of.

Mr. MARTIN of Virginia. Yes; after the committee amendments are completed.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

Mr. MARTIN of Virginia. For fear that I may omit it, I will take occasion now to ask unanimous consent that the clerks shall be directed to change the totals so as to conform to all changes that the Senate is making.

The PRESIDING OFFICER. Without objection, it is so ordered. The next amendment of the committee will be stated.

The next amendment was, on page 12, line 12, after "\$6,500," to strike out "horse and wagon for his use, \$420, or so much thereof as may be necessary"; in line 16, after the word "each," to strike out "37" and insert "32"; in line 17, after the word "each," to insert "1 at \$1,000"; in line 23, after the word "each," to strike out "1 at \$900"; on page 13, line 4, after "\$840," to insert "3 at \$800 each"; in the same line, after the word "each," to strike out "27" and insert "32"; and in line 7, after the words "in all," to strike out "\$133,220" and insert "\$131,700," so as to make the clause read:

Office of Sergeant at Arms and Doorkeeper: Sergeant at Arms and Doorkeeper, \$6,500; Assistant Sergeant at Arms, \$2,500; Assistant Doorkeeper, \$3,000; Acting Assistant Doorkeeper, \$3,000; messengers—4 (acting as assistant doorkeepers) at \$1,800 each, 32 at \$1,440 each, 1 at \$1,000, 2 on the floor of the Senate at \$2,000 each, 1 at card door \$1,600; clerk on Journal work for CONGRESSIONAL RECORD, to be selected by the official reporters, \$2,000; storekeeper, \$2,220; upholsterer and locksmith, \$1,440; cabinetmaker, \$1,200; 3 carpenters, at \$1,080 each; janitor, \$1,200; skilled laborers—4 at \$1,000 each; laborer in charge of private passage, \$840; 3 female attendants in charge of ladies' retiring room, at \$720 each; telephone operators—chief at \$1,200, 2 at \$900 each, night operator, \$720; telephone page, \$720; press gallery—superintendent, \$1,800, assistant superintendent, \$1,400; laborers—1 \$840, 3 at \$880 each, 32 at \$720 each; 16 pages for the Senate Chamber, at the rate of \$2.50 per day each during the session, \$4,600; in all, \$131,700.

The amendment was agreed to.

The next amendment was, on page 13, after line 7, to strike out:

For the following for service of the Senate Chamber (heretofore paid from appropriation "Miscellaneous items on account of the Maitby Building"), namely: Messengers—4 at \$1,440 each, 1 \$1,000; laborers—3 at \$800, 5 at \$720 each; in all, \$12,760.

The amendment was agreed to.

The next amendment was, on page 13, line 15, after "\$1,200," to strike out "attendants in bathing rooms 1 in charge \$1,800, 2 at \$720 each; janitor, \$720," and in line 20, after the words "in all," strike out "\$10,620" and insert "\$6,660," so as to make the clause read:

For the following for Senate Office Building under the Sergeant at Arms, namely: Stenographer in charge of furniture accounts and keeper of furniture records, \$1,200; 3 attendants to women's toilet

rooms, at \$720 each; messengers—2 acting as mail carriers, at \$1,200 each, 1 for service to the press correspondents \$900; in all, \$6,660.

The amendment was agreed to.

The next amendment was on page 14, after line 16, to strike out:

Clerks to Senators: For 30 annual clerks to Senators who are not chairmen of committees, at \$2,000 each, \$60,000.

The amendment was agreed to.

The next amendment was, on page 14, after line 19, to strike out:

Stenographers to Senators: For 23 stenographers to Senators who are not chairmen of committees, and 3 stenographers to the chairmen of the 3 minority committees, at \$1,200 each, \$31,200.

The amendment was agreed to.

The next amendment was on page 14, after line 23, to insert:

For assistance to Senators who are not chairmen of committees, as follows: Twenty-five clerks, at \$2,000 each; 25 assistant clerks, at \$1,200 each; and 25 messengers, at \$1,200 each; in all, \$110,000.

Mr. MARTIN of Virginia. I move to amend the committee amendment on page 14, line 25, by striking out "twenty-five" and inserting "twenty-four"; on page 15, line 2, before the words "assistant clerks," strike out "twenty-five" and insert "twenty-four," and in the same line, after the word "and," strike out "twenty-five" and insert "twenty-four," so as to read:

For assistance to Senators who are not chairmen of committees, as follows: Twenty-four clerks, at \$2,000 each; 24 assistant clerks, at \$1,200 each; and 24 messengers, at \$1,200 each—

And so forth.

Mr. SMOOT. Mr. President—

Mr. MARTIN of Virginia. I will explain the amendment to the amendment. The provision made for the Committee on Cuban Relations made it proper to reduce the number here, as we added it there.

Mr. SMOOT. That is true, but I thought we were going to have a leeway of one or two.

Mr. MARTIN of Virginia. We have. We had it before. We still have it. The 25 being changed to 24 leaves exactly the same leeway which we had before.

Mr. SMOOT. The same leeway we had before?

Mr. MARTIN of Virginia. Exactly the same.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 15, after line 5, to strike out:

For postage stamps for the office of the Secretary of the Senate, \$200; for the office of the Sergeant at Arms, \$150; in all, \$350.

And to insert in lieu thereof:

For postage stamps for the office of the Secretary, \$100; for the office of the Sergeant at Arms, \$100; in all, \$200.

Mr. MARTIN of Virginia. I am informed by the financial clerk of the Senate that the allowance for postage in his office is inadequate; that in the absence of Senators there is a great deal of correspondence, sending checks, and correspondence of one sort and another. He will not expend the additional amount unless it is necessary. I move that "\$100," on line 9, be increased to "\$200."

The SECRETARY. On page 15, line 9, strike out "\$100" and insert "\$200."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 15, after line 10, to insert:

For the purchase of two automobiles, including the driving, maintenance, and care of same, one for the use of the Vice President and one for the use of the Speaker of the House of Representatives, \$9,000; one half to be disbursed by the Secretary of the Senate and the other half to be disbursed by the Clerk of the House of Representatives.

Mr. KENYON. I think there are some Senators who desire to be present when this amendment is considered, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

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

Borah	Lane	Ransdell	Smoot
Brady	McCumber	Robinson	Stephenson
Burton	Martin, Va.	Saulsbury	Sterling
Clarke, Ark.	Myers	Shafroth	Sutherland
Crawford	Nelson	Sheppard	Swanson
Cummins	Norris	Sherman	Thomas
Hollis	Overman	Shively	Thornton
Hughes	Owen	Simmons	Tillman
Jones	Page	Smith, Ariz.	Townsend
Kenyon	Pittman	Smith, Ga.	Warren
Kern	Pomerene	Smith, Md.	White

Mr. LANE. I wish to announce the absence of my colleague [Mr. CHAMBERLAIN]. He is paired with the Senator from Pennsylvania [Mr. OLIVER]. I should like this announcement to stand for the day.

Mr. SMOOT. I desire to announce the unavoidable absence of the junior Senator from Maine [Mr. BURLEIGH] and also of the senior Senator from New Hampshire [Mr. GALLINGER]. I will allow this announcement to stand for the day.

The PRESIDENT pro tempore. The Secretary will call the names of the absent Senators.

The Secretary called the names of the absentees, and Mr. CHILTON and Mr. JAMES answered to their names when called.

Mr. MARTINE of New Jersey and Mr. WILLIAMS entered the Chamber and answered to their names.

The PRESIDENT pro tempore. Forty-eight Senators having answered to their names, a quorum of the Senate is present. The pending amendment will be read.

The SECRETARY. On page 15, after line 10, insert:

For the purchase of two automobiles, including the driving, maintenance, and care of same, one for the use of the Vice President and one for the use of the Speaker of the House of Representatives, \$9,000; one-half to be disbursed by the Secretary of the Senate and the other half to be disbursed by the Clerk of the House of Representatives.

Mr. McCUMBER. Mr. President, I simply want to give my reason for one vote against the amendment. I am perfectly willing to vote the Vice President \$4,000 or \$4,500 extra salary if it is necessary and if it can be shown in any way that it is necessary. I do not know but, considering the position that he occupies, he ought to have a greater salary than he is now being paid, and I shall most cheerfully agree to vote a proper salary, but I am unalterably opposed to any system whereby the Government begins to pay the family expenses of any officer, whether it be the Vice President or any other. It is a part of the old system of monarchy that we got rid of a great many years ago. I do not want to see it introduced again, but I do wish to see a salary paid to the high officers of the Government that will enable them to have their horses and carriages or automobiles and drivers, and I would suggest—

Mr. POMERENE. Mr. President—

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Ohio?

Mr. McCUMBER. Certainly.

Mr. POMERENE. In view of the statement of the Senator with respect to automobiles, would he advise selling the White House?

Mr. McCUMBER. No, Mr. President; I would not advise selling the White House; I would not advise selling any building that we may have for our diplomats; but I would advise against paying the cook for the White House or paying any particular expenses connected with the White House. However, I am perfectly willing to pay a sufficient salary to enable the President to live as President ought to live, and leave the matter of family expenses to be defrayed by him in accordance with the way he would desire to live. That is the only proper method. I think we all understand the reasons why it should be so. There is no use in making any argument about it, but I confess I do not believe any good reason can be given for picking out one item of the expenses of a family any more than to pay their board or any other particular item. We ought to give them a sufficient compensation, so that they can live as they ought to live in the city of Washington.

Mr. SAULSBURY. Mr. President, I want to say to the Senator from North Dakota that I have very earnestly, as far as I could, advocated and tried to accomplish a raise in the salary of the Vice President. I think the Vice President's salary ought to be at least \$25,000. It is a high, dignified position, and the idea that he should be paid a mere pittance, such as is paid now, practically, to men on the reserve bank board, I think, is absolutely absurd, when you consider the dignity of the position and the necessities he has to uphold the dignity of the position.

I feel, however, that it is absolutely impossible, in the present temper of the Members of the Senate, as I have talked with them, to obtain that salary for the Vice President of the United States. I am therefore in favor of helping along toward the maintenance of his dignity and the necessities under which he lives in this city.

I shall certainly vote for this provision for an automobile. I would vote gladly to pay the rent of a house in this city, suitable to the dignity of the Vice President of this country, where he is engaged in the performance of his duty.

I sincerely hope that this small increase toward the payment of his necessary expenses will not be denied, as it appears to be the only thing at this time that we can get.

Mr. McCUMBER. Mr. President, I agree with the Senator from Delaware that the salary of the Vice President ought to be \$25,000 a year, and I would gladly vote to afford him that extra salary. The duties incumbent upon him are such that he is compelled to keep up an establishment that requires certainly \$25,000 to do it. He is in demand over the country to

make addresses here and there, and I regard it as his duty to accept such invitations wherever it is possible for him to do so and get in full touch with the American people.

I can not understand why any Senator will say, "I am willing to vote the Vice President \$4,500 extra for an automobile, and yet I am unwilling to vote him that much more salary and let him use it as he sees fit in the proper way that he sees fit." I can not imagine that there is any Member of the House or of the Senate who is so shortsighted that he would be willing to vote a particular item of expense and enumerate it, but on the other hand would not be willing to vote the same amount as an addition to his salary.

I sincerely hope that those on the other side who have the power will modify the bill, so as to put everything in the form of a salary, and let us avoid this very bad precedent of paying the family expenses of the officials of the Government.

Mr. OVERMAN. This is not a precedent. This item was put in an appropriation bill about six years ago giving the Vice President an automobile. The present Vice President has that automobile, and it is worn out; it has cost more to maintain it perhaps in the last two years than a new automobile would cost. If you would count the expense incurred for its upkeep, you would find that it would amount to enough to purchase a new automobile. This worn-out automobile is the property of the Government; it is continually breaking down. If we could afford to give the last Vice President an automobile, it seems to me we can afford to give the present occupant of that office an automobile.

Mr. KERN. Mr. President, the office of Vice President of the United States is the second office in dignity and in importance in this Government. Congress gives very ungrudgingly to the office of President a very large sum of money each year for the maintenance of that office, in order that the President may live decently and in a manner befitting the Chief Magistrate of a great Nation. Most Vice Presidents in recent years have been men of wealth, some of them of large wealth. The last distinguished Vice President from New York, Mr. Sherman, was a man of moderate circumstances, well to do. Members on this side of the Chamber cheerfully voted for an appropriation to provide an automobile for Vice President Sherman. That automobile has worn out. The present Vice President is a poor man; he has no independent means; and it seems to me to be very small economy to refuse now to permit him to have an automobile, as his predecessor had, and which was voted to him by the votes of Members on this side of the Chamber.

Mr. McCUMBER. If the Senator will yield, I hope he does not think that I would deprive the Vice President of what he ought to have—an automobile and a chauffeur.

Mr. KERN. I do not believe the Senator would desire to deprive him of that.

Mr. McCUMBER. But the point I am trying to make is that instead of taking up a particular item of expenditure we should take the same amount, which is \$4,500, and vote it directly as an addition to the Vice President's salary. He can then use it to purchase an automobile or use it in any other way that he thinks it is for his best interest to use it.

Mr. KERN. That proposition does not meet the situation at all. As stated by the Senator from Delaware [Mr. SAULSBURY], it would be impossible at this time, as I think would be recognized by the Senator from North Dakota, to provide an addition to the salary of the Vice President.

The Senator speaks of this being a precedent. It is not a precedent at all. The vice presidential office had voted to it an automobile; it was in the possession, control, and use of the former Vice President, and it has been in the use of the present Vice President until now it can no longer be used. The question is, whether this automobile shall be replaced. If this were a precedent, it would be a different question; but, I repeat, it is not a precedent we are establishing at all. It is simply to give to the Vice President what he has already had and what his immediate predecessor has had.

Mr. McCUMBER. The voting of expenses in a particular line to different officers is a precedent. I will not say it begins here, but the time has been of very short duration since we began that system, and I should like to get out of that system as soon as we can, and pay our officers such a salary as they ought to receive. I want in good faith to ask the Senator from Indiana why anyone should oppose raising the salary of the Vice President by \$5,000 who would vote to pay him \$5,000 extra to be used in some particular manner?

Mr. KERN. For the same reason that Senators will refuse to raise the salaries of Members of this body, though a large number of us have no independent means; we have no independent source of income aside from our salaries, and are struggling along to make both ends meet here on the salary

which we receive. There is a sentiment, a prejudice, against the increase of salaries of public officers; but that prejudice and criticism would be unjust, and yet that situation prevails.

Mr. McCUMBER. Would there not be the same prejudice against voting a Senator \$4,000 for an automobile as there would be against voting him \$4,000 extra salary?

Mr. KERN. As a matter of first impression, I imagine there would; but that is not the question here at all. The question here is, whether or not an automobile that has been in the use of the Vice President, which was provided for a former Vice President, shall be replaced. It is introducing nothing new in the way of a precedent.

Mr. McCUMBER. Mr. President, I think I can bring this matter to a focus, at least in a better manner, if I offer as a substitute for this provision on page 15, line 11—

Mr. SHAFROTH. Will the Senator from North Dakota yield to me?

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Colorado?

Mr. McCUMBER. I yield.

Mr. SHAFROTH. I want to say that there is a good deal of difference, in my judgment, between allowing those things that are necessary to the office and increasing the salary. I am opposed to increases of salary. I think every time you increase a salary in any particular case you offer an inducement to persons occupying other positions to make demands for similar increases. That does not always apply in the case of giving the things that are necessary to the proper carrying on of an office, and would not in the case of the President and the Vice President in giving them the things that are necessary for the use of the highest officials of the Government. Take, for instance, the increase of the salary of the President of the United States. It was advocated upon the theory, first, that there should be an increase because of the traveling expenses on the part of the President, and \$25,000 was added on that account; yet two years had not elapsed—I do not think one year elapsed—until an additional \$25,000 was appropriated for the expenses of the President in traveling.

Mr. WARREN. I think those increases were made the same year.

Mr. SHAFROTH. In the same year, then.

Mr. WARREN. An effort was made to fix the salary of the President at \$100,000 per annum. The amount was reduced to \$75,000. It was provided in another bill that thereafter \$25,000, or so much thereof as might be necessary, should be appropriated each year for the traveling expenses of the President.

Mr. SHAFROTH. If we attempt to cover this item of expense by putting it in the form of an increase in salary, we shall find that it will not be long until Senators get up here and try to secure the appropriation of an additional amount for an automobile. Consequently, so far as the Government is concerned, that would be more expensive than to allow this item of \$4,500 to the Vice President for an automobile.

Mr. President, it does seem to me that in connection with the position of Vice President of the United States there is a certain amount of entertaining that is absolutely necessary, and in order to have the office conducted in a manner commensurate with the dignity of the position the Vice President should have an automobile. On that account, it seems to me we ought to provide one. While the amount proposed to be appropriated is apparently large, it is not really so when you take into consideration that it provides for a chauffeur, for the upkeep of the automobile, and also for the expense of its running. So, altogether, \$4,500 for that purpose is not an exorbitant amount. Of course, the Vice President should have a good car, not one that he would be ashamed of, or one that we would be ashamed to see him enter. For that reason, it seems to me that it would be far better for the Government that this appropriation, so requisite and so necessary to the position, should be made than it would be to increase the salary of the Vice President.

I believe that the influence of increasing salaries permeates every officer in the Government. I have always been opposed to increases of salaries. I have felt that whenever you increase a salary there will be a constant demand on the part of other officers of the Government who hold positions at least somewhere near to those as to whom increases have been made that their salaries also shall be increased. Thus the line of increases will be far greater than if you give to the proper officer such amount as it is now proposed to appropriate for an automobile for the Vice President.

Mr. McCUMBER. Mr. President, I want to say in reply to the Senator that the danger arising from an increase of salary is not nearly so vicious as that of adopting a system of taking care of the family expenses of Government officials. It is that system that I do not want to see inaugurated in this country.

I appreciate that it may be of little avail to offer any amendment against the recommendation of the committee, but I am going to offer an amendment so that I can at least give one vote for principle, and that vote will be in favor of a salary as against a vote for paying a like amount to defray some particular family expenses. I move, as a substitute for the amendment, from lines 11 to 16, inclusive, to insert:

For additional salary of the Vice President and Speaker of the House of Representatives, \$5,000 each; total, \$10,000.

Mr. BRYAN. Mr. President, I raise the point of order against the amendment proposed by the Senator from North Dakota that it has not been estimated for nor reported by a standing committee of the Senate.

The PRESIDENT pro tempore. It is a substitute for a provision already in the bill; it is not an independent proposition. The Chair thinks that the point of order is not well taken. The question is on the adoption of the substitute offered by the Senator from North Dakota.

Mr. WARREN. Mr. President, perhaps the President pro tempore has overlooked the fact that this refers to an annual salary.

The PRESIDENT pro tempore. It is an item of appropriation in the nature of compensation for the Vice President.

Mr. WARREN. It is for this one year, and part of it would go for the upkeep and part of it for the automobile.

The PRESIDENT pro tempore. The Chair has made the ruling. The Senator's remedy is open to him.

Mr. WARREN. I am not excepting to the ruling of the Chair, but I wish to make a few remarks, if the Chair will bear with me.

I want to say that I fully agree with the proposition that the salary of the Vice President ought to be increased, but we can hardly do it just now, at this late time, on an appropriation bill. On the other hand, the Senate when it was Republican in the majority, and likewise the other House, provided \$6,000 each for automobiles for the Vice President and Speaker of the House, the minority making no objection. Under the circumstances, until such time as the salary may be raised, I think we ought to be as liberal as the other side then were and provide new automobiles. I do not object to the appropriation of \$9,000, and should be glad if it were a little more. I hope it may carry, and carry ungrudgingly.

Mr. KENYON. Mr. President, I should like to ask the Senator from Wyoming a question. The Senator speaks of the appropriation for an automobile for the Vice President and the Speaker of the House of Representatives. Does the Senator from Wyoming know whether the Speaker of the House accepted that automobile?

Mr. WARREN. Why, certainly he did.

Mr. KENYON. There was a good deal of comment in the newspapers at the time that he had refused to accept an automobile at the expense of the Government.

Mr. WARREN. I think the Senator from Iowa is slightly mistaken as to dates. The automobiles mentioned were purchased when a Republican occupied the office of Speaker and when a Republican occupied the office of Vice President; and, as has been said by the Senator from Indiana [Mr. KERN], it was done ungrudgingly on the part of the minority. We furnished \$6,000 apiece for automobiles for the Speaker of the House, Mr. Cannon, and for the Vice President, Mr. Sherman. Since that time I am unable to say what may have been said by the present Speaker. I never heard him say anything of the kind.

Mr. KENYON. I should like to ask the chairman of the committee, inasmuch as we are to vote on the proposition for an automobile for the Speaker, as well as for the Vice President, if the Speaker did not decline to accept an automobile at the expense of the Government last year or the year before last?

Mr. MARTIN of Virginia. I do not know whether or not the Speaker will accept one, but if he does not want it the item will go out in conference, so far as he is concerned. He has only to say so, and the amendment can be modified to suit his wishes. If he does not want an automobile, he need not accept one.

Mr. KENYON. He will not be compelled to take it?

Mr. MARTIN of Virginia. The bill can be changed to suit his pleasure when it goes to conference.

Mr. WILLIAMS. Mr. President, I do not know with that degree of certitude that would justify me in making the positive assertion, but I do remember when the provision was in a former appropriation bill that the newspapers, at any rate, published the purported fact that the Speaker of the House of Representatives refused to accept an automobile.

Mr. President, I agree substantially with what has been said by the Senator from North Dakota [Mr. McCUMBER]. I think that public officials ought to be paid proper salaries, and that their salaries ought not to be extended by perquisites of an

uncertain and varying character. I think that the Speaker of the House, who, in matter of influence, is perhaps the second most important officer under our Government, and the Vice President of the United States, who presides over this body and who is nominally the second officer of the Government, ought to receive higher salaries than they do receive. I know that one ex-Speaker, who attempted to keep up what he regarded as his social duties and provide a place where he could receive people in some decent number, had to pay \$4,000 a year rent, and then had a house that was not by any means perfectly suited to the purpose. I know that the present Speaker had to live for a while in apartments, and had no way in which he could receive people in a proper way.

I do not take much stock in this business of receiving people as being a part of one's official duty; but, at the same time, the legislative branch of this Government ought to be able to compete in a social way to some extent, to a respectable extent, at least, with the executive branch of the Government. I therefore would vote very readily for an increase in the annual compensation of the Speaker and of the Vice President, but I would not be in favor of voting either one of them any perquisites in the shape of automobiles or anything else, and I hope that the motion, if I understood it correctly, to increase their salaries by \$5,000 will prevail with the Senate. I believe that the people of the United States would justify it thoroughly.

Some years ago the President of the United States received an addition to his salary and also was allowed \$25,000 a year for traveling expenses. He receives virtually everything else. He has a house which the Government furnishes him; the flowers around the house the Government furnishes him; every employee around the White House is upon the Government pay roll, I believe; and even the plate and the silver in the White House are those of the Nation and not those of the temporary incumbent, until his compensation amounts to a very considerable sum, the exact amount of which I have now forgotten; while these two other officers just below him in grade, one of them just below him in influence—and if he is a Speaker who controls the House of Representatives equal to him in influence—receive only \$12,000 a year. It seems to me nothing is more right and proper than that the small increase of \$5,000 a year should be made to these two officers of the Government.

Mr. TOWNSEND. Mr. President, the Senator from Mississippi [Mr. WILLIAMS] and the Senator from North Dakota [Mr. McCUMBER] have expressed my views on this subject, but I feel as though I ought to state them, because, when this matter was before the other House some six years ago I opposed it there, as I did the provision at that time for granting a certain allowance to the President of the United States for traveling expenses.

I held the idea that we ought to increase the salaries of the Vice President and Speaker of the House of Representatives, and I am very much in favor of doing so. I am not unwilling to face the public in doing directly a thing of that kind. I do not think the people of the United States are opposed to paying the Vice President of the United States or the Speaker of the House of Representatives or any other prominent official what his services are reasonably worth and what he ought to receive, according to the position which he holds. So, it seems to me that we ought not to evade this proposition, but ought to vote directly upon it and increase the salary. That is the direct way to proceed, and I think we have votes in this body to carry it.

Let it be understood that we believe that these two positions are of sufficient importance to demand a salary of \$15,000 a year, or whatever the salary would amount to if increased in accordance with the proposed amendment of the Senator from North Dakota. If it is not desired to increase it that much, the amount may be reduced. Because of the fact that the automobile appropriation would not need to be renewed for several years, perhaps it would not involve as great an annual expenditure as would the amendment proposed by the Senator from North Dakota, but still it would not relieve the situation so much. For instance, take the case of the Speaker of the House of Representatives, while I can not speak with authority, yet I am convinced that the Speaker of the House of Representatives does not care for an automobile of the kind contemplated. I take it, however, that, while he would not ask for an increase of salary, he would recognize the propriety of an increase, for he is not receiving a sufficient amount of money to properly conduct the office which he holds; and so, inasmuch as the point of order does not lie against this amendment, I sincerely trust that it may be adopted.

Mr. KERN. Mr. President, it is very apparent, I think, to everybody who knows anything about the situation at the other end of the Capitol that the proposition to increase the salary

would not be agreed to. If Senators on the other side do not want to grant this automobile, if they do not want to treat the Democratic Vice President as the Republican Vice President was treated, and treated ungrudgingly and generously, let them say so, but do not undertake to sidetrack it through an amendment that you know will not be agreed to at the other end of the Capitol.

Mr. TOWNSEND. Will the Senator yield a moment?

Mr. KERN. Certainly.

Mr. TOWNSEND. I said a moment ago that I am perfectly willing to grant to the Democratic Vice President and to the Democratic Speaker what I have granted a Republican Vice President and a Republican Speaker. I am taking no different position, as the RECORD will show, in this instance from the one I occupied when this question originally arose in Congress.

Mr. SHAFROTH. Mr. President, I want to say to the Senator from Michigan that I do not agree with his statement that the people believe in large salaries. The history of the States demonstrates that the people will turn down nearly every proposition involving large increases in salary. The governor of the Senator's own State for years and years was only entitled under the constitution of the State to receive \$1,000 a year, and his compensation has only been increased to \$5,000 a year in recent times. Whenever propositions to increase salaries are submitted to the people, the Senator will find that three-fourths of them are turned down by the people, even in cases where it is only proposed to increase a salary above \$5,000.

Mr. TOWNSEND. Mr. President, will the Senator yield?

Mr. SHAFROTH. Yes, sir.

Mr. TOWNSEND. Suppose, then, a proposition were submitted to the people of buying an automobile for an official?

Mr. SHAFROTH. I think, as a matter of fact, that they would prefer to provide an automobile as one of the necessary accessories in order that the office might have the dignity which it ought to have. I submit to the Senator that if the amendment of the Senator from North Dakota were adopted it would not be two years before there would be a motion here to give the Vice President an automobile in addition to the increase of salary. That is what will happen.

The system of a republican form of government does not take to big salaries; it never has taken to big salaries. The people have been opposed to them, and almost every increase of salary that has been authorized by Congress has met with the condemnation of the people when they have had an opportunity to express themselves in a concrete way with regard to it. When salaries of Members of Congress were increased from \$5,000 to \$7,500 in 1873, there is no question that the condemnation of the people followed, although there was perhaps another question involved, and nobody seemed to dare to present a motion or to offer an amendment to increase the salary of a Representative or of a Senator from that day until about six or seven years ago.

Mr. TOWNSEND. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from Michigan?

Mr. SHAFROTH. I do.

Mr. TOWNSEND. I recognize the fact that there was a degree of cowardice on the part of a great many Congresses when they knew that the salary ought to be increased, but it finally was increased, and the people did not complain, and I heard no complaint when the salary of the President of the United States was increased.

I desire to say that I have not advocated big salaries; I simply advocate just and proper salaries, and I do not believe the people of the United States are opposed to paying proper salaries. They are opposed to paying big salaries, if by that the Senator means improper and unjust ones, but the proposition of the Senator from North Dakota can be justified.

Mr. SHAFROTH. Salaries of officials of the Government of the United States have been pretty largely increased. You must remember that John Marshall was the Chief Justice of the United States for 30 years at a salary of \$3,500 a year. The Vice President and the Speaker of the House for years and years received a salary of only \$8,000 a year, and it has only been within the last 10 or 12 years that their salaries have been increased to \$12,000 a year. Now, if you add another \$5,000, and next year grant an automobile, perhaps a mansion, and things of that kind, you will find that these offices will require twice the amount of money from the Public Treasury that they require now.

It seems to me, Mr. President, that when something is necessary to an office and goes with an office, it should be provided. The automobile appropriation which is contained in this bill is a proper appropriation, but the proposition to increase the salary of these offices is not good.

Mr. McCUMBER. Mr. President, I want to say just a word in answer to the suggestion made by the Senator from Indiana [Mr. KERN], that the amendment proposed by me could not be carried through the House, and that therefore it would defeat the proposition. I would be perfectly willing to leave the automobile provision in the bill if it were necessary, and offer my amendment in addition to that, and thus leave the matter in such shape that the House could accept my amendment without endangering the amendment reported by the committee.

I simply would like at some time this session to get back to the old Jeffersonian way of paying not emoluments and traveling expenses, but salaries that are just and fair.

I believe that the Senator from Indiana agrees with me that the Vice President of the United States ought to have a salary of at least \$25,000 a year. The position demands it. And I believe that if Senators could vote for that directly, they would be glad to do so. I believe further that the American people would never make the slightest complaint against it. Most of the people that I have ever heard speak about the salary of the Vice President have, with one accord, agreed that the salary was insufficient for the position, and it is such a mere bagatelle in the expenses of this Government that it does seem to me that we ought to try to do justice and be brave enough to follow our own convictions.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from North Dakota [Mr. McCUMBER] as a substitute for the amendment reported by the committee.

The amendment to the amendment was rejected.

The PRESIDENT pro tempore. The question recurs on agreeing to the amendment proposed by the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 15, line 17, after the word "equipping," to strike out "horses and mail wagons" and insert "motor vehicles," so as to make the clause read:

For expenses of maintaining and equipping motor vehicles for carrying the mails, \$6,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 15, line 22, after the words "per thousand," to strike out "\$3,000" and insert "\$8,000," so as to make the clause read:

For folding speeches and pamphlets, at a rate not exceeding \$1 per thousand, \$8,000.

The amendment was agreed to.

The next amendment was, on page 16, after line 5, to insert:

For rent of warehouse for storage of public documents for the Senate, \$1,800.

The amendment was agreed to.

The next amendment was, on page 16, after line 7, to insert:

The Superintendent of the Capitol Building and Grounds is hereby authorized and directed to remove any unused documents and material now in the Capitol Building or Senate and House Office Buildings, and the Patent Office models now stored in the Senate and House Office Buildings, to some building or buildings located on Reservation No. 13, in the District of Columbia, and the Superintendent of the Capitol Building and Grounds is hereby made the custodian of the building or buildings so selected.

The amendment was agreed to.

The next amendment was, on page 16, line 23, after the words "printed page," to strike out "\$25,000" and insert "\$50,000," so as to make the clause read:

For expenses of inquiries and investigations ordered by the Senate, including compensation to stenographers to committees, at such rate as may be fixed by the Committee to Audit and Control the Contingent Expenses of the Senate, but not exceeding \$1 per printed page, \$50,000.

The amendment was agreed to.

The next amendment was, under the subhead "Capitol police," on page 17, line 2, before the word "lieutenants," to strike out "two" and insert "three"; and in line 3, before the words "special officers," to strike out "three" and insert "two," so as to make the clause read:

For captain, \$1,800; 3 lieutenants, at \$1,200 each; 2 special officers, at \$1,200 each; 47 privates, at \$1,050 each; one-half of said privates to be selected by the Sergeant at Arms of the Senate and one-half by the Sergeant at Arms of the House of Representatives; in all, \$57,150, one-half to be disbursed by the Secretary of the Senate and the other half to be disbursed by the Clerk of the House of Representatives.

The amendment was agreed to.

The next amendment was, under the subhead "House of Representatives," on page 18, after line 4, to strike out:

For actual traveling expenses incurred by Representatives, Delegates, and Resident Commissioners, including actual traveling expenses of immediate and dependent members of their families, incurred in going

to and returning once from each session of Congress by the nearest route usually traveled, the same to be paid on certificates duly approved and in the manner heretofore prescribed for the payment of mileage, \$87,500.

The amendment was agreed to.

The next amendment was, on page 18, after line 12, to insert: For mileage of Representatives and Delegates and expenses of Resident Commissioners, \$175,000.

The amendment was agreed to.

The next amendment was, on page 24, line 14, after the word "adopted," to strike out "June 5, 1900," and insert "April 28, 1914," so as to make the clause read:

To continue employment of the person named in the resolution adopted April 28, 1914, as a laborer, \$840.

The amendment was agreed to.

Mr. KENYON. Mr. President, I should like to ask if the amendment on page 18, relative to mileage, was adopted?

The PRESIDENT pro tempore. Yes; it was adopted when it was reached in the regular order.

Mr. KENYON. I had intended to try to get a yea-and-nay vote on that proposition, so that I could record my vote in favor of the House provision; but I see it has gone by.

Mr. MARTIN of Virginia. It is too late to call for the yeas and nays now.

The PRESIDENT pro tempore. The amendment will be under consideration again when the bill is reported to the Senate. It is now being considered as in Committee of the Whole.

Mr. KENYON. I should like to reserve that question before the Senate.

The PRESIDENT pro tempore. It has already been adopted. It can not be reserved at this time as in Committee of the Whole. Of course, it can come up in the Senate, and the Chair will take notice of the request made by the Senator from Iowa.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 27, line 17, after the words "House of Representatives," to strike out "\$75,000" and insert "\$37,500," so as to make the clause read:

For miscellaneous items and expenses of special and select committees, exclusive of salaries and labor, unless specifically ordered by the House of Representatives, \$37,500.

The amendment was agreed to.

The next amendment was, under the subhead "Library of Congress," on page 33, line 8, before the word "each," to strike out "\$720" and insert "\$900"; in line 15, after the word "each," to insert "two assistant wiremen, at \$840 each"; in line 17, before the words "skilled laborers," to strike out "ten" and insert "eight," and, in the same line, after the words "in all," to strike out "\$74,525" and insert "\$77,645," so as to make the clause read:

Library building and grounds: Superintendent, \$5,000; chief clerk, \$2,000; clerks—1, \$1,600; 1, \$1,400; 1, \$1,000; messenger; assistant messenger; telephone-switchboard operator; assistant telephone-switchboard operator; captain of watch, \$1,400; lieutenant of watch, \$1,000; 16 watchmen, at \$900 each; carpenter, painter, and foreman of laborers, at \$900 each; 14 laborers, at \$540 each; two attendants in ladies' room, at \$480 each; 4 check boys, at \$360 each; mistress of charwomen, \$425; assistant mistress of charwomen, \$300; 52 charwomen; chief engineer, \$1,500; assistant engineers—1, \$1,200; 3 at \$900 each; electrician, \$1,500; machinists—1, \$1,000; 1, \$900; 2 wiremen, at \$800 each; 2 assistant wiremen, at \$840 each; plumber, \$900; 3 elevator conductors, and 8 skilled laborers, at \$720 each; in all, \$77,645.

The amendment was agreed to.

Mr. JONES. Mr. President, as I understand, the bill is being read now merely for committee amendments?

Mr. MARTIN of Virginia. That is correct.

The PRESIDENT pro tempore. It is being read at this time for committee amendments.

Mr. JONES. It is being read first for committee amendments?

The PRESIDENT pro tempore. Yes.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the head of "Civil Service Commission," on page 35, line 18, after the words "chief examiner," to strike out "\$3,000" and insert "\$3,500," and on page 36, line 4, after the words "in all," to strike out "\$261,830" and insert "\$262,330," so as to make the clause read:

For commissioner, acting as president of the commission, \$4,500; 2 commissioners, at \$4,000 each; chief examiner, \$3,500; secretary, \$2,500; assistant chief examiner, \$2,250; chiefs of division—3 at \$2,000 each; examiners—1, \$2,400; 3 at \$2,000 each; 4 at \$1,800 each; clerks—6 of class 4, 26 of class 3, 34 of class 2, 44 of class 1, 34 at \$1,000 each; 22 at \$900 each; messenger; assistant messenger; skilled laborer, \$720; 4 messenger boys, at \$360 each. Custodian force: Engineer, \$840; general mechanic, \$840; telephone-switchboard operator; 2 firemen; 2 watchmen; 2 elevator conductors, at \$720 each; 3 laborers; 4 charwomen; in all, \$262,330.

The amendment was agreed to.

The next amendment was, on page 36, line 23, after the words "efficiency ratings," to strike out "\$15,000" and insert "\$30,000," so as to make the clause read:

For the establishment and maintenance of system of efficiency ratings, \$30,000.

The amendment was agreed to.

The next amendment was, on page 37, after line 18, to insert:

Examination of fourth-class postmasters: For necessary additional office employees, printing, stationery, travel, contingent, and other necessary expenses of examinations, \$11,190, and the unexpended balance of the appropriation made for this purpose in the urgent deficiency act approved October 22, 1913, is hereby made available for the fiscal year 1915.

The amendment was agreed to.

The next amendment was, at the top of page 38, to insert:

For field examiners at the rate of \$1,500 per annum each, for work in connection with members of local boards and other necessary work as directed by the commission, \$5,700, and the unexpended balance of the appropriation made for this purpose in the urgent deficiency act approved October 22, 1913, is hereby made available for the fiscal year 1915.

The amendment was agreed to.

Mr. MARTIN of Virginia. I send to the desk an amendment, which I ask to have read.

The PRESIDENT pro tempore. The Senator from Virginia proposes an amendment, which will be reported to the Senate.

The SECRETARY. On page 38, line 12, after the word "each" and the semicolon, it is proposed to insert:

Assistant to the Secretary, to be appointed by the Secretary, \$4,500.

The amendment was agreed to.

Mr. MARTIN of Virginia. I send to the desk another amendment, which I ask to have read.

The PRESIDENT pro tempore. The Senator from Virginia proposes an amendment, which will be reported to the Senate.

The SECRETARY. On page 39, on line 6, it is proposed to strike out "17" and insert in lieu thereof "19."

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the head of "Department of State," in the appropriation for the maintenance of the office of the Secretary of State, on page 39, line 8, after the words "telegraph operators," to strike out "18" and insert "36"; in line 9, after the word "each," to strike out "13, at \$900 each"; and in line 13, after the words "in all," to strike out "\$320,060" and insert "\$321,860," so as to read:

Telegraph operators—36, at \$1,000 each; chief messenger, \$1,000; 5 messengers; 25 assistant messengers; messenger boy, \$420; packer, \$720; 4 laborers, at \$600 each; telephone-switchboard operator; assistant telephone-switchboard operator; in all, \$321,860.

The amendment was agreed to.

The next amendment was, under the head of "Treasury Department," on page 40, line 7, after the word "each," to insert "assistant to the Secretary, to be appointed by the Secretary, \$4,500"; and, in line 9, after the word "Secretary," to strike out "\$2,500" and insert "\$3,000," so as to read:

Office of the Secretary: Secretary of the Treasury, \$12,000; three Assistant Secretaries, at \$5,000 each; assistant to the Secretary, to be appointed by the Secretary, \$4,500; clerk to the Secretary, \$3,000.

The amendment was agreed to.

Mr. MARTIN of Virginia. I send to the desk an amendment, which I ask to have read.

The PRESIDENT pro tempore. The Senator from Virginia proposes an amendment, which will be reported to the Senate.

The SECRETARY. On page 41, lines 9 and 10, it is proposed to strike out "executive clerk, \$2,400" and to insert in lieu thereof "two executive clerks, at \$2,400 each."

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 40, line 12, after the word "Treasury," to strike out "\$2,250" and insert "\$2,500," so as to read:

Government actuary, under control of the Treasury, \$2,500.

The amendment was agreed to.

The SECRETARY. On page 40, line 16, the committee proposes to strike out "\$60,670" and insert "\$68,320."

Mr. WARREN. Mr. President, I think the Secretary should alter the footings to accord with the amendments already adopted.

The PRESIDENT pro tempore. That is what is being done.

Mr. WARREN. But the Secretary read the old total.

The PRESIDENT pro tempore. No; the Secretary read the new footing, which was just sent up by the chairman of the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 41, after line 22, to strike out:

General Supply Committee: Superintendent of supplies, \$2,000; clerks—2 of class 2; in all, \$4,800.

The amendment was agreed to.

The next amendment was, at the top of page 42, to insert:

General Supply Committee: Superintendent of supplies, \$2,250; clerks—1 of class 4, 1 of class 3, 3 of class 2, 2 of class 1; 12 temporary clerks for 4 months, at \$900 each; in all, \$15,850.

Mr. LANE. Mr. President, I wish to inquire of the chairman of the committee what this new item is for. I refer to the new item for the General Supply Committee. It seems to be adding a number of new officials. There should be some explanation made of this new item, carrying fifteen or sixteen thousand dollars, out of courtesy to other Members of the Senate who are being held in part responsible for the provision.

Mr. MARTIN of Virginia. That is correct, and I am very glad to give the best explanation I can of this matter.

There are 17 new appointments. Twelve of them, however, are temporary clerks, whose employment will last only four months; 5 of them are permanent. These were regularly estimated by the Treasury Department. The Secretary of the Treasury appeared before the committee and insisted that without this provision the public business can not proceed. He said that it has increased so—and we all know it has increased—that it is impossible for him to conduct the business of the Treasury Department without this addition to his working force.

Mr. LANE. I do not want him to shut up shop, of course.

Mr. MARTIN of Virginia. He satisfied the committee. He went into more detail than I shall undertake to go into, and satisfied the committee that his contention should be respected.

I will say, however, not only for the benefit of the Senator from Oregon but for the benefit of others, that if the committee has made any mistake in the preparation of this bill it has been in cutting down too deeply and not allowing what the department chiefs insisted on. We have not put in this bill a single item that we were not satisfied was absolutely necessary, and we have omitted a great many items which the Secretaries insisted we ought to have allowed. I am sure this is a just appropriation.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MARTIN of Virginia. I send to the desk another amendment, which I ask to have read.

The PRESIDENT pro tempore. The Senator from Virginia suggests an amendment at this point, which will be reported to the Senate.

The SECRETARY. On page 42, line 25, it is proposed to strike out "\$2,000" where it first occurs and in lieu thereof to insert "\$2,250."

Mr. SMOOT. I will ask the Senator if that was agreed to by the committee?

Mr. MARTIN of Virginia. It was. When it was presented to the committee the committee did not at first allow it; but it was so insistently urged that the committee became satisfied that it ought to be allowed, and it was allowed by the full meeting of the committee.

Mr. SMOOT. Of course, it skipped my memory that that was done, but I remember very well that this question was discussed in the subcommittee, and we disagreed to it there.

Mr. MARTIN of Virginia. It was turned down at the first committee meeting, but the Secretary afterwards came and was so insistent on it when the second meeting of the committee took up the bill that this amendment was allowed.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 43, line 4, after the words "Surety Bond," to strike out "Division" and insert "Section," and in line 6, after the words "Surety Bond," to strike out "Division" and insert "Section," so as to read:

Division of Appointments: Chief of division, \$3,000; assistant chief of division, \$2,250; executive clerk, \$2,000; clerks—1 of class 4 (2 transferred to Customs Division), 4 of class 3, 4 of class 2 (1 transferred to Customs Division), 2 of class 1 (1 transferred to Customs Division, 2 to Surety Bond Section, and 1 omitted), 2 at \$1,000 each (1 transferred to Customs Division and 1 to Surety Bond Section).

The amendment was agreed to.

The SECRETARY. On page 43, line 8, the committee proposes to change the total to read "\$27,910" instead of "\$27,660."

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 43, line 9, before the word "of," to strike out "Di-

vision" and insert "Section," and in the same line, after the word "of," where it occurs the second time, to strike out "division" and insert "section," so as to make the clause read:

Section of surety bonds: Chief of section, \$2,000 (in lieu of law and bond clerk, transferred from Division of Appointments); clerks—2 of class 1 (transferred from Division of Appointments), 1 at \$1,000 (transferred from Division of Appointments); 1 assistant messenger (transferred from office of Commissioner of Internal Revenue); in all, \$6,120.

The amendment was agreed to.

Mr. MARTIN of Virginia. I send to the desk another committee amendment which I ask to have read.

The SECRETARY. On page 43, line 17, it is proposed to strike out "\$2,000" and to insert in lieu thereof "\$2,500."

The amendment was agreed to.

The SECRETARY. And in line 19 it is proposed to change the total to read "\$30,260."

The amendment was agreed to.

Mr. SMOOT. Mr. President, just a moment. I should like to ask the Senator if he has changed all of the assistant chiefs of divisions to \$2,500 all through the bill? Have you made them all \$2,500?

Mr. MARTIN of Virginia. I think this is the only one. I do not recall any others than this one.

Mr. SMOOT. You will next time, then.

Mr. MARTIN of Virginia. Mr. President, on page 44, in line 8, the committee offers an amendment commencing at the word "and," on line 8, and rejecting the following words:

And \$200 additional while the office is held by the present incumbent.

We ask that that amendment may be disagreed to.

The VICE PRESIDENT. The question is on agreeing to the amendment, on page 44, line 8, which will be stated.

The SECRETARY. On page 44, line 8, after "\$1,800" it is proposed to strike out the words "and \$200 additional while the office is held by the present incumbent."

The amendment was rejected.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 44, line 11, after the word "all," to strike out "\$27,800" and insert "\$27,600."

The amendment was rejected.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 44, line 26, before the words "of class 3," to strike out "three" and insert "four," so as to read:

Division of Printing and Stationery: Chief of division, \$2,500; assistant chief of division, \$2,000; clerks—4 of class 4, 4 of class 3.

The amendment was agreed to.

Mr. MARTIN of Virginia. I send to the desk an amendment which I ask to have read.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 45, line 1, it is proposed to strike out "\$1,250" and to insert in lieu thereof "\$1,400."

The amendment was agreed to.

The SECRETARY. On page 45, line 2, before the word "laborers," it is proposed to strike out "two" and insert "three."

The amendment was agreed to.

The SECRETARY. It is also proposed to amend the total, in line 3, so that it will read "\$34,780."

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 45, line 14, before the words "of class two," to strike out "three" and insert "two"; in the same line, after the words "of class one," to strike out "one at \$1,000"; and in line 15, after the words "in all," to strike out "\$21,790" and insert "\$21,300," so as to make the clause read:

Office of disbursing clerk: Disbursing clerk, \$3,000; deputy disbursing clerk, \$2,750; clerks—3 of class 4, 2 of class 3, 2 of class 2, 2 of class 1, 1 at \$1,000; messenger; in all, \$21,390.

The amendment was agreed to.

The next amendment was, on page 46, after line 23, to insert:

For law books, to be expended under the direction of the Comptroller of the Treasury, \$500.

The amendment was agreed to.

The next amendment was, on page 48, after line 5, to insert:

For compensation, to be fixed by the Secretary of the Treasury, of such number of employees as may be necessary to tabulate by the use of mechanical devices the accounts and vouchers of the Interior Department; for the purchase, exchange, or rental of the necessary mechanical devices, and for the purchase of such supplies, including tabulating cards printed in the course of manufacture, and the making of such repairs as may be necessary to their maintenance and operation, \$14,000: *Provided*, That the Secretary of the Treasury may, during the fiscal year 1915, in his discretion, diminish the number of positions in the grades below that of clerk at \$1,200 per annum in the Office of the Auditor for the Interior Department and use the unexpended balances of the appropriation for the positions so diminished as a fund to

pay the compensation, as fixed by the Secretary of the Treasury, of such additional number of employees as may be necessary to tabulate by the use of mechanical devices the accounts and vouchers of the Interior Department.

Mr. BURTON. Mr. President, I should like to know whence these employees are obtained. Are they detailed from other departments, or from other bureaus of this department? I do not quite understand this provision. Why is a new provision necessary in regard to it?

Mr. MARTIN of Virginia. It is in connection with the introduction of tabulating machines and the use of tabulating machines. The inauguration of that work in the departments is a very expensive matter.

Mr. BURTON. Are these tabulating machines employed now for the first time?

Mr. MARTIN of Virginia. Some have been employed, but the use of the machines is increasing, and this provision seems to be absolutely necessary for that service. When they are fully inaugurated and at work, it will operate as a great saving to the Government; but the initial cost is very heavy.

Mr. BURTON. Do I understand that those who are detailed to perform this service are clerks or subordinates already in the department?

Mr. SMOOT. Mr. President, they may be in this department or they may be transferred temporarily from other departments to do this particular work.

Mr. BURTON. They do not go outside of the civil-service list to get them?

Mr. SMOOT. I asked that same question, and I was assured that they did not go out of the civil service.

Mr. MARTIN of Virginia. Oh, no; they are civil-service appointees. There is no doubt about that.

Mr. SMOOT. I think myself the proviso of this amendment is not a very good way to legislate, but the object of the amendment is a worthy one, and I think it will accomplish a saving not only in this department but in all the other departments, if carried out. It was for that reason that I did not object to the proviso. If, however, such a proviso were carried through all the departments of the Government, I think it would be a very dangerous way of granting power to the heads of departments.

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

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 49, line 22, after "\$191,130," to insert: "Provided, That not exceeding \$24,840 may be used for the payment of compensation to said employees absent on leave."

So as to make the clause read:

For compensation, to be fixed by the Secretary of the Treasury, of such number of employees as may be necessary to tabulate by the use of mechanical devices the accounts and vouchers of the Postal Service, \$191,130: *Provided*, That not exceeding \$24,840 may be used for the payment of compensation to said employees absent on leave.

The amendment was agreed to.

The next amendment was, at the top of page 50, to insert:

The Secretary of the Treasury may, during the fiscal year 1915, diminish, from time to time, as vacancies occur by death, resignation, or otherwise, the number of positions of the several grades below the grade of chief of division in the office of the Auditor for the Post Office Department and use the unexpended balances of the appropriations for the positions so diminished as a fund to pay the compensation, as fixed by the Secretary of the Treasury, of such number of employees as may be necessary to tabulate, by the use of mechanical devices, the accounts and vouchers of the Postal Service.

Mr. SMOOT. Mr. President, I simply wish to say in connection with this amendment that this being a new departure in the different departments, I am not going to object this year to this kind of legislation; but I will state again that it is very unwise legislation, taken as a general thing.

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

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 52, line 24, after "\$1,800," to strike out "clerk, \$900; in all, \$2,700" and insert "clerk, \$1,400; two clerks, at \$900 each; in all, \$5,000," so as to make the clause read:

Office of the assistant treasurer at San Francisco: Clerk, \$1,800; clerk, \$1,400; two clerks, at \$900 each; in all, \$5,000.

The amendment was agreed to.

The next amendment was, on page 52, line 26, after the word "subtreasuries," to strike out "\$86,450" and insert "\$88,750"; so as to make the clause read:

The total from subtreasuries, \$88,750.

Mr. NELSON. Mr. President, it seems to me that all these appropriations for the maintenance and upkeep of subtreasuries

ought to be wholly unnecessary under the new system of banking and currency that has been adopted. Under that system the regional banks are to be made the depositories of the public funds, and the disbursements of the Government are to be made by checks upon these banks. Therefore the occasion that has heretofore existed for maintaining subtreasuries in the different parts of the country has ceased to exist, and provision ought to be made for their discontinuance under this new banking system, it seems to me. After we have changed our banking system, to keep them up as we have kept them up in the past is wholly unnecessary.

The new system contemplates that the revenues of the Government shall be paid into the regional banks, and that the disbursements shall be made by checks of the Government upon these banks. The purpose is that the money may be constantly in circulation, instead of, as heretofore, having the public moneys frequently tied up in the subtreasuries of the Government, causing, at times, a money stringency. I remember that during Cleveland's first administration there were between two and three hundred million dollars tied up in the subtreasuries of the Government, out of circulation.

In view of the fact that we have established these regional banks, and disbursements are to be made through them by checks upon them, it seems to me there is no occasion for perpetuating and continuing the subtreasury system.

Mr. SMOOT. I will say to the Senator that it is necessary at this time to continue them, because the new system will not be in operation by the 1st of July of this year.

Mr. NELSON. That may be so.

Mr. SMOOT. If it is in operation by the end of the year, we will say, or whenever it is, and there is no necessity for these subtreasury places, then, of course, the money will be paid out as the Senator states; but we do not know how soon it will be in operation, and they certainly will have to be provided for until that time arrives.

Mr. NELSON. Mr. President, I have called attention to this matter because it should be kept in mind when the next appropriation bill is prepared. I think perhaps our new system will not be entirely in operation by the end of the present fiscal year, and perhaps for the present it is necessary to maintain these offices; but after we have established the new system there is no occasion for maintaining these subtreasuries as they have been maintained heretofore.

Mr. SHAFROTH. Mr. President, the Senator is right in the statement that it is the hope that these moneys of the United States will be deposited in the Federal reserve banks; but I will remind the Senator of the fact that there is no requirement in the act that they shall be so deposited, and for that reason we have got to trust to what the policy of the administration will be with respect to that. It is our hope that they will be so deposited, and there was a provision in one of the preliminary drafts of the bill to the effect that the new organization should become the fiscal agent of the United States Government; but that is not in the bill as it passed. It is left discretionary with the Secretary of the Treasury as to where and when and to what extent he will deposit money in these banks. For that reason it seems to me we have to provide for the ordinary expenditures as heretofore, and rely upon the Treasury Department to cut them down when these moneys are deposited in the Federal reserve banks.

Mr. NELSON. The Senator from Colorado is partially correct, but not entirely so. When the currency bill came from the House it contained a provision, as passed by the House, requiring all public moneys to be deposited in these banks, and checks to be drawn upon the banks. But that was afterwards changed by the Senate committee, much against the wishes of many of the members of that committee, and we are now at the mercy of the Secretary of the Treasury. He can still, under this new system, as he sees fit, perpetuate the subtreasury system by refusing to deposit the money in these regional banks.

I sincerely hope that he will abandon that system and that he will have all the Government revenues deposited in these banks, and that the Government disbursements will be made by checks upon those banks. In that way, and in that way only, can you keep the currency of the country in active use and circulation and prevent the tying up of funds as we have had in years gone by.

Mr. SMOOT. I will say to the Senator, perhaps we have that in our hands, because if we do not next year appropriate for the office of the Assistant Treasurer then, of course, it will force the deposit into the regional banks.

Mr. NELSON. The Senator is entirely correct. If by the time the next appropriation bill is passed no provision is made for the continuance of these subtreasuries the Secretary will have to deposit in the regional banks.

Mr. BURTON. Mr. President, it seems to me that this is a very singular time to increase the appropriation for these subtreasuries. A year or two ago some pressure was brought to bear upon me for obtaining increased salaries and I believe also clerical service for the subtreasury at Cincinnati, but upon the adoption of the Federal reserve act I discouraged any attempt of that kind. The passage of the recent law is futile unless the subtreasuries are to be relieved of very much of the work that they now perform.

Mr. MARTIN of Virginia. Mr. President, I merely want to correct the Senator from Ohio. We have not increased the appropriation for the subtreasuries. This is simply transferring some people from San Francisco to Washington.

Mr. BURTON. Does the Senator say the appropriation for the office of the assistant treasurer at San Francisco, Cal.—“clerk, \$1,400; 2 clerks, at \$900 each; in all, \$5,000”—is not an addition?

Mr. MARTIN of Virginia. If the Senator will turn to page 68 he will see that the reductions correspond there, and we have not increased the appropriation at all for the subtreasury.

Mr. BURTON. Do I understand it is an increase in the total expense of the whole subtreasury system?

Mr. MARTIN of Virginia. The Senate committee has not increased a dollar the appropriation for subtreasuries from the bill as it passed the House. This is a mere transfer of the force from San Francisco, and it is no increase whatever.

Mr. BURTON. Here is the House provision: “Clerk, \$1,800; clerk, \$900; in all, \$2,700.” As the committee reports the bill it reads, “Clerk, \$1,400; 2 clerks, at \$900 each; in all, \$5,000.”

Mr. SHAFROTH. If the Senator will turn to page 68, he will find, in line 25, “1, \$1,400; 1, \$900” stricken out.

Mr. BURTON. In the San Francisco Subtreasury?

Mr. SHAFROTH. Yes; in the office of the assistant treasurer at San Francisco.

Mr. BURTON. The San Francisco Subtreasury?

Mr. SHAFROTH. Yes.

Mr. MARTIN of Virginia. It is a transfer, and there is not an increase made in the appropriation for the Subtreasury.

Mr. BURTON. In an appropriation bill to place in different parts of the bill the provision for the same office is, to say the least, confusing. As it reads here, this is clearly an increase in the appropriation for the Subtreasury at San Francisco.

Mr. MARTIN of Virginia. Perhaps it might have been arranged more systematically, but if the Senator will examine it he will find that there is no increase whatever.

Mr. BURTON. Then I understand in another portion of the bill there is a decrease which meets this increase.

Mr. MARTIN of Virginia. Exactly.

Mr. SMOOT. I will simply say to the Senator from Ohio that the Treasurer appeared before the committee and he wanted the two clerks from the office of the assistant treasurer at San Francisco transferred here. That is found on page 52 of the bill. He claimed that that could be done here and the appropriation ought to be made direct.

Mr. BURTON. Certainly the bill could be made very much clearer by having a provision in one place for one office so that we can understand it.

I do not understand, Mr. President, that the subtreasuries are to be entirely abandoned, but their work and their responsibility will be diminished if the Federal reserve system is the success we expect it to be, and if the money of the country is to be kept in circulation as has been promised.

Mr. NELSON. Mr. President, I desire simply to say one word more. I wish to call the attention of the Committee on Appropriations to the fact that it appears in the bill that the total cost of the subtreasury system is \$89,750, and this amount can be entirely saved if the Secretary of the Treasury will avail himself of the new currency system. We can get rid of all these subtreasuries and do all the Government business, and do it much better and more effectively through the new currency system.

The amendment was agreed to.

The next amendment was, on page 53, line 25, after the words “Treasurer of the United States” to strike out “\$6,000” and insert “\$10,000”, so as to make the clause read:

For purchase of labor-saving machines and tabulating equipment, including exchange, repairs, miscellaneous expenses of installation, cards and filing devices, and for rental of tabulating and card-sorting machines, for use in the office of the Treasurer of the United States, \$10,000.

The amendment was agreed to.

Mr. MARTIN of Virginia. On page 54 there are three amendments, one including a total, which the committee ask may be disagreed to.

The next amendment was, on page 54, line 2, after “\$4,000” to strike out “assistant register, \$2,500,” and in line 9, after

the words "in all," to strike out the total, "\$30,700, and insert "\$28,200," so as to make the clause read:

Office of Register of the Treasury: Register, \$4,000; chief of division, \$2,000; clerks—2 of class 4 (1 transferred to Treasurer's office), 2 of class 3, 2 of class 2, 3 of class 1 (2 transferred to Treasurer's office), 3 at \$1,000 each (1 transferred to Treasurer's office), 5 at \$900 each (10 transferred to Treasurer's office and 3 to Loans and Currency Division); messenger: 1 laborer (1 transferred to Loans and Currency Division); in all, \$28,200.

Mr. MARTIN of Virginia. I ask the Senate to disagree to the amendment.

The amendment was rejected.

The next amendment was, on page 54, after line 9, to insert:

The office of Assistant Register of the Treasury is hereby abolished.

Mr. MARTIN of Virginia. I ask that the amendment be disagreed to.

The amendment was rejected.

Mr. SMOOT. May I call the Senator's attention to just one thing in relation to the assistant register? Does the Senator believe that we ought to pay him more than the chief of that division? We pay the chief of the division \$2,000 and the assistant register \$2,500.

Mr. MARTIN of Virginia. We agreed on that in the committee, and I hope the Senator will not go into a discussion now against the action of the committee. There was no such action against it in the committee.

Mr. SMOOT. I am perfectly aware the majority of the committee agreed to it, and I have not stated otherwise.

Mr. MARTIN of Virginia. The Senator himself, I understand, agreed to it. He made no objection to it.

Mr. SMOOT. I objected to it at the time.

Mr. MARTIN of Virginia. I do not recall that.

Mr. SMOOT. I did and I want to say to the Senator that I do not believe, owing to the amount of work in that office, I will not say the lack of work, the assistant register ought to be paid more than the chief of that great division receives. I am perfectly willing.

Mr. MARTIN of Virginia. I understand that they are inaugurating changes there which will put more work on the Assistant Treasurer. The Assistant Treasurer, it seems to me, ought to receive more than the chief clerk.

Mr. SMOOT. Mr. President, we might just as well have five wheels to a wagon as to have the position, anyway. There is not any question about it.

Mr. OVERMAN. Then let us cut it out.

Mr. SMOOT. I want to give notice to the Senator right now, that if I am here next year when the appropriation bill carries this amount I am going to do all I can to see that it is cut out.

Mr. MARTIN of Virginia. We will reach that next year, and then we will take it up. I hope we will not discuss now what we are going to do next year.

Mr. SHAFROTH. Let me suggest to the chairman of the committee, would it not be well to add to line 11, on page 54, so as to make it read:

The office of Assistant Register of the Treasury is abolished after the term of the present occupant.

Mr. MARTIN of Virginia. That would be strange legislation. We should wait until the time comes to abolish it.

Mr. SHAFROTH. I would move the amendment because of the fact that we did abolish the office of assistant register in the committee and then we took it back.

Mr. MARTIN of Virginia. That is true, but I think the committee might well afford to stand by its final action on the matter. I am very anxious to get along with the bill.

Mr. SHAFROTH. Why would it not be well to put it in, then, for the term of the fiscal year?

Mr. OVERMAN. There will be another bill next year.

Mr. SHAFROTH. But let it end with the expiration of the fiscal year.

Mr. MARTIN of Virginia. I send to the desk another amendment which I offer on behalf of the committee. I am going to say what I said to the committee. I think this is right or I would not be willing to put it in. The man is a good old ex-Confederate soldier, but I would not give him the office if I did not think it right. I do not like to turn that old fellow out. He has just been appointed. He is very poor, and he is able to do the work, and I want him to have that salary.

Mr. SMOOT. I do not want the Senator to impute any motive in the matter of reducing this office because it is filled by an ex-Confederate soldier.

Mr. MARTIN of Virginia. I did not have a single thought of that in my mind; but in passing I will say the motion to retain the office was made by a good Union soldier, the Senator from Wyoming [Mr. WARREN].

Mr. SMOOT. I am not discussing the question as to what was the action of the committee. That is not it. I say now if the President of the United States was a Republican and he undertook to fill this office to-day, I would vote against it, and I say now that there is not any more use for the office than there is for a fifth wheel to a wagon.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 54, after line 21, the committee proposes to add the following paragraph:

To pay to Thomas P. Kane the difference between the compensation allowed by law for the Comptroller of the Currency and the compensation allowed by law for the Deputy Comptroller of the Currency for services as Acting Comptroller of the Currency from April 28, 1913, when the office of the Comptroller of the Currency was vacated, and continuing as long as the duties and responsibilities of said office of the Comptroller of the Currency shall devolve upon said Thomas P. Kane as Acting Comptroller of the Currency, such an amount as may be necessary, to be paid from the \$5,000 appropriated for salary of the Comptroller of the Currency by the act of August 23, 1912 (37 Stat. L. 377), for such part of such services as may be rendered during the fiscal year ended June 30, 1913; and such amount as may be necessary to be paid from the \$5,000 appropriated for salary of the Comptroller of the Currency by the act of March 4, 1913 (Stat. L. p. 756), for such part of such services as may be rendered during the fiscal year ending June 30, 1914.

Mr. SMOOT. I am going to ask the Senator to allow that amendment to be passed over at this time. I do not want to call a quorum, but before the amendment is adopted I want a vote of the Senate upon it, and I want a quorum here so that I can explain it.

Mr. MARTIN of Virginia. Let it be passed over for the present.

The VICE PRESIDENT. The amendment will be passed over.

The Secretary continued the reading of the bill.

The next amendment of the Committee on Appropriations was, on page 55, line 8, after the word "national," to strike out "\$4,800" and insert "\$8,000," so as to make the clause read:

For expenses of special examinations of national banks and bank plates, of keeping macerator in Treasury Building in repair, and for other incidental expenses attending the working of the macerator, and for procuring information relative to banks other than national, \$8,000.

The amendment was agreed to.

The next amendment was, on page 55, line 10, after the word "Commissioner," to strike out "\$6,000" and insert "\$6,500," and in line 19, after the words "in all," to strike out "\$339,270" and insert "\$359,770," so as to make the clause read:

Office of Commissioner of Internal Revenue: Commissioner, \$6,500; deputy commissioners—1 \$4,000, 1 \$3,600; chemists—chief \$3,000, 1 \$2,500; assistant chemists—2 at \$1,800 each, 1 \$1,600, 1 \$1,400; heads of divisions—4 at \$2,500 each, 5 at \$2,250 each; superintendent of stamp vault, \$2,000; private secretary, \$1,800; clerks—3 at \$2,000 each, 31 of class 4, 27 of class 3, 41 of class 2, 40 of class 1, 32 at \$1,000 each, 42 at \$900 each; 4 messengers; 20 assistant messengers (1 transferred to surety-bond section); 16 laborers; in all, \$359,770.

The amendment was agreed to.

The next amendment was, on page 55, line 25, after "\$4,000," to strike out "and \$500 additional while the office is held by the present incumbent," so as to read:

Office of Life-Saving Service: General Superintendent, \$4,000.

Mr. MARTIN of Virginia. I ask that the amendment be disagreed to.

The amendment was rejected.

The next amendment was, on page 56, line 4, in the items for the office of Life-Saving Service, after the words "civil engineer," to strike out "\$1,800" and insert "\$2,250."

The amendment was agreed to.

The next amendment was, on page 56, line 7, in the total, to strike out "\$48,120" and insert "\$48,070."

Mr. MARTIN of Virginia. I move to change the total so as to make the amount \$48,570.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Appropriations was, on page 57, line 12, after the words "in all," to strike out "\$16,370" and insert "\$16,120," so as to make the clause read:

Secret Service Division: Chief, \$4,000; assistant chief, who shall discharge the duties of chief clerk, \$3,000; clerks—1 of class 4; 1 of class 3; 2 of class 2; 1 of class 1; 1, \$1,000; assistant messenger; in all \$16,120.

The amendment was agreed to.

The next amendment was, on page 57, line 14, after "\$5,000," to insert "examiner, \$3,000," so as to read:

Office of Director of the Mint: Director, \$5,000; examiner, \$3,000; computer and adjuster of accounts, \$2,500; assayer, \$2,200; clerks—2 of class 4; 2 of class 3; 1 of class 1; private secretary, \$1,400; messenger; assistant in laboratory, \$1,200; assistant messenger; skilled laborer, \$720; in all, \$22,580.

Mr. BURTON. I should like to inquire whether that is a new office or not?

Mr. MARTIN of Virginia. It is not.

Mr. BURTON. Why was it omitted from the House bill, then?

Mr. MARTIN of Virginia. It was not in the House bill, but it is in the estimates. I do not think it is a new office.

Mr. SMOOT. I think the Senator is wrong. I think it is a new office; that is, as I understand it.

Mr. MARTIN of Virginia. It is in the current law, I am sure. The House just omitted to appropriate for it.

Mr. SMOOT. I may be mistaken, but I thought it was a new office.

Mr. MARTIN of Virginia. I find it in the current law.

Mr. BURTON. Then I understand it is an existing office.

Mr. MARTIN of Virginia. I think it is; and it was not appropriated for through some accident in the House.

Mr. BURTON. The House omitted to appropriate for it.

Mr. MARTIN of Virginia. It is simply to provide for an office already created—office of Director of the Mint. In the last bill, director, \$5,000, and an examiner, \$3,000.

The amendment was agreed to.

The next amendment was, on page 57, line 19, to change the total from \$22,580 to \$25,580.

The amendment was agreed to.

The next amendment was, on page 57, line 21, after the words "assay offices," to strike out "\$10,000" and insert "\$30,000," so as to make the clause read:

For freight on bullion and coin, by registered mail or otherwise, between mints and assay offices, \$30,000.

Mr. BURTON. I should like to ask why there is so very large an addition as to require the increased appropriation. Is the appropriation made by the House, only a third of that named here, insufficient, or has something developed since the bill passed the House?

Mr. MARTIN of Virginia. It is for the transportation of bullion.

Mr. BURTON. I am aware of that.

Mr. MARTIN of Virginia. The assurance was made to us that it was absolutely impossible to perform the service with less than \$30,000.

Mr. OVERMAN. There is always a fight with the House of Representatives about abolishing the mints. The Senate will not stand for it. The House cut down the appropriation and the Senate committee restored it. That is all there is of it.

Mr. SHAFROTH. Another thing, Mr. President, is that this is an amount that is to be expended for a specific purpose, and if it is not necessary to use it it will go back into the Treasury.

Mr. BURTON. That is true, more or less, of all appropriations.

Mr. SMOOT. Mr. President, of course the original appropriation of \$10,000 was made upon the basis that all of the assay offices were going to be abolished; but the Senate has restored the assay offices, and having restored them we must provide the money for the transportation of the bullion.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 58, line 9, after the words "chief clerk," to strike out "\$2,000" and insert "\$2,250"; in line 13, before the words "of class one," to strike out "seven" and insert "eight"; in line 14, after the word "messengers," to insert "telephone operator, \$720"; and, in line 15, after the words "in all," to strike out "\$49,780" and insert "\$51,950," so as to make the clause read:

Office of Surgeon General of Public Health Service: Surgeon General, \$6,000; chief clerk, \$2,250; private secretary to the Surgeon General, \$1,800; assistant editor, \$1,800; clerks—3 of class 4, 3 of class 3, 7 of class 2 (1 of whom shall be translator), 8 of class 1, 3 at \$1,000 each, 3 at \$900 each; messenger; 3 assistant messengers; telephone operator, \$720; 2 laborers, at \$540 each; in all, \$51,950.

The amendment was agreed to.

The next amendment was, in the item of appropriation for the purchase of stationery for the Treasury Department and its several bureaus and offices, on page 59, line 6, after "\$1,000," to strike out "operating supplies for public buildings, \$3,500"; and, in line 7, after the words "public buildings," to strike out "\$2,500" and insert "\$6,000," so as to make the clause read:

Life-Saving Service, \$1,000; general expenses of public buildings, \$6,000; collecting the revenue from customs, \$37,000; miscellaneous expenses of collecting internal revenue, \$14,000; expenses of collecting the income tax, \$10,000; and said sums so deducted shall be credited to and constitute, together with the first-named sum of \$50,000, the total appropriation for stationery for the Treasury Department and its several bureaus and offices for the fiscal year 1915.

The amendment was agreed to.

The next amendment was, on page 59, line 21, after the word "clippings," to insert "financial journals," so as to make the clause read:

For newspaper clippings, financial journals, law books, city directories, and other books of reference relating to the business of the department, \$1,000.

The amendment was agreed to.

Mr. MARTIN of Virginia. I submit the amendment which I send to the Secretary's desk.

The VICE PRESIDENT. The amendment submitted by the Senator from Virginia will be stated.

The SECRETARY. On page 59, after line 25, it is proposed to insert the following:

For rent of building, \$11,350.

Mr. SMOOT. Mr. President, I thought we had agreed to put that item in under the appropriation for rent of the Department of Labor.

Mr. MARTIN of Virginia. This is for rent for the purposes of the Treasury Department.

Mr. SMOOT. This is for extra rent that we have to pay on account of the removal of a portion of the employees of the Department of Labor?

Mr. MARTIN of Virginia. I do not think it relates to that.

Mr. SMOOT. I shall not object. I know there is an item of eleven thousand and some odd dollars for rent, for which we must provide.

Mr. MARTIN of Virginia. It is for the Treasury Department, and it seemed to be absolutely necessary. There were three items in the estimate. If I am not mistaken—such a long time has elapsed since the committee had the matter before it that I distrust myself a little—it included a stable, it included the storage of the photographic apparatus and other material.

Mr. SMOOT. Mr. President, if it is for the Treasury Department, that sum of \$11,350 is not correct, because we did supply the Treasury Department with money with which to pay rent for a stable, and we cut the amount down, as I think, to \$4,700.

Mr. MARTIN of Virginia. The Senator from Utah was absent for some part of the time from the committee meetings. The committee considered the matter at one of its meetings, when this entire sum was allowed. We became thoroughly satisfied that the whole amount was necessary. The Secretary of the Treasury, or one of his assistants, appeared before the committee and made it very clear to us that it was absolutely necessary; otherwise, he said, he would have to throw this property of the Government into the street, as there would be no possible way for him to take care of it. Here is a letter which, if the Senator desires, I shall read.

Mr. SMOOT. The Senator had better read the letter, for I thought there was any amount of room for the purpose in the building in which the Bureau of Engraving and Printing was formerly located.

Mr. MARTIN of Virginia. On the 18th of May this letter was sent:

TREASURY DEPARTMENT,
Washington, May 18, 1914.

Hon. THOMAS S. MARTIN,

Chairman Committee on Appropriations, United States Senate.

SIR: I want to urge upon you the importance of securing, by means of amendment on the floor of the Senate, the sum of \$11,350 for rent for the Treasury Department for the fiscal year 1915. Unless this appropriation can be secured the department will be obliged to ask for a deficiency covering the same.

This amount is needed to cover the rent for the Treasury stables; the Cox Building, which includes the photograph gallery for use in connection with public-building work; and the files building, at 920 E Street NW.

The rent appropriation for the current fiscal year is \$47,000; the amount asked for now, \$11,350, is absolutely necessary, and the department can not possibly get along without it.

Attached hereto is a memorandum from the chief clerk of the department setting forth in detail the amount of space required, etc.

Respectfully,

BYRON R. NEWTON,
Assistant Secretary.

Mr. NELSON. Mr. President—

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from Minnesota?

Mr. MARTIN of Virginia. I do.

Mr. NELSON. I should be glad if the chairman of the Committee on Appropriations would inform me where these buildings are located which are to be rented. What buildings are they for which we are to pay a rental of \$11,350?

Mr. MARTIN of Virginia. I will see if I can get at my memoranda. I do not carry in my memory where all these buildings are located.

Mr. NELSON. It is not the old car barn over here on Capitol Hill, is it?

Mr. MARTIN of Virginia. Oh, no; not at all.

Mr. NELSON. Or the old Globe Building?

Mr. MARTIN of Virginia. Here is the statement in regard to the matter:

	Floor space.	Yearly rental.
	Sq. feet.	
Cox Building, New York Avenue NW., between Seventeenth and Eighteenth Streets (first, second, and third floors occupied by files of the Auditor for the War Department; fourth floor by photograph gallery, Office of the Supervising Architect).	13,591	\$2,150
Merchants Transfer & Storage Building, E Street NW., between Ninth and Tenth Streets (third, fourth, and back part of fifth floors rented; used for files). Light, janitor and elevator service included.	26,736	8,000
Treasury Department stables, 400 Nineteenth Street NW.....	9,646	1,200

The Senator will observe that the items as to yearly rental make an aggregate of \$11,350, the amount named in the amendment.

Mr. NELSON. Will the Senator from Virginia be kind enough to have that statement put into the Record?

Mr. MARTIN of Virginia. Having read the statement, it will, of course, appear in the Record. I also send to the desk, to be inserted in the Record, certain memoranda on the same subject.

The VICE PRESIDENT. In the absence of objection, permission to do so will be granted.

The matter referred to is as follows:

TREASURY DEPARTMENT,
OFFICE OF CHIEF CLERK AND SUPERINTENDENT,
Washington, May 18, 1914.

The Senate Appropriations Committee failed to include in the legislative bill any provision for rent for the Treasury Department. We are renting at present the following:

Building.	Square feet.	Cubic feet.
Treasury stables.....	9,646
Cox Building (files and photograph gallery).....	10,003	113,639
920 E Street.....	26,736	267,360

Total, 26,739 square feet, or 380,999 cubic feet, exclusive of the Treasury stables.

Vacant file space at old Bureau Building after moving the auditors and general supply committee into same:

	Square feet.	Cubic feet.
Subbasement.....	12,035	84,245
Attic.....	8,756	35,024

Total, 20,791 square feet, or 119,269 cubic feet.

It is contemplated to move into this vacant space in the old Bureau Building 59,000 cubic feet of files belonging to the Auditor for the State and Other Departments, which will leave a balance of space of 60,200 cubic feet which would be required by the various auditors to take care of their increase in files for the next year. The Supervising Architect recommended that no files be placed in the attic on account of danger from the weight.

In view of the foregoing, I earnestly recommend that this data be placed before Senator MARTIN, and that he be asked to amend the legislative bill by including on the floor of the Senate an item for \$11,350 for rent for Treasury offices. Unless this is done we shall be obliged to go to Congress and ask for a deficiency in this amount.

Mr. SMOOT. I will say to the Senator from Virginia that after looking over the communication from the Treasury Department I withdraw my objection to the amendment inserting \$11,350. I have not a copy of the hearings before me, but, as I remember, the committee had agreed upon \$4,700 as the proper rental for the stable and one of the other buildings there which is absolutely necessary, and agreed that we would direct the Secretary to use the old building formerly occupied by the Bureau of Engraving and Printing.

Mr. MARTIN of Virginia. That was found to be entirely impracticable at another meeting of the committee. I think the Senator is mistaken in one thing. I believe the agreement was only for \$1,200 instead of \$4,700, but at a second hearing of the matter the amount was fixed as set out in the amendment.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 60, line 8, after the word "said," to strike out "buildings" and insert "building," so as to make the clause read:

In addition to the offices of the four auditors of the Treasury required to be removed to the old building of the Bureau of Engraving

and Printing, the General Supply Committee and offices of the Treasury now occupying rented quarters, and such other offices or parts of offices of the Treasury Department as the Secretary of the Treasury may determine, shall be removed thereto; and the Bureau of Engraving and Printing shall entirely vacate all of said building on or before June 1, 1914.

Mr. SMOOT. I think, owing to the adoption of the previous amendment, the word should be "buildings" instead of "building," because the change from two buildings to a single building was by reason of the fact that we cut down the rent.

Mr. MARTIN of Virginia. Yes; it should be "buildings."

Mr. SMOOT. Then we shall have to disagree to the committee amendment.

The VICE PRESIDENT. The question is on the amendment. The amendment was rejected.

Mr. MARTIN of Virginia. I offer the amendment, which I send to the desk, to come in at the top of page 60.

The VICE PRESIDENT. The amendment proposed by the Senator from Virginia will be stated.

The SECRETARY. At the top of page 60 it is proposed to insert the following paragraph:

For investigation and experimentation and to secure better methods of administration, with a view to increased efficiency or to greater economy in the expenditure of public money, including necessary traveling expenses, in connection with special work, or obtaining of better administrative methods in any branch of the service within or under the Treasury Department, including the temporary employment of agents, stenographers, accountants, or other expert services, either within or without the District of Columbia, \$20,000.

Mr. SMOOT. I will ask that that amendment be passed over.

Mr. MARTIN of Virginia. I am perfectly willing to have it passed over, if the Senator insists upon it, but I thought the question had been thrashed over so often that it was thoroughly understood. It is really a contingent fund for the Treasury Department.

Mr. SMOOT. I thought it had been thrashed over so often that it would never show its face in the Senate again. I thought the committee had disagreed to it.

Mr. MARTIN of Virginia. If the Senator does not attend the meetings of the committee he must blame himself, and not me.

Mr. SMOOT. Mr. President, the Senator ought not to say that.

Mr. MARTIN of Virginia. I am only saying that the amendment was before the committee, and if the Senator does not know it I do not know where he was.

Mr. SMOOT. The only time the Appropriations Committee has held a meeting at which I was not present was when I went to Kentucky to attend the funeral of the late Senator Bradley, and I do not know whether or not the committee held any meetings during that time. There has never been a meeting of the Appropriations Committee since I have been a member of it when I have not been present, with the exception of the instance I have mentioned.

Mr. MARTIN of Virginia. Except that sometimes the Senator would say, "I will have to be excused, as I am compelled to go somewhere else." That amendment was adopted at a meeting of the committee after a thorough investigation.

Mr. SMOOT. I ask that it go over.

The VICE PRESIDENT. The amendment will be passed over.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 61, line 16, before the word "necessary," to strike out "absolutely," so as to read:

And for sales at public auction in Washington, D. C., of condemned property belonging to the Treasury Department, payment of auctioneer fees, and purchase of other necessary articles, \$13,500.

The amendment was agreed to.

The next amendment was, under the subhead "Collecting internal revenue," on page 64, line 6, after the words "internal-revenue offices," to strike out "\$2,150,000" and insert "\$2,190,000," so as to make the clause read:

For salaries and expenses of collectors of internal revenue, deputy collectors, surveyors, clerks, messengers, and janitors in internal-revenue offices, \$2,190,000: *Provided*, That no part of this amount be used in defraying the expenses of any officer, designated above, subpoenaed by the United States court to attend any trial before a United States court or preliminary examination before any United States commissioner, which expenses shall be paid from the appropriation for "Fees of witnesses, United States courts."

The amendment was agreed to.

The next amendment was, on page 64, after line 12, to insert: On and after October 1, 1914, the whole number of collection districts for the collection of internal revenue and the whole number of collectors of internal revenue shall not exceed 64.

Mr. BURTON. Mr. President, I should like to know what the object of that provision is.

Mr. WARREN. The amendment reinstates one of the three collection districts which were discontinued. It has been found

that one of them was exceedingly important, and this provision is to reestablish it.

Mr. BURTON. Then there were 64.

Mr. WARREN. There were 66, but 3 were discontinued by act of Congress. It was found, however, in view of the increasing business, that there should be more districts, especially one more district in the State of Pennsylvania.

Mr. BURTON. Then, this is an increase of the present number?

Mr. WARREN. It increases the present number, but it will still be a decrease in the number prior to the number, say, four years ago.

Mr. SMOOT. Mr. President, I want to state—

Mr. BURTON. Just a moment. It seems to me, Mr. President, this is a very singular way of expressing that fact. This amendment proposes an increase in the number of collection districts for the collection of internal revenue. Now, let us read it:

On and after October 1, 1914, the whole number of collection districts for the collection of internal revenue and the whole number of collectors of internal revenue shall not exceed 64.

The natural inference from that language would be that there was a decrease. If you are reestablishing one or two districts or collectors, why not say so in plain language, so that anyone can understand it?

Mr. MARTIN of Virginia. There is no doubt about the fact whatever. The amendment simply employs the language that has heretofore been used in creating collection districts, and makes an increase of one district in Pennsylvania, where the district as at present formed comprises territory not contiguous, which is exceedingly disadvantageous to the business, and it is much opposed by the people there.

Mr. BURTON. In other words, you are increasing the number of districts from 63 to 64.

Mr. MARTIN of Virginia. Yes; an increase of one district.

Mr. BURTON. And you are adopting a very peculiar form of expression. Instead of saying "one additional internal-revenue collection district, with one additional collector of internal revenue, shall be created, making the number 64," this, to say the least, very ambiguous, roundabout expression is adopted of saying that "the number shall not exceed 64."

Mr. WARREN. That follows the language that was used in the legislation diminishing the number.

Mr. BURTON. Very naturally it would be used where the purpose was to diminish the number.

Mr. WARREN. It was used in the original legislation and also in the legislation diminishing the number of the districts.

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

The amendment was agreed to.

Mr. MARTIN of Virginia. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 65, line 1, before the word "including," it is proposed to insert the following:

Which act is hereby amended to authorize two chiefs of division at \$3,500 and \$2,500 per annum, respectively, in lieu of two chiefs of division at \$2,500 each.

Mr. BURTON. I should like to ask whether those subordinate officials come under the civil service?

Mr. MARTIN of Virginia. I am sure that they do, but this position does not involve an appointment; it is merely an increase of salary. That is all the amendment provides for.

Mr. BURTON. There is no increase in officers—

Mr. MARTIN of Virginia. Not at all.

Mr. BURTON. But an increase of one man's salary?

Mr. MARTIN of Virginia. There are now two at \$2,500, and the amendment proposes to increase the salary of one to \$3,500, and to leave the other at \$2,500. The collection of the income tax is an exceedingly complicated and difficult matter.

Mr. BURTON. They are existing officers whose salaries are raised?

Mr. MARTIN of Virginia. The salary of one of them is raised and the other remains where it is.

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

The amendment was agreed to.

Mr. THOMAS. Mr. President, I should like to inquire of the chairman of the committee what was the estimate of the department for the enforcement of the income-tax law?

Mr. MARTIN of Virginia. I am very glad the question has been asked. The estimate was \$1,500,000. The House appropriated a million dollars, and the result will be a deficiency. It is absolutely impossible for the department to get along with that amount. I talked with the Secretary to-day over the

telephone. He was very much disturbed about the matter, and I told him that later on it could be taken up more deliberately than it could be now.

Mr. THOMAS. My reason for asking the question is that a similar statement was made to me by the commissioner, who said that the amount now carried by the bill is not enough for the proper enforcement of the income-tax law.

Mr. MARTIN of Virginia. It can not be done on the amount appropriated. The amount will have to be made a million and a half dollars.

Mr. SMOOT. Or more.

Mr. THOMAS. I move as an amendment that the figures "\$1,000,000," at the end of line 5, on page 65, be stricken out and that "\$1,250,000" be inserted.

Mr. MARTIN of Virginia. I suggest to the Senator to make it \$1,500,000. Nothing less than that is going to suffice. Otherwise we shall have to provide for it in the deficiency bill.

The VICE PRESIDENT. Except by unanimous consent, the amendment is not now in order.

Mr. SMOOT. I want to say to the Senator from Colorado that, in my opinion, \$500,000 additional will not be enough.

Mr. MARTIN of Virginia. That is my opinion.

Mr. SMOOT. If I thought that the amount suggested by the Senator from Colorado would be sufficient, I would gladly vote for it.

Mr. THOMAS. I have no desire whatever to place the amount at too small a figure, but it occurs to me that that sum might be acceptable in this bill.

Mr. MARTIN of Virginia. I hope the Senate by unanimous consent will make the amount \$1,500,000. There is no use of making it less than that.

Mr. THOMAS. Very well; I will modify the amendment so as to insert "\$1,500,000" in lieu of "\$1,000,000."

Mr. SUTHERLAND. I make the point of order that the amendment is not now in order.

The VICE PRESIDENT. The Chair so rules.

Mr. MARTIN of Virginia. Very well; it can be provided for in the deficiency bill.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the subhead "Independent Treasury," on page 68, line 25, after "\$1,500," to strike out "1, \$1,400; 1, \$900"; and in line 26, after the words "in all," to strike out "\$27,020" and insert "\$24,720," so as to make the clause read:

Office of Assistant Treasurer at San Francisco: Assistant treasurer, \$4,500; cashier, who also acts as vault clerk, \$3,000; bookkeeper, \$2,000; paying teller, \$2,400; receiving teller, \$2,000; clerks—1, \$2,000; 2, at \$1,800 each; 1, \$1,500; messenger, \$840; 4 watchmen, at \$720 each; in all, \$24,720.

The amendment was agreed to.

The next amendment was, under the head of "Mints and assay offices," on page 69, line 9, after the words "private secretary," to strike out "\$1,200" and insert "\$1,400"; and in line 10, after the words "in all," to strike out "\$47,200" and insert "\$47,400"; so as to make the clause read:

Mint at Denver, Colo.: Superintendent, \$4,500; assayer, \$3,000; superintendent melting and refining department, \$3,000; superintendent coining department, \$2,500; chief clerk, \$2,500; cashier, \$2,500; deposit weigh clerk, \$2,000; bookkeeper, \$2,000; assistant assayer, \$2,200; assayer's assistant, \$2,000; assistant cashier, \$1,800; clerks—2, at \$2,000 each; 2, at \$1,800 each; 4, at \$1,600 each; 2, at \$1,400 each; 1, \$1,200; private secretary, \$1,400; in all, \$47,400.

The amendment was agreed to.

The next amendment was, on page 69, line 16, after the word "coin," to strike out "\$35,000" and insert "\$40,000," so as to make the clause read:

For incidental and contingent expenses, including new machinery and repairs, wastage in melting and refining department and coining department, and loss on sale of sweeps arising from the treatment of bullion and the manufacture of coin, \$40,000.

The amendment was agreed to.

The next amendment was, on page 71, line 23, after "\$1,700," to strike out "one \$1,600" and insert "two at \$1,600 each"; and in line 24, after the words "in all," to strike out "\$11,450" and insert "\$13,050"; so as to make the clause read:

Assay office at Seattle, Wash.: Assayer in charge, who shall also perform the duties of melter, \$2,750; assistant assayer, \$2,000; chief clerk, who shall also perform the duties of cashier, \$2,000; clerks—1, \$1,700; 2, at \$1,600 each; 1, \$1,400; in all, \$13,050.

The amendment was agreed to.

The next amendment was, on page 72, line 1, after the word "employees," to strike out "\$15,000" and insert "\$17,000," so as to make the clause read:

For wages of workmen and other employees, \$17,000.

The amendment was agreed to.

The next amendment was, on page 72, after line 4, to insert:

Mint at Carson, Nev.: Assayer in charge, who shall also perform the duties of master, \$2,000; assistant assayer, \$1,500; chief clerk, \$1,200; in all, \$4,700.

For wages of workmen and other employees, \$2,500.

For incidental and contingent expenses, \$2,000.

Mr. NORRIS. Mr. President, I should like to inquire of the chairman of the committee, not only in regard to this item, but in regard to those referring to Salt Lake City; Helena, Mont.; Deadwood, S. Dak.; and Boise, Idaho. Were these mints and assay offices stricken out a year or two ago?

Mr. MARTIN of Virginia. They were not stricken out, but—

Mr. WARREN. The House struck them out, and the Senate put them back. The conference committee agreed on a reduction of some and doing away with one, and made its report to the Senate. The Senate sent the matter back to conference, and there was a very prolonged struggle when they were reinstated here. This year they were all estimated for.

Mr. NORRIS. Was any change made in the law?

Mr. WARREN. No.

Mr. NORRIS. Was there not some change in the law by which the President was authorized to reduce the number of these mints and assay offices?

Mr. WARREN. Not at all. It all stands as it did formerly. I think the Senator is thinking about revenue offices.

Mr. SMOOT. I will say to the Senator that a year ago there was a change in some of the salaries of the employees—that is, in the amounts. That is all the change that ever was made.

Mr. NORRIS. Why were these mints and assay offices omitted from the House bill? Why were not they provided for?

Mr. WARREN. It was because the subcommittee of the Committee on Appropriations, and later the Appropriations Committee itself, undertook to take that way of avoiding what I venture to think was their plain duty of carrying out the law and providing appropriations accordingly. The laws have provided that these various institutions be established; but the House committee did not report an appropriation for their maintenance, and the bill came to us with them left out. We reinstated them, and made appropriations for them under the law, as we felt it our duty to do. If these assay offices are to be abandoned, it should be by law, and not by failure to provide under existing law.

Mr. SHAFROTH. Mr. President, I will state to the Senator that there has been a controversy between the House and the Senate upon whether or not these assay offices should continue to exist. The controversy has existed for 20 years. It was in existence when I was in the House 18 years ago, and at every session there has been a fight upon the matter. I should like to state to the Senator why, in my judgment, these appropriations should remain.

These assay offices serve a great and a good purpose to the Government, and it seems to me the Government is damaging itself when it attempts to destroy them. The purpose that they serve is in supplying the Government with gold. We get gold at a certain price—\$20.67 an ounce. We do not pay any more for it. If England raises its rate of discount, this Government still gets its gold at \$20.67 an ounce. It can not get the gold in any other way than through its mints and through its assay offices. The miners deposit gold there. They have it refined there. They sell it to the Government. They do not have it coined into absolute dollars there. The result is that no matter what crisis is upon the Government, even in 1893, as much as the outflow of gold was from this country, it did not pay 1 per cent or one-tenth of 1 per cent premium upon gold.

These assay offices serve that purpose. They produce and give to the Government money at a certain fixed price. No corner, nor anything in the way of an attempt to increase the price of gold, nor the existence of a premium for exportation can change or does change the amount which the Government pays. That is a valuable service to the Government, and on that account, it seems to me, these assay offices ought to continue to exist.

I will say to the Senator that in my city—the city of Denver—we have a mint, and if these assay offices were destroyed more money would come to the mint at Denver; but it seems to me that the assay offices ought to be scattered. The Government ought to be able to take in the gold at various points and not require the miner to pay an additional amount of expressage in order to send the gold to the Denver mint or to the Philadelphia mint. The Government is getting this gold at a fixed price, exactly what it can transfer it for, and under no circumstances does it ever have to pay a premium for it. For that reason, it seems to me, these assay offices are of invaluable service to the Government.

Mr. SUTHERLAND. Mr. President, I should like to say to the Senator from Nebraska, in addition to what has been so well said by the Senator from Colorado [Mr. SHAFROTH], that these assay offices have been distributed all through the mining sections. They constitute a very great encouragement to the prospector, to the man who goes out into the mountains and discovers these mines containing the precious metal. They are a convenience to those men. In my judgment, it would be just as lacking in sense for the Government of the United States to abolish these assay offices as it would be for it to abolish a post office here and there because it does not happen to take in as much in the way of revenue as it pays out in the way of expense.

It is quite true with reference to all these assay offices that the expense of maintaining them is greater than their income, in one sense; but a vast quantity of gold is handled through them. Anywhere from a million to two or three million dollars per annum is brought to each of the various assay offices. As I say, it is a great convenience to the prospector and the miner to be able to do that. Otherwise he would have to take his little accumulation of gold dust, if he is a placer miner, or the bar of gold that has come from the mill, and send it to some remote point. It is a convenience in the same sense that a post office is a convenience.

Mr. NELSON. Mr. President, will the Senator yield to me?

Mr. SUTHERLAND. Yes, sir.

Mr. NORRIS. I will yield to the Senator.

Mr. NELSON. As I understand, these assay offices are public market places, where the miner brings his crude ore and gets pay for it?

Mr. SUTHERLAND. No; not the ore. He brings the metal.

Mr. NELSON. The crude metal, I mean.

Mr. SUTHERLAND. Yes.

Mr. NELSON. And the crude gold, before it is refined.

Mr. SUTHERLAND. Yes.

Mr. NELSON. He sells it there; the Government refines it, assays it, ascertains how much gold there is, and pays him a fixed rate?

Mr. SUTHERLAND. Precisely.

Mr. NELSON. It is a public market place for the miner?

Mr. SUTHERLAND. Yes. Now, let me say another thing to the Senator. If it had not been for these assay offices, particularly those near the Canadian border, a vast quantity of gold that came from the mines of the United States would have gone into British Columbia, because the people of British Columbia are alive to this situation just as we have been, and they have established assay offices along the Canadian border. If the miner in the near vicinity of the border were compelled to send his gold to Philadelphia or to Denver or to San Francisco, instead of doing that he would send it over to the nearest assay office in British Columbia. So this has been the means of keeping in the United States a vast deal of gold.

There is another thing to be said about it. These assay offices were established a great many years ago, and they were maintained, some of them, 15, 20, or 25 years ago, at a time when vastly less gold was brought to each of them than there is to-day. It was considered good policy in that day. If it was good policy then, with one-fourth the quantity of gold going through each of them that goes through them now, it certainly has not ceased to be good policy when three or four times, and in some cases ten times, as much is brought to the same offices now. It is not a large expenditure in the aggregate. There are perhaps 8 or 10 of the offices altogether, and the aggregate expense of maintaining them all is probably not \$50,000.

Mr. NORRIS. Mr. President—

Mr. BRADY rose.

Mr. NORRIS. I yield to the Senator, if he desires to interrupt now.

Mr. BRADY. Mr. President, the statements made by the Senator from Colorado [Mr. SHAFROTH] and the Senator from Utah [Mr. SUTHERLAND] are along the same line of thought that I would have expressed; but I wish to say further with reference to the assay office at Boise, Idaho, that office has been established for over 45 years. It was established simply for the benefit of the small miner.

There are men who are bringing gold dust to the Boise assay office who have been going out to the hills, bringing it in, getting their small allowance for it, going back and working again and discovering more mines, for years and years. It is just simply a market for the product of their toll.

A great deal of the expense that is charged up to the assay office should be charged up to the mint, because they charge the assay office with the freight on the gold from the assay office to the mint; and in abandoning these assay offices, if you will notice, they only abandon the offices in the West, and they

appropriate \$50,000 for an assay office at New York. They have lately, I understand, made a rule that they will not accept shipments of less than \$500; and the miners have to club together in order to get shipments enough to justify them in sending them to the mint.

The abandonment of these offices will certainly work a very great hardship on the miners of the West. I know, from my knowledge of the sense of fairness of the Senator from Nebraska, that if he understood the conditions as we in the West understand them he would not only not object to this appropriation but he would use his best efforts to see that these small miners are permitted to have a market for their gold as they produce it without having to ship it to Denver or New York.

Mr. NORRIS. Mr. President of course I am not posted like the Senators are who have just been talking about these assay offices. In a general way only I knew that there was some sort of a controversy; and as I understood it, and as I still understand it, although I may be wrong, a great many of these assay offices are kept up, at an expense to the Government, where they do not do enough business to pay the expense of operating the offices. As I understand, that is true of several of them, at least.

I will ask the Senator from Idaho what the facts are in regard to Boise, in his State. Does it cost the Government more to keep up the office at Boise than the returns from the office yield?

Mr. BRADY. As a matter of bookkeeping, it does cost a small amount more than the actual receipts to maintain these offices—not only one, but all of them—but they require the assay office to pay the freight or express on the gold to the mint, while, as a matter of right, it should be charged to the mint.

Mr. NORRIS. Yes.

Mr. BRADY. If they did not do that, the result would be different, and the assay offices of the West would pay expenses.

Mr. NORRIS. Where do they send the gold from Boise?

Mr. BRADY. They send it to Denver, San Francisco, and New York. If they would charge that expense to the mint, where it should be charged, instead of charging it to the assay office, it would show a profit.

Mr. NORRIS. I suppose the assay office at Boise sends its gold to the mint at Denver, does it not?

Mr. BRADY. Yes; most of it to Denver.

Mr. NORRIS. Does the Senator from Idaho agree with the Senator from Utah that these assay offices are public market places where the miners can bring in their gold and have it assayed?

Mr. BRADY. Yes; there is no question about it.

Mr. NORRIS. And save the expense of shipping it?

Mr. BRADY. The expense of shipping is charged to the assay office, while we claim it should be charged to the mint, but it also saves time.

Mr. NORRIS. Then, will the Senator tell us why there should be an assay office at New York? Does anybody carry gold there?

Mr. BRADY. They are trying to compel them to do it, and they will do it if you abandon these assay offices. There are large shipments that should go to New York, but the local assay offices are necessary for the encouragement of the small miner.

Mr. NORRIS. We are appropriating here \$51,000 for an assay office in New York.

Mr. BRADY. That is true, but if you abandon the assay offices in the West we will have to send all of our gold to New York, Denver, and the other mints, and it will put the small miner out of business.

Mr. NORRIS. The matter I wanted to bring particularly to the attention of the Senator was that if these assay offices are public market places, like post offices, where miners in the vicinity digging gold can bring it in, why is there any necessity for having one in New York City?

Mr. THOMAS. Mr. President—

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

Mr. NORRIS. Just as soon as I have finished with the Senator from Idaho.

Mr. BRADY. There should be one in New York for large shipments and also for foreign business, but the local miner can not afford to ship to New York. That is one reason why we say assay offices should be maintained in the West, where the gold is produced, rather than to compel the miner to ship the ore from the Western States to New York.

Mr. NORRIS. I am not trying to do away with the assay offices in one locality and keep them in another unless there

is reason for doing it. I am trying to get at the facts. The reason given here for retaining these offices is that otherwise miners can not bring in their gold and have it assayed. If that is true, then there is not any necessity for keeping an assay office in a section of the country where there is no gold mined.

Mr. THOMAS. Mr. President—

The VICE PRESIDENT. The Chair has already inquired of the Senator from Nebraska whether he would yield to the Senator from Colorado, and the Senator from Nebraska has declined to yield at this time.

Mr. BRADY. I think probably it is necessary to have an assay office at New York, for the reason that some mines ship their gold to New York because it is a larger and a greater market; but, on the other hand, there is absolutely—

Mr. NORRIS. Where do they get the gold that they assay in New York? Where does it come from?

Mr. BRADY. From all over the United States and abroad.

Mr. THOMAS. Mr. President, if the Senator will permit me, I can answer that question.

Mr. NORRIS. I can not yield to two Senators at once. I will yield to the Senator from Colorado as soon as the Senator from Idaho gets through.

I did not hear the answer the Senator from Idaho made to my question.

Mr. BRADY. I say, there is a necessity for an assay office at New York, because there are people from all parts of the mining States who will choose to ship their gold to some of the large centers. In other words, New York is our greatest gold market. The Senator from Utah [Mr. SUTHERLAND] or the Senator from Colorado [Mr. SHAFROTH] will explain more fully why that is done, because they are engaged more closely in connection with the mining business; but New York has a large assay office. Gold is shipped there from all parts of the world as well as from the mining States; but at the same time the small miner, who only produces a small amount of gold, takes his gold to the local assay office and receives the cash for it at once. This is a great advantage to the miner and prospector, for they can not afford to wait for returns from New York or Denver.

Mr. NORRIS. Then, as I understand, the assay offices in the West are particularly beneficial to the small miner, while the large assay offices, like that in New York City, are utilized to accommodate the large miner?

Mr. BRADY. That is quite true. There is a large amount assayed in the western offices, and also large shipments made to New York and Denver. The Senator from Utah can give you a report showing more in detail relative to that, and I will ask him to do so. The reason why we want the assay offices maintained in the West, however, as they have been, is because they are already established. It is just as the Senator from Utah says about the post office. They have been there for years. The Government owns the land on which the assay offices are located. The miners of Idaho send their gold to the assay office at Boise City; the men near the assay office in Montana send theirs to that office; the men near the Salt Lake City assay office send their gold to that office; and in that way it gives a local market and encourages the mining business just exactly the same as we are encouraging agriculture; and there can be no good reason given why the western assay offices should be abandoned. The West produces the gold of this country, and the miner and prospector should have a home market for his gold, and should not have to wait for returns from Denver or New York.

Mr. NORRIS. Evidently that could not be wholly true or there would not be anybody sending any gold to the New York assay office.

Mr. BRADY. The Senator from Utah—

Mr. NORRIS. I promised first to yield to the Senator from Colorado, and I now yield to him.

Mr. THOMAS. The Senator from Nebraska asked the Senator from Idaho a question as to why it is necessary that the Government should maintain an assay office at New York, if I properly understood his question, because of the reasons which were given by the Senator from Idaho for the maintenance of these assay offices. The assay office in New York is a very large institution, and it is used by the Government perhaps as much for refining purposes as for assay purposes. The Senator probably knows that gold which is purchased by the Government at these assay offices and from the mines and the banks is not pure. It is almost always mixed with silver and frequently contains other metals which must be separated and for which allowance is made in the purchase price paid to the miner or to the owner. That work is done very largely at the assay office in New York, which is the oldest Government as-

say office in the country and now has assumed very large proportions.

Of course some of the refining is done at the mints, but a great deal of it is done in the city of New York. There also tests are made which are designed as a sort of check for the tests which are made at the points of purchase. Its functions, in other words, are possibly the same but very much larger than the assay offices which are the subject matter of this amendment.

Mr. SHAFROTH. I should like to supplement that—

Mr. NORRIS. Let me get through with the Senator's colleague first. I will be glad to yield later on.

Mr. SHAFROTH. All right.

Mr. NORRIS. I wish to ask the Senator from Colorado, who evidently is very well posted on this question, whether the operations carried on at an assay office complete the transaction or whether there must be an assay office and also a mint. The assay office does not coin the gold, I understand.

Mr. THOMAS. No; the assay office is a sort of annex to the mint.

Mr. NORRIS. After the gold is assayed and its value determined, it is sent to the mint, I understand, from the assay office.

Mr. THOMAS. Yes; although some of the mints, I think, are equipped with refining facilities as well.

Mr. NORRIS. I notice that in some of the places where they have assay offices they do not have mints. Now, I want to ask the Senator how the assay office in New York is kept busy.

Mr. THOMAS. It is kept busy in refining and determining the aliquot constituents of the metals which are sent there for that purpose. If the Senator has a gold mine and obtains from the ores a bar of gold, that bar will contain inevitably some silver, doubtless some lead, and probably some copper, or some one or more of these additional metals.

As I understand it, the great part of the Government's purchases of bullion is taken to New York and there the different elements that enter into the bar are separated. Of course, it also carries on a Government assay business, and I think at present it is very largely an annex of the Philadelphia Mint for those purposes. The Government also purchases a great deal of its gold bullion at that mint, which is sent there by banks. For example, the First National Bank of Denver may purchase from the Independence mine at Cripple Creek. It is sold to the bank instead of the mint, as is sometimes the case. That bank will in all probability send that consignment of gold to its correspondent in New York, New York being the great financial center of the country, and in that way it will reach the assay office there.

Mr. NORRIS. In that transaction the gold shipped to New York would not be in the form of coin?

Mr. THOMAS. No; it would be gold bullion.

Mr. NORRIS. Why would the banks in Denver prefer to send the gold in that shape to New York, rather than to take it to the mint in Denver?

Mr. THOMAS. Gold bars are used now perhaps for the purpose of settling exchanges very much more than gold coin. The use in that way is becoming more and more common.

Mr. NORRIS. This would be in the shape of gold bars.

Mr. THOMAS. In the shape of gold bars; and the amount of gold in them would be the result of the official test of the assay office in New York, and could be thus used and would be used in determining exchanges, as is very frequently done, instead of using the coined metal.

Mr. NORRIS. Would the bank in Denver send direct to the assay office in New York?

Mr. THOMAS. It would probably send to its own correspondent.

Mr. NORRIS. And then its correspondent would take it to the assay office?

Mr. THOMAS. Yes.

Mr. NORRIS. That would not be gold of the same grade as gold that would be entitled to coinage? There would be impurities in it?

Mr. THOMAS. In all probability there would not be. Generally speaking, the amount of alloy in gold bullion which is thus sold is less than the amount that is in the coined metal.

Mr. NORRIS. If that is one of the reasons for keeping up the assay office at New York, is the Government justified in maintaining an assay office in New York and doing this work for the purpose of assisting in financial transactions as in the case of a man who sells gold bars to a bank in Denver?

Mr. THOMAS. That is a proposition I would not attempt to discuss just now. In fact, I do not know that I would be competent to discuss it in all its phases, but I am satisfied if the Government were reduced to the necessity of choosing between

assay offices it would select the one in New York in preference to all the others.

Mr. NORRIS. I will ask the Senator before he takes his seat, for the purpose of trying to get at the facts, what proportion of gold in the western assay offices is brought to the office in person by the miner?

Mr. THOMAS. Brought to New York?

Mr. NORRIS. No; not to New York. I do not suppose anyone will contend that the miner carries the gold to New York.

Mr. THOMAS. I do not know as to that. I do not think that is done, although probably it is.

Mr. NORRIS. I understood the Senator from Idaho to say, and I am not sure but the Senator from Utah said, that one of the reasons for retaining these western offices is to make a sort of public market place where the miner can carry his gold.

Mr. THOMAS. I think that is correct, but the Senator asked me about the proportion. I think the proportion of gold that reaches the assay office in New York is very much more than the proportion of gold that is sold to these assay offices, and that is why I answered as I did.

Mr. NORRIS. I was asking the Senator about the proportion of gold that is assayed in any western assay office with which he is familiar.

Mr. THOMAS. As to that the Senator from Utah and the Senator from Idaho can answer better than I, because none of the assay offices mentioned in this amendment are situated in the State of Colorado. We have a mint in the city of Denver that is a clearing house for that section of country.

Mr. NORRIS. The mint answers the purpose both of a mint and an assay office, does it not?

Mr. THOMAS. That mint does. We have had no Government assay office in Colorado since we have had a mint.

Mr. NORRIS. I yield now to the Senator from Utah [Mr. SUTHERLAND].

Mr. SUTHERLAND. The situation in the mining States, where these assay offices are located, is this: Some of the gold is in placer form. When that gold is picked up it is almost pure. It comes in the form sometimes of small nuggets, sometimes in very small grains like sand, but it is practically pure gold. There is some little foreign material in it. Gold of this character comes in small quantities. A prospector will get a little accumulation of it, \$200 worth, perhaps, or less, and he takes it to an assay office.

Then another kind of gold is produced by what is called the cyanide process; that is, the gold occurs in certain forms where the rock is free, a term used by miners indicating that the gold is readily separated, not carrying base metals with it.

We have had in my own State a district where the gold was all separated by the cyanide process, and the product ran up to a million dollars a year at one time in that district, perhaps more. That gold comes in a reasonably pure state.

The greater portion of gold, however, is found associated with other metals. We find in our mines containing lead that there will be associated with the lead silver, gold, or copper, or two of these metals, or all three of them. Those ores are reduced and the whole metallic content is run in the form of a matte. You get a great pig of lead and call it "lead matte" because the lead predominates. If copper predominates it is called "copper matte." Associated with the copper or in the copper matte is not only copper but some gold. We have in the West no refining works where the gold is separated from that matte.

Mr. NORRIS. I ask the Senator is that a part of the work of an assay office?

Mr. SUTHERLAND. No; that material does not go to the local assay offices at all. Copper matte is produced in vast quantities. I have forgotten the figures and I would not undertake to give them, but we are producing in my own State a very large quantity of copper. All that copper matte contains some gold. It can not be separated there because we have no refining works, but it is all shipped to the vicinity of New York where the great refining works are. New York in that way becomes a great clearing house, so that the copper matte from Utah, the copper matte from Montana, the copper matte from other States, perhaps from Mexico, is shipped to these refining works.

When gold is separated in the refining works it is still not absolutely pure. It still contains some base material and perhaps some silver and has to be assayed in order to ascertain the gold content. That goes to the assay office in New York—a vast quantity of it—I think very much exceeding that which goes to these local offices.

Mr. NORRIS. I ask the Senator why that goes to New York? Why does it not go to an assay office in the vicinity?

Mr. SUTHERLAND. Because so small a portion is gold. There will be a great bar of copper and only an ounce or a few ounces of gold in it, and perhaps a few ounces of silver.

Mr. NORRIS. That has not been refined?

Mr. SUTHERLAND. It has not been refined, and there are no refining works in that vicinity where it can be refined.

Mr. NORRIS. The first thing to do would be to send it to a place where it could be refined.

Mr. SUTHERLAND. To the refining works in New Jersey.

Mr. NORRIS. It would go to the assay office in New York.

Mr. SUTHERLAND. Then when refined and the gold separated from the copper the gold is taken to the assay office. That is one way, of course. There can be another way—

Mr. NORRIS. Were the five assay offices that are included in this amendment and not included in the House bill included last year?

Mr. SUTHERLAND. No; they were excluded from the bill by the House.

Mr. NORRIS. I mean the bill as it finally became the law.

Mr. SUTHERLAND. No; they are in the law. I have here a copy of the law of last year.

Mr. NORRIS. They are in operation now?

Mr. SUTHERLAND. Yes.

Mr. NORRIS. I had the impression that in conference the Senate receded finally.

Mr. SUTHERLAND. No; they are in the law.

Let me say another thing to the Senator. Each of these assay offices has been created by a general law establishing the office, and the effort is being made not to repeal that law, which would be the direct way of doing it, but to let the law remain upon the books and strangle the offices by refusing appropriations. They have all the machinery there; they have their force of employees at work; and if we are to maintain the law upon the statute books, we ought to appropriate money to carry the law into operation, or if not, to repeal the law.

Mr. NORRIS. I yield to the Senator from Colorado.

Mr. SHAFROTH. Mr. President, the Senator has asked what is the necessity for an assay office at New York City. I will state to him what I understand are the necessities of that office. It arises from the fact that the United States has made gold the money of the United States and it is desirable for the United States to attract gold for the purpose of having a supply of it in the country. Therefore free coinage of gold has existed in the United States and exists in nearly every other country. There is a little inducement made by this opportunity to have gold assayed and the exact number of ounces and the purity of the same stamped on the bar.

New York City is a great import city. It gets shipments of everything from all over the world. There naturally comes there from all over the world some quantity of gold in some form, and the purpose is to get it assayed, that the Government may get hold of it. So the Government can buy it at the rate of \$20.67 an ounce, and by reason of that never have to pay a premium on the gold.

New York is also a commercial center, where a great many things in the way of manufacturing gold take place. A great deal of old jewelry is brought in. I understand, for the purpose of being melted into bars—probably both silver and gold.

All that makes New York the one point in the East above all others where it is desirable to have an assay office. It is the gathering together of this metal which all nations are struggling for and want to induce shipments of in a manner that will get to the Government the cheapest and the greatest quantity of gold.

Mr. NORRIS. Does the Senator say that old jewelry and such gold as that is brought to the assay office in New York?

Mr. SHAFROTH. I so understand.

Mr. NORRIS. And then the Government officials melt that up into gold bars?

Mr. SHAFROTH. Yes; into gold bars, stamping on the bar the number of ounces and the purity of the bar, and that acts practically as a circulating medium between the banks.

Mr. NORRIS. So that anyone who wanted to buy it, including the Government, on going to the assay office would know from the stamp of the assay office exactly how much gold was contained in it?

Mr. SHAFROTH. Yes, sir.

Mr. NORRIS. They would buy that, and it would enter into the transactions of business?

Mr. SHAFROTH. Those bars are very largely owned by banks, and when the shipment is made to Europe the shipment is not in coin, because the abrasion is so great. There is a loss of \$256 on every \$1,000,000 of coin shipped between the United States and London.

Mr. NORRIS. And they ship these bars?

Mr. SHAFROTH. Yes, sir.

Mr. NORRIS. I suppose the stamp of the assay office is accepted everywhere in the civilized world?

Mr. SHAFROTH. Oh, yes; there is no doubt of it. The Government stamp imports absolute verity. For that reason New York is the proper place in the eastern part of the country to have an assay office.

Mr. NORRIS. Does the Senator think it is necessary for us to retain all these assay offices and mints?

Mr. SHAFROTH. I think so.

Mr. NORRIS. Let us take the mint at Carson City, for instance.

Mr. SHAFROTH. There is a great production of gold in Nevada. I think Nevada produces now somewhere near \$14,000,000 or \$15,000,000 of gold a year.

Mr. NORRIS. But there is a large portion of that that is shipped to the New York assay office and does not reach the Carson City Mint.

Mr. SHAFROTH. Most of it, I think, would go to the assay office at Carson City. Some of it drifts.

Mr. NORRIS. If it had to be refined, would it not have to go east, as the Senator from Utah [Mr. SUTHERLAND] has explained, to the refiner before it could reach the assay office?

Mr. SHAFROTH. No; because each one of these assay offices has a refinery.

Mr. NORRIS. In the West?

Mr. SHAFROTH. Yes.

Mr. NORRIS. I understood the Senator from Utah to say that one of the reasons why we ought to keep up the assay office in New York is because a great deal of gold comes East to be refined and is shipped back to the West.

Mr. SUTHERLAND. The Senator from Colorado does not mean a refinery in which the great bars of lead and copper and gold and silver are separated?

Mr. SHAFROTH. Oh, no; those are smelters. Those smelters produce gold bars, too, but they are not stamped, or their stamp would not be accepted by the banks.

Mr. NORRIS. I understand that; but those gold bars could be shipped to an assay office in the West just as well as to an assay office in the East.

As I understand the argument of the Senator from Utah, it is in favor of the New York assay office; that there is a large amount of gold of such a condition that it is not fit to be taken even to the assay office; that it is shipped to a refinery in New Jersey, and there it is refined and, although not absolutely pure, it is sent to the New York assay office. The Senator from Colorado, it seems to me, if his argument is good, absolutely contradicts that statement. He says that they do not refine that in the West in these various places.

Mr. SUTHERLAND. No; the statement of the Senator from Colorado does not differ from the statement which I have made. The Senator from Colorado was not referring to the refineries to which this copper matte and lead matte can be taken.

Mr. NORRIS. Copper matte and lead matte are just a conglomeration of various metals melted together. Is not that correct?

Mr. SUTHERLAND. Precisely.

Mr. NORRIS. They have to be refined.

Mr. SUTHERLAND. For example, in the Utah Copper Co.'s mines, which are among the greatest copper mines in the world, the ores carry less than 2 per cent copper. Those great reduction works handle, I think, now over 6,000 tons a day of the ore containing less than 2 per cent copper. The metallic content of that crude ore is run out through this process into bars. The bars are large, and they contain in the main copper. There will be in two or three hundred pounds of copper matte, as I have said, only a few ounces, perhaps only an ounce of gold. There are no facilities in the West for separating the gold from that kind of material.

Mr. NORRIS. That is the kind that goes to New York?

Mr. SUTHERLAND. That is the kind that goes to the refineries in New Jersey, or wherever they may be located.

Mr. NORRIS. It seems to me, although I know very little about it, that possibly we are maintaining too many assay offices and perhaps too many men. I do not believe there is anything in the argument that the assay offices ought to be retained because they have been in existence 40 years any more than that we should retain a post office that has been in existence for 40 years after it has ceased to be necessary and when it can be abandoned as a practical business proposition. I am not saying that the assay offices ought to be abandoned. I do not know enough about the matter to make that statement, but I do know that a great many men who have studied the ques-

tion think so, and I think perhaps the House of Representatives as a body believes that. Neither does it appeal to me from what has been developed here that the assay offices ought to be retained simply because they make headquarters where miners can bring their gold and have it assayed. If that is necessary, there ought to be a great many more assay offices. I do not suppose in any of the places where there are assay offices that there are sufficient mines to keep the assay offices going; but, as the Senator from Colorado has said, most of the gold that comes to them has to be shipped in there, anyway. It was only as a matter of economy. I think, that the House has cut out this appropriation, for I understand that the assay offices were put in at various times in the Senate, as I think it is claimed, attached to some appropriation bill.

Mr. WARREN. No, Mr. President, the Senator is mistaken. The assay offices were established by law, and if they are abolished by law then the provision for their maintenance would not appear in the appropriation bill, but the law creating them stands on the statute books.

Mr. NORRIS. I am speaking of the origin of the law. I do not suppose all of them were created in that way.

Mr. SUTHERLAND. They were created by an absolutely separate and distinct law. The law which created the assay office at Salt Lake City I myself introduced many years ago, when it was passed. It is a separate and distinct law upon the statute books and not a provision in an appropriation bill at all.

Mr. NORRIS. That may apply to the Salt Lake City assay office; and I should think Salt Lake City would be a very proper place for an assay office.

Mr. BRADY. Mr. President, I want to say a word relative to the five assay offices for which an appropriation is sought. They are in operation and have been in operation for many years. The Boise office has been in operation since 1869. Last year it handled \$1,022,887.29 worth of gold. The fact of the matter is that this simply, as I said before, makes a local market for the gold produced by the miners. The law provides for every one of them. Appropriations have always been made for maintenance and operation, and the House has no right to try to destroy one of our greatest industries by refusing to maintain them; and I know the committee was justified in recommending this amendment, and I hope that it will prevail.

The VICE PRESIDENT. The question is on agreeing to the amendment relating to the mint at Carson City, Nev., on page 72.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 72, after line 9, to insert:

Assay office at Boise, Idaho: Assayer in charge, who shall also perform the duties of melter, \$2,000; assistant assayer, \$1,500; chief clerk, who shall also perform the duties of cashier, \$1,200; in all, \$4,700.

For wages of workmen and other employees, \$3,000.

For incidental and contingent expenses, \$2,000.

The amendment was agreed to.

The next amendment was, on page 72, after line 15, to insert:

Assay office at Deadwood, S. Dak.: Assayer in charge, who shall also perform the duties of melter, \$2,000; assistant assayer, \$1,500; clerk, \$1,200; in all, \$4,700.

For wages of workmen and other employees, \$3,000.

For incidental and contingent expenses, new machinery, etc., \$1,500.

The amendment was agreed to.

The next amendment was, on page 72, after line 22, to insert:

Assay office at Helena, Mont.: Assayer in charge, \$2,000; chief clerk, who shall also perform the duties of cashier, \$1,400; assistant assayer, \$1,500; in all, \$4,900.

For wages of workmen and other employees, \$3,000.

For incidental and contingent expenses, \$2,000.

The amendment was agreed to.

The next amendment was, on page 73, after line 1, to insert:

Assay office at Salt Lake City, Utah: Assayer in charge, who shall also perform the duties of melter, \$2,000; assistant assayer, \$1,500; chief clerk, who shall also perform the duties of cashier, \$1,200; in all, \$4,700.

For wages of workmen and other employees, \$2,500.

For incidental and contingent expenses, \$2,000.

Mr. SUTHERLAND. Mr. President, I desire to offer an amendment to the amendment. On page 73, line 4, I move to strike out the words "assistant assayer, \$1,500"; in line 5, to strike out "\$1,200" and insert "\$1,600"; and to strike out the total, "\$4,700," and insert "\$3,600."

I offer that amendment for this reason: The committee amendment provides for three officials—assayer in charge, at a salary of \$2,000; assistant assayer, at a salary of \$1,500; and a chief clerk, at a salary of \$1,200. The fact is that in that office the assayer in charge is himself a practical assayer and a very good one; the chief clerk at that office is also a practical assayer and a very good one; so at that particular office those two men can do the work, and an assistant assayer is not

needed. The chief clerk heretofore has been receiving \$1,600 per annum. His compensation by the committee amendment is cut to \$1,200; so that by striking out the provision with reference to the assistant assayer and putting the salary of the chief clerk back where it was and where it ought to be, at \$1,600, there would be a net saving of \$1,100.

Mr. MARTIN of Virginia. I accept that amendment and shall be very glad to see it adopted.

The VICE PRESIDENT. The question is on the amendment of the Senator from Utah to the amendment reported by the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. STONE. Mr. President—

Mr. MARTIN of Virginia. Mr. President, I ask unanimous consent that the bill may be temporarily laid aside in order that the Senator from Missouri may make the motion which I know he contemplates making. In doing so, I desire to give notice that to-morrow morning after the conclusion of the morning business I will ask the Senate to take up this bill again, as I am exceedingly anxious to finish it to-morrow.

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

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 5 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, Saturday, June 13, 1914, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate June 12, 1914.

AMBASSADOR TO FRANCE.

WILLIAM G. SHARP, of Elyria, Ohio, to be ambassador extraordinary and plenipotentiary of the United States of America to France, vice Myron T. Herrick, resigned.

REGISTERS OF THE LAND OFFICE.

Frank S. Heer, of Silver City, Idaho, to be register of the land office at Boise, Idaho, vice William Balderston, deceased.

John D. Roche, of Los Angeles, Cal., to be register of the land office at Los Angeles, Cal., vice Frank Buren, term expired.

RECEIVER OF PUBLIC MONEYS.

Alexander Mitchell, of Glendale, Cal., to be receiver of public moneys at Los Angeles, Cal., vice Oliver R. W. Robinson, term expired.

PROMOTIONS AND APPOINTMENT IN THE NAVY.

Lieut. Commander Edwin H. De Lany to be a commander in the Navy from the 10th day of March, 1914.

Lieut. Percy W. Foote to be a lieutenant commander in the Navy from the 9th day of April, 1914.

Lieut. (Junior Grade) Charles R. Clark to be a lieutenant in the Navy from the 9th day of April, 1914.

Julius F. Neuberger, a citizen of Oregon, to be an assistant surgeon in the Medical Reserve Corps of the Navy from the 4th day of June, 1914.

Asst. Surg. Luther Sheldon, Jr., to be a passed assistant surgeon in the Navy from the 24th day of December, 1913.

Passed Asst. Paymaster John M. Hancock to be a paymaster in the Navy from the 20th day of August, 1913.

First Lieut. Edward B. Cole to be a captain in the Marine Corps from the 9th day of June, 1914.

Second Lieut. Adolph B. Miller to be a first lieutenant in the Marine Corps, to fill a vacancy occurring February 25, 1914, and to take rank from February 5, 1914.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 12, 1914.

POSTMASTERS.

OHIO.

William D. Caldwell, Canton.

William E. Warren, Leetonia.

VIRGINIA.

Robert T. Montgomery, Colonial Beach.