were always men much younger than himself. It was evidently his intention to complete his public service with a single term in Congress. Many of his neighbors recall that in his speech in Sussex during the campaign of 1912 he said with a tinge of sadness in his voice that he would never call upon his friends to vote for him again.

LEW MARTIN was a good citizen, an honest and capable public servant, an able lawyer, and a just judge. He died when the sun of his influence and power was at its zenith, mourned by a legion of friends, the most devoted of whom were his lifelong neighbors.

Mr. Speaker, it is particularly to be regretted that it was impossible for the congressional committee to go to Mr. MARTIN's home to pay the respect and the tribute of this House due to his remains and due his sorrowing family. The Members who were appointed on that committee will recall that the tariff bill was expected to come to a vote on the evening preceding the day of his burial. We had made all arrangements to go the moment the vote had been taken. A special train was kept waiting at the Union Station until the last minute. Unfortunately it was impossible for us to leave our duties in this House. I am sure I echo the sentiment of every Member of this House when I say that though we were not there in the flesh to pay our tribute of respect to our colleague, we were there at least in spirit. To them in their hour of sadness we extend our most heartfelt sympathy. Judge MARTIN, as I say, was a good citizen. To his family he has left the rich heritage of a good name.

ADJOURNMENT.

Mr. HART. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 21 minutes p. m.), in accordance with the resolution previously agreed to and under the order heretofore made, the House adjourned to meet to-morrow, Monday, February 15, 1915, at 11 o'clock a. m.

SENATE.

MONDAY, *February 15, 1915.*

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

Almighty God, the all-wise, all-loving One, we come bringing to Thee the offering of our lives, adoration, worship, and praise. If there is among us wisdom in counsel, strength of deliberation, passion of brotherhood, it is because of Thy care for us. Thy grace has held us together to the great, high, common purpose of our national life. We pray for that highest achievement of our lives that all our activity may be brought to the test of our devotion to Thee and that religion may be the controlling and dominating passion of our hearts and minds. May it not be written of us that we have lost our place in the great onward progress of universal brotherhood because any of our leaders have lost their thought of God. Under Thine own guidance may we lead on to the accomplishment of Thy great plan for men. For Christ's sake. Amen.

The Journal of the proceedings of Saturday last was read and approved.

AMERICAN INSTRUCTORS OF THE DEAF.

The VICE PRESIDENT. The Chair lays before the Senate the proceedings of the twentieth meeting of the convention of American Instructors of the Deaf, held at the Virginia School for the Deaf and the Blind, Staunton, Va., June 25–July 1, 1914. The communication and accompanying statement will be referred to the Committee on Printing.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed a bill (H. R. 21318) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1916, and for other purposes, in which it requested the concurrence of the Senate.

The message also requested the return to the House of Representatives of the enrolled bill (S. 7555) to authorize the construction of a bridge across the Suwanee River in the State of Florida.

LIMITATION OF DEBATE.

Mr. NORRIS. Mr. President, in accordance with the rules of the Senate I desire to give notice of a proposed amendment to the rules. I ask that it may be read at the desk.

The VICE PRESIDENT. The Secretary will read the notice.

The Secretary read as follows:

In accordance with Rule XL of the Senate rules, I hereby give notice that on to-morrow I will propose an amendment to the rules of the Senate by adding thereto a new rule, to be known as Rule XLI, and to read as follows:

"Rule XLI. It shall be in order during the morning hour to make a motion that any bill or resolution then on the calendar shall be considered under the terms of this rule. Such motion when made shall lie over one day and shall then be decided without debate. No Senator shall be allowed to vote on a motion to consider a bill or resolution under this rule who is bound by any caucus or conference of Senators to vote in any particular way on said bill or resolution or any amendment thereon; but when any Senator's right to vote upon such motion is challenged such Senator shall be allowed to determine for himself whether he is disqualified from voting on said motion. When it has been decided to consider a bill or resolution under this rule the same shall first be considered in general debate, during which time no Senator, except by unanimous consent, shall be allowed to speak more than three hours. At the close of general debate the bill or resolution shall be read for amendments, and on any amendment that may be offered no Senator, except by unanimous consent, shall speak for more than 15 minutes: *Provided*, That any Senator who has not spoken for three hours in general debate shall, in addition to said 15 minutes, be allowed additional time; but in no case shall such additional time or times, including the time used by such Senator in general debate, exceed in the aggregate three hours: *Provided further*, That if unanimous consent for additional time is asked in behalf of any Senator, either during general debate or when the bill or resolution is being considered for amendment, and the same is refused, it shall be in order by motion to extend the time of such Senator for a time to be named in said motion, which motion shall be decided without debate. When the bill or resolution is being read for amendment all debate shall be confined to the amendment which is then pending.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a concurrent resolution of the Legislature of North Dakota, urging the passage of the so-called Sheppard-Hobson resolution relative to the sale, manufacture, and importation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented a concurrent resolution of the Legislature of the State of Kansas, urging Congress to assist in establishing a system of subirrigation for the Cimarron River, which was referred to the Committee on Public Lands.

Mr. LANE. I present a memorial of the Legislature of Oregon, which I ask may be printed in the RECORD and referred to the Committee on Agriculture and Forestry.

There being no objection, the memorial was referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

UNITED STATES OF AMERICA,
STATE OF OREGON,
OFFICE OF THE SECRETARY OF STATE.

I, Ben W. Olcott, secretary of state of the State of Oregon, and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of house joint memorial No. 4 with the original thereof filed in the office of the secretary of state of the State of Oregon on the 8th day of February, 1915, and that the same is a full, true, and complete transcript therefrom and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 8th day of February, A. D. 1915.

[SEAL.] BEN W. OLCOTT,
Secretary of State.
By S. A. KOZER, *Deputy.*

House joint memorial No. 4.

To the honorable Senate and House of Representatives of the United States of America:

Your memorialists, the Legislative Assembly of the State of Oregon, respectfully request that—

Whereas the Hon. David F. Houston, Secretary of Agriculture, in his report for the fiscal year ending June 30, 1914, recommends as follows:

"In regions where timber is the chief income-producing resource absence of demand for it often works a serious hardship upon those who have entered the region as the advance guard of civilization, and are seeking, in the face of many difficulties, to establish homes. There are counties in which a sparse local population of pioneer settlers find themselves surrounded by a wilderness largely consisting of national forest land, which is almost idle so far as any form of present use is concerned. In other words, a great, if not the greatest, of the potential sources of wealth in such counties, held in trust by the Government for the benefit of the public, not merely contributes nothing now to the upbuilding of the communities which will give value to the forests, but actually adds to the burden which these communities must assume. Were the national forests private property they would pay their fair proportion of the cost of road development, public schools, and other public activities through taxation. The Government, unlike the private owner of timberland in such regions, is holding the timber, not in order to make a profit later by its advance in value, but in order to make it promote the public welfare. That it should be made to serve the local as well as the national public welfare has been definitely recognized in the provisions of law for the use of 35 per cent of all gross receipts from the forests for local public purposes.

"To carry more fully into effect this already established principle a further step should be taken. It should not be necessary to wait until the period of hardest struggle is past before these public resources begin to assist local development. Before the national forests begin to yield large incomes, as well as after, they should be made to participate in the work of building up the country and giving value to all its resources.

"The first need of the public in undeveloped regions is for more and better roads. Without them the struggle of individuals to gain a foothold is much more difficult, while isolation from neighbors and the outside world means meager educational opportunity, a lack of comforts, and conditions unfavorable to community life. A road system, however, constitutes a capital investment which a handful of settlers must make, a little at a time. When their roads must be built largely through national-forest lands, which pay no taxes, their case is

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much more difficult. In such regions the Secretary of Agriculture should be authorized to make a study of the local conditions and to gather all the data necessary to formulate a plan for public-road development based on local needs. These plans should be carried into sufficient detail to provide a reasonably accurate estimate of the cost of the road construction which it is proposed that the Government undertake. They should be accompanied by careful and conservative appraisals of the value of the national-forest timber in each locality and a forecast of the future income which the forests will bring in from all sources. On the basis of the showings of fact regarding the value of the Government's property, its potential income-yielding capacity, and the needs of the public, Congress should be asked to appropriate for the construction of specific projects recommended by the Secretary of Agriculture. The cost of such road construction by the Government should constitute an advance of the amounts which the forests would later make available for local use. In effect, therefore, the roads would become an obligation upon the forests, to be extinguished as their resources come into commercial demand": Therefore be it

Resolved by the house of representatives (the senate concurring), That our Representatives and Senators in Congress be, and are hereby, memorialized and requested to use their best endeavors to see that the honorable the Secretary of Agriculture is authorized to make a study of local conditions necessary to formulate plans for public-road development and to report his findings to Congress from time to time in accordance with his recommendations; be it further

Resolved, That the secretary of state is hereby instructed to transmit by mail a copy of this resolution to each of the Oregon delegation in Congress.

Adopted by the house January 28, 1915.

BEN SELLING,
Speaker of the House.

Adopted by the senate February 3, 1915.

W. LAIR THOMPSON,
President of the Senate.

(Indorsed:) House joint memorial No. 4. W. F. Drager, chief clerk. Filed February 8, 1915, at 2.45 o'clock p. m.

BEN W. OLCOTT,
Secretary of State.
By S. A. KOZER, *Deputy.*

Mr. LANE. I present a memorial of the Legislature of Oregon, which I ask may be printed in the RECORD and referred to the Committee on Military Affairs.

There being no objection, the memorial was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

UNITED STATES OF AMERICA,
STATE OF OREGON,
OFFICE OF THE SECRETARY OF STATE.

I, Ben W. Olcott, secretary of state of the State of Oregon and custodian of the seal of said State, do hereby certify:

That I have carefully compared the annexed copy of House joint memorial No. 5 with the original thereof filed in the office of the secretary of state of the State of Oregon on the 8th day of February, 1915, and that the same is a full, true, and complete transcript therefrom and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 8th day of February, A. D. 1915.

[SEAL.]

BEN W. OLCOTT,
Secretary of State.
By S. A. KOZER, *Deputy.*

House joint memorial No. 5.

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

Your memorialists, the Legislative Assembly of the State of Oregon, respectfully represent that—

Whereas there is pending in the Congress of the United States a bill entitled "A bill to increase the efficiency of the Organized Militia, and for other purposes" (S. 6217); and

Whereas the purpose of the law proposed by said bill is to provide for the payment of the Organized Militia of the United States; and

Whereas the state of the national defense requires that a more dependable military reserve be created than exists at the present time: Therefore be it

Resolved, That your memorialists do favor enactment of a Federal law providing for payment and reorganizing national reserve. That we do hereby declare that, in our opinion, the above-mentioned bill is designed to create such a dependable military reserve as is desired and to greatly increase the efficiency of the Organized Militia, and that it is necessary to the national welfare that the Congress of the United States shall, at the earliest possible date, pass the said act; and the Senators and Representatives in the Congress of the United States from the State of Oregon are hereby requested to aid and assist in the passage of said bill; and for the passage of such a law your memorialists will ever pray.

Adopted by the house January 28, 1915.

BEN SELLING,
Speaker of the House.

Adopted by the senate February 3, 1915.

W. LAIR THOMPSON,
President of the Senate.

(Indorsed:) House joint memorial No. 5. W. F. Drager, chief clerk. Filed February 8, 1915, at 2.45 o'clock p. m. Ben W. Olcott, secretary of state, by S. A. Kozer, deputy.

Mr. THOMPSON. I present a concurrent resolution of the Legislature of the State of Kansas, recommending the construction of demonstration plants in western Kansas to develop a system of subirrigation. I ask that it be read.

The VICE PRESIDENT. The Chair will state to the Senator from Kansas that an attested copy of the concurrent resolution was sent to the Chair and has been handed down by him this morning to be put in the RECORD.

Mr. THOMPSON. I should like to have the resolution read. It is a matter of some importance. I am perfectly familiar with the needs of the people in that section of the State in this regard.

The VICE PRESIDENT. Is there objection to reading the resolution?

Mr. TOWNSEND. What is the request?

The VICE PRESIDENT. The request is to have read a concurrent resolution of the Legislature of Kansas in reference to subirrigation.

Mr. TOWNSEND. Did I understand the Chair to state that he has handed down a similar resolution?

The VICE PRESIDENT. It has already been handed down. It was sent to the Chair.

Mr. THOMPSON. I desire not only that it shall appear in the CONGRESSIONAL RECORD, but that it may be read. This being a joint resolution passed by the legislature of my State, I regard it as the highest right and privilege that it be read upon request.

The VICE PRESIDENT. It goes in the RECORD without reading. Is there objection to reading it? The Chair hears none, and the Secretary will read the concurrent resolution.

The concurrent resolution was read, as follows:

Senate concurrent resolution No. 24.

Be it resolved by the Senate of the State of Kansas (the House concurring therein) That—

Whereas the subject of subirrigation is of the most vital importance to many homesteaders now living on our arid lands; and

Whereas the freshets in the Cimarron River carry off annually, in destructive floods, millions of dollars' worth of precious water just at the season of the year when our crops are perishing for want of moisture; and

Whereas it is now claimed that by subirrigation with tiles its value may be multiplied from six to ten fold; and

Whereas our neighboring State of Oklahoma is likewise interested in these waters to a certain extent and is now preparing to appropriate the entire stream without regard to the natural, equitable, and constitutional rights of the State of Kansas therein; and

Whereas by the present activity of the said State in surveying ditches, attempting to appropriate the sites along the river already surveyed by the National Government, and by offering to throw open its "new college lands" to the public and impliedly conveying a promise of water rights to be supplied by water from the Cimarron River, an interstate stream, the interests of our community and State are imperiled and an emergency is created which, as a State, we are unable to cope with; and the only remedy promising a fair deal between the States is, as we believe, an equitable division of this property right by the National Government: Therefore be it

Resolved by the Senate of the State of Kansas (the House concurring therein), That the Congress of the United States be requested and urged to take immediate steps for the construction of one or more demonstration plants on the west line of Kansas proving the economy of this form of irrigation, and consisting of and comprehending a reservoir at the aforementioned Government reservoir site at Garrett, Okla., a ditch leading therefrom to a system of subirrigation tile conduits leading out onto the arid lands lying on the highest general levels of Morton County, Kans.

The secretary of state is hereby instructed to send a certified copy of this resolution to each Member of the Kansas delegation in Congress and to the Speaker of the National House of Representatives and the Vice President of the United States to be laid before the Congress of the United States.

I hereby certify that the above concurrent resolution originated in the senate, and passed that body February 3, 1915.

W. Y. MORGAN,
President of the Senate.
BURT E. BROWN,
Secretary of the Senate.

Passed the house February 6, 1915.

ROBERT STONE,
Speaker of the House.
I. E. LAMBERT,
Chief Clerk of the House.

Approved February 10, 1915:

ARTHUR CAPPER, *Governor.*

Mr. THOMPSON. Mr. President, I wish to say in this connection, without taking up too much time of the Senate now, that I shall address myself later to this subject. I am perfectly familiar with it, having lived in this particular section of the State for years, and have observed the needs of the country in this respect. I regard the plan as entirely feasible, and heartily concur in the recommendations made by the legislature, and will do what I can to help carry out the suggestions made in the resolution in the way of securing proper national legislation on this subject.

The VICE PRESIDENT. The resolution will be referred to the Committee on Irrigation and Reclamation of Arid Lands.

Mr. BRISTOW subsequently said: Mr. President, referring to the resolution from the Legislature of Kansas, which the Vice President handed down this morning, and in regard to which my colleague [Mr. THOMPSON] made some remarks, I desire to say that I have a bill pending now before the Committee on Agriculture and Forestry which has been in that committee for something over a year covering the subject. I have been exceedingly anxious to get action from that committee, and have made every possible effort within my power and was assisted by the Senators from Nebraska last year to get legislation of a similar character; but, I regret to say, we were unable to obtain it. I am in hearty accord with the purpose of the resolution,

and hope that the Committee on Agriculture and Forestry may at least take some action this year.

Mr. WILLIAMS. Mr. President, I send to the desk and wish to have read a resolution in the nature of a petition of the Hattiesburg (Miss.) Commercial Club.

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

The Secretary read as follows:

HATTIESBURG, MISS., *January 12, 1915.*

Whereas the unfortunate and disastrous war in Europe has caused the withdrawal and destruction of about 20 per cent of the world's total ocean steam tonnage available and has caused an increase of ocean freight rates from 100 to 300 per cent for English, European, and Mediterranean ports, and those heavy advances constitute a heavy tax on southern producers, whether it be cotton, lumber, or naval stores, the three chief products of our Southern States; and as these ocean freight rates are still increasing and will continue to increase unless there is promptly organized and put in operation a merchant marine under the flag of the United States.

The Hattiesburg Commercial Club at their annual meeting on January 12, 1915, at the city of Hattiesburg, Miss., unanimously resolves:

1. That we heartily commend the action of our President and his Cabinet in their efforts to put on the statute books and appropriate the necessary money to build up a merchant marine to take care of American shippers and producers in their trade with foreign countries.

2. That we heartily and unanimously support the bill now before our Congress known as the ship-purchase bill.

3. That we request all Members of the House of Congress and our Senators from Mississippi to support, work, and vote for this worthy bill, believing that this is the only method to pursue which will secure reasonable ocean freight rates for exporting the products of our State and country at large.

4. That a copy of these resolutions be mailed to each Member of the House of Congress and Senators from Mississippi.

Signed by the president and secretary of the Hattiesburg Commercial Club on behalf of its entire membership.

T. C. HANNAH,
President Hattiesburg Commercial Club.
R. C. HAUENSTEIN,
Secretary Hattiesburg Commercial Club.

Mr. WILLIAMS. I present a letter in the nature of a petition signed by members of the Greenwood Business League of Mississippi, which I ask may be read, omitting the signatures.

There being no objection, the letter was read, omitting the signatures, as follows:

GREENWOOD, MISS., *February 12, 1915.*

Hon. JOHN SHARP WILLIAMS,
United States Senate, Washington, D. C.

DEAR SIR: The undersigned merchants, cotton exporters, and business men of this city are heartily in favor of the emergency measure known as the ship-purchase bill and do hereby indorse same and believe it should be passed during the present session of Congress, without the necessity of an extra session.

Our advocacy of this measure is based partly on the following: Because we believe it will result in laying the foundation of an American merchant marine, the lack of which is now being so sorely felt by shippers of all kinds of commodities; it will result in freeing us from dependence upon foreign shipping lines, who are now ruthlessly breaking their contracts with American shippers, their freight rates charged being so exorbitant as to be almost piratical, robbing American commerce, particularly the South, in this hour of its commercial opportunity.

We also believe that the immediate passage of this measure would afford prompt relief to shippers in the reduction of ocean freight rates and result in the saving of millions of dollars to the business interests of our country.

Mr. McCUMBER. I present a concurrent resolution of the Legislature of the State of North Dakota, which I ask may be printed in the RECORD and referred to the Committee on Public Lands.

There being no objection, the concurrent resolution was referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

STATE OF NORTH DAKOTA,
DEPARTMENT OF STATE.

I, Thomas Hall, secretary of state of the State of North Dakota and keeper of the great seal thereof, hereby certify that the attached is a true and correct copy of a certain concurrent resolution adopted by the Fourteenth Legislative Assembly of the State of North Dakota, and the whole of such resolution.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State, at the capitol, in the city of Bismarck, this 10th day of February, A. D. 1915.

[SEAL.] THOMAS HALL,
Secretary of State.

A concurrent resolution (McClellan).

Be it resolved by the House of Representatives of the State of North Dakota (the Senate concurring), That—

Whereas there are now in the western part of North Dakota about 673,000 acres of rough, broken, and nonirrigable vacant Government land more suitable for grazing and stock raising than for any other purpose; and

Whereas the steady development of the West has been dependent upon and built up by actual settlers and homesteaders who came West for the purpose of finding homes for the support and maintenance of themselves and families; and

Whereas the occupation and settlement of these vacant lands will in time, through taxation and other sources, inure to the benefit of the counties and whole country in which said lands are located; and

Whereas practically all the agricultural lands in the third congressional district of the State of North Dakota have been selected and are now occupied by actual settlers; and

Whereas the balance of the unoccupied lands are quite rough and broken and consist mostly of what are commonly known as the Bad Lands, and principally valuable for stock raising; and

Whereas there is a shortage of beef throughout the land as a result of stock raising having been neglected for agricultural pursuits; and

Whereas the balance of this land, if assigned in proper quantities, will yet support hundreds of families; and

Whereas we believe an act can and should be passed by Congress which will grant each settler a sufficient acreage of said lands as will comfortably support a family by mixed farming and stock raising thereon, and which act might be drafted along the line of the 640-acre stock-raising homestead bill No. 15799, which was introduced during the second session of the Sixty-third Congress of the United States, and in which there is incorporated a classification clause which would leave absolutely no grounds for the act to monopolize lands coming under the 160-acre or 320-acre acts; and

Whereas it has come to our notice that a movement was on foot to have Congress pass a law to have said Government lands granted to the State for leasing purposes, and to also pass a national leasehold bill; and

Whereas we believe that such an act would be a crime and an outrage perpetrated upon the counties in which said lands are situated, and would deprive them of the actual settlers and families which they would otherwise get and would further deprive such counties of the assessable valuations and taxable property which they are entitled to and from which said counties would eventually realize an abundance of revenue by virtue of entrymen having their lands patented and homes built thereon for themselves and families and their children's children; and

Whereas there is not the incentive for families to build up valuable and permanent homes on rented land that there is on land they can call their own, and from which they would not have to be separated by virtue of the expiration of a lease; and

Whereas there are a number of the counties in which this land is located that are already too small in the area of their agricultural lands without robbing them of what is left, and this is especially true of Billings County, which has not any more taxable real estate than it needs for the running of their county government; and

Whereas we do not believe in heaping the burdens of taxation on the few who happen to own the agricultural land in such localities when the same can be reduced with the settlement of these vacant Government lands by homesteaders who are willing to share the burden of taxation in their community for the purpose of getting homes; and

Whereas we are heartily in favor of some act that will tend to improve said district and bring settlers who will make permanent homes therein, but that we are bitterly opposed to the submission of a national leasehold bill, or any act that will shut the lands out from actual homesteading, thereby curtailing and handicapping the development and upbuilding of said district: Now therefore be it

Resolved by the House of Representatives of the State of North Dakota (the Senate concurring), That we transmit a copy of this resolution to our Senators and Representatives in the National Congress, requesting and urging them to use all honorable means to see that the spirit of this resolution be put into execution as far as possible, and that any act which would tend to prevent the actual settlement of the lands above referred to, and which would deprive any county in said third congressional district of the full benefit of its lands through taxation or otherwise, be prevented: It is further

Resolved, That the Secretary of State is hereby authorized to transmit the foregoing resolution to the Senators and Representatives in Congress from the State of North Dakota.

A. P. HANSON,
Speaker of the House.
ALBERT N. WOLD,
Chief Clerk of the House.
J. H. FRAINE,
President of the Senate.
M. J. GEORGE,
Secretary of the Senate.

Mr. McCUMBER. I present a concurrent resolution of the Legislature of the State of North Dakota, which I ask may be printed in the RECORD and referred to the Committee on the Judiciary.

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

STATE OF NORTH DAKOTA,
DEPARTMENT OF STATE.

I, Thomas Hall, secretary of state of the State of North Dakota, and keeper of the great seal thereof, hereby certify that the attached is a true and correct copy of a certain concurrent resolution adopted by the Fourteenth Legislative Assembly of the State of North Dakota, and the whole of such resolution.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State, at the capitol, in the city of Bismarck, this 10th day of February, A. D. 1915.

[SEAL.] THOMAS HALL,
Secretary of State.

A concurrent resolution of the House of Representatives of the State of North Dakota, the Senate concurring (Everson).

Whereas the Sheppard-Hobson resolution amending the Constitution of the United States so as to prohibit the manufacture and sale of intoxicating liquors and beverages failed to receive the necessary two-thirds vote in the House of Representatives of Congress; and

Whereas a majority of the Members of said House of Representatives voted in favor of the resolution, among them the Representatives from North Dakota; and

Whereas Federal legislation is necessary to properly regulate and control the liquor traffic: Therefore be it

Resolved by the House of Representatives of the State of North Dakota (the Senate concurring therein), That we commend the action of our Representatives in Congress in voting for the Sheppard-Hobson resolution, and urge them to continue to work for the passage of the same;

Resolved, That we urge the Senate and the House of Representatives of Congress to reconsider the action already taken and to pass the said Sheppard-Hobson resolution; and be it further

Resolved, That the secretary of state be instructed to send a copy of these resolutions to our Senators and Representatives in Congress, to the Speaker of the House of Representatives, to the Vice President, and to the President of the United States.

A. P. HANSON,
Speaker of the House.
ALBERT N. WOLD,
Chief Clerk of the House.
J. H. FRAINE,
President of the Senate.
M. J. GEORGE,
Secretary of the Senate.

Mr. POMERENE. I have a number of telegrams in the nature of memorials from postal clerks in various cities of my State remonstrating against a change from annual to biennial promotions for the men in that service. I ask that the telegrams may be printed in the RECORD.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

TOLEDO, OHIO, *February 10, 1915.*

Hon. ATLEE POMERENE,
Washington, D. C.:

One hundred and fifty railway postal clerks from Toledo respectfully ask you to oppose the change from annual to biennial promotions for the men in this service.

WM. J. BINGHAM.
President Toledo Branch, Railway Mail Association.

—

CRESTLINE, OHIO, *February 10, 1915.*

Hon. ATLEE POMERENE,
United States Senate, Washington, D. C.:

Two hundred and thirty-eight railway postal clerks of Crestline (Ohio) Branch, Railway Mail Association, respectfully ask you to oppose change from annual to biennial promotions for the men of this service.

EDW. HEY,
President Crestline (Ohio) Branch.

—

CLEVELAND, OHIO, *February 10, 1915.*

Hon. ATLEE POMERENE,
United States Senate, Washington, D. C.:

Three hundred railway postal clerks from this part of Ohio respectfully ask you to oppose change from annual to biennial promotions in the service.

WM. HAMILTON,
President Cleveland Branch, Railway Mail Association.

—

COLUMBUS, OHIO, *February 10, 1915.*

Senator POMERENE,
Washington, D. C.:

One hundred and fifty railway postal clerks from Columbus, Ohio, respectfully ask you to oppose the change from annual to biennial promotions for the men of this service.

F. E. COMPTON,
President Columbus (Ohio) Branch, Railway Mail Association.

—

MARION, OHIO, *February 11, 1915.*

United States Senator POMERENE,
Washington, D. C.:

Forty railway postal clerks from Marion, Ohio, respectfully ask you to oppose the change from annual to biennial promotions for the men of this service.

H. L. RAMER.

—

PITTSBURGH, PA., *February 11, 1915.*

Senator ATLEE POMERENE,
Washington, D. C.:

The Pittsburgh (Pa.) Branch of Railway Mail Association protest against biennial promotions of railway postal clerks now proposed by the Senate committee. We respectfully ask your support that annual promotions continue as passed by House of Representatives and the Post Office Committee.

H. C. HEERLEIN, Jr.,
President Branch, 242 Lehigh Avenue.

—

CHICAGO JUNCTION, OHIO, *February 10, 1915.*

Senator ATLEE POMERENE,
Washington, D. C.:

The 10 railroad postal clerks of Chicago Junction, Ohio, respectfully ask you to oppose the change from annual to biennial promotion for the men of the service.

E. W. BROWN, *Branch President.*

Mr. CULBERSON. I present a number of telegrams in the nature of memorials from citizens of El Paso, Tex., from 150 members of Branch 1152, United National Association of Post Office Clerks, of Dallas, Tex., and from 10,000 members of trade unions in Fort Worth, Tex., which I ask may be printed in the RECORD.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

EL PASO, TEX., *February 13, 1915.*

Hon. CHARLES A. CULBERSON,
United States Senate, Washington, D. C.:

Understand that committee on Post Office appropriation has recommended a reduction of wages of post-office employees, and on behalf of the citizens of El Paso I protest against the same. Use your influence to see that the bill does not pass.

C. E. KELLY, *Mayor.*

EL PASO, TEX., *February 13, 1915.*

Hon. CHARLES A. CULBERSON,
Senate Chamber, Washington, D. C.:

Understand that committee on Post Office appropriation has recommended a reduction of wages of post-office employees, and on behalf of my friends in Postal Service I respectfully protest against same. Please use your influence to see that the bill does not pass.

WM. H. BURGES.

—

DALLAS, TEX., *February 13, 1915.*

Hon. CHARLES A. CULBERSON,
United States Senate, Washington, D. C.:

The 150 members Branch 1152, United National Association Post-Office Clerks, most earnestly request you to oppose Post Office appropriation bill recommended by Senate committee; support bill passed by House with all amendments; especially oppose biennial promotions; support section 9 and Madden supervisor employees' reclassification bills.

JEFF SMITH, *Corresponding Secretary.*

—

FORT WORTH, TEX., *February 14, 1915.*

Hon. CHARLES A. CULBERSON,
Senate, Washington, D. C.:

Ten thousand members of trades-unions in Fort Worth represented in trades assembly, citizens of Texas and United States, urgently request vote against Senate amendment to House Post Office appropriation bill providing biennial instead of annual promotions, in view of fact in recent years both Army and Navy terms of service for promotion have been lowered, when cost of living has advanced to such abnormal degree it appears to us reversal of American policy and unworthy innovation in peace-loving democratic government to propose longer terms for civil service while shortening that of military.

H. O. GOSSETT, *President.*
R. W. WALKER, *Secretary.*

—

FORT WORTH, TEX., *February 13, 1915.*

Senator CULBERSON, *Washington, D. C.:*

In behalf of the members of the local organizations of postal employees in mass meeting assembled, consisting of National Association of Letters Carriers, United National Association of Post Office Clerks, Railway Mail Clerks, and National Federation of Post Office Clerks, comprising a membership of 400, we ask that your earnest efforts be made to eliminate from the postal appropriation bill now pending before the Senate the amendments which abolish the annual promotions for efficient clerks, carriers, and railway mail clerks.

If this Senate committee amendment prevails it will mean that hereafter postal employees in the automatic grades from $800 to $1,200 must wait two years for each $100 promotion, or eight years, exclusive of substitute service, before reaching the maximum grade. This is manifestly unfair to the deserving, hard-working men in the lower salary grades, and, if adopted, it will operate to demoralize the efficiency of the service by making impossible the prompt and proper recognition due to faithful, conscientious works.

A. A. SENTER, *U. N. A. P. O. C.*
P. J. SMALL, *N. A. L. C.*
L. E. MILLER, *N. F. P. O. C.*
J. A. WRIGHT, *R. M. A.*

Mr. PENROSE. I present a number of telegrams in the form of memorials from railway postal clerks in the State of Pennsylvania, which I ask may be printed in the RECORD.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

5338 CHESTNUT STREET,
Philadelphia, Pa., February 4, 1915.

Hon. BOIES PENROSE,
United States Senate, Washington, D. C.

DEAR SIR: In the Post Office appropriation bill for the year 1915–16 it is contemplated by the department to make promotions biennially instead of annually, as at present time, based, I understand, on the idea that clerks reach the maximum salary too quickly; and, while this would be to a certain extent true, it would be a very great injustice to a great many clerks who were in the service a long time prior to the present promotion law and who, like myself, are now due at the next promotion period to receive the final promotion due us and for which we have faithfully worked and confidently expected, and the character of our work and the scope of our distribution is exactly on the same basis as the clerks who have already received their final promotion.

I sincerely hope you will lend your aid to us in this matter if you can see your way clear to do so, for you have in the past done many things for our line (the New York and Pittsburgh railway post office) for which we all hold you in grateful remembrance.

I think I am clearly within my right under the "right of petition," as I would not wish to violate any principle of the service in thus addressing you, and trust that we may not be denied the fruits of our labor which is justly due us. Thanking you very much, I am,

Very truly, yours,

W. J. POORMAN,
New York and Pittsburgh Railway Post Office.

—

NEW YORK, *February 11, 1915.*

Hon. BOIES PENROSE, *Washington, D. C.:*

Oppose amendment for biennial promotions in Post Office bill.

C. SPELZ.

—

NEW YORK, *February 11, 1915.*

Hon. BOIES PENROSE,
Washington, D. C.:

Oppose amendment for biennial promotions in Post Office bill.

W. H. MORRIS.

—

PHILADELPHIA, PA., *February 3, 1915.*

Hon. BOIES PENROSE,
United States Senate, Washington, D. C.:

Railway postal clerks in Pennsylvania protest against any change in the plan of annual promotions.

C. C. REIFF,
Secretary Second Division, R. M. A.

SCRANTON, PA., *February 5, 1915.*

Hon. BOIES PENROSE,
United States Senate, Washington, D. C.:

Oppose with all the influence in your power any change in the classification law of 1907, making promotions every two years instead of every year, as at present.

WM. F. GIBBONS,
National Secretary United National Association of Post Office Clerks.

—

PITTSBURGH, PA., *February 8, 1915.*

Senator BOIES PENROSE,
Washington, D. C.:

The Pittsburgh (Pa.) Branch of Railway Mail Association protest against biennial promotions of railway postal clerks now proposed by the Senate committee. We respectfully ask your support that annual promotions continue as passed by the House of Representatives and the Post Office Committee.

H. C. HEERLEIN, Jr.,
President Pittsburgh Branch.

—

PHILADELPHIA, PA., *February 5, 1915.*

Senator PENROSE,
Washington, D. C.:

Philadelphia post-office clerks urge you to support annual promotions which was enacted into law while you were chairman of the committee.

WILLIAM H. HART,
President Clerks' Association.

Mr. BURTON. I present a joint resolution of the Legislature of Ohio, relative to the seamen's bill, which I ask may be read.

There being no objection, the joint resolution was read, as follows:

Senate joint resolution No. 8.

Joint resolution—Memorial to Congress relative to protection of passenger and shipping interests on the high seas and Great Lakes.

Whereas there is now pending before the Congress of the United States two proposed measures purporting to be for the betterment of the conditions of sailors and the advancement of safety at sea; and

Whereas the most marked requirements of the proposed measures seem formulated to meet conditions existing, or supposed to exist, in sea commerce, but which are made applicable to all merchant vessels exceeding 100 tons, including the Great Lakes; and

Whereas the proposed measures are made applicable to ocean and lake vessels, without differentiation on account of location, trade routes, or manner of conducting business: Therefore be it

Resolved by the senate and the house of the Eighty-first General Assembly of the State of Ohio, That, without assuming to know as much of the general situation as Congress, we express our belief, nevertheless, that the best interests of the passengers and seamen, and of the trading and shipping public, can be conserved by exempting the Great Lakes from any measures which Congress may, in its wisdom, adopt at this time applying to ocean traffic, and that if any regulations are deemed necessary for the Lakes that they only be enacted after separate consideration of the special conditions surrounding the vessels and trade of the Great Lakes.

Be it further resolved, That the secretary of the State of Ohio is hereby instructed to forthwith transmit certified copies of this resolution to all Ohio Members of the Senate and House of Representatives of Congress of the United States, and the clerks of these respective bodies, at Washington, D. C.

CHAS. D. CONOVER,
Speaker of the House of Representatives.
JOHN H. ARNOLD,
President of the Senate.

Adopted February 11, 1915.

UNITED STATES OF AMERICA,
STATE OF OHIO,
OFFICE OF THE SECRETARY OF STATE.

I, C. Q. Hildebrant, secretary of state of the State of Ohio, do hereby certify that the foregoing is an exemplified copy, carefully compared by me with the original enrolled resolution now in my official custory as secretary of state, and found to be true and correct, of senate joint resolution No. 8, adopted by the General Assembly of Ohio February 11, 1915, and filed in this office on the 12th day of February, A. D. 1915.

Witness my hand and official seal, at Columbus, this 12th day of February, A. D. 1915.

[SEAL.] C. Q. HILDEBRANT,
Secretary of State.

Mr. BURTON. I present a petition signed by the mayor, City Council, and the Board of Trade of Put in Bay, Ohio, praying for the adoption of an amendment providing that transportation on the Great Lakes be excepted from the provisions of the so-called seamen's bill. I move that the petition lie on the table.

The motion was agreed to.

Mr. BURTON presented petitions of sundry citizens of Ohio, praying for the enactment of legislation to prohibit the exportation of ammunition, etc., which were referred to the Committee on Foreign Relations.

Mr. JONES. I present two telegrams, from John P. Kiggins, Clarke County commander Grand Army of the Republic, of Vancouver, and from Frank Dye, commander of Vancouver, Wash., relative to the War Department substitute in the Army appropriation bill, which I ask may be printed in the RECORD.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

VANCOUVER, WASH., *February 14, 1915.*

Senator WESLEY L. JONES,
United States Senate, Washington, D. C.:

War Department substitute for Madden-Chamberlain bill has my strongest approbation; also numerous of our friends. A measure of its kind, that does not cost Government a cent and releases worthy employees of their yoke, is to be commended. Urgently request your strongest influence to keep the measure in present appropriation bill until its passage.

JOHN P. KIGGINS,
Clarke County Commander.

—

VANCOUVER, WASH., *February 14, 1915.*

Senator WESLEY L. JONES,
United States Senate, Washington, D. C.:

War Department substitute in Army appropriation bill for Madden-Chamberlain bill reclassifying clerks and messengers mobile army has received strongest approval Camp Barlow, Spanish War Veterans. Proposed legislation equitable and just; does not cost Government cent; does benefit numerous superannuated employees, some of whom are our members. We urge upon you and other Members Washington representatives your strongest influence to pass this measure, and in the Army appropriation bill.

FRANK DYE, *Commander.*

Mr. JONES. I present a telegram in the nature of a memorial from 150 railway postal clerks in western Washington, which I ask may be printed in the RECORD.

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

SEATTLE, WASH., *February 14, 1915.*

WESLEY L. JONES,
United States Senate, Washington, D. C.:

One hundred and fifty railway postal clerks in western Washington respectfully ask you to oppose the change from annual to biennial promotions for the men of this service.

A. W. LEONARD, *Branch President.*

Mr. OWEN. I present a resolution adopted by the House of Representatives of the Fifth Legislature of the State of Oklahoma, which I ask may be printed in the RECORD. It memorializes for the passage of the ship-purchase bill.

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

House resolution 17, by Abney.

Be it resolved by the House of Representatives of the Fifth Legislature of the State of Oklahoma, That our United States Senators be, and they are hereby, memorialized to pass the ship-purchase bill at the earliest possible date to avoid calling an extra session of Congress.

Adopted by the house of representatives February 10, 1915.

A. MCCRORY,
Speaker House of Representatives.

Mr. NELSON presented petitions of sundry citizens of Minnesota, praying for the enactment of legislation to prohibit the exportation of ammunition, etc., which were referred to the Committee on Foreign Relations.

He also presented petitions of sundry citizens of Minnesota, praying for the exclusion of certain matter from the mail, which were referred to the Committee on Post Offices and Post Roads.

Mr. WORKS. I present a joint resolution adopted by the Legislature of the State of California, relative to a request to the Secretary of the Interior for permission to take elk from the Yellowstone National Park for transportation to and liberation in the coast range mountains in the county of San Luis Obispo, State of California, which I ask may be printed in the RECORD and referred to the Committee on Public Lands.

There being no objection, the joint resolution was referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

Assembly joint resolution 18 (by Mr. E. S. Rigdon, of fifty-third district) relative to a request to the Secretary of the Interior for permission to take elk from the Yellowstone National Park for transportation to and liberation in the coast range mountains in the county of San Luis Obispo, State of California.

Whereas the wild animal life of California has become almost extinct, this being especially true as to wild animals having a food value; and

Whereas the transporting and liberating of elk in California has heretofore been successfully undertaken; and

Whereas citizens of the county of San Luis Obispo, in the State of California, have signified their willingness to bear the expense of the transportation of elk to be liberated in the San Lucia coast range mountains of the said county: Now, therefore, be it

Resolved by the Assembly and Senate of California, jointly, That we respectfully urge and request the Secretary of the Interior of the United States to consent to and arrange for the taking of 60 head of elk from the Yellowstone National Park to be transported at an appropriate season to the State of California, to be liberated in the mountains of San Luis Obispo County; and be it further

Resolved, That the chief clerk of the assembly be, and he is hereby, instructed to forward a copy of this resolution to Hon. Franklin K. Lane, Secretary of the Interior of the United States, to each of the Senators from California in the United States Congress, and to the Hon. E. A. HAYES, Representative in Congress from the eighth district of California.

C. C. YOUNG,
Speaker of the Assembly.
L. B. MALLORY,
Chief Clerk of the Assembly.

Received by the governor this 30th day of January, A. D. 1915.

ALEXANDER MCCABE,
Private Secretary to the Governor.

Witness my signature and the seal of this office, at Sacramento, this 30th day of January, A. D. 1915.

[SEAL.] FRANK C. JORDAN,
Secretary of State.

Mr. WORKS presented petitions of sundry citizens of Visalia, Cal., praying for the enactment of legislation to prohibit the exportation of ammunition, etc., which were referred to the Committee on Foreign Relations.

Mr. CATRON. I present a telegram in the nature of a memorial from 1,200 railway postal clerks in the eleventh division of the Railway Mail Service which I ask may be printed in the RECORD.

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

EL PASO, TEX., *February 12, 1915.*

Senator T. B. CATRON,
Washington, D. C.:

Twelve hundred railway postal clerks in the eleventh division Railway Mail Service respectfully ask you to oppose the change from annual to biennial promotions for the men in this service.

G. J. DENTON,
President El Paso Branch, Railway Mail Association.

Mr. SHERMAN. I present a number of telegrams from letter carriers of different post-office stations in Chicago, Ill., which I ask may be printed in the RECORD.

There being no objection the telegrams were ordered to be printed in the RECORD, as follows:

CHICAGO, ILL., *February 14, 1915.*

Hon. LAWRENCE Y. SHERMAN,
Senate, Washington, D. C.:

The letter carriers of Dauphin Park Station urge you to use your best efforts to defeat the proposed change in the automatic promotion by law of employees which requires them to remain two years in each grade instead of one year.

I. S. MOORE,
Board Member, Branch 11,
National Association Letter Carriers.

—

CHICAGO, ILL., *February 14, 1915.*

Hon. L. Y. SHERMAN,
United States Senate, Washington, D. C.:

The letter carriers of Auburn Park Station, Chicago, Ill., post office do strenuously protest against the enactment of the clause relating to the promotion as contained in the Post Office appropriation bill.

Respectfully,

FRED SALZER,
Executive Board Member, Garden City Branch,
No. 11, National Association Letter Carriers,
Representing Auburn Park Station.

—

CHICAGO, ILL., *February 13, 1915.*

Hon. L. Y. SHERMAN,
United States Senate, Washington, D. C.:

Carriers of Lakeview Station protest against proposed amendment changing annual promotion of carriers.

A. SCHMIDT,
Executive Board Member.

—

CHICAGO, ILL., *February 13, 1915.*

Hon. LAWRENCE Y. SHERMAN,
Senate, Washington, D. C.:

The carriers of Station C protest against the proposed amendment changing in Post Office appropriation bill effecting increase of pay for two years or more for carriers.

THOS. GUBBINS,
Executive Board Member for Station C,
National Association Letter Carriers.

—

CHICAGO, ILL., *February 13, 1915.*

Hon. L. Y. SHERMAN,
United States Senate, Washington, D. C.:

DEAR SIR: The Center Street Business Men's Association herewith respectfully protest against proposed demotions of clerks and carriers of the Chicago post office.

MATH HIBBELER, *President.*
JOS. FRIEDMAN, *Secretary.*

—

CHICAGO, ILL., *February 13, 1915.*

Hon. L. Y. SHERMAN,
United States Senate, Washington, D. C.:

The carriers of Ogden Park Station protest against the proposed amendment changing Post Office appropriation bill deferring increase of pay for two years or more for carriers.

L. C. KIRCHNER,
Executive Board Member, Ogden Park Station,
Garden City Branch, No. 11, National Association Letter Carriers.

—

CHICAGO, ILL., *February 13, 1915.*

Hon. L. Y. SHERMAN,
United States Senate, Washington, D. C.:

The carriers of Lincoln Park Station, Chicago post office, herewith respectfully protest against the proposed amendment changing the Post Office appropriation bill deferring promotion of carriers from one grade to another for two years or more.

Respectfully, yours,

HENRY A. HEINE,
Executive Board Member of Garden City Branch, No. 11,
National Association of Letter Carriers, for Lincoln Park Station.

—

CHICAGO, ILL., *February 13, 1915.*

Hon. L. Y. SHERMAN,
Washington, D. C.:

Letter carriers, Douglas Park Station, Chicago, protest against the proposed amendment changing Post Office appropriation bill deferring increase of pay for two years or more for carriers.

J. M. DELANEY,
Executive Board Member, Branch 11,
National Association of Letter Carriers, Douglas Park Station.

CHICAGO, ILL., *February 13, 1915.*

Senator L. Y. SHERMAN,
Washington, D. C.:

The proposed amendment to that section of Post Office appropriation bill governing annual advancement in the grades would work a great hardship to the rank and file, who are paying for their homes. On behalf of carriers at Irving Park Station I solicit your interest to defeat same.

GEO. R. NOHREN.

—

GRAND CROSSING, CHICAGO, ILL., *February 13, 1915.*

Hon. L. Y. SHERMAN,
Washington, D. C.:

We, the letter carriers of Grand Crossing Station, protest against biennial promotions of carriers.

B. J. MURRY,
Executive Board Member, Branch No. 11,
National Association of Letter Carriers.

—

CHICAGO, ILL., *February 13, 1915.*

Senator LAWRENCE Y. SHERMAN,
Washington, D. C.:

Carriers of Garfield Park protest about biennial raise in salaries.

GEO. T. HARTIGAN,
Executive Board Member.

—

CHICAGO, ILL., *February 13, 1915.*

Hon. LAWRENCE Y. SHERMAN,
United States Senate, Washington, D. C.:

The carriers of Wicker Park Station protest against the proposed amendment changing Post Office appropriation bill deferring increase of letter carriers' pay for two years or more.

PETER THOMPSON,
Executive Board Member, Garden City Branch, No. 11,
National Association of Letter Carriers.

—

CHICAGO, ILL., *February 13, 1915.*

Hon. LAWRENCE Y. SHERMAN,
Washington, D. C.:

The letter carriers of Station M hereby protest against proposed amendment to the Post Office appropriation bill changing promotions of carriers from one to two years, and appeal to you for assistance to defeat same.

THOS. KEHOE,
Executive Board Member for Station M,
National Association of Letter Carriers.

—

CHICAGO, ILL., *February 13, 1915.*

Senator LAWRENCE Y. SHERMAN,
Washington, D. C.:

Carriers of Twentieth Street post office protest against the pending amendment to Post Office appropriation bill for biennial promotion.

JAMES TALBOTT,
Executive Board Member, Branch 11,
National Association of Letter Carriers, Twentieth St. Post Office.

—

CHICAGO, ILL., *February 13, 1915.*

Hon. LAWRENCE Y. SHERMAN,
United States Senate, Washington, D. C.:

The carriers of Chicago Avenue Station protest against the proposed amendment changing Post Office appropriation bill deferring increase of pay for two years or more for carriers.

H. L. LASSEN,
Executive Board Member, Garden City Branch, No. 11,
National Association of Letter Carriers.

—

UNION STOCKYARDS, ILL., *February 13, 1915.*

Hon. L. Y. SHERMAN,
United States Senate, Washington, D. C.:

A protest from the letter carriers at McKinley Park Station against the amendment to the Post Office appropriation bill to biennial salary.

D. J. MCBRIDE,
Executive Board Member, Branch No. 11,
National Association of Letter Carriers.

—

ENGLEWOOD, ILL., *February 13, 1915.*

Hon. LAWRENCE Y. SHERMAN,
United States Senate, Washington, D. C.:

The members Branch 11, National Association of Letter Carriers, Englewood Station, protest against the proposed change in the law changing promotions from annual to biennial.

JOS. T. MACKIN,
Executive Board, Member Englewood Station.

—

UNION STOCKYARDS, ILL., *February 13, 1915.*

Hon. L. Y. SHERMAN,
United States Senate, Washington, D. C.:

The carriers of Fifty-first Street Station protest against the proposed amendment changing Post Office appropriation bill deferring increase of pay for two years or more for carriers.

MATT MINAHAN,
Executive Board Member of Garden City Branch, No. 11,
National Association of Letter Carriers, for Fifty-first Street Station.

—

CHICAGO, ILL., *February 13, 1915.*

Hon. LAWRENCE Y. SHERMAN,
United States Senate, Washington, D. C.:

The letter carriers of the Hyde Park Station, Chicago post office, desire to protest against the amendment to the Post Office appropriation bill now pending in the Senate, which provides that clerks and carriers shall serve two years in each grade before they shall be eligible to the next higher grade of salary.

Respectfully,

JAMES W. FLACK,
Executive Board Member, Branch 11,
National Association of Letter Carriers, for Hyde Park Station.

CHICAGO, ILL., *February 13, 1915.*

Hon. LAWRENCE Y. SHERMAN,
United States Senate, Washington, D. C.:

Carriers of North Halsted Station respectfully protest against biennial promotion of carriers as submitted by Senate Committee on Post Offices and Post Roads.

C. F. COOMBS,
Board Member, Branch 11.

—

CHICAGO, ILL., *February 13, 1915.*

Hon. L. Y. SHERMAN,
United States Senate, Washington, D. C.

DEAR SIR: We, the letter carriers of Rogers Park Station, owing to the high cost of living, protest against Senate amendment to Post Office bill providing for biennial promotion.

Respectfully,

J. G. SOERENS,
Executive Board Member.

—

CHICAGO, ILL., *February 13, 1915.*

Hon. LAWRENCE Y. SHERMAN,
United States Senate, Washington, D. C.:

The carriers of Station D protest against the proposed amendment changing in Post Office appropriation bill deferring increase of pay for two years or more for carriers.

JOHN A. RAFTER,
Executive Board Member, Garden City Branch, No. 11.

—

CHICAGO, ILL., *February 13, 1915.*

Hon. LAWRENCE Y. SHERMAN,
United States Senate, Washington, D. C.:

The letter carriers of Carpenter Station protest against the proposed amendment changing Post Office appropriation bill deferring increase of pay for two years or more for carriers.

O. A. BENSON,
Executive Board Member of Garden City Branch, No. 11,
National Association of Letter Carriers, for Carpenter Station.

—

CHICAGO, ILL., *February 13, 1915.*

Hon. L. Y. SHERMAN,
Washington, D. C.

DEAR SENATOR: The clerks and carriers at Armour Postal Station protest against the Senate amendment for biennial promotions. We believe that under the present high cost of living the present law granting increases annually does not merit any change, and trust that you will do all in your power to maintain the annual increase for clerks and carriers. I remain,

Very truly, yours,

JAMES H. MURPHY,
Executive Board Member, Armour Postal Station.

—

CHICAGO, ILL., *February 13, 1915.*

Hon. LAWRENCE Y. SHERMAN,
Washington, D. C.:

The 54 carriers of Ravenswood Station protest against the amendment to Post Office appropriation bill deferring all promotions for two years.

ARTHUR M. SUDDUTH,
Executive Board Member, Branch 11,
National Association Letter Carriers.

—

UNION STOCKYARDS, ILL., *February 13, 1915.*

Hon. L. Y. SHERMAN,
Washington, D. C.:

The carriers of Stockyards Station protest against the proposed amendment changing the Post Office appropriation bill deferring increase of pay for two years or more for carriers.

ARTHUR HENDERSON,
Executive Board Member, Garden City Branch, No. 11,
National Association of Letter Carriers.

—

CHICAGO, ILL., *February 13, 1915.*

Senator L. Y. SHERMAN,
Washington, D. C.:

The carriers of Jackson Park Station protest against the proposed amendment in Post Office appropriation bill deferring increase of pay for two years or more.

R. HOFFMAN,
Executive Board Member, Garden City Branch No. 11,
National Association of Letter Carriers.

—

CHICAGO, ILL., *February 13, 1915.*

Hon. L. Y. SHERMAN,
Washington, D. C.:

The carriers at Austin Station protest against amendment changing Post Office appropriation bill deferring increase of pay for two years or more for carriers.

WILLIAM E. SHAPIRO,
Executive Board Member Austin Station,
Garden City Branch, No. 11.

Mr. OLIVER presented memorials of sundry citizens of Pennsylvania, remonstrating against the proposed change in the present system of promotion of postal clerks, which were ordered to lie on the table.

Mr. LODGE presented a petition of the Men's Club, of Cohasset, Mass., praying for the enactment of legislation to prohibit the interstate shipment of the products of child labor, which was referred to the Committee on Interstate Commerce.

He also presented a memorial of the executive committee of the National Association for the Advancement of Colored People, of Boston, Mass., remonstrating against the enactment of legislation to prohibit the intermarriage of white and colored people in the District of Columbia, which aws referred to the Committee on the District of Columbia.

He also presented a petition of the city council of Salem, Mass., praying for the enactment of legislation to grant pensions to civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

Mr. DU PONT presented petitions of sundry citizens of Wilmington, Del., praying for the enactment of legislation to prohibit the exportation of ammunition, etc., which were referred to the Committee on Foreign Relations.

Mr. POINDEXTER presented petitions of Otto Hansen, of Spokane; William Haw, of Endicott; C. H. Kimpel, of Kennewick; Peter H. Peters, of Fairfield; John J. Jaeger, of Spanaway; and Carl W. Wagner, of Hillyard, all in the State of Washington, praying for the enactment of legislation to prohibit the exportation of ammunition, etc., which were referred to the Committee on Foreign Relations.

Mr. KERN presented petitions of sundry citizens of Fort Wayne, St. Meinrad, Hessville, Hammond, and Indianapolis, all in the State of Indiana, praying for the enactment of legislation to prohibit the exportation of ammunition, etc., which were referred to the Committee on Foreign Relations.

He also presented a petition of Local Branch, United Mine Workers, of Newburg, Ind., praying for the extension of the work of the Bureau of Mines, which was referred to the Committee on Mines and Mining.

He also presented a memorial of the congregation of the Grace Presbyterian Church, of Indianapolis, Ind., remonstrating against the exclusion of certain matter from the mail, which was ordered to lie on the table.

SHIP RATES ON TOBACCO.

Mr. JAMES. I present an article from the Louisville (Ky.) Courier Journal, relative to a discussion had at a meeting at Nashville, Tenn., of the Planters' Protective Association of Tennessee and Kentucky, on the state of tobacco, which I ask to have read.

There being no objection, the article was read as follows:

SHIP RATES ON TOBACCO ALMOST PROHIBITIVE—SAID TO HAVE GONE FROM 32 CENTS THE 100 POUNDS TO $3.30 SINCE WAR BEGAN.

NASHVILLE, TENN., *February 12.*

The question of securing ships to transport American tobacco abroad was discussed to-day at a meeting here of the Planters' Protective Association of Tennessee and Kentucky. It was stated that the present rate on tobacco was virtually prohibitory, having grown from 32 cents the hundred pounds to $3.50, and that shipping facilities were almost unobtainable at any price.

THE MERCHANT MARINE.

Mr. FLETCHER. I send to the desk, and desire to have read, a clipping from a newspaper published in Tacoma, State of Washington, which has been sent to me by a correspondent, bearing on the subject of our merchant marine. It is not very long, and I think it will throw some light from the Pacific coast on the situation.

The VICE PRESIDENT. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

EXORBITANT RATES BEING CHARGED FOR SHIPS.

Large profits are being made by the shipowner in carrying wheat to Europe. Vessel owners are demanding and getting big rates. Before the war broke out owners were satisfied with $250 per day, and making money. Now they charge as high as $1,500 per day for their vessels. One of the biggest rates so far given a vessel to carry wheat is that of the *Lowther Castle*, to load at Portland. The rate is 65 shillings.

Speaking of this rate, a well-posted shipping man Monday declared:

"The *Lowther Castle*, after allowing for bunker coal to take her through the canal to an Atlantic coaling port, will carry 6,700 long tons. At this rate the steamer will earn for her voyage about $104,520.

"The time consumed by a vessel making this trip is about 50 days, while 10 days may be taken for loading and lining the ship. So that for 70 days the owners will get for the vessel $1,500 per day. As a vessel like the *Lowther Castle* could be obtained for $250 per day before the war, it is seen that the shipowners are not losing money.

"Two years ago a vessel could be purchased for $200,000, and some of the interned German vessels can now be purchased for this. In one or two voyages the vessel has paid for itself."

Mr. MARTINE of New Jersey. Mr. President——

The VICE PRESIDENT. The Senator from New Jersey.

Mr. MARTINE of New Jersey. We have had very many communications from boards of trade and chambers of commerce in protest against the so-called shipping bill. I have here a communication from the Locomotive Firemen and Engineers, a very intellectual and highly qualified organization, as we all know, advocating the passage of that bill. Accompanying it is a leaflet from the magazine known as the Locomotive Engineers' Magazine in support of that measure. I desire to present the communication and leaflet, and ask that they may be incorporated in the RECORD without reading.

Mr. BURTON. I have no special sensitiveness in regard to that article. I see it contains a personal attack upon myself——

Mr. MARTINE of New Jersey. I read the article and am conscious of the fact to which the Senator from Ohio refers, and have stricken out that reference and everything in the nature of a personal attack.

Mr. BURTON. Mr. President, I think as compared with the three tailors of Tooley Street it is an exhibition of a memorial showing absolute lack of any understanding of the subject. If it is the desire of the Senate to load the RECORD with these articles, which are written by persons entirely unfamiliar with the subject, I am not going to object.

Mr. MARTINE of New Jersey. I will say, Mr. President, that I have stricken out the objectionable part; I realize that that should be done, and I would not be a party to or be guilty of anything that would malign a Senator on this floor, and with the permission of the Senate I will withdraw my request. However, inasmuch as we have had protests from the great organized interests and wealth against the bill, it seemed only fit and proper that those in the minor walks of life who might have something to say should be heard. Therefore I will withdraw the request with the consent of the Senate.

The VICE PRESIDENT. The matter is withdrawn.

Mr. GALLINGER. I desire to ask the Senator from New Jersey if he also withdrew the communication from the organization to which he referred?

Mr. MARTINE of New Jersey. I have withdrawn the entire matter.

Mr. GALLINGER. I notice that they say there are 3,000,000 people out of employment in the United States, and I rather wanted that to go in the RECORD.

Mr. MARTINE of New Jersey. Well, the Senator from New Jersey takes that with a grain of salt, of course.

The VICE PRESIDENT. The entire matter is withdrawn by the Senator from New Jersey.

SUWANEE RIVER BRIDGE, FLORIDA.

The VICE PRESIDENT. The Chair lays before the Senate the request of the House of Representatives to return to the House the enrolled bill (S. 7555) to authorize the construction of a bridge across the Suwanee River, in the State of Florida.

Mr. FLETCHER. I did not quite understand that, my attention being diverted at the time.

The VICE PRESIDENT. The Secretary will state the request of the House of Representatives.

The SECRETARY. The House of Representatives requests the return of the enrolled bill (S. 7555) for the construction of a bridge across the Suwanee River in the State of Florida.

Mr. FLETCHER. Mr. President, I should like to know just what that situation is. The Senate passed the bill, but I did not know that there was an enrolled bill here. I should like to look into the matter before any further action is taken.

The VICE PRESIDENT. The matter will lie over.

Mr. ROOT. I should like to inquire what disposition was made of the matter last before the Senate.

The VICE PRESIDENT. No disposition was made of it.

Mr. ROOT. It lies on the table, I suppose.

The VICE PRESIDENT. It lies on the table until called up.

Mr. FLETCHER subsequently said: With reference to the resolution from the House, there seems to have been some mistake regarding that bill, and I move that the Senate concur in the request of the House of Representatives.

Mr. ROOT. We can not hear the Senator.

The VICE PRESIDENT. The motion of the Senator from Florida is to concur in the request of the House for the return of the enrolled bill. The Chair is informed, without certifying to the truth of the information, that the bill failed to pass the House.

Mr. SMOOT. Mr. President, would it not be in order, and the proper way to proceed, for the Senator from Florida to ask the Senate to reconsider the vote by which the bill passed the Senate? The bill passed the Senate by unanimous consent on Friday last, as I remember.

Mr. FLETCHER. I do not think so. I understand that the situation is that instead of sending over to the House the Senate bill as it passed the Senate, they sent over what appeared to be an enrolled bill, and it was not an enrolled bill at all, because it had not passed both Houses. They simply want to get this copy of the enrolled bill out of the way, and then they will take up the Senate bill. There is no objection to it; there is simply a mistake in certifying as an enrolled bill a bill that had passed only one body. It is just a clerical mistake; that is all.

Mr. SMOOT. I may be mistaken, but as I remember last Friday the House sent a message to the Senate, and in that message it included the bill referred to. When the bill was handed down to the Senate, the Senator from Florida asked unanimous consent for its immediate consideration, and that consent was given, and the bill passed.

Mr. FLETCHER. No; the Senator is mistaken. The bill that was considered and passed by the Senate was reported by the committee, and it was a Senate bill, and therefore the error has occurred. It has been certified as an enrolled bill, whereas really it was a Senate engrossed bill.

The VICE PRESIDENT. The question is on the motion of the Senator from Florida that the Senate comply with the request of the House for the return of the enrolled bill.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. OWEN, from the Committee on Indian Affairs, to which was referred the bill (S. 4619) authorizing and directing the Secretary of the Interior to vacate certain lands in Oklahoma reserved for a town site, and for other purposes, reported it without amendment and submitted a report (No. 985) thereon.

Mr. CLAPP, from the Committee on Indian Affairs, to which was referred the bill (S. 7179) to provide for the establishment of a forest reserve within the Red Lake Indian Reservation, Minn., reported it without amendment and submitted a report (No. 984) thereon.

Mr. ASHURST, from the Committee on Indian Affairs, to which was referred the bill (S. 7652) providing for the continuance of the Joint Committee to Investigate Indian Affairs, reported it with an amendment and submitted a report (No. 983) thereon.

PURCHASE OF SHIPS.

Mr. WILLIAMS. I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate to report back favorably, with two amendments, a resolution (S. Res. 543) submitted Saturday last, I believe, by the Senator from Ohio [Mr. BURTON], and I call his attention to the report. I shall ask immediate consideration for the matter, and before submitting it to the Senate, and immediately after the resolution with the amendments is read, retaining the floor for that purpose, I shall explain why the amendments were ingrafted upon it.

The VICE PRESIDENT. The Secretary will state the amendments reported by the committee.

The SECRETARY. The committee proposes the following amendments:

4. What efforts the so-called Shipping Trust or any person, firm, or corporation engaged or interested in shipping have, directly or indirectly, made to prevent the passage of S. 6356, commonly known as the ship-purchase bill; whether any company of shipowners or chamber of commerce or other body influenced by or dominated by shipowners whose vessels would compete with the ships to be purchased or constructed under said act have had attorneys or lobbyists at Washington working to consummate the defeat of the said bill, and whether any Senator or Senators of the United States are stock owners or bondholders of the United Fruit Co., or of any other company owning ships, which would compete with the ships to be purchased or constructed under the provisions of said bill.

5. That the said committee, or any subcommittee thereof, be authorized to employ a stenographer, at a price not to exceed $1 per printed page, to report such hearings as may be had in connection with the subject pending before the said committee; that the committee may sit during the sessions or recesses of the Senate, and the expenses thereof shall be paid out of the contingent fund of the Senate.

Mr. WILLIAMS. I ask unanimous consent for the immediate consideration of the resolution.

Mr. GALLINGER. Have the proposed amendments been read?

The VICE PRESIDENT. They have been read. The question is on agreeing to the amendments of the committee.

Mr. BURTON. Mr. President, I may say, as the author of the resolution, that I have no objection to the proposed amendments. I think we should have the fullest and freest investigation. They might have been included in the original resolution.

Mr. WILLIAMS. I believe I have the floor, Mr. President.

Mr. BURTON. Will the Senator from Mississippi yield to me for a moment? I think it will facilitate matters.

Mr. WILLIAMS. I yield for a question.

Mr. BURTON. The inquiries that I made were in regard to substantive transactions. These are amendments which pertain to investigations as to influences brought to bear, possibly, against the bill. These latter would naturally go to a committee which has already become, if not a standing committee of the Senate, one that is practically permanent, for the investigation of the lobby, and my fear is that this will postpone action. However, I do not feel like objecting.

Mr. WILLIAMS. If I yield for a speech, I fear I may lose my place on the floor.

The VICE PRESIDENT. No.

Mr. WILLIAMS. I want, in explanation of the resolution, to say this: The Senator from Ohio submitted a resolution which carried with it certain intimations or insinuations or

suggestions, whatever you may choose to call them, of corrupt influences behind the support of this bill. The parties at whom he struck indicated to the committee their desire that the matter should be investigated at the very first possible moment, so that any sort of insinuation of that sort might not hang long in face of the proof that will undoubtedly be presented. The majority of the committee took the position that if we were going to examine into the question as to whether there was rottenness on one side of this Denmark we had better see whether there was any on the other side or not; and we concluded it would be but right, while we were examining into the suggestions or intimations of the Senator from Ohio, to examine into the truthfulness or falsity of other insinuations and intimations that had been going around.

As for myself, if the matter had been left to me entirely, and it were my good fame that had been affected instead of somebody else's, I would have taken no notice of either side of the controversy without some definite and specific charge made upon this floor; but since the Senator from Ohio chose to put out a dragnet we thought the dragnet ought to be large enough and strong enough to catch all possible fish of the character struck at by him, if there were any fish of that sort. We therefore amended the resolution so that it shall apply to the entire question of the alleged, intimated, suggested, insinuated corruption on either side of this great question, with the hope that in behalf of the good name of this body and the good name of the American people it may result in demonstrating the fact that there is no corruption on either side. I say that by way of expressing my own opinion.

I want to say this generally about dragnet investigations: This investigation struck at the Secretary of the Treasury. We might just as well be frank about it. That was what was meant by it. The Senator from Ohio is no more urgent for an immediate investigation and immediate production of evidence and proof than is the Secretary of the Treasury. Although in its terms it was general, everybody rather understood that it was striking at him and at a member of the reserve board of our banking system. At any rate, the newspapers said that was what was struck at, and I suppose they had come pretty near it, as they usually do.

Speaking generally, however, and independently of this question, which was made specific by those newspaper articles, it seems to me that the Senate of the United States ought to get out of the habit, into which it has gotten into lately, of making a grand jury of itself and of spreading around fish nets, I might say, and going into an inquisitorial investigation upon grounds that no court of chancery would admit, or anybody else, where no specific, decisive, explicit charges of any sort are made upon the floor. But the parties struck at by this resolution do not want to rest under the intimation of silence for one day; and therefore, although the Senator introduced the resolution upon Saturday, I called the committee together this morning, so that there might be quite enough investigation to satisfy everybody.

Mr. BURTON. Mr. President, I desire to state that I did not have the Secretary of the Treasury especially in mind in introducing this resolution. There have been statements made on the floor of this body that certain financial or banking firms have made loans on these ships that are in our ports, and that there were options as well, and it might be well to investigate whether any officials of the Government, the Secretary of the Treasury, or other officials, have been in communication with them; but that was not the primary object of the resolution. If it had been aimed especially at the Secretary of the Treasury, I am not sure but that action might have been taken under an almost forgotten statute—that of 1789, creating the Treasury Department.

It is to be noted that the statutes organizing the different departments sever out the Treasury Department and the Secretary of the Treasury from all the rest. He can be called before either House of Congress by a resolution under this provision, which is found in section 248 of the Revised Statutes:

The Secretary of the Treasury shall from time to time digest and prepare plans for the improvement and management of the revenue and for the support of the public credit, shall superintend the collection of the revenue, shall from time to time prescribe the forms of keeping and rendering all public accounts and making returns——

Mr. REED. Mr. President——

Mr. BURTON. For what purpose does the Senator rise?

Mr. REED. I rose for two reasons. In the first place, it is impossible to hear the Senator from Ohio, and, secondly, I desire to inquire what citation from the statutes he is reading?

Mr. BURTON. Section 248 of the Revised Statutes. I will try to make myself heard, especially when I come to the vital portion [reading]—

shall grant, under the limitations herein established or to be hereafter provided all warrants for moneys to be issued from the Treasury in pursuance of appropriations by law, "shall make report and give information to either branch of the legislature in person or in writing, as may be required," respecting all matters referred to him by the Senate or House of Representatives or which shall appertain to his office, and generally shall perform all such services relative to the finances as he shall be directed to perform.

I can not believe that any opposition to this resolution for an investigation or to the other resolution which comes over from yesterday proceeds from the Secretary of the Treasury. If he were asked to appear here, I have no doubt he would conduct himself ably and well and to the entire satisfaction of the Senate, and that if Senate resolution 542, which comes over from Saturday, is brought up and passed, as I trust it will be, he will also give an answer which will illuminate this subject and do full justice to his own connection or possible connection with the pending bill.

Mr. REED. Mr. President——

The VICE PRESIDENT. The Senator from Missouri.

Mr. REED. I can say to the Senator from Ohio that he need not disturb his soul over the question of any opposition on the part of the Secretary of the Treasury to either of his resolutions. He can compose himself in absolute peace upon that proposition. The Secretary of the Treasury will not only respond to any request from Congress but he will welcome any sort of investigation that the Senate desires to inaugurate. Indeed, Mr. President, he has always been so willing to furnish information that it was utterly unnecessary for the Senator from Ohio or anybody else to introduce a resolution calling for information. Much less was it necessary or proper to introduce these resolutions which, in effect, reflect upon the Secretary of the Treasury, and which, in my judgment, were intended to reflect upon him.

I make that statement because the Secretary of the Treasury has been willing at all times to give to the Senator from Ohio or to any other Senator any information in his possession. The innuendo that is contained in these resolutions is one which I think never ought to be made on the floor of this body or in public speech or private conversation against an honorable gentleman, unless the maker of the resolution or the author of the insinuation is willing to state that he has substantial evidence warranting the attitude he assumes. I do not regard it as a light thing to introduce into the Senate such a resolution.

I want to read to the Senate the resolutions of the Senator from Ohio.

Whereas the pending ship-purchase bill, being S. 6856, contemplates by certain of its provisions the purchase of shipping tonnage already constructed, and therefore suggests the possible acquisition of ships belonging to belligerents, some of which are interned in American and other ports as the result of the war; and

Whereas the purchase of such vessels would raise questions of vital importance to the interests of the United States, a knowledge of which is of supreme importance in order that the Senate may reach an intelligent conclusion as to the advisability of enacting said bill and as to the propriety of incorporating in its provisions certain amendments: Therefore be it

Resolved, That the Secretary of the Treasury be requested, and is hereby directed, to transmit, at his earliest convenience, to the Senate of the United States information responsive to the following queries:

First. Has the Secretary of the Treasury knowledge that any officer of the Government has made overtures or addressed inquiries to the owners of ships under the flags of belligerent nations, including those ships now detained in ports of the United States or other neutral ports, with a view to the purchase of such ships on the part of the Government of the United States or any of its authorized agencies?

Second. Have tenders of sale of any merchant ship or ships carrying the flag of any of the belligerent nations been made to the United States or any of its officers or agencies?

Third. Have there been any tenders for the sale of vessels at present carrying the flag of any neutral nation to the United States or any responsible officer or agent thereof?

Fourth. Is it within the knowledge of the Secretary of the Treasury that any individual, firm, or corporation in the United States has made loans or advances to any individual, firm, or corporation owning ships which are detained in the ports of the United States or elsewhere to avoid the consequences of war; or that any person, firm, or corporation, acting either in private capacity or that of agent for the Government, holds an option on any such ship or ships, contemplating their transfer either to the Government of the United States, an agency thereof, or to private citizens of the United States?

Fifth. Is it within the knowledge of the Secretary of the Treasury that the Government of the United States, or any official thereof, has in his employ or under his direction any person or agent who is making inquiry as to the possibility of purchasing any ship or ships of any description whatsoever, contemplating their eventual transfer to the United States or an agency thereof?

In each of the above instances the names of the persons, ships, and terms involved in each contemplated sale or purchase is requested.

That is followed by a resolution introduced at substantially the same moment, reading:

Resolved, That a committee of five Senators be appointed by the Presiding Officer of the Senate with authority to compel the production of books and papers, summon witnesses, and take testimony in order to ascertain:

1. Whether any individual, firm, or corporation in the United States has made loans or advances to any individual, firm, or corporation owning ships which are detained in the ports of the United States or elsewhere to avoid the consequences of war.

2. Whether any individual, firm, or corporation in the United States has at any time obtained options upon any such ship or ships.
3. Whether the persons, firms, or corporations having made such loans or obtained such options have any connection, direct or indirect, with the Government of the United States.

Mr. President, the broad implication that is running through those two resolutions is that the Senator who is their author has the right to believe that there are persons, firms, or corporations who are preparing to traffic in the vessels it is proposed to purchase who have a direct connection with the Government of the United States. The office of the Secretary of the Treasury is dragged in by these resolutions, and the implication is broad that he is in possession of such knowledge and that he is party or privy to such an infamous undertaking. That, I say, is a very grave charge to bring, and it is none the less brought because it is made by innuendo instead of by direction.

This body ought to be something besides a mere vent for scandal or the exploitation of libel. No resolution ought to be introduced in this body to give tongue to foul and evil reports that have been expressed only by the lips of the irresponsible. No food ought to be furnished here upon which newspapers that are antagonistic to an administration can base alleged news articles, stating that the Secretary of the Treasury is about to be investigated, that certain banking houses are about to be investigated, and that his connection therewith is about to be investigated, unless the Senator who offers the resolution is prepared to say upon the floor of the Senate that he has information warranting that kind of an implication.

I desire to ask the Senator from Ohio now whether he has any information from any reliable source, from any trustworthy source, that the Secretary of the Treasury has been engaged in any improper practice with reference to any of the matters referred to in these resolutions?

Mr. BURTON. Mr. President, I would not wish to vouch for statements to that effect. I am very glad to see that the Senator from Missouri is now a champion against irresponsible utterances. I think that is quite in contrast with his attitude on this floor at other times.

Mr. REED. In what respect, if the Senator please? I should like to have him present the facts instead of a mere fulmination.

Mr. BURTON. I make that statement to the Senate. The Members of the Senate will understand.

We had here at the last session, was it not, an intimation that there was an insidious lobby about the Senate. Were there any facts transmitted by those who made that assertion?

Mr. REED. Oh, yes; there were plenty of facts, and we made the charges good.

Mr. BURTON. If that is the case——

Mr. REED. There was a mass of evidence that is absolutely overwhelming. It was sufficient at the time to silence the tongue of criticism. Even the Senator from Ohio sat as mum as an oyster.

Mr. BURTON. If that is the case—if the committee made good—how came it that after not only weeks but months that committee which has found such disclosures should never have taken the Senate into its confidence——

Mr. REED. Oh, Mr. President——

Mr. BURTON. And should never have taken time to formulate a report?

What I say in regard to this, I repeat. There is no innuendo here against the Secretary of the Treasury, but it does seem to me that the circumstances under which this bill is reported are very mysterious. It was first——

Mr. REED. What bill?

Mr. BURTON. First, it was brought before us as a measure to promote trade with South America. When the props were taken out from under that argument the pressure for the bill continues, in the face of condemnatory facts, with a persistence I have never seen equaled in any measure before the House of Representatives or the Senate. In view of the unprecedented obstinacy in pushing this measure and the statements made here upon the floor of the Senate, not specially aimed against the Secretary of the Treasury—perhaps not aimed against him at all, most of them—I think it well that the Senate should investigate it.

Mr. REED. Mr. President, I am glad to know that the Senator now states on the floor of the Senate, and in that way to the country, that he has not intended to cast any imputation upon the integrity of the Secretary of the Treasury.

Mr. BURTON. No; by no means.

Mr. REED. And he also states that he will not vouch for any information that he has received. In this connection I desire to suggest that in the future he had better call some one in who can prepare a resolution of inquiry in such a way that it will not be taken by the press of the country as a charge against an honorable gentleman.

I also call attention to the fact that the Senator from Ohio this morning took pains to read a section of the statute which contains the provision that Congress may compel the Secretary of the Treasury to appear before it and answer questions. The only possible purpose of reading the statute was to aid the innuendo that the Secretary is in possession of information that he is unwilling to disclose and to make it appear that he can be compelled to make disclosure, even against his will.

I can say to the Senator from Ohio, and I say it with authority, that the Secretary of the Treasury welcomes this investigation and will gladly embrace the opportunity to meet face to face every scandalmonger, whether he be official or nonofficial, whether he be an employee of the Shipping Trust or whether he be a certain private speculator and promoter who is disappointed because he could not carry through a scheme to organize a corporation to buy interned ships and have the United States underwrite its bonds, and who is especially irritated at the Secretary of the Treasury because he refused to become a party to his promotion scheme.

Mr. President, the particular matter before the Senate is the amendment to this second resolution offered by the Senator from Ohio, which proposes to enlarge that resolution, so that we may ascertain whether our old friend, the Shipping Trust, has been unduly active. We already know that its attorneys have prepared briefs and circulated them among the Members of the Senate opposing this bill. We already know that certain exchanges which have a long time been unduly influenced, if not entirely commanded, by the shipping interests have become very active. We already know that there are plenty of Senators who have bottomed their arguments against this bill upon the hypothesis that it is a very wicked thing for the Government of the United States to compete with private business. We also know that that is the argument nearest to the heart of the shipping combine. It is an argument that they are forever putting out. So I am in favor of enlarging the inquiry.

The Senator from Ohio referred to the lobby committee and to the fact that it has not made a report. Let me say to him that a very full report of the salient points of the evidence taken was printed in the daily newspapers for weeks and months, so that everybody in the United States except the Senator from Ohio knew there had been a lobby here; that it has been a corrupt lobby; that it resorted to infamous methods to accomplish detestable ends; and that it ought to be stamped out of existence.

Mr. BURTON. Mr. President, will the Senator——

Mr. REED. Everybody but the Senator from Ohio knew that fact. Whether he now knows it I can not say, except that he just now complained that he had not been taken into the confidence of the committee. I therefore infer he has forgotten what the papers published.

Mr. BURTON. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Ohio?

Mr. REED. I do.

Mr. BURTON. I desire most decidedly to deny any knowledge of the existence of any corrupt lobby here. I feel very sure that nothing of the kind is true. I trust that the Senator from Missouri having started out on an apparently high plane, demanding care in making accusations and demanding that all idle utterances be checked, will not indulge in anything of that kind himself.

Mr. REED. Mr. President, what I have just said may seem an idle utterance to the Senator from Ohio, but I repeat he is the only man in the United States who does not know the facts I have already asserted and does not know that they were fully proven. I attribute his lack of knowledge to the fact that he has as usual been dwelling in that intellectual dreamland in which he has habitually lived for many years. There are a great many intelligent men, very high-class men, who would not know if their own pockets were picked twenty times a day. I commend to the Senator, who does not know there has been a lobby in Washington, and that the fact was proven, the wisdom of coming down to earth. I recommend to him consideration of the old anecdote of Diogenes, who, in his day and generation, said to a dreamer who was constantly looking at the stars and who naturally fell into a mudhole in the street, "that he had better keep his head out of the stars while his feet were upon the earth."

Mr. President, I utter no idle words, I engage in no slander, I offend against no propriety when I say that volume after volume of testimony taken by the lobby committee did show an intolerable condition of affairs to have existed in Washington.

Let me call the attention of the distinguished Senator to one fact. It showed that there was an organization known as the American Wool Manufacturers' Association; that it united itself with a wool growers' association; that they had many meetings for the purpose of promoting legislation for their especial benefit. Finally, when a tariff bill was before Congress, these patriotic gentlemen sent one of their employees, their hired man, their secretary, to Washington. He was taken not only into the confidence of the Republican members of the Finance Committee of the Senate, but into the pay of the Government. He sat with the Republican members of the Finance Committee when they were engaged in private deliberations behind locked doors. The public was excluded and the Democratic members were excluded. There this man assisted them in preparing schedule K of the tariff bill. Every day he reported to his boss, the president of this woolen manufacturers' association, what had been done; and every day received his commands from the proprietor of that association. Every day he labored to write into the bill the propositions that had been put forward by the woolen and wool associations. Every night he reported progress. At the end of the deliberations of that caucus of the Republican members of that committee, held behind closed doors, this gentleman, Mr. North, transmitted to his employer, the Woolen Trust, the happy information that they had succeeded in writing into the bill every single desire they had. Then, this gentleman, Mr. North, went home, had his salary raised, and was presented with $5,000 as a bonus for his services in acting at one and the same time as the representative of the Woolen Trust and as an employee of the Federal Government.

That may not shock the conscience of the Senator from Ohio; that may not be any evidence whatever to him that anything wrong or wicked was going on; that performance may have been highly ethical; perhaps it should be regarded as the highest order of statesmanship; but if things like that can be done in this country, and if those who have been guilty of them can go unwhipped, at least by the lash of public disapproval, then the day has come when interests—selfish interests—can enter the halls of legislation, appear before committees, and control the course of legislation; selfish interests can write the laws of the country, instead of the people of the country writing them through their representatives—if that sort of thing does not shock the conscience of the Senator from Ohio, if it does not appall his sensitive soul, if it does not appeal to him as a thing utterly infamous, then let me say to him that the plain, common people who walk this earth and who do not dream beautiful dreams and keep their heads among the stars—those people, at least, regard it as infamous conduct; and if it should be persisted in, a condition utterly unspeakable and utterly intolerable would obtain.

We also had some evidence before that committee not only tending to show but absolutely demonstrating certain other facts. It was proven there that there was an organization, the National Association of Manufacturers, having an enormous membership, composed of the great manufacturing and the jobbing wholesale interests of the country, with some others added; that they constantly maintained an organization in the city of Washington. The lobbyists of this concern took means to keep track of every bill and the vote of every Member of Congress upon such bill. When a Member of Congress could not be seduced by flattery or cajoled by persuasion into acting with them they sent their hired emissaries into his district with money in their purses. They even corrupted members of labor organizations who were professing to be sincerely with the laboring men, but at the same time were in the employment of this concern. Thus, by the use of money and influence, they sought to destroy every man who dared offend against their particular wishes. They inaugurated a propaganda against those who opposed them; they maintained it for many years. They spent tens of thousands of dollars in pursuit of methods which may be justly characterized as un-American, outrageous, intolerable, and infamous.

It was produced in evidence that these gentlemen went into the State of Indiana; that they raised money there for the purpose of using it in the campaign of one of their friends. They sent their representative and agent there; they had conferences with a man then a Representative in Congress, who was also at that time a candidate for governor of that State. They continued to sit with him in his conferences and continued to furnish sinews of war for his contest. When he was defeated for governor, and when his office as Representative expired, that Representative left the Halls of Congress, and within less than 10 days' time, if my recollection serves me aright, he became the paid employee of this same beneficent and patriotic institution! Yet the Senator from Ohio doubtless can see no wrong in that. I have no doubt he belongs to that class of men who are able to imagine that the Indiana gentleman was employed merely as a lawyer; that this institution did not intend by paying him a fee to compensate him for the misfortunes of his campaign, and that it had in mind nothing in the world in the way of the purchase of political or legislative influence, and that it employed him only because there was no other lawyer capable of giving sound legal advice.

Because I say that there were improper influences here the Senator from Ohio calls that wild talk and talk that is not backed by anything. The difference between the Senator and myself is that he introduces a resolution here reflecting on an honorable gentleman and says that he does it upon a rumor that he does not vouch for, whereas I say that there was a corrupt lobby here; that we proved it and that the evidence is here now before the Senate, as it has been for many weeks. It is a singular thing to me that the Senator from Ohio, with his well-known industry and habits of study, has been prevented from reading the evidence himself, in order that he might make up an opinion that would be very much superior to any report that any committee could possibly write.

Mr. President, I welcome this investigation. I am glad it is here. I hope that every man who has been engaged in the business of peddling scandal will be given an opportunity to come before a committee and tell us the reason he has had for any statements he may have made. I hope that every man who is interested in acting with the Shipping Trust in opposition to this bill will have an opportunity to understand that there is a place where he can make known every evil and wicked thing which either exists in fact or has been disturbing his imagination; and I venture the prediction that the investigation will do much good.

So, Mr. President, I am for this resolution, and I am for the other resolution offered by the Senator from Ohio when he cuts out of it the language that is offensive and that should not be in it.

The VICE PRESIDENT. The question is on the amendment.

Mr. WALSH. Mr. President——

The VICE PRESIDENT. The Senator from Montana.

Mr. WALSH. Mr. President, before this matter is disposed of I desire to say a word.

The distinguished Senator from Ohio [Mr. BURTON] referred, in terms that might be described as mildly contemptuous, to the work of the lobby investigating committee; and in recent months similar observations have been made by other Senators upon the other side of the Chamber. Mr. President, I desire to remind the Senator from Ohio and the Senate, in view of an apparent criticism because the report from that committee has not been received, that the committee was appointed pursuant to a resolution introduced by the Senator from the State of Iowa [Mr. CUMMINS], who became a member of that committee and rendered signal service in connection with its work. The committee performed a large amount of service, which, in my very humble judgment, was a very valuable service.

Mr. President, while we were exposing to the country and to the Senate the fact that representatives of the great sugar industry of this country were gathered here, were accumulating a great fund, and employing daily a large amount of money for the purpose of affecting legislation then pending in their interest, there was not any suggestion contemptuous in character that that investigation ought to cease. When we were exposing the remarkable revelations in connection with the inquiry, started by papers that were obtained from a man by the name of Mulhall, there was not any suggestion that that inquiry was not valuable and should not progress; and let me remark here, Mr. President, that however one may hold that gentleman in the utmost detestation—and none can express sentiments or harbor sentiments of that character more profound than those I entertain—it is to be borne in mind that the people who hired him and in whose employ he was here, knew the despicable character of the man all the time he was in their employ for the purpose of influencing legislation in the Congress of the United States.

There was not any contemptuous comment concerning those matters while they were going on; and now, Mr. President, let me remark that some time ago the chairman of the lobby committee parceled out to the various members of the committee the duty of preparing a report upon various departments of the work undertaken by the committee, a portion of that work being assigned to the senior Senator from Iowa [Mr. CUMMINS], who has not been any more speedy about getting his report done than the rest of us.

It is to be borne in mind, Mr. President, that we have been worked hard. I do not think that the lobby committee ought to be charged upon the floor of the Senate with any dereliction of

duty because they have not made a report. Of what consequence is their report? The testimony is here; it is printed. It has been read either in full or in substance by every Member of this body. Whatever good can come from the work of that committee—and I undertake to say that no man upon this floor will assert that it has not been large and valuable—has already been done without regard to the report.

Mr. BURTON. Mr. President, will the Senator from Montana yield for a question?

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Ohio?

Mr. WALSH. I shall be glad to do so.

Mr. BURTON. Were any specific facts or accusations submitted to the so-called committee on the lobby when they commenced their investigation?

Mr. WALSH. Why, Mr. President, the committee immediately proceeded to inquire from all sources concerning which they had knowledge. Let me remark that just exactly what information the Senator from Iowa who introduced the resolution had which prompted him to present the resolution and urge the adoption of it by this body I am unable to say. The Senator from Ohio will get definite information on that subject by propounding his inquiry to the Senator from Iowa.

Mr. BURTON. But is it not a fact, then, that, based upon rumors which were in general circulation, the committee on the lobby, without any definite statement of facts or accusations against anyone, commenced the investigation?

Mr. WALSH. Mr. President, I am not to be diverted to the consideration of that question. I have offered no criticism of the Senator from Ohio because of the introduction of this resolution by him upon such information as he may possess. What I do object to is the suggestion that a committee of this body that labored earnestly and hard, that devoted hour after hour, day after day, and month after month, often sitting until past midnight at night, was engaged in a work which now deserves to be treated and disposed of and discussed in this body as quite contemptuous in character.

Mr. BURTON. Well, Mr. President, the inquiry that I am making is this: Did not that committee—which I have no doubt performed very valuable public service, exposed corruption, and brought to light facts which should be known to the country—begin its work without any accusation vouched for by anybody?

Mr. WALSH. That is not correct at all. It did not begin its work without accusation vouched for on the very best authority; and the information that was given to us we prosecuted and we unearthed the facts; we unearthed documents which demonstrated that corrupting influences were at work.

Mr. BURTON. What specific facts were here before the Senate at the time the resolution was presented for adoption?

Mr. WALSH. I say to the Senator from Ohio that I do not know. He must address that inquiry to the originator of the resolution. The Senator from Missouri now asks the Senator from Ohio what information he has on which he has introduced this resolution for an inquiry. I say to him that he must propound his inquiry now to the Senator from Iowa, who introduced the resolution, and ask him what information he had.

Mr. BURTON. But, Mr. President, the point I intend to make is that the so-called lobby investigation, which, it is maintained, led to such important disclosures, was instituted under circumstances precisely similar to those under which this resolution is proposed, based upon charges that were made in a vague, general way.

I do not wish, Mr. President, to have this question or the other go past the hour of 2 o'clock, I am frank to say, otherwise I might have some further remarks to make.

The VICE PRESIDENT. The question is on agreeing to the amendments reported by the committee.

The amendments were agreed to.

The resolution as amended was agreed to.

The VICE PRESIDENT. The Chair appoints the Senator from Montana [Mr. WALSH], the Senator from North Carolina [Mr. SIMMONS], the Senator from Missouri [Mr. REED], the Senator from Ohio [Mr. BURTON], and the Senator from Massachusetts [Mr. WEEKS] the special committee.

BILLS INTRODUCED.

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

By Mr. WALSH:

A bill (S. 7653) to authorize the sale of certain lands at or near Belton, Mont., for hotel purposes (with accompanying map); to the Committee on Public Lands.

By Mr. JONES:

A bill (S. 7654) granting an increase of pension to Mary S. Underhill (with accompanying paper); and

A bill (S. 7655) granting an increase of pension to John Little (with accompanying paper); to the Committee on Pensions.

By Mr. BURLEIGH:

A bill (S. 7656) granting an increase of pension to Leroy Harding; to the Committee on Pensions.

By Mr. O'GORMAN:

A bill (S. 7657) granting an increase of pension to Roderick O'Connor; to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. SMOOT submitted an amendment proposing to appropriate the sum of $100,000 for a proportionate share of the amount required to construct an interstate wagon road or highway from the Kaibab Indian Reservation, Utah, intended to be proposed by him to the Indian appropriation bill (H. R. 20150), which was referred to the Committee on Indian Affairs and ordered to be printed.

Mr. SMOOT submitted an amendment proposing to appropriate $110,998.12 for the relief of Prof. William H. H. Hart, principal of the Hart Farm School and Junior Republic for Dependent Children, etc., intended to be proposed by him to the sundry civil appropriation bill (H. R. 21318), which was referred to the Committee on Appropriations and ordered to be printed.

Mr. WORKS submitted an amendment proposing for terminal inspection of postal packages containing plant products, etc., intended to be proposed by him to the agricultural appropriation bill (H. R. 20415), which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

RIVER AND HARBOR APPROPRIATIONS.

Mr. ROOT submitted an amendment, intended to be proposed by him to the river and harbor appropriation bill (H. R. 20189), which was referred to the Committee on Commerce and ordered to be printed.

Mr. TILLMAN submitted an amendment providing that hereafter vacancies in the grade of second lieutenant of the Corps of Engineers, United States Army, shall be filled by promotion from the Corps of Cadets at the United States Academy, etc., intended to be proposed by him to the river and harbor appropriation bill (H. R. 20189), which was referred to the Committee on Commerce and ordered to be printed.

PALOUSE IRRIGATION PROJECT.

Mr. JONES. Mr. President, I have here a report, prepared after a very careful and special investigation, on the Palouse irrigation project in our State. In view of the fact that Congress now has to make appropriations for irrigation purposes, I want to submit a request that it be printed as a public document, and ask that it be referred to the Committee on Printing.

The VICE PRESIDENT. The report will be referred to the Committee on Printing.

PROMOTION OF AMERICAN COMMERCE.

Mr. SMITH of Michigan submitted the following resolution (S. Res. 545), which was read:

Whereas the Secretary of the Department of Commerce, Hon. William C. Redfield, delivered an address before the United States Chamber of Commerce at its session held in the city of Washington, February 4, 1915, in which the following statement was made:

"I have had a dispatch from the prime minister of a great country abroad, so frank as hardly to be publishable in its original form, almost begging—let us say strongly urging—that America take the place in his country that Europe has laid aside. I have another from a monarch himself of a European power saying frankly that he wanted America to come into his land and take the place which others had hitherto filled.

"To-day an able attaché is there at the court of that monarch speaking the monarch's language, thank God, and entering his country to do what he can do to unite that nation to ours. The King has said that he will put into America a branch of the bank of his country if we will undertake to establish banks in his country, and that whatever he can do officially to forward American commerce in his land shall be willingly and continuously done"; and

Whereas under the present delicate and critical state of international relations arising from the assertion of neutral and belligerent rights and obligations during the present war it is desirable that Congress shall know how many and what different departments of our Government are engaged in carrying on negotiations with foreign powers and whether such negotiations are of a character to disturb the balance of conditions created by war between other powers and to involve the United States in violation of neutrality: Therefore be it

Resolved, That the Secretary of Commerce be, and he is hereby, directed to send to the Senate copies of the communications referred to in the remarks above quoted and of the instructions to and the reports from the attaché therein mentioned.

Mr. FLETCHER. Mr. President, I should like to ask the Senator from Michigan if he knows of his own knowledge whether that is the exact language used by the Secretary of Commerce in that address, or did he get it from some other source?

Mr. SMITH of Michigan. I sent to the office of the United States Chamber of Commerce and received the corrected proof

of the Secretary's speech. I went through it carefully and compared it with this language, which has been publicly printed, and I find that it is the same language. I think it is most inappropriate language, especially in view of the fact that the statutes of our country forbid correspondence of this kind by citizens. I therefore feel that we ought to ask the Secretary of the Department of Commerce whether or not this was his statement, and what he has to say about it.

Mr. SMITH of Georgia. The resolution will go over, I presume.

Mr. FLETCHER. I will not enter into any discussion of the matter, because we have not time to dwell upon it at all. I only suggest that it seems to me the language of the resolution is scarcely courteous or considerate, in that it directs the Secretary of Commerce to give certain information. There is no head of a department who can be directed by the Senate to do things. The direction must come from a joint resolution approved by the President.

Mr. SMITH of Michigan. Oh, I think the Senator is mistaken about that. I think we ought to direct him.

Mr. FLETCHER. I am not going to discuss it. I ask that the resolution may lie over.

Mr. SMITH of Michigan. Under the rule it must go over, though I am sorry the Senator makes that request.

HOUSE BILL REFERRED.

H. R. 21318. An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1916, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

ADDITIONAL JUDGE, SOUTHERN DISTRICT OF GEORGIA.

Mr. SMITH of Georgia. Mr. President, I desire to call the attention of the Senate to a bill, being House bill 17869, Order of Business 796, for the appointment of an additional district judge for the southern district of Georgia. It is only 9 lines long, and originated in the Judiciary Committee of the House. It has the unanimous indorsement of the Judiciary Committee of the Senate. It is a local bill, and an emergency measure. It gives the southern district of Georgia an additional judge, and it is very necessary that they should have it. I certainly would appreciate it if the Senate would grant unanimous consent for the consideration of this bill, and I ask such consent.

Mr. BURTON. Mr. President, I have a resolution here which has been pending since Saturday. As I understand, this bill has been amended by direction of the Senate Judiciary Committee.

Mr. SMITH of Georgia. It has.

Mr. BURTON. I may say that by a coincidence I have received a protest against that bill, but I think, in the form it is amended, it is without objection. I should, however, feel like insisting that the Senate adhere to it in the form as amended.

Mr. SMITH of Georgia. I shall ask for its passage just as it is amended.

Mr. BURTON. And the Senator from Georgia intends to adhere to that?

Mr. SMITH of Georgia. I will get it that way, if possible, if it goes to conference. Personally, I very much prefer it to be just as the Senate has amended it.

Mr. BURTON. And the Senator from Georgia will advocate that in conference?

Mr. SMITH of Georgia. I certainly shall; yes. I very much prefer it as the Senate has amended it.

Mr. GALLINGER. Mr. President, I have likewise received one or two letters about this bill. I will ask the Senator from Georgia if in conference the conferees of the other body should resist this amendment, whether he would be willing to bring it back to the Senate for a vote of the Senate on the amendment?

Mr. SMITH of Georgia. I should be obliged to do it. I would hate to jeopardize the bill. I will say to the Senator that I very much prefer the bill just as the Senate Judiciary Committee has amended it. Personally, I would take nearly any kind of bill to get the additional judge, but I greatly prefer it just as it is, and I certainly would do everything I could in conference to get it just as it is.

Mr. GALLINGER. It has been suggested to me, very likely without authority, that if the bill passes in its present form it will come back to the Senate shorn of the amendment.

Mr. SMITH of Georgia. I hope not.

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

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

The first amendment of the Committee on the Judiciary was, on page 1, line 9, after the word "therein," to strike out "*Provided, however,* That the President shall make public all indorsements made in behalf of the person appointed as such district judge."

The amendment was agreed to.

The next amendment was, on page 2, to strike out all of section 2, as follows:

SEC. 2. That whenever a vacancy shall occur in the office of the district judge for the southern district of the State of Georgia senior in commission such vacancy shall not be filled, and thereafter there shall be but one district judge in said district.

The amendment was agreed to.

The next amendment was, on page 2, after line 5, to strike out section 3, as follows:

SEC. 3. That the senior circuit judge of the circuit in which the southern district of Georgia lies shall make all necessary orders for the division of business and the assignment of cases for trial in said district between the several district judges therein.

The amendment was agreed to.

Mr. BRANDEGEE. Has the bill been read?

The VICE PRESIDENT. It has not.

Mr. BRANDEGEE. I should like to hear what the bill contains.

The VICE PRESIDENT. The Secretary will read the bill.

The Secretary read as follows:

Be it enacted, etc., That the President of the United States shall appoint an additional district judge for the southern district of the State of Georgia, by and with the consent of the Senate, who shall reside in the said district and shall possess the same qualifications and have the same power and jurisdiction and receive the same salary now prescribed by law in respect of the present district judge therein.

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

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

The bill was read the third time and passed.

AMENDMENT OF THE RULES.

Mr. REED. Mr. President——

The VICE PRESIDENT. The Senator from Missouri.

Mr. REED. Is Senate resolution 542 now before the Senate?

The VICE PRESIDENT. No; the Chair is about to hand down another matter coming over from a previous day. We are not running on schedule time.

The Secretary read the following resolution (S. Res. 546), given by Mr. GORE on the 11th instant:

Amend Rule V by adding the following language:

"Whenever a quorum fails to vote on any question, and a quorum is not present and objection is made for that cause, unless the Senate shall adjourn, there shall be a call of the Senate, and the Sergeant at Arms shall forthwith proceed to bring in absent Members, and the yeas and nays on the pending question shall at the same time be considered as ordered. The Secretary shall call the roll, and each Member as he answers to his name may vote on the pending question; and after the roll call is completed each Member arrested shall be brought by the Sergeant at Arms before the Senate, whereupon he shall be noted as present, discharged from arrest, and given an opportunity to vote, and his vote shall be recorded. If those voting on the question and those who are present and decline to vote shall, together, make a majority of the Senate, the Presiding Officer shall declare that a quorum is constituted and the pending question shall be decided as the majority of those voting shall appear. And thereupon further proceedings under the call shall be considered as dispensed with. At any time after the roll call has been completed the Presiding Officer may entertain a motion to adjourn, if seconded by a majority of those present, to be ascertained by actual count by the Presiding Officer; and if the Senate adjourns, all proceedings under this section shall be vacated."

Mr. REED and Mr. SMOOT addressed the Chair.

The VICE PRESIDENT. The Senator from Missouri.

Mr. REED. The Senator from Oklahoma does not appear to be in the Chamber. This is a notice given by him, and it ought not to be disposed of in his absence.

Mr. SMOOT. I suggest to the Senator from Missouri that it ought to go to the Committee on Rules, ought it not?

Mr. REED. Let it go to the Committee on Rules, Mr. President.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and the notice will be referred to the Committee on Rules.

The Chair lays before the Senate a motion coming over from a previous day, which will be read.

The Secretary read the following motion, submitted by Mr. OWEN on the 11th instant:

UNITED STATES SENATE,
Washington, D. C., February 11, 1915.

Mr. PRESIDENT: I very respectfully move that the honorable Committee on Rules be discharged from further consideration of S. Res. 283, proposing an amendment to Rule XIX of the Standing Rules of the Senate and proposing cloture.

ROBERT L. OWEN.

Mr. SMOOT. I do not see the Senator from Oklahoma in the Chamber, but I suppose that motion should also go to the Committee on Rules. I suggest, therefore, that it be referred to that committee.

Mr. FLETCHER. I think it ought to lie over.

Mr. STONE. Why should it not lie over?

Mr. SMOOT. I am perfectly willing that it shall lie over.

The VICE PRESIDENT. Shall it go over without prejudice?

Mr. REED. Mr. President——

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. Does any Senator desire to object to this motion going over without prejudice?

Mr. NORRIS. Mr. President, I wanted to suggest that I think the RECORD will show that the Committee on Rules reported on Saturday the very resolution that this motion seeks to bring before the Senate.

Mr. LEA of Tennessee. That was another resolution, I will say to the Senator from Nebraska.

Mr. NORRIS. Very well.

The VICE PRESIDENT. The resolution will lie over without prejudice.

SHIPS OF BELLIGERENT NATIONS.

Mr. FLETCHER. I ask to have laid before the Senate resolution 542.

Mr. REED. Mr. President——

The VICE PRESIDENT. The Senator from Missouri.

Mr. REED. Did the Senator from Florida wish to——

Mr. FLETCHER. I wish to have the resolution laid before the Senate.

Mr. LODGE. Mr. President, we can not hear what is the request.

The VICE PRESIDENT. No; nor can the Chair.

Mr. REED. I wanted to know what the request of the Senator from Florida was, and I understand that he wants resolution 542 laid before the Senate. I am willing to yield for that purpose.

The VICE PRESIDENT. Is there any objection?

Mr. ROOT. What is the resolution?

The VICE PRESIDENT. It is a resolution coming over from a preceding day. Is there objection to it?

Mr. BURTON. Mr. President, it is evident that if there is to be any discussion upon this resolution the hour of 2 o'clock will be reached before it can be disposed of; so, unless Senators on the other side are ready to vote immediately on it, I ask that it may go over without prejudice.

Mr. FLETCHER. I would like to have it disposed of. I have no objection to it being agreed to. I desire to put into the RECORD a letter which I have just received from the Secretary of the Treasury on the subject, and for that reason I want to present it now. I have no objection to the resolution being agreed to, if it is desired to take that course.

Mr. BURTON. Certainly. I desire to have it agreed to as soon as possible.

Mr. FLETCHER. I desire to say that it is unnecessary to pass the resolution. The letter speaks for itself. I will read it:

OFFICE OF THE SECRETARY OF THE TREASURY,
Washington, February 15, 1915.

Hon. DUNCAN U. FLETCHER,
United States Senate.

MY DEAR SENATOR FLETCHER: Please let me thank you for your courtesy in calling to my attention Senate resolution No. 542, introduced by Senator BURTON on Saturday last, the 13th instant, calling upon the Secretary of the Treasury for certain information. An implication seems to underlie the resolution, which, I take it for granted, is not intended.

Inasmuch as I am more than glad to furnish the Senate all the information at my command in response to the inquiries suggested by the resolution, and as the information is now in preparation and will be sent to you as soon as completed, the passage of the resolution is unnecessary.

Faithfully, yours,

W. G. MCADOO.

With that statement from the Secretary of the Treasury, if the Senator desires to press the resolution, I have no objection to its adoption.

Mr. BURTON. I think it should pass. The Secretary of the Treasury is no doubt preparing now——

Mr. REED. Mr. President, with all due respect to my friend the Senator from Florida, I do not think this resolution ought to be adopted in its present form.

The VICE PRESIDENT. In order that we may proceed regularly the Chair takes this resolution out of its regular place and lays it before the Senate.

The SECRETARY. Senate resolution 542, by Mr. BURTON.

Mr. GALLINGER. Let it be read.

The VICE PRESIDENT. The Secretary will read the resolution.

Mr. BURTON. It has already been read, has it not?

The VICE PRESIDENT. Unfortunately, the Chair thinks that when a Senator asks for the reading of a resolution he is entitled to have it read.

The Secretary read Senate resolution 542, submitted by Mr. BURTON on the 13th instant, as follows:

Whereas the pending ship-purchase bill, being S. 6856, contemplates by certain of its provisions the purchase of shipping tonnage already constructed and therefore suggests the possible acquisition of ships belonging to belligerents, some of which are interned in American and other ports as the result of the war; and

Whereas the purchase of such vessels would raise questions of vital importance to the interests of the United States, a knowledge of which is of supreme importance in order that the Senate may reach an intelligent conclusion as to the advisability of enacting said bill and as to the propriety of incorporating in its provisions certain amendments: Therefore be it

Resolved, That the Secretary of the Treasury be requested, and is hereby directed, to transmit, at his earliest convenience, to the Senate of the United States information responsive to the following queries:

First. Has the Secretary of the Treasury knowledge that any officer of the Government has made overtures or addressed inquiries to the owners of ships under the flags of belligerent nations, including those ships now detained in ports of the United States or other neutral ports, with a view to the purchase of such ships on the part of the Government of the United States or any of its authorized agencies?

Second. Have tenders of sale of any merchant ship or ships carrying the flag of any of the belligerent nations been made to the United States or any of its officers or agencies?

Third. Have there been any tenders for the sale of vessels at present carrying the flag of any neutral nation to the United States or any responsible officer or agent thereof?

Fourth. Is it within the knowledge of the Secretary of the Treasury that any individual, firm, or corporation in the United States has made loans or advances to any individual, firm, or corporation owning ships which are detained in the ports of the United States or elsewhere to avoid the consequences of war; or that any person, firm, or corporation, acting either in private capacity or that of agent for the Government, holds an option on any such ship or ships, contemplating their transfer either to the Government of the United States, an agency thereof, or to private citizens of the United States?

Fifth. Is it within the knowledge of the Secretary of the Treasury that the Government of the United States or any official thereof has in his employ or under his direction any person or agent who is making inquiry as to the possibility of purchasing any ship or ships of any description whatsoever contemplating their eventual transfer to the United States or an agency thereof?

In each of the above instances the names of the persons, ships, and terms involved in each contemplated sale or purchase is requested.

Mr. REED. Mr. President, the resolution itself I have no objection to, but the preamble to the resolution is of such a character that the Senate ought not to be committed to it. The preamble, I think, is highly objectionable. It is no part of the resolution. I ask the Senator from Ohio if, in order to get his resolution through this morning, he is not willing to strike out the two whereases and let the resolution stand by itself?

LIMITATION OF DEBATE.

The VICE PRESIDENT. The morning hour having expired, the Chair lays before the Senate the unfinished business, the motion by the Senator from Missouri [Mr. REED] to amend Rule XXII of the standing rules of the Senate.

Mr. BURTON. I ask unanimous consent——

Mr. REED. I move that the motion made by the Senator from New Hampshire [Mr. GALLINGER], to refer the pending resolution to a committee, together with all amendments to the resolution or to the motion of the Senator from New Hampshire, be laid upon the table.

Mr. BRANDEGEE. Mr. President, a parliamentary inquiry.

Mr. WILLIAMS. A parliamentary inquiry, Mr. President.

The VICE PRESIDENT. The Senator from Connecticut.

Mr. BRANDEGEE. Is Senate resolution 542 before the Senate at the present time?

The VICE PRESIDENT. No; the unfinished business is the motion by the Senator from Missouri [Mr. REED] to amend Rule XXII of the standing rules of the Senate. That is the unfinished business, and it is before the Senate. The motion of the Senator from Missouri is addressed to that, the Chair understands.

Mr. BRANDGEE. That is what the motion of the Senator from New Hampshire refers to?

The VICE PRESIDENT. The Chair thinks the Chair is in possession of the proposition to which the Senator from Missouri addressed his motion, namely, that the proposed amendment to Rule XXII, it was moved by the Senator from New Hampshire, be sent to the Committee on Rules, and a motion to lay that motion on the table——

Mr. GALLINGER. Did not prevail.

The VICE PRESIDENT. Did not prevail. Then the Senator from Missouri amended his resolution attaching instructions to the resolution he moved to amend, and the motion to lay that on the table failed. Then the Senator from Nebraska [Mr. NORRIS] introduced an amendment. Now, as the Chair understands, the Senator from Missouri moves to lay the motion of the Senator from New Hampshire with all subsequent amendments on the table.

Mr. REED. I ask for the yeas and nays on that motion.

Mr. GALLINGER. Mr. President, I do not recall that I have made a motion to lay the resolution on the table as amended by the Senator from Nebraska.

Mr. BURTON. It has not been amended.

Mr. GALLINGER. It has not been amended as yet, I understand.

Mr. REED. Mr. President, I call for the regular order.

Mr. GALLINGER. This is the regular order.

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

The VICE PRESIDENT. The Secretary will call the roll.

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

Ashurst	Goff	Martine, N. J.	Shively
Brandegee	Gronna	Myers	Simmons
Bristow	Hardwick	Nelson	Smith, Ariz.
Bryan	Hitchcock	Newlands	Smith, Ga.
Burton	Hollis	Norris	Smith, Md.
Camden	Hughes	O'Gorman	Smoot
Catron	James	Overman	Stephenson
Chilton	Johnson	Owen	Sterling
Clapp	Jones	Page	Stone
Clark, Wyo.	Kenyon	Perkins	Sutherland
Clarke, Ark.	Kern	Pittman	Swanson
Colt	La Follette	Pomerene	Thomas
Crawford	Lane	Ransdell	Thompson
Culberson	Lea, Tenn.	Reed	Tillman
Cummins	Lee, Md.	Robinson	Vardaman
Dillingham	Lewis	Root	Walsh
du Pont	Lippitt	Saulsbury	Warren
Fall	Lodge	Shafroth	Weeks
Fletcher	McLean	Sheppard	White
Gallinger	Martin, Va.	Shields	Williams

Mr. RANSDELL. The senior Senator from Louisiana [Mr. THORNTON] is absent on account of illness. He is paired with the Senator from Washington [Mr. JONES]. I ask that this announcement may stand for the day.

Mr. VARDAMAN. I wish to announce the unavoidable absence of the senior Senator from Oregon [Mr. CHAMBERLAIN] on account of illness.

The VICE PRESIDENT. Eighty Senators have answered to their names. A quorum is present.

Mr. LODGE. Mr. President——

The VICE PRESIDENT. The Senator from Massachusetts.

Mr. LODGE. I rise to a question of order. A motion was made to lay the motion of the Senator from New Hampshire to refer on the table and that motion was defeated. The rule is a very familiar one about the renewal of motions to lay on the table. I quote it because it is well stated in Reed's Parliamentary Rules:

> If the motion to lay on the table be decided in the negative, the original question proceeds as if the motion had not been made, and the motion may be renewed when there has been such progress as to make the motion substantially a new one.

There has been no progress made whatever. Moving amendments does not constitute progress. The original motion has been in nowise changed. If an amendment had been adopted, then a motion to lay on the table would undoubtedly be in order, but there has been no change in the motion. It is a repetition to lay on the table the original motion.

The VICE PRESIDENT. The Chair supposes that this is a question that might as well be settled now as at any other time, and the Senate must settle it finally. The Chair thinks that sufficient time has elapsed and sufficient progress has been made in the consideration of this question to entitle the Senator from Missouri to again move to lay on the table the original motion and the amendments thereto.

Mr. LODGE. Mr. President, from that ruling I respectfully appeal.

The VICE PRESIDENT. The Senator from Massachusetts appeals from the ruling of the Chair.

Mr. LEA of Tennessee. I move to lay the appeal on the table.

The VICE PRESIDENT. The Senator from Tennessee moves that the appeal be laid on the table.

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

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

Mr. JONES (when his name was called). I desire to announce that for the day I am paired with the Senator from Louisiana [Mr. THORNTON], and therefore I withhold my vote.

Mr. CLARKE of Arkansas (when the name of Mr. SMITH of South Carolina was called). The Senator from South Carolina [Mr. SMITH] is absent on account of illness in his family. He is paired with the senior Senator from Kansas [Mr. BRISTOW], which pair will expire this evening.

The roll call was concluded.

Mr. OLIVER. I am paired with the senior Senator from Oregon [Mr. CHAMBERLAIN], and therefore withhold my vote. If at liberty to vote, I would vote "nay."

Mr. BRISTOW (after having voted in the negative). I desire to state that for the day I am paired with the junior Senator from South Carolina [Mr. SMITH]. As he is not present, I withdraw my vote.

The result was announced—yeas 44, nays 46, as follows:

YEAS—44.

Ashurst	La Follette	Pittman	Smith, Ariz.
Bryan	Lane	Pomerene	Smith, Ga.
Chilton	Lea, Tenn.	Ransdell	Smith, Md.
Culberson	Lee, Md.	Reed	Stone
Fletcher	Lewis	Robinson	Swanson
Gore	Martin, Va.	Saulsbury	Thomas
Hollis	Martine, N. J.	Shafroth	Thompson
Hughes	Myers	Sheppard	Tillman
James	Newlands	Shields	Walsh
Johnson	Overman	Shively	White
Kern	Owen	Simmons	Williams

NAYS—46.

Bankhead	Crawford	Lodge	Smith, Mich.
Borah	Cummins	McCumber	Smoot
Brady	Dillingham	McLean	Stephenson
Brandegee	du Pont	Nelson	Sterling
Burleigh	Fall	Norris	Sutherland
Burton	Gallinger	O'Gorman	Townsend
Camden	Goff	Page	Vardaman
Catron	Gronna	Penrose	Warren
Clapp	Hardwick	Perkins	Weeks
Clark, Wyo.	Hitchcock	Poindexter	Works
Clarke, Ark.	Kenyon	Root	
Colt	Lippitt	Sherman	

NOT VOTING—6.

Bristow	Jones	Smith, S. C.	Thornton
Chamberlain	Oliver		

So the Senate refused to lay Mr. LODGE's appeal on the table.

The VICE PRESIDENT. The question is now, Shall the ruling of the Chair stand as the decision of the Senate.

Mr. LODGE. Mr. President——

The VICE PRESIDENT. The Senator from Massachusetts.

Mr. LODGE. I ventured very briefly to call attention to the parliamentary practice in regard to motions to lay on the table.

Mr. REED. Mr. President——

Mr. BRANDEGEE. I ask for order.

Mr. REED. I make the point of order that the motion to lay on the table is not debatable.

Mr. LODGE. I am not debating a motion to lay on the table. I am debating the appeal.

Mr. REED. I make the point of order that the appeal is not debatable.

Mr. LODGE. We just voted down the motion to lay the appeal on the table, and that makes it debatable.

The VICE PRESIDENT. The Chair thinks it must be debatable when the motion to lay the appeal on the table was voted down.

Mr. LODGE. The question of order was whether the motion to lay on the table could be renewed, the vote having once been had on the motion to refer and it having been rejected. My point of order was that it could not be renewed until the subject had been changed and made substantially new matter. Nothing has changed the character of the motion to refer. There has been debate, there has been an amendment offered, but if you can change the character of what it is proposed to lay upon the table by the mere moving of amendments you can renew the motion to lay on the table every few minutes. If the moving of an amendment constitutes substantial progress and changes the character of the original subject you can repeat the motion to lay on the table indefinitely. If an amendment had been adopted, then it would have been in order, of course; but as for making a motion to carry these amendments with it, it does not alter it. If the motion to refer it laid on the table, of course, the amendment can not stand in the empty air attached to nothing.

But my point is that offering an amendment and debate do not change the character of the original subject. The Senate refused to lay on the table. Therefore I made the point of order that this renewal of a motion to lay on the table as applied to the motion of the Senator from New Hampshire to refer was not in order. It was moved to lay the appeal on the table. The Senate has refused to lay the appeal on the table. I do not care to discuss it further. I think the parliamentary point is distinctly clear.

The VICE PRESIDENT. The question is, Shall the ruling of the Chair stand as the decision of the Senate?

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

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

Mr. BRISTOW (when his name was called). Making the announcement that I made formerly, that I am paired for the day with the junior Senator from South Carolina [Mr. SMITH], I withhold my vote. If I were permitted to vote, I would vote "nay."

Mr. JONES (when his name was called). I again announce my pair for the day with the Senator from Louisiana [Mr. THORNTON]. I wish this announcement to stand for the remainder of the day. If permitted to vote on this question, I should vote "nay."

Mr. OLIVER (when his name was called). I again announce my pair with the senior Senator from Oregon [Mr. CHAMBERLAIN]. I will allow the announcement to stand for the day. I withhold my vote.

The roll call having been concluded; the result was announced—yeas 45, nays 45, as follows:

YEAS—45.

Ashurst	La Follette	Pomerene	Smith, Md.
Bryan	Lane	Ransdell	Stone
Chilton	Lea, Tenn.	Reed	Swanson
Culberson	Lee, Md.	Robinson	Thomas
Fletcher	Lewis	Saulsbury	Thompson
Gore	Martin, Va.	Shafroth	Tillman
Hollis	Martine, N. J.	Sheppard	Walsh
Hughes	Myers	Shields	White
James	Newlands	Shively	Williams
Johnson	Overman	Simmons	
Kenyon	Owen	Smith, Ariz.	
Kern	Pittman	Smith, Ga.	

NAYS—45.

Bankhead	Crawford	McCumber	Smoot
Borah	Cummins	McLean	Stephenson
Brady	Dillingham	Nelson	Sterling
Brandegee	du Pont	Norris	Sutherland
Burleigh	Fall	O'Gorman	Townsend
Burton	Gallinger	Page	Vardaman
Camden	Goff	Penrose	Warren
Catron	Gronna	Perkins	Weeks
Clapp	Hardwick	Poindexter	Works
Clark, Wyo.	Hitchcock	Root	
Clarke, Ark.	Lippitt	Sherman	
Colt	Lodge	Smith, Mich.	

NOT VOTING—6.

Bristow	Jones	Smith, S. C.	Thornton
Chamberlain	Oliver		

The VICE PRESIDENT. The ruling of the Chair is sustained by a very slight majority. The question now recurs on the motion of the Senator from Missouri [Mr. REED] to lay on the table.

Mr. REED. Have the yeas and nays been ordered on that motion, Mr. President?

The VICE PRESIDENT. They have not been ordered.

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

Mr. LODGE. Do I understand the Chair to say that he voted?

The VICE PRESIDENT. Oh, no.

Mr. LODGE. Then the motion to sustain the Chair is lost.

The VICE PRESIDENT. No.

Mr. LODGE. On a tie vote the contention of the proponent is always lost, of course. It has not received a majority.

The VICE PRESIDENT. The appeal from the decision of the Chair must have a majority.

Mr. LODGE. That is not the question, if the Chair will pardon me. The question is, "Shall the ruling of the Chair stand as the judgment of the Senate?"

The VICE PRESIDENT. Well, the Chair will vote "yea," then, and the judgment of the Chair is sustained. The question recurs——

Mr. NORRIS. A parliamentary inquiry, Mr. President.

The VICE PRESIDENT. The Senator from Nebraska will state it.

Mr. NORRIS. If this motion prevails, the proposition of the Senator from Missouri [Mr. REED] then being before the Senate, will the amendment which I have offered as a substitute to his original proposition be in order? In other words, will the laying on the table of these three motions preclude me from again offering the amendment which I have offered and which is pending?

The VICE PRESIDENT. The Chair has not been so readily sustained by the Senate lately as to take any chances on making a ruling until the question arises. The Chair does not at the present time know whether the Senator's amendment would be or would not be in order.

Mr. NORRIS. I do not feel like taking any chances on it being in order for me to again offer my amendment.

Mr. ROOT. Mr. President——

The VICE PRESIDENT. The Senator from New York.

Mr. ROOT. Mr. President, there is a good deal of uncertainty among Senators as to the precise question which is pending before the Senate, and I myself would be very glad, in answer to a parliamentary inquiry, if I might be informed as to the pending question.

The VICE PRESIDENT. As the Chair understands, the pending question is on the motion of the Senator from Missouri [Mr. REED] to lay on the table the motion of the Senator from New Hampshire [Mr. GALLINGER] to refer the proposition of the Senator from Missouri to the Committee on Rules, together with the motion of the Senator from Missouri to refer with instructions, together with the amendment of the Senator from Nebraska [Mr. NORRIS].

Mr. STONE. Mr. President, I beg to say that it would seem perfectly clear that if the motion to lay on the table the motion of the Senator from New Hampshire to refer should be agreed to, the motion of the Senator from Nebraska, which is merely an amendment to the original motion made by the Senator from New Hampshire, would be in order as a separate and substantive proposition.

Mr. NORRIS. Mr. President, will the Senator from Missouri yield to me?

Mr. STONE. I meant to say it would be in order for the Senator from Nebraska to offer his proposition.

Mr. NORRIS. I have no doubt about that; I have never had any doubt about it in my own mind; but there have been some queer parliamentary decisions made here already to-day, and I do not want to take any chances on it.

Mr. LODGE. The Senator from Nebraska is right; there can be no doubt but that his amendment would be in order.

Mr. STONE. The Senator from Nebraska would not be taking any chances.

Mr. NORRIS. I do not think I would be taking any chances.

Mr. REED. I call for the yeas and nays on the motion to lay on the table.

The yeas and nays were ordered and taken.

Mr. BRISTOW. I desire to make the same statement in regard to my pair on this vote as I have on previous votes to-day.

The result was announced—yeas 45, nays 45, as follows:

YEAS—45.

Ashurst	Lane	Pomerene	Smith, Md.
Bryan	Lea, Tenn.	Ransdell	Stone
Chilton	Lee, Md.	Reed	Swanson
Culberson	Lewis	Robinson	Thomas
Fletcher	Martin, Va.	Saulsbury	Thompson
Gore	Martine, N. J.	Shafroth	Tillman
Hollis	Myers	Sheppard	Walsh
Hughes	Newlands	Shields	White
James	Norris	Shively	Williams
Johnson	Overman	Simmons	
Kern	Owen	Smith, Ariz.	
La Follette	Pittman	Smith, Ga.	

NAYS—45.

Bankhead	Crawford	Lodge	Smoot
Borah	Cummins	McCumber	Stephenson
Brady	Dillingham	McLean	Sterling
Brandegee	du Pont	Nelson	Sutherland
Burleigh	Fall	O'Gorman	Townsend
Burton	Gallinger	Page	Vardaman
Camden	Goff	Penrose	Warren
Catron	Gronna	Perkins	Weeks
Clapp	Hardwick	Poindexter	Works
Clark, Wyo.	Hitchcock	Root	
Clarke, Ark.	Kenyon	Sherman	
Colt	Lippitt	Smith, Mich.	

NOT VOTING—6.

Bristow	Jones	Smith, S. C.	Thornton
Chamberlain	Oliver		

The VICE PRESIDENT. On the motion of the Senator from Missouri [Mr. REED] to lay the motion of the Senator from New Hampshire [Mr. GALLINGER] and all amendments thereto on the table the yeas are 45 and the nays are 45. The Vice President votes "yea," and the motion of the Senator from New Hampshire and all amendments thereto are laid on the table.

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. The Senator from Nebraska.

Mr. NORRIS. As a substitute for the pending resolution of the Senator from Missouri [Mr. REED] I offer what I send to the desk.

The VICE PRESIDENT. The Secretary will read the substitute proposed by the Senator from Nebraska.

The Secretary read as follows:

Rule XLI. It shall be in order during the morning hour to make a motion that any bill or resolution then on the calendar shall be considered under the terms of this rule. Such motion when made shall lie over one day and shall then be decided without debate. When it has been decided to consider a bill or resolution under this rule the same shall first be considered in general debate, during which time no Senator, except by unanimous consent, shall be allowed to speak more than three hours. At the close of general debate the bill or resolution shall be read for amendments, and on any amendment that may be offered no Senator, except by unanimous consent, shall speak for more than 15 minutes: *Provided*, That any Senator who has not spoken for 3 hours in general debate shall, in addition to said 15 minutes, be allowed additional time, but in no case shall such additional time or times, including the time used by such Senator in general debate, exceed in the aggregate 3 hours. When the bill is being read for amendment all debate shall be confined to the amendment which is then pending.

Mr. LODGE. Mr. President——

The VICE PRESIDENT. The Senator from Massachusetts.

Mr. LODGE. Mr. President, I desire to discuss briefly the amendment just offered by the Senator from Nebraska [Mr. NORRIS] to the special order for the suspension of the rules proposed by the Senator from Missouri [Mr. REED]. In that connection I wish to call the attention of the Senate for a moment to the history of the rules.

Mr. President, almost the only information we have in regard to the proceedings of the Senate of the United States in the First Congress is contained in the Journal of William Maclay. Mr. Maclay was a Senator from Pennsylvania, and, as I have said, he wrote this journal during his service in the Senate, which was during the First Congress of the United States. Mr. Maclay was a man of strong prejudices and many dislikes, but he was diligent in his business in the Senate and followed everything very closely, making comments on his associates as he went along, such as the one that catches my eye at this moment by mere accident:

December 29.—This day a blank in the Senate with respect to any business of importance. Mr. Morris told me I was blamed for not going among the Members and speaking to them, etc. What a set of vipers I have to deal with.

That is a mere casual remark; but it is a very amusing diary, is quite instructive, and has a good deal of history in it. On the cover of his journal he wrote down the rules of procedure for the United States Senate in the First Congress. I have been much puzzled as to where those rules came from. They are obviously official, because the sixteenth rule requires that they "shall be engrossed on parchment and hung up in some conspicuous part of the Senate Chamber." They do not differ much in effect from the rules adopted by the Senate, but they are a different text. As a matter of curiosity merely——

Mr. OVERMAN. Mr. President, some of us over here would like to know from what the Senator is reading?

The PRESIDING OFFICER (Mr. POMERENE in the chair). The Chair will admonish Senators to be in order.

Mr. OVERMAN. Am I not in order, Mr. President?

Mr. LODGE. The Senator is entirely in order, but he did not hear me. I mentioned the name repeatedly, but there was so much confusion that naturally he could not hear what I said.

Mr. OVERMAN. Several Senators on this side did not hear the name.

Mr. LODGE. This is the Journal of William Maclay, Senator from Pennsylvania in the First Congress of the United States, and it is an interesting book. The debates were not reported, the Journal is a dry and sterile record, and this diary is a valuable and amusing account of what the Senate did from April, 1789, to March 4, 1791. I ask that the rules as written on the cover of this diary may be printed at this point in my remarks. They are very brief.

SEVERAL SENATORS. Read them.

Mr. LODGE. Very well, I will ask to have them read.

The PRESIDING OFFICER. Was the Senator's request that the matter be read?

Mr. LODGE. Several Senators around me have asked that the rules be read, and if there is no objection I will ask the Secretary to read them.

The PRESIDING OFFICER. Without objection, the Secretary will read.

The Secretary read as follows:

[From the cover of William Maclay's Journal.]

THE RULES OF PROCEEDINGS FOR THE FIRST UNITED STATES SENATE.

Each House may determine the rules of its proceedings, punish its Members for disorderly behavior, and, with the concurrence of two-thirds, expel a Member (second clause, fifth section, first article on the Constitution of the United States).

Rule I. The President (of the Senate) should be in the chair within half an hour of the time to which the Senate stands adjourned, and the Senators shall immediately take their seats in a circular order, those from New Hampshire occupying the right of the Chair and those from Georgia the left.

Rule II. The minutes of the preceding day shall be read before any other business is entered upon; inaccuracies or inelegancies may be corrected or amended, but no reconsideration as to matter of substance shall take place on such reading.

Rule III. Every Senator presenting a petition, memorial, or other writing shall briefly state the import of the same, and every such paper after being read shall be deemed to lie on the table, unless the same is dismissed upon special motion for impropriety or want of decency.

Rule IV. Every motion made and seconded shall be repeated from the Chair and then be open to discussion. The motion, if verbal, shall be put in writing at the request of the President (of the Senate) or any two Senators.

Rule V. Adoption, rejection, amendment, commitment, or postponement shall be considered as proper modes of treating business; and in all cases (treaties, returned bills, etc., and the expulsion of a Member, excepted) a majority of votes shall govern.

Rule VI. Every Senator when speaking shall address himself to the Chair. No Senator shall be named in debate, but may be referred to by mentioning the State he represents or by alluding to his place in the House.

Rule VII. In case of a debate becoming tedious, four Senators may call for the question; or the same number may at any time move for the previous question, viz, "Shall the main question now be put?"

Rule VIII. Priority of speaking and all questions of order shall be decided by the President (of the Senate); but either party may appeal to a vote of the House.

Rule IX. The name of the Senator making and of the one who seconds a motion shall be entered on the Journal of the House.

Rule X. No Senator shall speak more than twice on the same subject without leave obtained from the Chair.

Rule XI. Inviolable secrecy shall be observed with respect to all matters transacted in the Senate while the doors are shut, or as often as the same is enjoined from the Chair.

Rule XII. Every member of a committee shall attend the same at the time appointed by the chairman, who shall be the Senator of the most northerly State of those from whom the committee are taken.

Rule XIII. When a commitment is agreed upon, the President (of the Senate) shall take the sense of the Senate as to the manner of appointing the committee, whether by motion from the Senators, nomination from the Chair, or by ballot, which shall take place accordingly.

Rule XIV. The files of the House shall remain open for the inspection of all the Senators, etc., but no original paper shall be removed from the House without leave obtained for that purpose by the Senate.

Rule XV. The yeas and nays on any question shall be entered on the Journals at the desire of one-fifth of the Senators present.

Rule XVI. These rules shall be engrossed on parchment and hung up in some conspicuous part of the Senate Chamber. And every Senator who shall neglect attendance during a session, absent himself without leave or withdraw for more than a quarter of an hour without permission after a quorum is formed, shall be guilty of disorderly behavior, and his name, together with the nature of the transgression, shall be written on a slip of paper and annexed to the bottom of the rules; there to remain until the Senate, on his application or otherwise, shall take order on the same.

Mr. LODGE. Mr. President, we can find in those rules, I think, the origin at least of some of the customs of the Senate. Wherever these rules came from, however they were superseded on April 16, 1789, by the adoption by the Senate of 19 rules. These, too, are very brief, and I shall not ask to have them read, but merely request that they be printed at this point in my remarks. I will read only one, as follows:

Rule VIII. While a question is before the Senate no motion shall be received unless for an amendment, for the previous question, or for postponing the main question, or to commit it, or to adjourn.

I ask that all these rules may now be printed as I have indicated. There is a whole set of them, but they are very brief.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

Resolved, That the following rules, from No. I to XIX, inclusive, be observed:

I. The President having taken the chair, and a quorum being present, the Journal of the preceding day shall be read, to the end that any mistake may be corrected that shall have been made in the entries.

II. No Member shall speak to another, or otherwise interrupt the business of the Senate, or read any printed paper while the Journals or public papers are reading, or when any Member is speaking in debate.

III. Every Member, when he speaks, shall address the Chair, standing in his place, and when he has finished shall sit down.

IV. No Member shall speak more than twice in any one debate on the same day without leave of the Senate.

V. When two Members rise at the same time, the President shall name the person to speak; but in all cases the Member first rising shall speak first.

VI. No motion shall be debated until the same shall be seconded.

VII. When a motion shall be made and seconded it shall be reduced to writing, if desired by the President or any Member, delivered in at the table, and read by the President before the same shall be debated.

VIII. While a question is before the Senate no motion shall be received unless for an amendment for the previous question or for postponing the main question or to commit it or to adjourn.

IX. The previous question being moved and seconded, the question from the Chair shall be: "Shall the main question be now put?" And if the nays prevail, the main question shall not then be put.

X. If a question in debate contains several points, any Member may have the same divided.

XI. When the yeas and nays shall be called for by one-fifth of the Members present, each Member called upon shall, unless for special reasons he be excused by the Senate, declare openly and without debate his assent or dissent to the question. In taking the yeas and nays, and upon the call of the House, the names of the Members shall be taken alphabetically.

XII. One day's notice, at least, shall be given of an intended motion for leave to bring in a bill.

XIII. Every bill shall receive three readings previous to its being passed; and the President shall give notice at each, whether it be the first, second, or third, which readings shall be on three different days, unless the Senate unanimously direct otherwise.

XIV. No bill shall be committed or amended until it shall have been twice read, after which it may be referred to a committee.

XV. All committees shall be appointed by ballot, and a plurality of votes shall make a choice.

XVI. When a Member shall be called to order he shall sit down until the President shall have determined whether he is in order or not; and every question of order shall be decided by the President without debate; but if there be a doubt in his mind he may call for the sense of the Senate.

XVII. If a Member be called to order for words spoken, the exceptionable words shall be immediately taken down in writing that the President may be better enabled to judge of the matter.

XVIII. When a blank is to be filled and different sums shall be proposed the question shall be taken on the highest sum first.

XIX. No Member shall absent himself from the service of the Senate without leave of the Senate first obtained. (Journal of the Senate, 1789, pp. 14, 15.)

Mr. LODGE. Mr. President, under those rules the Senate carried on its business until January, 1806. On Thursday, January 9, of that year:

On motion that it be—

Resolved, That a committee be appointed to take into consideration the twenty-third, twenty-seventh, thirty-fifth, and forty-first articles of the rules for conducting business in the Senate of the United States, and report to the Senate such alterations and amendments, if any, as they shall judge proper;

It was agreed that this motion lie for consideration.

* * * * * * *

Friday, January 10.

The Senate took into consideration the motion made yesterday for revising the rules for doing business in the Senate; and having amended the same,

Resolved, That a committee be appointed to take into consideration the rules for conducting the business of the Senate of the United States, and report to the Senate such alterations and amendments, if any, as they shall judge proper; and

Ordered, That Messrs. Anderson, Tracy, Baldwin, Bradley, and Adams be the committee.

The Mr. Adams referred to was John Quincy Adams.

On March 13, page 183 of the Annals of Congress—

Mr. Anderson, from the committee to whom was referred, on the 10th of January last, the motion for a revision of the rules for conducting business in the Senate, made report; which was read, and ordered to lie for consideration.

On March 18—

The amendments reported by the committee to the rules for conducting business in the Senate were considered as in Committee of the Whole; and, having been further amended, were adopted and reported to the House.

Ordered, That they pass to a third reading.

On March 21—

The amendments reported to the rules for conducting business in the Senate were read the third time and further amendment proposed.

At that period amendments apparently were permitted after the third reading, which is not the case to-day. It was then—

Ordered, That the further consideration thereof be postponed.

On March 26—

The Senate resumed the amendments reported to the rules for conducting business of the Senate; and having agreed to further amendments, the rules were adopted as follows:

Mr. TOWNSEND. In what year was that?

Mr. LODGE. In 1806. These rules I shall also ask to have printed in my remarks, without reading.

The PRESIDING OFFICER. Without objection, it is so ordered.

The rules referred to are as follows:

I. The President having taken the chair and a quorum being present, the Journal of the preceding day shall be read, to the end that any mistake may be corrected that shall have been made in the entries.

II. No Member shall speak to another or otherwise interrupt the business of the Senate, or read any newspaper, while the Journals or public papers are reading or when any Member is speaking in any debate.

III. Every Member when he speaks shall address the Chair, standing in his place, and when he has finished shall sit down.

IV. No Member shall speak more than twice in any one debate on the same day without leave of the Senate.

V. When two Members rise at the same time, the President shall name the person to speak, but in all cases the Member first rising shall speak first.

VI. No motion shall be debated until the same shall be seconded.

VII. When a motion shall be made and seconded it shall be reduced to writing, if desired by the President or any Member, delivered in at the table, and read by the President before the same shall be debated.

VIII. While a question is before the Senate no motion shall be received, unless for an amendment, for postponing the question or to commit it or to adjourn, and the motion for adjournment shall always be in order and decided without debate.

IX. If the question in debate contain several points, any Member may have the same divided.

X. When the yeas and nays shall be called for by one-fifth of the Members present each Member called upon shall, unless for special reason he be excused by the Senate, declare openly, and without debate, his assent or dissent to the question. In taking the yeas and nays and upon the call of the House the names of the Members shall be taken alphabetically.

XI. One day's notice at least shall be given of an intended motion for leave to bring in a bill.

XII. Every bill shall receive three readings previous to its being passed; and the President shall give notice to each, whether it be the first, second, or third, which readings shall be on three different days, unless the Senate unanimously direct otherwise. And all resolutions to which a concurrence of the House of Representatives is requisite or which may grant money out of the contingent or any other fund shall be treated, in all respects, in the introduction and form of proceedings on them in the Senate, in a similar manner with bills.

XIII. No bill shall be committed until it shall have been twice read, after which it may be referred to a committee.

XIV. All committees shall be appointed by ballot, and a plurality of votes shall make a choice. But when any subject or matter shall have been referred to a select committee any other subject or matter of a similar nature may, on motion, be referred to such committee.

XV. When a Member shall be called to order he shall sit down until the President shall have determined whether he is in order or not, and every question of order shall be decided by the President without debate; but if there be a doubt in his mind he may call for the sense of the Senate.

XVI. If a Member be called to order for words spoken, the exceptionable words shall immediately be taken down in writing, that the President may be better enabled to judge of the matter.

XVII. When a blank is to be filled, and different sums shall be proposed, the question shall be taken on the highest sum first.

XVIII. No Member shall absent himself from the service of the Senate without leave of the Senate first obtained. And in case a less number than a quorum of the Senate shall convene, they are hereby authorized to send the Sergeant at Arms, or any other person or persons by them authorized, for any or all absent Members, as the majority of such Members present shall agree, at the expense of such absent Members, respectively, unless such excuse for nonattendance shall be made, as the Senate, when a quorum is convened, shall judge sufficient; and in that case the expense shall be paid out of the contingent fund. And this rule shall apply as well to the first convention of Senate, at the legal time of meeting, as to each day of the session after the hour has arrived to which the Senate stood adjourned.

XIX. All bills on a second reading shall first be considered by the Senate in the same manner as if the Senate were in a Committee of the Whole before they shall be taken up and proceeded on by the Senate, agreeably to the standing rules, unless otherwise ordered. And in the absence of the Vice President, when the Senate consider a treaty, bill, or resolution, as if they were in Committee of the Whole, the President pro tempore may call a Member to fill the chair during the time the Senate shall remain in Committee of the Whole; which chairman is hereby vested, during said time, with all the powers of the President pro tempore, were he to remain in the chair.

XX. Before any petition or memorial addressed to the Senate shall be received and read at the table, whether the same shall be introduced by the President or a Member, a brief statement of the contents of the petition or memorial shall verbally be made by the introductor.

XXI. When a question has been once made and carried in the affirmative or negative it shall be in order for any Member of the majority to move for the reconsideration thereof; but no motion for the reconsideration of any vote shall be in order after a bill, resolution, message, report, amendment, or motion upon which the vote was taken shall have gone out of possession of the Senate, nor after the usual message shall have been sent from the Senate announcing their decision; nor shall any motion for reconsideration be in order unless made on the same day in which the vote was taken, or within the three next days of actual session of the Senate thereafter.

XXII. At the commencement of each session a committee, consisting of three Members, shall be appointed, whose duty it shall be to examine all bills, amendments, resolutions, or motions before they go out of possession of the Senate, and to make report that they are correctly engrossed, which report shall be entered on the Journal.

XXIII. Every vote of the Senate shall be entered on the Journals, and a brief statement of the contents of each petition, memorial, or paper presented to the Senate be also inserted on the Journals.

XXIV. The proceedings of the Senate when they shall act in their executive capacity shall be kept in separate and distinct books.

XXV. The proceedings of the Senate when not acting as in a Committee of the Whole shall be entered on the Journals as concisely as possible, care being taken to detail a true and accurate account of the proceedings.

XXVI. The titles of bills, and such parts thereof only as shall be affected by proposed amendments, shall be inserted on the Journals.

XXVII. On a motion made and seconded to shut the doors of the Senate on the discussion of any business which may, in the opinion of a Member, require secrecy, the President shall direct the gallery to be cleared, and during the discussion of such motion the doors shall remain shut.

XXVIII. No motion shall be deemed in order to admit any person or persons whatsoever within the doors of the Senate Chamber to present any petition, memorial, or address, or to hear any such read.

XXIX. Messages shall be sent to the House of Representatives by the Secretary, who shall previously indorse the final determination of the Senate thereon.

XXX. Messages sent from the House of Representatives by their Clerk shall be received at the bar by the Secretary, and by him be delivered to the President of the Senate.

XXXI. When the Senate are equally divided, the Secretary shall take the decision of the President.

XXXII. Extracts from the executive records are not to be furnished but by special order.

XXXIII. All bills, after the first reading, shall be printed for the use of the Senate.

XXXIV. When nominations shall be made in writing by the President of the United States to the Senate, a future day shall be assigned, unless the Senate unanimously direct otherwise, for taking them into consideration. When the President of the United States shall meet the Senate in the Senate Chamber, the President of the Senate shall have a chair on the floor, be considered as the head of the Senate, and his chair shall be assigned to the President of the United States. When the Senate shall be convened by the President of the United States to any other place, the President of the Senate and Senators shall attend at the place appointed. The Secretary of the Senate shall also attend to take the minutes of the Senate.

XXXV. All questions shall be put by the President of the Senate, either in the presence or absence of the President of the United States; and the Senators shall signify their assent or dissent by answering, viva voce, "aye" or "no."

XXXVI. All confidential communications made by the President of the United States to the Senate shall be, by the Members thereof, kept inviolably secret; and all treaties which may hereafter be laid before the Senate shall also be kept secret until the Senate shall, by their resolution, take off the injunction of secrecy.

XXXVII. Whenever a treaty shall be laid before the Senate for ratification, it shall be read a first time for information only; when no motion to reject, ratify, or modify the whole or any part shall be received. Its second reading shall be for consideration, and on a subsequent day; when it shall be taken up as in a Committee of the Whole, and everyone shall be free to move a question on any particular article in this form, "Will the Senate advise and consent to the ratification of this article?" or to propose amendments thereto, either by inserting or leaving out words, in which last case the question shall be, "Shall these words stand as part of the article?" And in every of the said cases the concurrence of two-thirds of the Senators present shall be requisite to decide affirmatively. And when, through the whole, the proceedings shall be stated to the House, and questions be again severally put thereon for confirmation, or new ones proposed, requiring in like manner a concurrence of two-thirds for whatever is retained, the votes so confirmed shall, by the House, or a committee thereof, be reduced into the form of a ratification, with or without modifications, as may have been decided and shall be proposed on a subsequent day; when everyone shall again be free to move amendments, either by inserting or leaving

out words, in which last case the question shall be, "Shall the words stand as part of the resolution?" And in both cases the concurrence of two-thirds shall be requisite to carry the affirmative, as well as on the final question to advise and consent to the ratification in the form agreed to.

XXXVIII. When any question may have been decided by the Senate, in which two-thirds of the Members present are necessary to carry the affirmative, any Member who votes on that side which prevailed in the question may be at liberty to move for a reconsideration; and a motion for reconsideration shall be decided by a majority of votes.

XXXIX. Messengers are introduced in any state of business except while a question is putting, while the yeas and nays are calling, or while the ballots are calling.

XL. When an amendment to be proposed to the Constitution is under consideration the concurrence of two-thirds of the Members present shall not be requisite to decide any question for amendments, or extending to the merits, being short of the final question.

Mr. LODGE. I call attention to Rule VIII, which covers the point we are now considering:

VIII. While a question is before the Senate no motion shall be received unless for an amendment, for postponing the question, or to commit it, or to adjourn; and the motion for adjournment shall always be in order and decided without debate.

It will be observed that the motion for the previous question disappears. It is not the mere leaving of a blank——

Mr. BRANDEGEE. It not only disappears, but it is prohibited.

Mr. LODGE. I was going to say that it does not merely disappear, but it is prohibited by its omission, because only those motions can be put which are enumerated; and they are enumerated here in Rule VIII and to-day in our Rule XXII.

Mr. GALLINGER. Mr. President, I will call the attention——

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

Mr. LODGE. Yes; certainly.

Mr. GALLINGER. I will call the attention of the Senator from Massachusetts to the fact that when that change was made the word "main" was also dropped from the rule.

Mr. LODGE. That is perfectly true; the word "main" was left out before the word "question" in the phrase "for postponing the question." So that the Senate took out the last vestige of the previous question and made it impossible to offer such a motion, because the motions that could be offered were enumerated, as I have said.

There are no debates given. I have read all that occurred in regard to the rules. I have looked in the diary of John Quincy Adams, who was a member of the committee, but he merely mentions the fact once or twice that he was on the committee and that they were revising the rules; but of course the experienced men on that committee knew perfectly well what they were doing. They did not leave out the previous question and the word "main" by accident. They meant to leave them out and they meant to establish the rule in such a way that they could not be brought back without a change in the rule, and that they effected.

I have not undertaken to follow this question down to the most recent times, but I turned to Benton's Thirty Years in the United States Senate to see if by chance there was anything in that period relating to this discussion; and I found that in the second volume, page 247, he devotes an entire chapter—chapter 69—to this question. The House had just established the hour rule in debate. I ought to say, as a preliminary, that the Whigs were in full control of both Houses. They had just carried the election of 1840, and the House established this hour rule. Mr. Clay, who was greatly annoyed by the delays caused by the Democratic minority in the Senate, proposed to establish the hour rule in the Senate which the House had just taken up. I will cut the story short. Finding himself unable to do that, he then tried the previous question, and he failed in that also.

Benton gives a very amusing account, in his own way—not intentionally amusing—of the whole thing. I am not going to read the whole of it, although it is well worth reading. It has the usual classical allusions which were the fashion in that day. You all remember that it was at that precise time when Webster came away from discussing President Harrison's inaugural, and they asked him what he had been doing, and he said he had had a weary afternoon; he had killed 17 Roman proconsuls. So I leave out the beginning here, where he refers to Cæsar, Pompey, and Crassus, and just select such passages as illustrate what we are doing now.

Benton says:

No doubt the license of debate has been greatly abused in our Halls of Congress, as in those of the British Parliament; but this suppression of debate is not the correction of the abuse, but the destruction of the liberty of speech; and that, not as a personal privilege but as a representative right, essential to the welfare of the people. For 50 years of our Government there was no such suppression * * *.

Then, having sketched what had happened in the House, he says:

The measure having succeeded in the House which made the majority master of the body, and enabled them to pass their bills without resistance or exposure, Mr. Clay undertook to do the same thing in the Senate. He was impatient to pass his bills, annoyed at the resistance they met, and dreadfully harassed by the species of warfare to which they were subjected and for which he had no turn. The Democratic Senators acted upon a system, and with a thorough organization and a perfect understanding. Being a minority and able to do nothing, they became assailants, and attacked incessantly, not by formal orations against the whole body of a measure but by sudden, short, and pungent speeches, directed against the vulnerable parts, and pointed by proffered amendments. Amendments were continually offered—a great number being prepared every night and placed in suitable hands for use the next day—always commendably calculated to expose an evil and to present a remedy. Near 40 propositions of amendment were offered to the first fiscal agent bill alone—the yeas and nays taken upon them seven and thirty times.

They did not have our rule about laying amendments on the table without carrying the main question.

All the other prominent bills—distribution, bankrupt, fiscal corporation, new tariff act, called revenue—were served the same way. Every proposed amendment made an issue, which fixed public attention, and would work out in our favor, end as it might. If we carried it, which was seldom, there was a good point gained; if we lost it, there was a bad point exposed. In either event we had the advantage of discussion, which placed our adversaries in the wrong, and the speaking fact of the yeas and nays, which told how every man was upon every point. We had in our ranks every variety of speaking talent, from plain and calm up to fiery and brilliant, and all matter-of-fact men—their heads well stored with knowledge. There were but 22 of us, but everyone a speaker, and effective. We kept their measures upon the anvil and hammered them continually; we impaled them against the wall and stabbed them incessantly. The Globe newspaper was a powerful ally, Messrs. Blair and Rives setting off all we did to the best advantage in strong editorials, and carrying out our speeches, fresh and hot, to the people; and we felt victorious in the midst of unbroken defeats. Mr. Clay's temperament could not stand it, and he was determined to silence the troublesome minority, and got the acquiescence of his party and the promise of their support, and boldly commenced his operations, avowing his design, at the same time, in open Senate.

It was on the 12th day of July—just four days after the new rule had been enforced in the House and thereby established—for up to that day it was doubtful whether it could be enforced—that Mr. Clay made his first movement toward its introduction in the Senate, and in reply to Mr. Wright, of New York.

I assume that was "Silas Wright."

Mr. GALLINGER. It was "Silas Wright."

Mr. LODGE (reading)—

One of the last men in the world to waste time in the Senate or to speak without edification to those who would listen. It was on the famous fiscal bank bill, and on motion of Mr. Wright to strike out the large subscription reserved for the Government, so as to keep the Government unconnected with the business of the bank. The mover made some remarks in favor of his motion, to which Mr. Clay replied, and then went on to say—

If I could close my eyes and repeat this, I should almost think I had heard the Senator from North Carolina [Mr. SIMMONS]—

He could not help regarding the opposition to this measure as one eminently calculated to delay the public business with no other object that he could see than that of protracting to the last moment the measures for which this session had been expressly called to give to the people. This, too, was at a time when the whole country was crying out in an agony of distress for relief.

Then follows some more of similar purport, but I will only read this:

Mr. Calhoun observed that to attempt, by such charges of factious and frivolous motives, to silence the opposition was wholly useless. He and his friends had principles to contend for that were neither new nor frivolous, and they would here now, and at all times and in all places, maintain them against those measures in whatever way they thought most efficient. Did the Senator from Kentucky mean to apply to the Senate the gag law passed in the other branch of Congress? If he did, it was time he should know that he (Mr. Calhoun) and his friends were ready to meet him on that point.

This question, and the avowed readiness to meet the gagging attempt, were not spoken without warrant. The Democratic Senators having got wind of what was to come had consulted together and taken their resolve to defy and to dare it—to resist its introduction and trample upon the rule, if voted; and in the meantime to gain an advantage with the public by rendering odious their attempt. Mr. Clay answered argumentatively for the rule, and that the people were for it:

Let those Senators go into the country, and they will find the whole body of the people complaining of the delay and interruption of the national business, by their long speeches in Congress; and if they will be but admonished by the people, they will come back with a lesson to cut short their debating and give their attention more to action than to words. Whoever heard that the people would be dissatisfied with the abridgment of speeches in Congress? He had never heard the shortness of speeches complained of. Indeed, he should not be surprised if the people would get up remonstrances against lengthy speeches in Congress.

With respect to the defiance, Mr. Clay returned it, and declared his determination to bring forward the measure.

With regard to the intimation of the gentleman from South Carolina [Mr. Calhoun], he understood him and his course perfectly well, and told him and his friends that, for himself, he knew not how his friends would act; he was ready at any moment to bring forward and support a measure which should give to the majority the control of the business of the Senate of the United States. Let them denounce it as much as they pleased in advance; unmoved by any of their denunciations and threats, standing firm in the support of the interests which he believed the country demands, for one he was ready for the adoption of a rule

which would place the business of the Senate under the control of a majority of the Senate.

Mr. Clay was now committed to bring forward the measure, and was instantly and defyingly invited to do so.

Mr. Calhoun said there was no doubt of the Senator's predilection for a gag law. Let him bring on that measure as soon as ever he pleases.

Mr. BENTON. Come on with it.

Without waiting for anything further from Mr. Clay, Mr. Calhoun proceeded to show him, still further, how little his threat was heeded, and taunted him with wishing to revive the spirit of the alien and sedition laws.

Mr. Calhoun said it must be admitted that if the Senator was not acting on the Federal side, he would find it hard to persuade the American people of the fact, by showing them his love of gag laws and strong disposition to silence both the national councils and the press. Did he not remember something about an alien and sedition law, and can he fail to perceive the relationship with the measure he contemplates to put down debate here? What is the difference, in principle, between his gag law and the alien and sedition law? We are gravely told that the speaking of the representatives of the people, which is to convey to them full information on the subjects of legislation in their councils, is worse than useless and must be abated. Who consumed the time of last Congress in long speeches, vexatious and frivolous attempts to embarrass and thwart the business of the country, and useless opposition, tending to no end but that out of doors, the presidential election? Who but the Senator and his party, then in the minority? But now, when they are in the majority, and the most important measures ever pressed forward together in one session, he is the first to threaten a gag law, to choke off debate, and deprive the minority even of the poor privilege of entering their protest.

This is Mr. Calhoun. Benton gives some of the speech of Mr. Linn, and then he says:

Here this irritating point rested for the day, and for three days, when it was revived by the reproaches and threats of Mr. Clay against the minority.

The House, he said, had been treading on the heels of the Senate, and at last had got the start of it a long way in advance of the business of this session. The reason was obvious. The majority there is for action, and has secured it. Some change was called for in this Chamber. The truth is that the minority here control the action of the Senate, and cause all the delay of the public business. They obstruct the majority in the dispatch of all business of importance to the country, and particularly those measures which the majority is bound to give to the country without further delay. Did not this reduce the majority to the necessity of adopting some measure which would place the control of the business of the session in their hands? It was impossible to do without it; it must be resorted to.

To this Mr. Calhoun replied:

"The Senator from Kentucky tells the Senate the other House has got before it. How has the other House got before the Senate? By a despotic exercise of the power of a majority. By destroying the liberties of the people in gagging their representatives. By preventing the minority from its free exercise of its right of remonstrance. This is the way the House has got before the Senate. And now there is too much evidence to doubt that the Senate is to be made to keep up with the House by the same means."

Mr. Clay, finding such undaunted opposition to the hour rule, replied in a way to let it be seen that the threat of that rule was given up, and that a measure of a different kind, but equally effective, was to be proposed, and would be certainly adopted.

Mr. Clay gave up the hour rule and substituted the previous question, which Mr. Benton says Mr. Clay regarded as a compromise. Of course, it went much further than the hour rule.

He said if he did not adopt the same which had proved so beneficial in the other House, he would have something equally efficient to offer. He had no doubt of the cheerful adoption of such a measure when it should come before the Senate. So far from the rule being condemned, he would venture to say that it would be generally approved. It was the means of controlling the business, abridging long and unnecessary speeches, and would be every way hailed as one of the greatest improvements of the age.

This glimpse of another measure, confirmed the minority in the belief of what they had heard—that several Whig Senators had refused to go with Mr. Clay for the hour rule, and forced him to give it up; but they had agreed to go for the previous question, which he held to be equally effective; and was, in fact, more so, as it cut off debate at any moment. It was just as offensive as the other. Mr. King, of Alabama, was the first to meet the threat, under this new form, and the Register of Debates shows this scene:

Mr. King said the Senator from Kentucky complained of three weeks and a half having been lost in amendments to his bill. Was not the Senator aware that it was himself and his friends had consumed most of that time? But now that the minority had to take it up, the Senate is told there must be a gag law. Did he understand that it was the intention of the Senator to introduce that measure?

Mr. CLAY. I will, sir; I will!

Mr. KING. I tell the Senator, then, that he may make his arrangements at his boarding house for the winter.

Mr. CLAY. Very well, sir.

Mr. King was truly sorry to see the honorable Senator so far forgetting what is due to the Senate, as to talk of coercing it by any possible abridgment of its free action. The freedom of debate had never yet been abridged in that body since the foundation of this Government. Was it fit or becoming, after 50 years of unrestrained liberty, to threaten it with a gag law? He could tell the Senator that, peaceable a man as he (Mr. King) was, whenever it was attempted to violate that sanctuary, he for one would resist that attempt even unto the death.

The issue was now made up, and the determination on both sides declared, on the part of Mr. Clay, speaking in the name of his party, to introduce the previous question in the Senate, for the purpose of cutting off debate and amendments; on the part of the minority, to resist the rule, not only its establishment but its execution. This was a delicate step, and required justification before the public, before a scene of resistance to the execution—involving disorder and possibly violence—should come on. The scheme had been denounced and defied; but the ample reasons against it had not been fully stated; and it was deemed best that a solid foundation of justification for whatever might happen should be laid beforehand in a reasoned and considered speech. The author of this view was required to make that speech, and for that purpose followed Mr. King.

Then Mr. Benton himself follows Mr. King. He says that he was put forward to represent their side, a view of himself which I think Mr. Benton frequently took, and he said a good many rather amusing things, but I will read only one or two passages:

Mr. Benton would take this opportunity to say a word on this menace, so often thrown out, of a design to stifle debate and stop amendments to bills in this Chamber. He should consider such an attempt as much a violation of the Constitution and of the privileges of the Chamber as it would be for a military usurper to enter upon us at the head of his soldiery and expel us from our seats.

"It is not in order," continued Mr. Benton; "it is not in order, and would be a breach of the privilege of the House of Representatives to refer to anything which may have taken place in that House. My business is with our own Chamber, and with the threat which has so often been uttered on this floor, during this extra session, of stifling debate and cutting off amendments by the introduction of the previous question."

* * * * * * * *

"The Government has been in operation above 50 years, and the freedom of debate has been sometimes abused, especially during the last 12 years, when those out of power made the two Houses of Congress the arena of political and electioneering combat against the Democratic administration in power. The liberty of debate was abused during this time, but the Democratic majority would not impose gags and muzzles on the mouths of the minority; they would not stop their speeches, considering, and justly considering, that the privilege of speech was inestimable and inattackable; that some abuse of it was inseparable from its enjoyment; and that it was better to endure a temporary abuse than to incur a total extinction of this great privilege."

He then discusses at some length the previous question, as follows:

"The previous question cuts off amendments; and therefore, neither in England or in the United States, until now, in the House of Representatives, has that question ever been applied to bills in the Committee of the Whole, on the second reading. This question annihilates legislation, sets at nought the wisdom of the House, and expunges the minority. It is always an invidious question, but seldom enforced in England, and but little used in the earlier periods of our own Government. It has never been used in the Senate at all, never at any stage of the bill; in the House of Representatives it has never been used on the second reading of a bill, in Committee of the Whole, until the present session—this session, so ominous in its call and commencement, and which gives daily proof of its alarming tendencies, and of its unconstitutional, dangerous, and corrupting measures. The previous question has never yet been applied in this Chamber; and to apply it now, at this ominous session, when all the old Federal measures of 50 years ago are to be conglomerated into one huge and frightful mass, and rushed through by one convulsive effort; to apply it now, under such circumstances, is to muzzle the mouths, to gag the jaws, and tie up the tongues of those whose speeches would expose the enormities which can not endure the light, and present to the people these ruinous measures in the colors in which they ought to be seen.

"The opinion of the people is invoked—they are said to be opposed to long speeches, and in favor of action. But do they want action without deliberation, without consideration, without knowing what we are doing? Do they want bills without amendments—without examination of details; without a knowledge of their effect and operation when they are passed? Certainly the people wish no such thing. They want nothing which will not bear discussion. The people are in favor of discussion, and never read our debates with more avidity than at this ominous and critical extraordinary session. But I can well conceive of those who are against those debates, and want them stifled. Old sedition law federalism is against them; the cormorants who are whetting their bills for the prey which the acts of this session are to give them, are against them; and the advocates of these acts, who can not answer these arguments, and who shelter weakness under dignified silence, they are all weary, sick, and tired of a contest which rages on one side only, and which exposes at once the badness of their cause and the defeat of its defenders. Sir, this call for action! action! action!—as it was well said yesterday—comes from those whose cry is Plunder! Plunder! Plunder!"

He took a somewhat dark view of the Whigs.

"The previous question and the old sedition law are measures of the same character, and children of the same parents, and intended for the same purposes. They are to hide light; to enable those in power to work in darkness; to enable them to proceed unmolested; and to permit them to establish ruinous measures without stint and without detection. The introduction of this previous question into this body, I shall resist as I would resist its conversion into a bed of justice—lit de justice—of the old French monarchy for the registration of royal edicts. In these beds of justice—the Parliament formed into a bed of justice—the kings before the revolution caused their edicts to be registered without debate and without amendment. The King ordered it, and it was done—his word became law. On one occasion when the Parliament was refractory Louis XIV entered the chamber, booted and spurred, a whip in his hand—a horsewhip in his hand—and stood on his feet until the edict was registered. This is what has been done in the way of passing bills without debate or amendment in France. But in extenuation of this conduct of Louis XIV, it must be remembered that he was a very young man when he committed this indiscretion, more derogatory to himself than to the Parliament which was the subject of the indignity. He never repeated it in his riper age, for he was a gentleman as well as a king, and in a 50 years' reign never repeated that indiscretion of his youth. True, no whips may be brought into our legislative halls to enforce the gag and the muzzle, but I go against the things themselves; against the infringement of the right of speech; and against the annihilation of our legislative faculties by annihilating the right of making amendments. I go against these; and say that we shall be nothing but a bed of justice for the registration of presidential or partisan or civil chieftain edicts when debates and amendments are suppressed in this body.

"Sir, when the previous question shall be brought into this Chamber—when it shall be applied to our bills in our quasi committee—I

am ready to see my legislative life terminated. I want no seat here when that shall be the case. As the Romans held their natural lives, so do I hold my political existence. The Roman carried his life on the point of his sword; and when that life ceased to be honorable to himself or useful to his country he fell upon his sword and died. This made of that people the most warlike and heroic nation of the earth. What they did with their natural lives I am willing to do with my legislative and political existence; I am willing to terminate it either when it shall cease to be honorable to myself or useful to my country; and that I feel would be the case when this Chamber, stripped of its constitutional freedom, shall receive the gag and muzzle of the previous question."

Mr. HUGHES. Who was that?

Mr. LODGE. Thomas H. Benton, of Missouri.

Mr. GALLINGER. A good Democrat.

Mr. OVERMAN. He was born in North Carolina.

Mr. LODGE. A very distinguished Senator in his day, and a very able man. Then Mr. Calhoun follows, and Mr. Calhoun is always interesting:

He thought this business closely analogous to the alien and sedition laws. Here was a palpable attempt to infringe the right of speech. He would tell the Senator that the minority had rights under the Constitution which they meant to exercise, and let the Senator try when he pleased to abridge those rights, he would find it no easy job. When had that (our) side of the Senate ever sought to protract discussion unnecessarily? [Cries of "Never! Never!"] Where was there a body that had less abused its privileges? If the gag law was attempted to be put in force, he would resist it to the last. As judgment had been pronounced, he supposed submission was expected. The unrestrained liberty of speech, and freedom of debate had been preserved in the Senate for 50 years. But now the warning was given that the yoke was to be put on it which had already been placed on the other branch of Congress. There never had been a body in this or any other country, in which, for such a length of time, so much dignity and decorum of debate had been maintained. It was remarkable for the fact the range of discussion was less discursive than in any other similar body known. Speeches were uniformly confined to the subject under debate. There could be no protext for interference. There was none but that of all despotisms. He would give the Senator from Kentucky notice to bring on his gag measure as soon as he pleased. He would find it no such easy matter as he seemed to think.

Later Mr. Calhoun returned to the point, and said:

The Senator from Kentucky had endeavored to draw a distinction between the gag law and the old sedition law. He (Mr. Calhoun) admitted there was a distinction—the modern gag law was by far the most odious. The sedition law was an attempt to gag the people in their individual character, but the Senator's gag was an attempt to gag the representatives of the people, selected as their agents to deliberate, discuss, and decide on the important subjects intrusted by them to this Government.

This was a taunt, and Senators looked to see what would follow. Mr. Clay rose, leisurely, and, surveying the Chamber with a pleasant expression of countenance, said:

The morning had been spent so very agreeably, that he hoped the gentlemen were in a good humor to go on with the loan bill, and afford the necessary relief to the Treasury.

The loan bill was then taken up and proceeded with in a most business style, and quite amicably. And this was the last that was heard of the hour rule and the previous question in the Senate; and the secret history of their silent abandonment was afterwards fully learned. Several Whig Senators had yielded assent to Mr. Clay's desire for the hour rule under the belief that it would only be resisted parliamentarily by the minority; but when they saw its introduction was to produce ill blood and disagreeable scenes in the Chamber, they withdrew their assent, and left him without the votes to carry it; and that put an end to the project of the hour rule. The previous question was then agreed to in its place, supposing the minority would take it as a "compromise"; but when they found this measure was to be resisted like the former, and was deemed still more odious, hurtful, and degrading, they withdrew their assent again; and then Mr. Clay, brought to a stand again for want of voters, was compelled to forego his design, and to retreat from it in the manner which has been shown.

So that great attempt, made under the leadership of one of the most brilliant men and most popular leaders this country has ever had, failed, and somehow or other the country has gone on for 75 years since that failure pretty cheerfully and well. It has not been materially hurt, and a good deal of business has been transacted and many laws passed in the Senate.

I am aware that except as a picture of the struggle, which is historically interesting, this debate of 1841 has no particular bearing as an authority upon the question now before us except in one way. It will be observed that every one of the speakers in opposition alludes to the fact that it never had been applied for 50 years, and they were all Democrats and all engaged in obstruction. That covered, then, the whole life of the Senate. I have not had the time to go through the Journals from 1789 to 1806, so that I can not say whether it was ever used as provided for in the rules of 1789.

Mr. GALLINGER. It was used three times during that period.

Mr. LODGE. The Senator from New Hampshire says it was used three times during that period, but evidently it was used so slightly that it made no impression, and every one of those who opposed the previous question states broadly that it never had been used. It never has been used since 1806, 109 years ago, when those rules were adopted by the Senate of the United States. It can be adopted now only by changing Rule XXII. No temporary rule can do it except by suspending Rule XXII.

The Senators of 1806 knew perfectly well what they were about. They not only took out the previous question and the word "main," as I have already said, but they provided strictly what motions should be in order. The previous question can not be put without an absolute disregard of the rules of the Senate as the rules stand to-day. It can be established, undoubtedly, by the Senate acting in the way prescribed for changing or amending the rules, and through the medium, I should hope, of its proper organ, the Committee on Rules, but it can not be done by a so-called amendment to the standing rules which suspends the rules or makes a special order, which both require a two-thirds vote. It is in the nature of a special order, because it fixes a time not only for voting but for the consideration of a subject. The previous question can not be imposed by a special order, which, under the guise of an amendment to the standing rules, undertakes to suspend Rule XXII.

Mr. President, I do not wish to enter further into that point to-day.

Mr. THOMAS and Mr. HUGHES addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. LODGE. I yield for a question.

Mr. THOMAS. I thought the Senator had yielded the floor.

Mr. LODGE. Oh, no; I said I would speak no further on that point.

Mr. THOMAS. I misunderstood the Senator.

Mr. LODGE. Certainly; the Senator very naturally did so.

Neither do I desire, Mr. President, to discuss fully to-day the general question of cloture or previous question. I prefer previous question as the expression familiar to our parliamentary law. That is a very large subject. It consumed the time of the House through a large part of one session when I first entered Congress. But I wish before I sit down to-day to make a brief statement in regard to myself and my course on this question.

I entered the Senate and was sworn in on the 4th of March, 1893. I came here on the 7th of August, 1893, to the Congress called in special session to repeal the silver-purchase act. I was just from the House, fresh from the great struggle in which, under the leadership of Mr. Reed, the rules had been changed, and I was of opinion that that same thing ought to be done everywhere. I promptly introduced a resolution for the purpose of bringing the silver question to an immediate vote. I remember to this day the kindly smile with which Senator Teller, who was the leader of the silver men, regarded me. He evidently thought me very, very young, and so I was in the Senate. That resolution of mine drifted off on the stream of time and was disposed of in ways with which I was not then familiar but which I came afterwards to know better.

About the same time I wrote an article on Obstruction in the Senate. I think it was just at that time. I felt perfectly confident that both the resolution and the article would make their appearance in the Senate in this debate—something which did not trouble me in the least, for I think nothing is of less importance in considering any public question than to say that some individual who is discussing it has changed his mind. The fact that a man has changed his mind has but little to do with the intrinsic merits of a given case, unless it is thought that he has changed his position on good grounds which justify the attitude which he and others are taking at the moment.

Mr. President, having stated that general proposition, I desire to call attention to this fact: When I wrote that article and when I offered that resolution the Democratic Party was in the majority in this body. So it could not be suggested that I was making it for party reasons. I changed my mind not very long after 1893; but it so happens that 10 years afterwards, in 1903, the matter came up, and I had occasion to make a brief speech, in which I explained that I had changed my mind. When I made that speech in behalf of maintaining the existing rules and customs of the Senate my own party was in full control and in a large majority. So whatever else I changed my mind for, I did not change it for party benefit, because when I advocated cloture the Democrats were in control, and when I opposed it publicly—although I had been against it for some time—my own party had a large majority. This is what I said:

Mr. LODGE. Mr. President, when I entered the Senate I came here fresh from the greatest contest that had been made in the House of Representatives, certainly in this generation, and which involved the question of cloture or of the previous question. Stated more broadly, the issue was whether the majority in the House of Representatives was to transact any business at all. The House of Representatives, when I entered it, was under the old system of rules, and had fallen into a condition where practically one man could arrest the business of the House by an apt use of complicated rules and long roll calls. I was in the House which revised the old rules and adopted what were known as the Reed rules, which, in my judgment, were the salvation of the House of Representatives and of its position as a legislative body, for under the old rules it had fallen into a state of almost complete inanity. Therefore I came to this body with a very strong prejudice in favor of vigorous and prompt methods of closing debate.

I entered the Senate with all these opinions very strongly upon me, and I remember on August 7, 1893, or immediately afterwards, when we assembled in extra session, I introduced a resolution to compel the Committee on Finance immediately to report a bill for the repeal of the Sherman law, moved thereto by the discipline which I had received in the House. That motion was met by the Senator from Colorado [Mr. Teller] as an impossible method of procedure, and with much the same argument that he has repeated here to-day.

Mr. President, I have been here since then for 10 years. In a very short time after my coming into this body, within a year or two, in fact, I came to the conclusion that the practice of the Senate was on the whole a wise one, and though hard at times to bear when we are interested in passing a bill and grow naturally impatient, that it was the safest system for the country and for the general interests of the Government. Mr. President, I have seen in that short time both parties in control of the Senate, and I do not remember that any measure desired by an actual and true majority of the Senate has ever failed of a vote.

In the first session of the Senate a previous question was adopted which could be applied, by a majority vote, if moved and seconded from the floor. In 1806 the Senate struck that provision from the rules, and for a hundred years has never reenacted it. I think the principle involved, therefore, ought not to be lightly set aside, for there is much to be said in behalf of the practice of a hundred years. Moreover, Mr. President, as I was just saying, in that long period and in late years it has been clear that the majority of the Senate always gets a vote when it is a real majority.

Mr. President, I believe thoroughly in majority rule. I had that lesson borne in upon me in my service in the House of Representatives; but those who invoke majority rule, Mr. President, must not begin by overthrowing it. This country intrusts the Government to one political party or the other, and the party in power is responsible for the Government, and is the majority party. If a bill passes this Congress, it makes no difference by what combination of votes it passes, the party in power at the moment, which now happens to the Republican Party, is held responsible for it, even if the great mass of their Members and Senators voted against it.

A bill, for example, came to this table the other day from the other House settling the currency of the Philippine Islands. It was passed there by the minority party acting with a small fraction of the majority party; that is, the party to whom was intrusted the Government of the country was, under that vote, to be made responsible for a measure to which the great majority of its members objected, and which they did not believe in.

Therefore, Mr. President, a majority in this Senate must be something more than a numerical majority at any given moment, and there must be time to develop the fact whether it is a genuine and responsible majority, and also whether votes can not be changed.

I was deeply and profoundly interested in the force bill, as it was called, which has been alluded to here. I had it in charge in the House of Representatives and I saw it defeated on this floor by methods of obstruction, which resulted finally in the change of votes which has been here alluded to. But, Mr. President, I had much rather take the chances of occasional obstruction than to put the Senate in the position where bills could be driven through under rules which may be absolutely necessary in a large body like the House of Representatives or the House of Commons in England, but which are not necessary here. I think here we should have, minority and majority alike, the fullest possible opportunity of debate.

I myself have never indulged in obstruction and I have no desire to indulge in it now, but I think, Mr. President, that it would be the height of unwisdom to pass a resolution like this and open the way to a closure rule, which is what this resolution does, and which is a matter of the utmost gravity, without more consideration than can be given in the morning hour. Those whom it most behooves to oppose such resolutions as this are the party of the minority, for it is the minority whose rights are at stake and whose last protection is found on the floor of this Senate.

Mr. President, those are the views which I expressed in 1903, and I have not changed them since that time. I think we are sound still. As it was thought important on the other side to bring forward what I had done in October, 1893, and the article which I had written at that time—I have not seen it for a great many years, but I have an impression it was a very good one, and as they saw fit to avail themselves of it, which I think is a compliment—it seems to me not without relevancy to explain the reasons for my change of mind, which were, as I said, given in the speech from which I just quoted, and which I think I have covered in the quotation I have made. Mr. President, that is all I desire to say to-day. To me this matter of a change of the rules of the Senate which have been in force in this respect for 109 years is a matter of very grave moment indeed. I think if a change from our present system to the previous question, like that of the House, is put in operation it is going to alter completely the character of the Senate.

Now, without arguing the merits of the question at this moment, this is a change so serious that it ought to have the most thorough and the fullest consideration of every Senator on the floor. Every Senator ought to think well before he makes a change of this sort in the very constitution of the Senate for the sake of passing, in a moment of heat and passion over a single bill, a measure which strikes at that quality which has been more distinctive of the Senate than any other body in parliamentary history and which to-day is the only refuge the people of this country have who desire to know something about the measures before their Representatives. The people of this country have the right to know the reasons for and against every important measure, for in no other way can they rightly judge.

At this moment, as an illustration of the evil I refer to, they are proposing to take up this great measure in the House of Representatives and dispose of it in six hours. Surely that is an illustration of the evil in the other direction—the evil of putting through great measures under drastic rules and without discussion. I believe this to be a much worse evil than that which these efforts to introduce the previous question here are designed to remedy.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. The Senator from Colorado.

Mr. THOMAS. Mr. President, my purpose in rising a few moments ago was to refer to the subject which the Senator from Massachusetts [Mr. LODGE] immediately considered. I designed calling attention to the views of the Senator upon this subject on the 21st day of September, 1893.

Mr. LODGE. If the Senator will allow me, I have just done that; but, of course, I would be delighted to have it done again.

Mr. THOMAS. I made the statement that the Senator had anticipated me to the extent of informing the Senate that his views had undergone a complete change. Nevertheless, Mr. President, I find the other side so well stated, and to my mind so conclusively stated, by the Senator on the floor of the Senate on the 21st of September, 1893, that, notwithstanding his own change of heart, I think those of us who are still obdurate can find much comfort in referring to it as presenting the question much better than any of us are able to do. The Senator has changed his views, but he can not change the force of his former arguments.

Mr. LODGE. If the Senator will allow me, I wish to make only a single remark.

Mr. THOMAS. I yield.

Mr. LODGE. I am delighted to have the Senator read the speech and put it in the RECORD. I dare say it expresses the argument on that side very well. But I think the Senator was anticipated by the Senator from Oklahoma [Mr. OWEN] on Saturday.

Mr. THOMAS. No; the Senator from Oklahoma did not refer to this particular speech.

Mr. LODGE. I would be very glad to have everything I said put in the RECORD.

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). The Senator from Colorado will proceed.

Mr. THOMAS. Mr. President, I do not propose to do that; the RECORD is already somewhat encumbered; but I think this speech should be incorporated as one of the many excellent arguments which have fallen from the lips of the distinguished Senator from Massachusetts. It was made before he saw the new light which seems to have found its inspiration from the utterances of John C. Calhoun and other great Democratic figures of history, whose doctrines have not been particularly palatable to the Senator. But his ante-conviction argument should be kept fresh before the public mind that we who believe in cloture may justify ourselves by his example.

On the 21st of September, 1893, the Senator from Connecticut, Mr. Platt, introduced a resolution which read as follows:

Resolved, That Rule IX of the Senate be amended by adding the following section:

"SEC. 2. Whenever any bill or resolution is pending before the Senate as unfinished business, the presiding officer shall, upon the written request of a majority of the Senators, fix a day and hour, and notify the Senate thereof, when general debate shall cease thereon, which time shall not be less than five days from the submission of such request; and he shall also fix a subsequent day and hour, and notify the Senate thereof, when the vote shall be taken on the bill or resolution, and any amendment thereto, without further debate; the time for taking the vote to be not more than two days later than the time when general debate is to cease; and in the interval between the closing of general debate and the taking of the vote no Senator shall speak more than five minutes, nor more than once, upon the same proposition."

At that time, Mr. President, a filibuster was on in this body. It was conducted by Republicans and Democrats forming a minority of the Senate, but intent upon defeating the bill which had passed the House and which provided for the unconditional repeal of the purchasing clause of what was known as the Sherman Silver-Purchase Act. The special session of Congress then in session had been convened, as I remember, for the 7th day of August. It had therefore been in session for about a month and a half and had made no progress. A number of resolutions amending the rules, of which that by the Senator from Connecticut was one, had been suggested. The Senator from Connecticut spoke in behalf of his own proposition, and I quote a part of his argument because of its pertinency to the present situation. He said:

Next comes what is sometimes known as the process of "sitting it out"—

We might, perhaps, refer to the proceedings of last week as "running it out," because we have been running out of the

Senate most of the time and running in only for the purpose of answering to roll calls.

Next comes what is sometimes known as the process of "sitting it out"; that is, for the friends of a bill to remain in continuous session until the opponents of it are so physically exhausted that they can not struggle any longer. That may or may not result in a vote either upon this measure or upon any great measure upon which a determined contest is made. It did not result in reaching a vote upon the consideration of the bill in amendment of the election law, miscalled the force bill. If I am not mistaken, we sat up here all one night on that bill; at any rate, in other matters since I have been in the Senate we have remained in session all night and all the next day and the next night, and finally a vote was not reached. Why not?

I take my original supposition. Suppose that there are 30 Senators who feel that they are justified in using every parliamentary means to prevent the reaching of a vote on the bill which has been pending. Suppose we continue in session the whole 24 hours, 10 of those Senators, without making very long speeches, as speeches go on this bill, can occupy one 24 hours, 10 more of them can occupy another 24 hours, and 10 more another 24 hours, and then those who occupied the first 24 hours will be fresh and prepared again to deliver other speeches. In the meantime what will have become of the friends of the bill?

Mr. President, we have even made progress in filibustering. Relays of 10 are not required any more. Relays of 3, or at the best 4, are all that are necessary to prevent the ultimate consideration of any measure, and relays composed of that number can, of course, be multiplied by the number of Senators in the opposition.

To say the best, such a method of trying to reach a vote is harsh, and I might almost say inhuman. It requires that the friends of the bill shall keep a quorum of the Senate here constantly during continuous sessions. If at any moment there are present in the Chamber less than 43 Members of the Senate who favor the bill, that being a quorum, a quorum will be called and business will cease.

Mr. President, there are Senators in favor of this bill who can not, as a matter of physical ability, continue day after day and night after night in session here in order to get a vote. The Senator from Vermont [Mr. Morrill], who is on the Committee on Finance, has been called to his home by his inability to remain in this climate at this season; other Senators will be absent sick; and other Senators, by reason of age or by reason of feebleness, will be unable to continue in continuous session long enough to tire out the opposition.

I said such a practice was almost inhuman. It smacks of the methods of obtaining a verdict by a jury where the jury is locked up continuously until they give a verdict. The proposition is to force the minority to surrender upon a test of physical endurance. The result usually is that the majority surrenders upon the test of physical endurance.

I think, Mr. President, I may safely say that such is the outcome of nearly all such tests in the Senate, and the reason is obvious. The filibustering minority knows precisely what it is going to do. It can arrange and carry out a program. The majority must be constantly on the alert to answer roll calls and keep a quorum, and at same time take advantage of any possible opportunity or break which may offer for the purpose of securing a vote.

It is one of the principal condemnations of the system that a disciplined minority with a program deliberately arranged can conduct it without a break and present it in spite of the majority, which can not possibly pursue such a course, and which may be compared to a large body of undisciplined militia opposed by a smaller one of regular soldiers. It is therefore inevitable that where the contest becomes one of physical endurance, which always comes sooner or later, those who are conducting the filibuster must prevail.

On the same day the Senator from Massachusetts [Mr. LODGE], who then was new to the Senate, as he says, and who had come fresh from the House, where he had witnessed the vigorous, systematic, and successful manner in which business was there conducted under the new rules, supported with much earnestness and with unanswerable logic the resolution of the Senator from Connecticut. I shall not read all the remarks of the Senator from Massachusetts upon the subject upon that occasion, although they were, for the Senate, very brief. Although the Senator has changed his mind and is now a defender of this antiquated, illogical, and fossilized system of obstruction, he can not change the logic of his position nor avoid the reasons which he then gave for the faith that was in him. He said among other things:

The rules of the Senate have remained practically unchanged for a hundred years.

That is now urged by him and his associates as a conclusive reason why no change should be made. He takes refuge in the antiquity of an abuse, and because it is hoary with age it must not be disturbed.

Mr. President, I might digress to say that for more than a hundred years Members of the Senate were chosen by legislatures and not by the people. This was a constitutional requirement. Nevertheless an important reform has been made, and made successfully, in that direction. The argument of antiquity was for years a potent weapon of defense against that great reform, but the system went down, as it should have done, before the stern logic of the present demand, the necessities of modern conditions, and the supreme importance of restoring this body to its constitutional functions, and keeping it in touch with and responsible to its constituency.

The rules of the Senate have remained practically unchanged for a hundred years. Formed for a body of 26 Senators, they still continue to govern the deliberations of 88—

Now of 96—

They contain no method of compelling a vote. They are therefore rules which are based upon courtesy. By the courtesy of the Senate every Senator can speak at any length and at any time. There is, in a word, no method of preventing unlimited debate. But a system of courtesy in the conduct of business for a great legislative body, if it is to be anything or to have any effect, must be reciprocal. The unwritten law of mutual concession must be observed or a system of courtesy is impossible.

How true that is. The courtesy which is extended to the majority by this outrageous system of filibuster is a courtesy which keeps us here day after day and night after night. Broken rest and constantly diminished physical capacity are necessarily productive of dissension, of resentment, and of ill feeling. There is no courtesy about it, Mr. President. It is simply the use of brute force personified in the ability of those opposing needed legislation to obstruct through the exercise of their powers of physical endurance an ultimate determination of the business as they want it to be, although it holds up the entire business of the country without regard to its character.

Our calendar is burdened with four or five hundred measures, many of them of vast importance, but the business of the Senate is paralyzed. We can not reach it. We, the majority, are helpless. We are justly responsible for the affairs of government, yet our hands and feet are tied and our efforts stifled by a system that is defended on account of the fact that it has been in force for so many years.

The right of debate is not the only or the most important privilege to be considered.

There is another right more sacred in a legislative body than the right of debate, and that is the right to vote.

It was true in 1893; it was true before then; it is equally true now, Mr. President, because by our votes alone can we perform the functions of the body and carry out those measures which we at least deem to be essential to the public welfare.

It is assumed, it must be assumed, that if there is to be unlimited debate, by unwritten law there must equally be no obstruction to a vote.

It would interest me greatly to hear the Senator from Massachusetts refute himself upon that subject.

When it appears that unlimited debate, the right of which is accorded by courtesy, is used for the purposes of obstruction, then the system of courtesy has become impossible. When a minority not only does not allow a debate to come to a close, but will not even name any date, no matter how distant, at which it will assent to the close of that debate, it is obvious that courtesy has become entirely one sided; that unlimited debate is to be permitted, but that the right to vote is to be taken away. When the system of courtesy has reached this point it has not only ceased to be practicable, but it has become an abuse and a danger.

If it was an abuse and a danger in 1893, it is an abuse and a danger in 1915, and the later conversion of the Senator to the other side of the question in no manner affects the truth of his previous proposition.

Mr. President, I do not desire to be misunderstood. I do not lay the blame for obstruction upon the minority in this or any other case. It never rests with them. If the rules of any legislative body permit a minority to obstruct a measure the defense of which they deem of the least importance, they have the right under those rules to obstruct. The reason why there is filibustering or obstruction in any legislative body is because the majority does not prevent it. If there is delay, it is the fault of the majority, and of the majority alone, not of the minority.

Mr. President, I do not know that I can assent to that. It is true, as a general proposition, but I question its application to this body, because under the construction which has been given to our rules we are, and for years have been, bound hand and foot by them, so that the minority, using "the courtesy" of unlimited debate, may exercise that power not only against a particular measure, but can, and always do, invoke it against any attempt to so amend the rules as to modify the abuse.

The filibuster that is now going on, Mr. President, is not aimed at the shipping bill, but at an attempt of the majority to amend the rules, so that this Senate may do business; it has merely shifted the point of attack. We have changed the subject, but it has not altered the situation. Originally the majority by a surrender of its undoubted right to demand a vote may be responsible; but to hold it responsible for such a condition of affairs as confronts the country to-day can not, in my mind, be justified in view of our peculiar condition, which is the outgrowth of a misconstruction, if not an abuse, of the rules, as I regard it.

If a legislative body can not reach a vote, it is because the majority, responsible for the conduct of business, does not choose to have that vote reached. They ought to be able to reach it by rule. To substitute for a proper rule the test of physical endurance in a body like the Senate of the United States, seems to me, I must say, and I say it with all respect, to be pitiable. If the courtesy system has broken down, why can we not reach a vote in a dignified and proper way if it is to be

done, as it must be done, by some form of compulsion? If the day has come when the courtesy of the Senate no longer exists, except for those who would speak and, by speaking, obstruct, then why is it not the more dignified and the better thing to pass a suitable rule to enable this body at some time, through its majority, to reach a vote?

A most pertinent inquiry, Mr. President, which the Democratic majority is now making, to which it wants to obtain an affirmative and a proper answer, an answer which will come, Mr. President, if I am any judge of public opinion, either by the mandate of public opinion operating directly upon the Senate or by a change of our system of procedure, which must be taken, and which I affirm will be taken, in order that the voice of the majority shall prevail, although by so doing we may be obliged to disregard, as we should disregard, some of the ancient precedents which have been set, to which we are so frequently referred as conclusive obstacles to change, however impervious the demand for it.

We govern in this country in our representative bodies by voting and debate. It is most desirable to have them both. Both are of great importance. But if we are to have only one, then the one that leads to action is the more important. To vote without debating may be hasty, may be ill considered, may be rash; but to debate and never vote is imbecility.

Another proposition, Mr. President, which is self-evident:

A legislative body which can not govern itself can not hold the respect of the people who have intrusted to it the duty of governing the country.

A legislative majority in any body which can not control the proceedings of that body becomes a subject of contempt both to itself and to the constituency which elected it. Yet such is our condition. For three weeks we have been endeavoring to get somewhere, and we have not even marked time, the Senator says.

Mr. CUMMINS. Mr. President——

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

Mr. THOMAS. I yield.

Mr. CUMMINS. I rise for the purpose only of asking the Senator from Colorado if he will yield to me long enough to enable me to offer an amendment? I am compelled to leave the Chamber for a few moments.

Mr. THOMAS. I yield with the greatest pleasure.

Mr. CUMMINS. Inasmuch as the pending question is the amendment offered by the Senator from Nebraska [Mr. NORRIS], I offer the amendment which I send to the desk, to be added to the substitute proposed by the Senator from Nebraska.

The PRESIDING OFFICER. Does the Senator from Iowa desire to have his amendment to the amendment now read?

Mr. GALLINGER. Let it be read.

Mr. CUMMINS. Let it be read, Mr. President. It is very short.

The PRESIDING OFFICER. The Secretary will read as requested.

The SECRETARY. It is proposed to amend the amendment of Mr. NORRIS by adding at the end thereof the following:

This rule shall not apply to any bill, motion, resolution, or question upon which Senators belonging to any political party have held a caucus and passed a resolution or declaration in any form attempting to bind the members of such party in the Senate to vote in any particular way, and where the application of the rule is moved by a Senator belonging to any such political party.

The fact respecting the existence of such caucus, resolution, or declaration shall be determined in the first instance by a committee of five Senators, appointed by the Presiding Officer, who shall report within two days and upon its report by the Senate without debate.

Mr. THOMAS. Mr. President, I rather anticipated that some reference to a caucus would be made before I finished, for we can not discuss the necessity of transacting business here and limiting debate to a reasonable area without the stale and chronic reference to the Democratic caucus. Mr. President, if it be true that the caucus is a justification of excuse for filibustering, then I concede that to be a very strong argument against it. It is the only one I have so far heard that is worth considering. Senators upon the other side of the Chamber criticize and denounce the caucus of the majority for the very good reason that if, by their denunciations or their criticisms they can compel an abandonment of its use, they perceive an opportunity for an entering wedge into our organization. They are concerned less about a caucus than they are for party success. The caucus may be objectionable, but the party which resorts to it has never yielded its views or its course of action to the mandate of a single Senator.

Mr. President, I do not propose to apologize for a caucus. Such caucuses as are held by the Democratic majority are useful; they are desirable; and with this unlimited power of filibuster they are absolutely essential. My own hope is, if we can not do it otherwise, that, through the exercise of the caucus power, we may determine upon some plan or method by means of which this infernal method of talking bills and Senates to death may be forever ended. If it can do this, it will have vindicated its right to live.

Mr. President, it is true, and no man denies it, that every public measure should be subject to full and to public discussion; to as much discussion as its importance demands. I do not believe that there is or can be any dispute upon that proposition, provided always that the discussion shall be bona fide and earnest and sincere. Minorities are thus made useful and formidable; their usefulness is in proportion to the earnestness of the opposition which they can make upon pending measures. But, Mr. President, discussion does not consist in a system of obstruction, miscalled debate, the purpose and object of which are to prevent any ultimate action whatever. I am in favor of real discussion, and I do not know of any man within the hearing of my voice who is not; but what sort of discussion, Mr. President, of this measure under the guise of debate has been inflicted upon the Senate and the country? This is not discussion—it is drivel.

I do not believe that many of our obstructing Senators would submit to the punishment involved in requiring them to read their own words pronounced in this Chamber. Ten, twelve, and fourteen hours each by one stalwart vocalist have been consumed, not in discussion, not in argument, but in vocal exercises full of sound and fury, but signifying nothing whatever; talks against time, involving competition between the actors, each of whom seems to be desirous of winning the belt for the longest period of physical endurance.

Mr. GALLINGER. Mr. President——

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

Mr. THOMAS. I yield to my friend, the Senator from New Hampshire, of course.

Mr. GALLINGER. I will ask the Senator from Colorado if he includes the very interesting speech that he delivered on this question when he openly announced that he was filibustering?

Mr. THOMAS. I think so, Mr. President. I should hate to inflict upon my very genial friend from New Hampshire even a request that he should read or review my remarks on that interesting occasion.

Mr. GALLINGER. The Senator from Colorado will use the same characterization as to the quality of that speech, I suppose, that he has applied to us on this side?

Mr. THOMAS. Yes, Mr. President; perhaps the quality of my remarks was not so good as that of the remarks of the Senator from New Hampshire.

Mr. WEEKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Massachusetts?

Mr. THOMAS. I do.

Mr. WEEKS. Does the Senator think it is reprehensible to filibuster?

Mr. THOMAS. I do, as a general proposition; yes, sir.

Mr. WEEKS. Does not the Senator admit that the majority in this Chamber filibustered the whole of the week before last, and that if a vote had been allowed any day of that week the shipping bill would have been defeated?

Mr. THOMAS. No, Mr. President, I do not admit that. On the contrary, I have been assured by some of the seven insurgent Democrats—who, I understand, made their agreement with the Republican minority, through and with the Senator from Massachusetts—that in the event of a recommitment of the bill they would have reported it right out again and that its consideration would then have continued. I say some of them have assured me so. I thought, and I still think, that a reference of the bill without instructions would have had the effect which the Senator states. I am not prepared, Mr. President, to make admissions for others, but I willingly make it for myself as to what I was attempting to do.

I did, Mr. President, for an hour or two talk against time. I did it because we were suddenly confronted with an unexpected and remarkable condition, sprung upon us without warning and which found us with three Democratic Senators absent from the Senate and without pairs. It was our duty to hold the fort for their return; but if my friend will join me and those who believe with me in the effort to place a limitation upon what is miscalled debate, then such things as are charged against me can not occur, or, if they do, they will be subject to whatever restrictions the rule itself may require.

Mr. President, I believe I was referring to caucuses a moment ago. Let me simply say that, for my part, that names do not appall me. I am unable to see any distinction between a caucus and a conference, either in the proceedings or in the outcome. I have noticed that, while our friends upon the other side never caucus, their conferences seem to result in a

unity of action which should set this side a good example. If conferences can produce such unanimity of action, which caucuses apparently can not, then possibly we could make a change of nomenclature and accept the more desirable and less offensive term "conference"; but, to my mind, to attempt a distinction between them is like "straining at a gnat and swallowing a camel."

In line with my remarks, I read from the New York World of to-day:

THE DOOM OF AN ABUSE.

If caucus can kill filibuster, it will do the people a service. Few caucuses have taken more important action than that of the Senate Democrats on Saturday night, which decreed the end of that very vicious form of senatorial courtesy.

Senatorial courtesy had its origin in the theory that Senators were gentlemen and men of honor who did not need to be bound by hard-and-fast rules. The country is concerned just now with the abuse of the courtesy of debate. "Men of honor" talk for 15 hours, not to expound principles, but to consume time. "Gentlemen" who are great sticklers for courtesy mumble and drone all night, not to show gracious respect for their associates, but to wear them out and prevent them from doing what they have a right to do. In such circumstances filibustering becomes a conspiracy against majority rule.

We need not suppose that any Senator believes cloture can be carried during the present Congress. Unlimited debate has prevailed in the Senate for more than a century. It is the only legislative body on earth in which majorities are suppressed by minorities. What was at first a gentlemen's agreement has become by license an insuperable barrier to the popular will. An evil of such long standing can hardly be cured during the last days of a session, but as a party issue carried into the new Congress the decision of the caucus ought speedily to be made effective.

Mr. President, I sincerely trust that my associates will never abandon the caucus until its power can be utilized for the final overthrow of the greatest of all parliamentary abuses—the power of an obstructive minority by unlimited talk, miscalled discussion, to destroy the majority, render it powerless, and substitute itself for the lawful government of the country.

Mr. President, I am willing to concede in part that obstructive tactics in the Senate have been the result of what is called "courtesy," but I am not sure that that is the only basis for them. I have noticed that obstruction, or the threat of it, can be used to put legislation through here which but for its use or the threat of it might have been defeated, and which but for its use perhaps should be defeated. No legislation should find a place upon the statute books which is placed there through the threat of unlimited debate before an unwilling and reluctant audience.

I recall, Mr. President, shortly after I came to the Senate, one night when the public-buildings bill was before the Senate, that a Senator offered an amendment providing for an appropriation of $45,000 for the improvement of certain public buildings in one of the great cities of the country. A point of order was about to be made against it, which would have been sustained, whereupon the Senator, having a vast bundle of manuscript and papers with him, took the floor and said, "Very well; if the point is to be made against it, I have some general remarks to make against the whole bill." He did not say so, but every appearance was that he proposed to talk all night. In order to prevent that infliction upon the Senate, in order to save time, which was then very valuable because the session was drawing to a close, the point of order was withdrawn and the Senator permitted to incorporate his amendment in the bill for an appropriation of $45,000. It may have been perfectly proper; the amendment may have been a needed one; the amount of money covered by it may have been essential for the purpose mentioned; but the fact remains that it became a part of that bill because of the power of a single Senator to hold this body as long as he was physically able to work his jaw. And I dare affirm that this was but one of many similar instances. An appropriation which depends upon the threat of a filibuster for its enactment stands under the shadow of suspicion and furnishes an additional and a potent argument against the system.

Mr. President, so far as I am concerned, I have not undergone a change of mind upon the necessity of a reasonable limitation upon debate. Senators upon both sides who have been here many years have said to me several times, "You are a new man here, and all new men want cloture; but after they have been here a little while and find how smoothly the old machinery works and how desirable it is at times and how difficult it is to change it, they are gradually transformed from advocates of a cloture to the champions and defenders of the filibuster." I was forcibly reminded of that, Mr. President, when on Saturday the Senator from New Hampshire [Mr. GALLINGER], interrupting the Senator from Oklahoma [Mr. OWEN], declared that he had been convinced that his original conception of the filibuster was wrong by listening to a speech by a Democratic Senator upon the other side of the subject. The only pleasure derived from that statement was that a Democratic Senator could convince my genial friend from New Hampshire of anything.

Now, the Senator from Massachusetts [Mr. LODGE] has also called attention to his conversion, which occurred, I think, 10 years after his speech. It may be that if I am spared long enough to see the "real insides" of this method of procedure, after I shall have learned it by heart, after long years of experience I, too, may see the rare advantage of it; but my earnest prayer is that long before that time comes there will be a radical change in our method of procedure.

When we provided for the election of Senators by the people we only took but one step, Mr. President, toward popularizing this body. That step will prove worthless so long as our present antiquated system of rules enables the same influences which brought this body into disrepute to impede the progress of legislation and defeat the will of the majority. Let us take that step, Democrats, and let us take it as soon as we can, to the end that the Senate of the United States may again become in very truth a representative body, a body responding to the needs and necessities of the great constituencies for whom its Members speak; a body for the promotion, and not for the prevention, of needed legislation.

The PRESIDING OFFICER. The question is on the——

Mr. REED and Mr. ROOT addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

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

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

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

Ashurst	Fall	Nelson	Smith, Ga.
Bankhead	Fletcher	O'Gorman	Smith, Md.
Brady	Gallinger	Oliver	Smith, Mich.
Brandegee	Goff	Overman	Smoot
Bristow	Hardwick	Owen	Stephenson
Bryan	Hollis	Page	Sterling
Burleigh	Hughes	Perkins	Stone
Burton	James	Pittman	Sutherland
Camden	Johnson	Poindexter	Swanson
Catron	Kern	Ransdell	Thomas
Chilton	Lane	Reed	Thompson
Clark, Wyo.	Lea, Tenn	Robinson	Townsend
Clarke, Ark.	Lee, Md.	Root	Vardaman
Colt	Lewis	Saulsbury	Warren
Crawford	Lippitt	Shafroth	Weeks
Culberson	Lodge	Sheppard	White
Cummins	McCumber	Shively	Works
Dillingham	Martin, Va.	Simmons	
du Pont	Martine, N. J.	Smith, Ariz.	

Mr. SHAFROTH. I desire to state that the Senator from Nebraska [Mr. NORRIS], the Senator from Iowa [Mr. KENYON], and the Senator from Oklahoma [Mr. GORE] are absent from the Senate on official business.

The PRESIDING OFFICER. Seventy-four Senators have answered to their names. A quorum is present.

Mr. ROOT. Mr. President——

The PRESIDING OFFICER. The Senator from New York.

Mr. ROOT. I wish to make some observations bearing upon the subject which is now before the Senate.

The unfinished business which is now before us is the resolution offered by the junior Senator from Missouri [Mr. REED] to amend Rule XXII of the standing rules of the Senate by providing that a vote shall be taken upon a bill now on the calendar of the Senate, and which we call the ship-purchase bill, by providing that that vote shall be taken at a specified hour on the 19th day of the present month.

There are certain amendments pending to that resolution. I suppose the merits of the whole resolution are relevant to the discussion of the amendments, and I suppose also that the question whether the resolution of the Senator from Missouri ought to be adopted must depend upon two different considerations: One, the consideration of the question whether the method of transacting the business of the Senate ought to be interfered with by fixing a time to vote on a particular bill by resolution; the other, the consideration of the question whether, if under any circumstances the general business of the Senate ought to be interfered with by fixing a time to vote by resolution, such a resolution ought to be employed with reference to this particular bill.

I undertake to say that there should be a negative answer upon each of those questions. I shall address myself to the first; that is, the question whether the business of the Senate as it has been conducted for a century ought to be interfered with by a resolution of this description. Let me first say a word about the proposition which was made in this Chamber on Saturday of last week by the senior Senator from Kentucky [Mr. JAMES]. He said, in substance, that if he were in the Chair and a motion for the previous question were made he would put the question to the Senate.

Now, sir, I wish to say about that that it would be a plain, unequivocal violation of the express rule of the Senate. Rule XXII of the Senate provides:

When a question is pending, no motion shall be received but—
To adjourn.
To adjourn to a day certain, or that when the Senate adjourn it shall be to a day certain.
To take a recess.
To proceed to the consideration of executive business.
To lay on the table.
To postpone indefinitely.
To postpone to a day certain.
To commit.
To amend.
Which several motions shall have precedence as they stand arranged; and the motions relating to adjournment, to take a recess, to proceed to the consideration of executive business, to lay on the table shall be decided without debate.

Mr. President, it is plain—it must be plain to anyone in the possession of his faculties and ordinary composure—that the previous question can not be moved except upon the matter which is before the Senate. No one can move that a question now be put unless it is a question upon the matter before the Senate; and when any matter is before the Senate, when any question is pending, the rule says no motion shall be received but the motions which are enumerated. The rule says, in necessary effect, that no motion that the previous question be put shall be received.

The perfectly plain reading of the rule, which it is impossible to mistake, is enforced by the fact that the original rule of the Senate provided for the previous question, and that down to the year 1806 this rule relating to the motions which shall be received while a question is pending enumerated the previous question as one of the motions that could be put equally with the motion to adjourn, to take a recess, to lay on the table, to postpone, to commit, to amend, and the others that are enumerated. I say that in the rule of the Senate which existed down to 1806, and which enumerated the motions that should be received when a question was pending, the previous question was included. In that year—the year 1806—a committee of the Senate, of which John Quincy Adams was a member, was appointed to revise the rules; and they brought in, and the Senate adopted, a revision which excluded the previous question from the motions which could be received when any question was pending.

Prior to 1806 the rule of the Senate said that when a question is pending no motion shall be received except the previous question, the motion to adjourn, to postpone, and so forth. After 1806 the rule of the Senate said that when a question is pending no motion shall be received except a motion to adjourn, to postpone, and so forth, enumerating the list, which excludes the previous question.

Mr. OWEN. Mr. President——

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

Mr. ROOT. One moment. For 108 years the Senate of the United States has so understood the rule, has so practiced and applied the rule, and in all the great controversies that have occurred in this Chamber, excited as were the feelings, great as were the interests involved, determined as was the opposition, determined as has been the majority to enforce its will, never has there been any question but that the rule as it is written here and as it has stood during all the century excluded the previous question from the motions that can be entertained while a question is pending.

I now yield to the Senator from Oklahoma.

Mr. OWEN. Mr. President, I merely wanted to ask the Senator if it is not a fact that between 1789 and 1806 the Senate, because of its small number and the small business, had found no use for the previous question, and if it is not a fact that it was only used three times in 17 years?

Mr. ROOT. Mr. President, that is in accordance with my understanding of the facts; and it was because the Senate of that day considered that the previous question was not a useful motion that they put the rule into the present form, which excludes the previous question. I am not now, sir, arguing whether there ought to be or ought not to be a previous question. I am merely undertaking to demonstrate that if the Senator from Kentucky had done as he said he would do he would have violated the express rules of the Senate as they have stood for a century. What I am trying to do is to leave no doubt in the Senate that what the Senator from Kentucky said he would do if he went into the Chair would be revolution.

Mr. President, I use the term advisedly. If the Senate of the United States does not proceed in accordance with its rules, then there is no deliberative body to consider and make the laws. You may consider a rule inexpedient and unwise; if so, you can change it; but so long as rules stand there is no protection for liberty, there is no protection for representative government, unless they are obeyed. You can not draw the line between a Senate of the United States that violates its rules of procedure, between a Senate that permits its presiding officer to violate the express rules of its procedure, and any ward meeting of a political party or faction. You have either one or the other, and if you cut loose from one you go to the other. Mr. President, you can not limit your damage. [A pause.]

The PRESIDING OFFICER. The Senator from New York may proceed.

Mr. ROOT. I am under obligations to the Chair for this kindly though somewhat belated recognition.

The PRESIDING OFFICER. The Chair will say for the Chair that the admonition on the part of the Senator from New York was not necessary. The Chair felt that his ears were quite copious enough to take in the remarks of the Senator from New York while a little side remark was going on. [Laughter.]

Mr. ROOT. The Senator from New York is far from disputing the Chair's estimate as to the capacity of the Chair's ears, but the division of attention is necessarily a check to the free flow of thought on the part of the speaker.

I was observing that you can not limit the injury which is done by a failure to observe the rules of procedure. If a rule is broken after debate has continued for a month it can be broken when debate has continued for a week, or for an hour, or when it has not begun. If the Chair, in violation of the express rules of the Senate, can put the previous question, when the rule says it shall not be put, after long debate, the Chair can put the previous question when there has been no debate. If the Chair can refuse to recognize a Senator of the United States when he rises in his place to debate, to be heard upon a matter pending before the Senate, after there has been long debate, the Chair can refuse recognition when there has been no debate. You can not have your rules and ignore them. You can not break them to-day and have their protection to-morrow.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Ohio?

Mr. ROOT. I yield.

Mr. POMERENE. Would the Senator object to the adoption of a rule providing for the previous question after there had been, in the minds of all reasonable men, reasonable debate of a bill which was pending before the Senate?

Mr. ROOT. Mr. President, I do not wish to be drawn aside from the specific question to which I am addressing myself by a discussion as to what changes of the rules may be expedient. I am talking now about the observance of the rules as they are, whatever they are.

Mr. POMERENE. Mr. President, may I ask the Senator another question?

The PRESIDING OFFICER. Does the Senator from New York further yield to the Senator from Ohio?

Mr. ROOT. I do.

Mr. POMERENE. Does the Senator think that the rules of the Senate, if given a reasonable interpretation by reasonable men, recognize unlimited debate to the extent that Senators shall talk 10, 12, and 13 hours—one after another—continuously, when their manifest purpose is to defeat a vote upon the bill, and it has been so declared on the floor of the Senate?

Mr. ROOT. Mr. President, I think the rules of the Senate prohibit the putting of the previous question. I think the rules of the Senate require the Chair to recognize every Senator who seeks recognition to debate a question. I think the rules of the Senate preclude the prevention of any Senator of the United States being heard upon a question pending before the Senate, and what I am endeavoring to impress upon the Senate is that if you refuse to abide by and keep inviolate the rules of the Senate the whole system of a deliberative body is destroyed and you are no better off than you would be in a ward meeting of a political faction.

Mr. OWEN. Mr. President——

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

Mr. ROOT. I do.

Mr. OWEN. I wish to ask the Senator from New York if in his opinion unlimited debate is within the rule, whether the Senate could ever pass upon the question of a previous question, if it were before the Senate, if the Senator from New York and his colleagues objected?

Mr. ROOT. Oh, Mr. President, the previous question is a well-known parliamentary method of ending debate; and when a motion for the previous question is received and put there can be then no debate, and if it is carried there can be then no

debate; but as the previous question is expressly excluded by the rules of the Senate there is no question left about it but the question whether we will violate the rules of the Senate.

Mr. OWEN. Mr. President——

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

Mr. ROOT. I do.

Mr. OWEN. May I ask the Senator whether he is unwilling to answer my question?

Mr. ROOT. I have answered it, if I understood it. If not, will the Senator repeat it?

Mr. OWEN. What I did ask the Senator was whether we can ever change these rules under his interpretation of this rule?

Mr. ROOT. I think they can be changed, Mr. President; yes.

Mr. OWEN. I should like to know how.

Mr. ROOT. It is not my purpose to instruct the Senator. [Laughter.] I fear that he would make a use of the instruction which would be disagreeable to me.

The PRESIDING OFFICER. Does the Senator decline to yield further?

Mr. ROOT. I think I will go on.

Mr. OWEN. I do not wish the Senator to yield further. He has made a sufficient answer for my purpose. [Laughter.]

Mr. ROOT. I am very glad to have gratified the Senator.

The PRESIDING OFFICER. The Senator from New York has the floor.

Mr. ROOT. I say what I have said because of the declaration of the Senator from Kentucky [Mr. JAMES] as to what he would do, and because there have been floating about the Senate rumors, to which I have given no credence, that it was the purpose of this and that and the other Senator taking the chair to refuse to recognize Senators when they rose to speak upon the pending question.

Mr. JAMES. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Kentucky?

Mr. ROOT. I do.

Mr. JAMES. If I understand the Senator from New York, his position is that for a Presiding Officer to recognize a Senator to move the previous question, which motion was submitted to the Senate upon a roll call, would be an act of revolution, but that a few Senators upon that side, two or three, who openly, boldly, and defiantly say that you will not permit a majority of the Senate to express its will are highly patriotic.

Mr. ROOT. No, Mr. President; I say nothing of the kind. I say that, in the first place, the will of a majority is always certain to control, and there never has been a case where it did not. I say, in the next place, that the one situation which the Senator from Kentucky proposes is a violation of an express rule of the Senate, and the other is something which does not exist. No one that I know of has declared that he would not permit the majority to have its will. I have heard Senators say, and I have said myself, that so far as I can prevent it by proper parliamentary procedure the majority should not force this particular measure to a vote until it had been so discussed that the people of the United States have had an opportunity to know what was going on and to form and express their opinions about it. If that be treason——

Mr. JAMES. Mr. President, does the Senator from New York know of any specific rule of the Senate that denies to this body the right to have the previous question ordered?

Mr. ROOT. I do. Perhaps the Senator from Kentucky was not here when I referred to it.

Mr. JAMES. I was not.

Mr. ROOT. I have read to the Senate Rule XXII, which prohibits in express terms the receiving of such a motion.

Mr. JAMES. But, if the Senator will permit me, the Senate, at last, is the final power of decision upon all questions, and if the Presiding Officer should refuse to recognize a Senator to move the previous question, might he not appeal from that decision and let the Senate itself decide whether or not the appeal was well taken, and if the Senate did decide that the appeal should be sustained, would it not be the duty of the Presiding Officer then to put the previous question to the Senate; and, at last, would it not be just the same as an original ruling submitting the question to the Senate, because the Senate would decide for itself? I know of no ruling that you might properly call a revolution which submits to the determination of the majority the decision of any question.

Mr. ROOT. Mr. President, the Senator from Kentucky has merely proposed an ingenious method of violating the rules of the Senate. The rule is that when a question is pending no motion shall be received but the enumerated motions. Under that rule it is the duty of the Chair to refuse to receive the motion. Under the rules of the Senate its rules can be changed only in a specific way and in no other way. There has to be a particular notice given, and the notice has to be for a given time until another meeting of the Senate, and the change of the rule is debatable. It must be deliberate and upon consideration, and the rule expressly prevents the ingenious sidestepping which the Senator from Kentucky suggests.

Mr. JAMES. Mr. President, I will say to the Senator from New York that I have quite frequently seen questions of that sort submitted to the Senate and I have heard quite often our distinguished Vice President say the Senate, at last, is the arbiter of its own fate; it, at last, must decide for itself what rules it desires. Now, the Senator says those rules exist for the minority, they do not exist for the Senate. Have they been adopted by the Senate?

Mr. GALLINGER. Certainly; we always adopt them at the beginning of a Congress.

Mr. JAMES. I am asking the Senator from New York. If the Senator from New Hampshire wants to answer that, let him do so. Does the Senator say they have been adopted?

Mr. GALLINGER. Mr. President, the Senate is a continuous body.

Mr. JAMES. I know; and that is the ingenious way you gentlemen——

Mr. GALLINGER. That is the fact.

Mr. JAMES (continuing). Have to tie the hands of the representatives of the American people.

Mr. ROOT. This is a new proposal.

Mr. JAMES. These rules have not been adopted by the Senate. There are merely the inheritance of a hundred years behind us, with the gathered cobwebs and dust that have come down through the centuries. It is to say that it must be done by some new change and that we can not ourselves submit to the majority the right to transact business.

Mr. ROOT. Mr. President, I infer from the last remarks of the Senator from Kentucky that his naturally incisive mind has penetrated to the substantial basis which I have been presenting to show that such a thing as he proposes can not be done in accordance with the rules of the Senate, and he now makes the proposition that the Senate has no rules. That is rather a startling proposition. The Senate is a continuous body, and its rules once adopted continue until they are changed. Does anybody dispute that?

Mr. THOMAS. Mr. President——

Mr. ROOT. Does anybody dispute that the Senate is a continuing body?

Mr. THOMAS. I dispute it; and that will be tested out at the beginning of the next Congress. The Senate is a continuous body, in the sense that two-thirds of it hold over with every Congress. We appoint our new committees and assign the new Members; but there is no more reason why the rules of the Senate should continue from Congress to Congress than that our committees should continue from Congress to Congress. I do not know what others may think about it, but one of the efforts I shall make will be to secure a change of the rules and test that question when the new Senate shall organize.

Mr. ROOT. Mr. President, that will be very interesting.

Mr. THOMAS. I hope it will also be successful.

Mr. ROOT. I shall, from my distant home, follow the public press with great interest to see what results flow from the Herculean efforts of the Senator from Colorado to change the rules of the century; but it has not a very important bearing upon the question now before us.

Mr. THOMAS. Will the Senator permit me?

Mr. ROOT. I yield to the Senator.

Mr. THOMAS. I do not pretend to be able to make any Herculean efforts or to exercise the same power and ability as the Senator from New York. I am merely stating an opinion which is drawn from the Senator's inquiry and which I thought should be answered. I do not know whether we shall succeed or not, but the fact that the Senate is under rules of construction which have tied its hands and feet for a hundred years has no terrors for me. I believe the rules are made for the Senate. I do not think the Senate was made for the rules.

Mr. ROOT. May I ask the Senator from Colorado, if I can do so without losing the floor, whether he thinks we have any rules?

Mr. THOMAS. Oh, Mr. President, I think we have rules, but I have been unable to find any rule——

Mr. ROOT. May I ask a further question? Whether the Senator from Colorado thinks that we can deny the existence of rules that do not suit us and assert the existence of rules that do?

Mr. THOMAS. I do nothing of the kind.

Mr. ROOT. Does the Senator from Colorado then agree with the Senator from Kentucky?

Mr. THOMAS. I do. If I understand the position of the Senator from Kentucky, it is——

Mr. ROOT. May I ask if that agreement was brought about by a caucus resolution, because the Senator from Kentucky says there are no rules and the Senator from Colorado says there are? I can see no agreement in that unless it is the result of a resolution.

Mr. THOMAS. It is evident the only answer that can be made when a Senator can make no other is to refer to the caucus and ask some question about the caucus. I had not completed my answer to the Senator's first question. If I understand the position of the Senator from Kentucky, it is that the rules nowhere justify the conclusion that the previous question does not exist, and that unless there is some express prohibition of it it can be invoked.

Mr. JAMES. Under parliamentary law.

Mr. THOMAS. In view of the fact that Jefferson's Manual, now a part of the rules, which treats of the previous question, was discussed, I am able to agree with the Senator from Kentucky upon that proposition. I may be wrong. If I am, I hope to be corrected by the Senator from New York.

Mr. ROOT. The last proposition of the Senator from Kentucky was that the Senate has no rules.

Mr. THOMAS. I am not responsible for that.

Mr. JAMES. What I stated, if the Senator will allow me——

Mr. THOMAS. I am taking the position of the Senator from Kentucky as he stated it on Saturday evening. I gather his position from what he then said.

Mr. ROOT. The Senator from Colorado was quite correct. The position taken by the Senator from Kentucky last Saturday was that he would break the rules into little bits. His position now is that there are no rules to break.

Mr. THOMAS. The Senator can not place that construction on the remarks of the Senator from Kentucky, but he is able to answer for himself. His position was—at least as I understood it, as it addressed itself to my intelligence at the time—as I stated a few moments ago.

Mr. JAMES. Will the Senator from New York permit me?

Mr. ROOT. Certainly.

Mr. JAMES. My position was that the Senate now serving in the Sixty-third Congress had not adopted these rules. Of course, I understand the Senator's position is that we are acting under the rules formulated back yonder a hundred years ago. If I understand the position of the Senator from New York, that the Senate is a continuous body, why is it that we have every two years to reintroduce bills? They ought not to die if the Senate is a continuous body.

Mr. ROOT. Because the Congress comes to an end, Mr. President.

Mr. JAMES. Yes; the Congress comes to an end, but the Senate does not, and if the Senate is a continuous body, I know this, that every bill ought to continue alive, just like these rules do. If the Senator from New York will permit me, I should like to ask him this question. If I state his proposition aright—and he is very able to do that himself—it is this: We had 13 States in the Union, and therefore 26 Senators; 130 years ago they met and formulated certain parliamentary rules to govern their deliberations, among which was unlimited debate. That right of unlimited debate was given in the Senate. Being a continuous body, it has existed from year to year until we find ourselves, 130 years removed from that time, with our hands still tied and with a minority of Senators given the right to talk and talk and to deny to the Senate the right to transact public business.

Is it possible, I ask the Senator, that we, here in this progressive age, a great Republic of 100,000,000 people, have our hands still tied by the action of 13 States, by 26 Senators, when back yonder they did not have the one-thousandth part of the public business to transact that we have at this time, and that by reason of that action we can not transact public business because a minority, I may say, of two men—anyhow, three men—can as effectively prevent the transaction of business in this body as a majority of men can?

Mr. ROOT. Mr. President——

Mr. GALLINGER. May I ask the Senator from New York a question?

Mr. ROOT. Certainly.

Mr. GALLINGER. I have here the Constitution of the United States, made over a hundred years ago, and every one who subscribed to it is dead. Yet it is the law of the land, and it has not been acted upon since as a whole and confirmed in any way.

Mr. JAMES. I think there is some difference, if the Senator from New York will permit me, between the Constitution and the rules of the Senate; at least I hope there is.

Mr. THOMAS. The rules seem to be superior here.

Mr. JAMES. The Constitution points out the way by which it can be amended.

Mr. GALLINGER. So do our rules.

Mr. JAMES. But I understand the Senator from New York is driven, in order to sustain his position, to the ground that the Senate by a minority of two or three men are given a right, that it was given by the Senate 130 years ago and we can not get away from at all, as long as physical endurance will allow those men to talk and keep the majority from a vote.

Mr. GALLINGER. If the Senator from New York will permit me further, I call attention to the fact that there is a rule governing this body in the Constitution of the United States.

Mr. JAMES. Oh, certainly; that we shall vote, but we do not seem to do it.

Mr. ROOT. Mr. President, if I may get back to the floor.

The VICE PRESIDENT. The Senator from New York has the floor.

Mr. ROOT. The Senator from Kentucky has incorrectly stated through inadvertence the fact that the 13 States which formed our Union did not adopt in the Senate unlimited debate. They established a rule for the previous question, and that continued until 1806.

Mr. LODGE. If the Senator will allow me, 11 States adopted the rules of the Senate. I do not think that either North Carolina or Rhode Island was then represented here.

Mr. ROOT. The original 11 States adopted then, not unlimited debate, but a rule for a previous question. In 1806 the Senate came to the conclusion that the previous question was not useful, and coming to the conclusion that there should be no limit upon debate, changed the rule and made the rule as it now stands, prohibiting the Chair from receiving any motion for the previous question.

Now, Mr. President, the Senator from Kentucky asks, "Shall we be bound by these old dead hands?" Yes; unless we see fit to change the rule. Nor is it the dead hand alone that binds us; it is the observance and recognition of the rule at every session of the Senate for these 108 years. Time and again in this body you, Mr. President, have declared Senators in order or out of order, their motions and their steps in parliamentary procedure permissible or forbidden with reference to these rules, and to the precedents which in the construction of them have been built up year by year in every session of the Senate during all the century. Bound by the men of a hundred years ago? No; bound by all the great and patriotic and wise and able men who have made the Senate of the United States for that century, bound by the rulings of every Vice President and every President pro tempore of the Senate during that century.

The Senate not a continuing body! Why, sir, what happened here two years ago come the 4th of March, when the hammer had fallen that marked the death of the Sixty-second Congress? It was here in the Senate of the United States you were inducted into office. What will happen when this session is adjourned on the 4th of March? The Senate, not the House, is called together to pass upon the nominations which the President may see fit to make. What happens with our joint committees? These grounds about us, this great library with its store of learning, the Botanic Garden, are under the control and direction of the Joint Committee on the Library. What happens when Congress adjourns? The House goes out of existence; there is a new House, and until that House is organized the statute says the Senate committee is the Joint Committee of Congress on the Library. No reorganization is required; no new appointment of committees is required; but ipso facto the instant the gavel falls upon the Sixty-third Congress the Joint Committee of Congress upon the Library, with all its powers, will be composed solely of the Senate committee, with Mr. LEA of Tennessee at its head.

Mr. JAMES. Mr. President——

Mr. ROOT. You can not break in with a new idea of that kind upon the agreement of minds for a century, as if it were a matter of first impression.

Mr. JAMES. Suppose the term of the Senator from Tennessee [Mr. LEA] expired, and the Vice President's term expired?

Mr. ROOT. The Senate committee still continues.

Mr. JAMES. That is made so by a special law, though, is it not?

Mr. ROOT. It is by a law which recognizes the continuance of the Senate and of its committees.

Mr. JAMES. I understand that; but it is by a law that has passed both Houses of Congress, and which has been signed by the President?

Mr. ROOT. Yes.

Mr. BRANDEGEE. Mr. President——

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

Mr. ROOT. I do.

Mr. BRANDEGEE. The Senator from Kentucky—I will ask a question, but I have first to make the statement briefly—the Senator from Kentucky, if I understood him correctly, stated that, although the rule prohibited the Chair from receiving a motion for the previous question, if the Chair should submit the question to the Senate and should be sustained by a majority of the Senate in receiving it, then that procedure would cease to be revolutionary and would become justifiable. In the opinion of the Senator from New York, would the breach of that rule be any less revolutionary if it were approved by the entire majority of the Senate?

Mr. ROOT. No, Mr. President; it would not be in the slightest degree cured, because the purpose of rules is to establish a course of conduct which shall be a protection to the minority and preserve them in the performance of their duties against arbitrary repression on the part of the majority.

There is an old phrase that I remember from my student days, when the good Queen Victoria was upon the throne of England, and men spoke in the House of Commons of Her Majesty's opposition—not merely Her Majesty's Government, but Her Majesty's opposition—and rightly so, for the functions of the minority are as important to the preservation of representative government as are the functions of the majority. It is the duty of the minority to insist upon discussion, consideration, publicity, openness, to bring out and keep in the full sunlight of public knowledge the conduct of public business; and, sir, there is no right of liberty in a Republic more essential and vital than is the preservation and the protection of the minority in the performance of their duty.

Otherwise, sir, why are we here at all? Why should not all of the members of the minority go to their homes? Why are we here through long days and nights inhaling poison, enfeebling our powers, shortening our lives? Why should not the resolution of the caucus—my friend from Colorado [Mr. THOMAS] will forgive me if I refer again to that subject, which seems to cause him so much discomfort—why should not the resolution of the caucus have been brought into this Chamber and registered the day it was passed? Why have a vote? Why have any discussion if the rights of the majority are all that are to be considered; if the verdict of the majority must without let or hindrance, without postponement or discussion, except as a privilege, be registered as law? I say, sir, that unless the minority has rights which are to be protected, unless the minority is performing a public duty, why should not the edict of the caucus have been brought into this Chamber and registered as law?

But, sir, if you do that there is an end of representative government; if you do that, there is no occasion for the majority. If they destroy the functions of the minority, they equally destroy the functions of the majority, for they can not perform the duties of representative government by holding a secret conclave and coming to an agreement with an Executive. That is not the function of a majority.

Mr. President, the views that have been expressed here, the views that are entertained here by the majority, under the pressure of their excited feelings in this controversy, go to the length of destroying representative government and substituting for it a government which does not differ in any degree whatever from the government of Rome under the Emperors, of France under the later Bourbons, of Mexico under Diaz. It is a serious matter, sir; it is of more importance than shipping bills. They raise the question whether our Government is to be permitted to function or whether they will paralyze this body; whether they will cut out its essential machinery and substitute results that are obtained without its action by an entirely extraconstitutional proceeding.

Sir, the only protection for this system of government by representation is to be found in these rules. If you break the rules or ignore the rules and undertake to go on without them, then you cast aside the only protection for the real performance of the duties of a representative body against the arbitrary will of a majority, which is reached by agreement made outside of the Chamber.

Mr. President, I have said all that I wish to say upon this particular subject. I had in mind going on with something further, changing the topic somewhat; but I will take occasion to do that at a later time if the rules of the Senate are not destroyed, so that it will be impossible.

Mr. SMITH of Michigan. Mr. President, I should like to ask the Senator a question before he takes his seat.

Mr. REED. Mr. President——

The VICE PRESIDENT. The Senator from Missouri.

Mr. SMITH of Michigan. I should like to ask the Senator from New York a question.

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Michigan?

Mr. REED. I yield for a question.

Mr. SMITH of Michigan. A great deal has been said on the other side about a majority. In the opinion of the Senator from New York, does it make any difference whether a majority of the States have at no time recorded their votes in favor of this measure? We have had a number of roll calls, but upon no single roll call has there been revealed a majority of the States of the Union in favor of the proposition advocated by the other side.

Mr. ROOT. Mr. President——

Mr. SMITH of Michigan. I had supposed that this forum was the place where the States were peculiarly represented.

Mr. REED. I yield to the Senator from Michigan to ask a question.

Mr. SMITH of Michigan. I am through. The Senator from Missouri need not worry about my extending my remarks.

Mr. REED. I do not intend that you shall.

Mr. SMITH of Michigan. I had supposed that the States here had a special right; that this was peculiarly the forum of the States; and yet there has not been a majority of the States voting on a single roll call in favor of this administration measure.

Mr. ROOT. Mr. President, I had intended, if I had gone on with my remarks, to make some observations upon a subject very close to that which has been mentioned by the Senator from Michigan—not the precise proposition which he has made, but very close to it, and having a direct relation to the attitude of the representatives of the States in this body to the rules and to the practices which are creeping in and which are exhibited in the dealing with this subject; but, sir, I will defer to another time my remarks on that subject.

Mr. REED. Mr. President——

The VICE PRESIDENT. The Senator from Missouri.

Mr. REED. Mr. President, I move to lay the amendment of the Senator from Iowa [Mr. CUMMINS] on the table, and upon that I ask for the yeas and nays.

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

The VICE PRESIDENT. The Secretary will call the roll.

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

Ashurst	Gallinger	Martine, N. J.	Smith, Ariz.
Bankhead	Goff	Nelson	Smith, Ga.
Brady	Gore	Norris	Smith, Md.
Brandegee	Gronna	O'Gorman	Smoot
Bristow	Hardwick	Oliver	Stephenson
Bryan	Hitchcock	Overman	Sterling
Burleigh	Hollis	Owen	Stone
Camden	Hughes	Page	Sutherland
Catron	James	Penrose	Swanson
Chilton	Johnson	Perkins	Thomas
Clapp	Kenyon	Poindexter	Thompson
Clark, Wyo.	Kern	Pomerene	Tillman
Clarke, Ark.	La Follette	Ransdell	Townsend
Colt	Lane	Reed	Vardaman
Crawford	Lea, Tenn.	Robinson	Walsh
Culberson	Lee, Md.	Saulsbury	Warren
Cummins	Lewis	Shafroth	Weeks
Dillingham	Lippitt	Sheppard	White
du Pont	Lodge	Shields	Williams
Fall	McCumber	Shively	Works
Fletcher	Martin, Va.	Simmons	

The VICE PRESIDENT. Eighty-three Senators have answered to the roll call. There is a quorum present.

Mr. STONE. Mr. President——

Mr. TOWNSEND. Mr. President, I rise to a parliamentary inquiry. What is the question before the Senate?

The VICE PRESIDENT. The Senator from Missouri has moved to lay the amendment of the Senator from Iowa [Mr. CUMMINS] upon the table.

Mr. CRAWFORD. I ask that the amendment be stated.

Mr. TOWNSEND. May we have that amendment read, so that we may know what it is?

EXECUTIVE SESSION.

Mr. STONE. Pending that 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 15 minutes spent in executive session the doors were reopened.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives by D. K. Hempstead, its enrolling clerk, announced that the Speaker of the House had canceled his signature to the enrolled bill (S. 7555) to authorize the construction of a bridge across the Suwanee River, in the State of Florida.

The VICE PRESIDENT. The Chair announces the cancellation of the signature of the Vice President to the enrolled bill just received from the House of Representatives.

RECESS.

Mr. STONE. I move that the Senate take a recess until to-morrow at 12 o'clock noon.

The motion was agreed to; and (at 5 o'clock and 50 minutes p. m., Monday, February 15, 1915) the Senate took a recess until to-morrow, Tuesday, February 16, 1915, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 15, 1915.

UNITED STATES ATTORNEY.

John F. A. Merrill to be United States attorney for the district of Maine.

POSTMASTERS.

CALIFORNIA.

George E. Alexander, Hayward.
Joseph Galewsky, St. Helena.
J. I. C. Kennedy, Mountain View.
Owen Kenny, Calistoga.
Evelyn Mitchell, Dos Palos.
Peter D. McIntyre, Blythe.
Henry W. Nash, Stirling City.
John R. Snead, Dixon.
J. V. Swift, Redwood City.
W. W. Ware, Fort Bragg.

COLORADO.

William D. Richardson, Oak Creek.
O. W. McKinley, Ault.

CONNECTICUT.

Thomas H. Collins, Farmington.
Alexander Gilman, Putnam.
Hugh Hearns, Naugatuck.
William S. Meany, Greenwich.
David A. Wilson, Hartford.

IDAHO.

Everett Noble, Shoshone.

HAWAII.

Henry A. Juen, Waipahu.

INDIANA.

Alvin E. Hauk, Morristown.
Charles F. Ill, Notre Dame.
Frank L. Lashley, Centerville.
William Marmaduke, Wingate.
John W. Wright, Brookston.

KENTUCKY.

W. L. Hale, Mayfield.

LOUISIANA.

F. H. Gosman, Shreveport.
H. J. Nelson, Vinton.

MICHIGAN.

Mark Boyd, McBain.
John Dunham, Daggett.
Samuel McClellan, Springport.
Merton N. Wolcott, North Adams.

MINNESOTA.

M. J. O'Laughlin, Lake City.

MISSISSIPPI.

Thomas A. Chapman, Leakesville.

MISSOURI.

William T. Dameron, Huntsville.

NEW HAMPSHIRE.

Ferdinand French, Pittsfield.

NEVADA.

J. Lester Denton, Caliente.

OHIO.

Levi E. Bierer, McComb.
Joseph E. Blackford, Martins Ferry.
James W. Stoneburner, Roseville.

OKLAHOMA.

Caesar F. Simmons, Boley.

OREGON.

Lizzie M. Perkins, Gardiner.

TENNESSEE.

D. M. Brumit, Elizabethton.
L. H. Hammond, Mountpleasant.

TEXAS.

John E. Astin, Bryan.
Milton W. Cunningham, Amarillo.
Jack Dies, Beaumont.
Mary K. Hartson, Kyle.
Daniel F. Largent, Bridgeport.

VERMONT.

Henry B. Parkhurst, jr., North Troy.

WASHINGTON.

D. L. Becker, Lynden.
C. E. Hancock, Selah.
Elmer McBroom, Chehalis.

WYOMING.

Charles T. Sherbno, Sunrise.

WEST VIRGINIA.

Frederick H. Mahey, Rainelle.
M. T. Morrison, Sutton.
P. E. Nixon, Paw Paw.
R. G. Oxley, Athens.
Turner A. Wamsley, Parsons.

HOUSE OF REPRESENTATIVES.

MONDAY, *February 15, 1915.*

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

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

We thank Thee, our Father in Heaven, that amid all the changing scenes of life Thou art permanent. We are the moving procession. Thou art the same yesterday, to-day, and forever. We may pause, even retrograde, but Thy love stands waiting with beckoning hand to lure us onward and upward to permanency of character in righteousness, truth, justice, mercy, purity; for Thou art God—

"That God, which ever lives and loves;
One God, one law, one element,
And one far-off divine event,
To which the whole creation moves."

So may we trust and advance under the leadership of the Master. Amen.

The Journals of the proceedings of Saturday, February 13, 1915, and Sunday, February 14, 1915, were read and approved.

BRIDGE ACROSS SUWANEE RIVER.

Mr. MANN. Mr. Speaker, the RECORD of Saturday in both the Senate and the House proceedings shows that Senate bill 7555, an act to authorize the construction of a bridge across the Suwanee River in the State of Florida, was signed by the Speaker and the Vice President as an enrolled bill. The Senate bill, with a similar House bill, was reported on Saturday. I do not think that the Journal shows that it passed the House. If it passed the House at any time, it has not been shown by the proceedings here.

Mr. ADAMSON. Mr. Speaker, the fact is, if the gentleman will permit, the House bill was reported by the committee on Friday, and after the committee had adjourned the Senate bill came over to the committee too late to report it out at that meeting. So the fact is that the House bill stands on the calendar reported by the committee, and the Senate bill has been referred to the committee and has been unacted upon.

Mr. MANN. But the CONGRESSIONAL RECORD shows, on page 3762 in the House proceedings, that the bill had been signed by the Speaker as an enrolled bill.

Mr. ADAMSON. That ought to be corrected.

Mr. MANN. The RECORD also shows in the Senate proceedings on page 3696 that the bill was messaged from the House to the Senate as having been signed by the Speaker and that it was thereupon signed by the Vice President.

Mr. ADAMSON. I have no doubt that was some other bill, and that a mistake of identity has been made.

Mr. MANN. But in each case the title of the bill is given correctly.

Mr. ADAMSON. It is not the fact.

Mr. MANN. That is the reason I am calling attention to it. If, as a matter of fact, it was sent over by inadvertence——

The SPEAKER. It was.

Mr. MANN. It ought to be recalled.

The SPEAKER. Will the gentleman make a motion to that effect?

Mr. MANN. I ask unanimous consent that the Senate be requested to return the bill to the House.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the Senate be notified of the situation and that they be requested to return the bill to the House. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. ADAMSON. That bill did not get reported in time to be put upon the Calendar for Unanimous Consent, but I hope that we will be permitted to pass it to-day notwithstanding.

CALENDAR FOR UNANIMOUS CONSENT.

The SPEAKER. The business in order to-day is the Calendar for Unanimous Consent, and the Chair repeats a request he made about this calendar on several occasions. If a gentleman has made up his mind resolutely to object to a bill, the Chair requests that he make his objection immediately after the reading of the title. The Clerk will call the first bill on the Calendar for Unanimous Consent.

BRIDGE ACROSS ST. LOUIS RIVER, BETWEEN WISCONSIN AND MINNESOTA.

The first business on the Calendar for Unanimous Consent was the bill H. R. 17762, to amend an act approved February 20, 1908, entitled "An act to authorize the Interstate Transfer Railway Co. to construct a bridge across the St. Louis River between the States of Wisconsin and Minnesota."

Mr. MILLER. Mr. Speaker, this bill has been read at a previous time, and I think it is not necessary to read it again. I ask unanimous consent that present consideration be given to H. R. 17762, the bill just reported, and also to H. R. 15727, authorizing the county of St. Louis to construct a bridge across the St. Louis River between Minnesota and Wisconsin, and also S. 5325, authorizing the county of St. Louis to construct a bridge across the St. Louis River between Minnesota and Wisconsin. I ask unanimous consent that all three of these bills be considered at this time.

Mr. BORLAND. Mr. Speaker, that is exactly what would happen in the calling of the Calendar in the regular way.

Mr. MILLER. I want to know now whether unanimous consent is to be given to the consideration of each one of the three.

Mr. BORLAND. How could the gentleman know that?

Mr. MILLER. We certainly can know it if the House agrees to it at this time.

Mr. BORLAND. Are these three all for the same bridge?

Mr. MILLER. No; two are for the same bridge and one is not.

Mr. BORLAND. What is the connection between them?

Mr. MILLER. I think there is no connection whatever between them. There are other gentlemen who think that there is a connection, and I therefore make this request in respect to them all.

Mr. ADAMSON. Mr. Speaker, while it has not appeared to the committee that there was any necessary or proper conflict between the two propositions, yet the alignment has been such that there are gentlemen on each side who do not want consent to be given for one to pass until they know the other will pass.

The SPEAKER. The gentleman from Minnesota asks unanimous consent that all three of the bills referred to be considered.

Mr. ADAMSON. They are all upon the same subject.

Mr. LENROOT. I object. Let us take them up in their order.

The SPEAKER. The gentleman from Wisconsin [Mr. LENROOT] objects. Is there objection to the present consideration of the bill H. R. 17762, which the Clerk has reported?

Mr. MILLER. I object. The gentleman from Wisconsin [Mr. LENROOT] objects to the consideration of his own bill, and I object to this.

The SPEAKER. The Clerk will report the next bill on the Calendar.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 2789. An act to award the medal of honor to Maj. John O. Skinner, surgeon, United States Army, retired.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to bills of the following titles, asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHIVELY, Mr. JOHNSON, and Mr. SHERMAN as the conferees on the part of the Senate:

S. 6980. An act 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;

S. 7213. An act 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; and

S. 7402. An act 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.

SENATE BILL REFERRED.

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

S. 2789. An act to award the medal of honor to Maj. John O. Skinner, surgeon, United States Army, retired—to the Committee on Military Affairs.

BRIDGE ACROSS ST. LOUIS RIVER.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 15727) authorizing the county of St. Louis to construct a bridge across the St. Louis River between Minnesota and Wisconsin.

The SPEAKER. Is there objection?

Mr. LENROOT. Mr. Speaker, I object.

The SPEAKER. The gentleman from Wisconsin objects, and both of these bills are stricken from the calendar.

Mr. ADAMSON. I want to observe, while the gentlemen seem to be even, this is not getting us anywhere.

Mr. MILLER. Mr. Speaker, reserving the right to object——

The SPEAKER. There is nothing before the House.

Mr. MILLER. We can object to a great many of these bills.

CONSTRUCTION OF TWO REVENUE CUTTERS.

The business on the Calendar for Unanimous Consent was the bill (H. R. 18876) to provide for the construction of two revenue cutters.

The title was read.

Mr. MANN. Mr. Speaker, I object.

The SPEAKER. The gentleman from Illinois objects, and the bill is ordered stricken from the calendar.

TO AMEND THE ACT TO REGULATE COMMERCE.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 20496) to amend section 15 of the act to regulate commerce, as amended June 29, 1906, and June 18, 1910.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I object.

The SPEAKER. The gentleman from Illinois objects, and the bill is ordered stricken from the calendar.

SALE OF LAND TO TOWN OF TEMPE, ARIZ.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 11253) authorizing the Secretary of the Interior to sell to the town of Tempe, Ariz., a tract of land containing road-making material.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I am inclined to object to this bill unless some very good reason can be advanced.

Mr. FERRIS. Mr. Speaker, the author of the bill is not here, but this bill only involves a very small tract; but I have not the facts fresh in my memory.

Mr. STAFFORD. The report says this is part of a monument and it might affect the scenic beauty of that monument. Mr. Speaker, I object.

The SPEAKER. The gentleman from Wisconsin objects, and the bill is ordered stricken from the calendar.

FALSE ADVERTISING IN THE DISTRICT OF COLUMBIA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 4931) to prevent false advertising in the District of Columbia.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, this bill, I see, provides a jury shall determine the penalty. Is that the case in the District of Columbia in other matters? It provides a jury shall determine the penalties.

Mr. JOHNSON of Kentucky. Mr. Speaker, I will say to the gentleman that after the bill was reported some inaccuracies were found in it, and it has been carried along with a view that they might be perfected by the author of the bill, but we have not yet corrected them.

Mr. MANN. Mr. Speaker, I ask that the bill be passed over without prejudice.

The SPEAKER. The gentleman from Illinois asks that this bill be passed without prejudice. Is there objection? [After a pause.] The Chair hears none.

BRIDGE ACROSS ST. LOUIS RIVER BETWEEN MINNESOTA AND WISCONSIN.

The next business on the Calendar for Unanimous Consent was the bill (S. 5325) authorizing the county of St. Louis to construct a bridge across the St. Louis River between Minnesota and Wisconsin.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. LENROOT. Mr. Speaker, I object.

The SPEAKER. The gentleman objects, and the bill is ordered stricken from the calendar.

FEDERAL BUILDING, POCATELLO, IDAHO.

The next business on the Calendar for Unanimous Consent was the bill (S. 4920) to increase the cost of construction of the Federal building at Pocatello, Idaho.

The Clerk read the title of the bill.

The SPEAKER. Is there objection.

Mr. BORLAND and Mr. MADDEN. Mr. Speaker, I object.

Mr. SMITH of Idaho. Will the gentleman withhold his objection?

Mr. BORLAND. I will withhold my objection if the gentleman desires to submit a statement.

Mr. SMITH of Idaho. Mr. Speaker, I wish to call attention to the fact that this bill provides for an increase in the appropriation for the Federal building at Pocatello, where work has already been begun, the basement being completed; but work was suspended about eight months ago, with the expectation of getting an additional appropriation. The population of the town has increased very materially since the original appropriation was made, and the present building is not in conformity with the improvements of the city and the growing community around it.

An appropriation of $100,000 for this building was made in the Sixty-second Congress; but because of the increase in the price of materials since the appropriation was made it was found that a building which would furnish sufficient accommodations for the Federal officers at Pocatello could not be constructed for this amount, and the plans were modified and a new contract let. Without this additional appropriation the building will necessarily have to be constructed of brick with sandstone trimmings and terra cotta belt course, and it is believed that a Federal building in a city of this size and importance, where so many Federal officers have quarters, should be constructed of stone. A new depot is being erected here at a cost of $250,000, which conveys an idea of the importance of the city. The postal receipts for the last fiscal year were $30,467.46.

Mr. FITZGERALD. What was the original limit of cost?

Mr. SMITH of Idaho. The original limit of cost was $100,000.

Mr. FITZGERALD. How large a population?

Mr. SMITH of Idaho. About 12,000 population now.

Mr. FITZGERALD. How much increase is asked?

Mr. SMITH of Idaho. Twenty-five thousand dollars.

Mr. FITZGERALD. It is too much. If you can not get a building for $100,000 in a community of 12,000 people we ought to quit building public buildings.

Mr. STAFFORD. The report says this is to be used for other purposes than a post office.

Mr. FITZGERALD. I do not care if it is.

Mr. SMITH of Idaho. It is to be used for other purposes, including the Federal Court, the Forest Service, Weather Bureau, and so forth.

Mr. BORLAND. Mr. Speaker, I have no objection to the gentleman from Idaho making his statement at that time as to the bill and have them appear in the RECORD, but I feel that this is no time to increase these estimates, especially in a city of that size, and I object. If the gentleman wants to add anything to what he has already said he can go ahead.

Mr. SMITH of Idaho. Mr. Speaker, I do not care, of course, to take up the time of the House if the gentleman insists on objecting.

The SPEAKER. Is there objection?

Mr. BORLAND. Mr. Speaker, I object.

The SPEAKER. The bill is ordered stricken from the calendar.

PIKE NATIONAL PARK.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 18747) to reserve certain lands and to incorporate the same and make them part of the Pike National Forest.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. BORLAND. Mr. Speaker, reserving the right to object, I would like to inquire of the gentleman from Colorado; we have just established a national park out in Colorado——

Mr. FITZGERALD. The Rocky Mountain Park.

Mr. KEATING. This is not intended to establish a new national park.

Mr. BORLAND. Practically; it is to enlarge one.

Mr. KEATING. No; that is not the idea. It is simply to carry out a policy of the Forestry Service which is cooperating with towns in the mining sections of Colorado and other Western States for the purpose of safeguarding the water supply. This bill takes into the forest a sufficient amount of ground to safeguard the water supply of a stream that furnishes the city of Idaho Springs with water. If this bill is passed, the Forestry Service will enter into a contract with the city of Idaho Springs by which that particular district will be regulated, and the matter of pasturing cattle in that district and other questions affecting the safeguarding of the city's water supply will be taken up and an agreement entered into by which the city will probably pay a part of the cost of policing the district.

Mr. BORLAND. What progress has been made by the city toward assuming these burdens? It seems to be for their benefit.

Mr. KEATING. If the city does not do it, the Forest Service will not be obligated.

Mr. BORLAND. Is it anything more than retaining these lands?

Mr. KEATING. It simply includes them in the forest reserve.

Mr. MADDEN. Mr. Speaker, I object.

PAYMENT OF PENSION SURGEONS.

The next business on the Calendar for Unanimous Consent was House joint resolution No. 294, providing for payment of surgeons making examination at claimant's home in connection with claim pending in the Bureau of Pensions.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. MANN. I object.

The SPEAKER. The gentleman from Illinois objects, and the Clerk will report the next bill.

APPLICATIONS FOR LETTERS PATENT, ETC.

The next business on the Calendar for Unanimous Consent was the bill H. R. 2036, to extend temporarily the time of filing applications for letters patent and registration in the Patent Office.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. MANN. Mr. Speaker, I object.

ADDITIONAL LAND DISTRICT IN CALIFORNIA.

The next business on the Calendar for Unanimous Consent was the bill H. R. 17388, creating an additional land district in the State of California, embracing lands contained in the county of Imperial, and for other purposes.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. MADDEN. Mr. Speaker, I object.

The SPEAKER. The gentleman from Illinois objects, and the bill will be stricken from the calendar. The Clerk will report the next bill.

NONAPPRAISEMENT OF MERCHANDISE, PEMBINA, N. DAK.

The next business on the Calendar for Unanimous Consent was the bill S. 5449, to make Pembina, N. Dak., a port through which merchandise may be imported for transportation without appraisement.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. BORLAND. Mr. Speaker, I object to that.

Mr. NORTON. Mr. Speaker, I hope the gentleman will withhold his objection.

Mr. BORLAND. Does the gentleman want to make a statement? If so, I withhold my objection.

Mr. NORTON. Yes; I would like to make a statement. I trust the gentleman will not be so indifferent to the welfare of other portions of the country than his own as to object to this bill. There is much need for this legislation, and I can not see any reason why anyone should have an objection to giving the privilege of the first section of the act of June 10, 1880, to this port. There is a great deal of freight coming from Canada to the port of Pembina and consigned to Duluth, Minneapolis, and St. Paul, that can be better appraised at these ports than at Pembina. And that is the purpose of this act.

Mr. BORLAND. The gentleman will know by reference to the previous history of this House that we passed a bill to have the Customs Service reorganized, and under that President Taft

reorganized that service and established certain districts, and he has abolished certain offices and centralized certain other divisions, and this is one of the attempts which are being made now constantly to add new ports of entry in addition to that system.

Mr. NORTON. The gentleman apparently has not read this bill at all.

Mr. BORLAND. This is a new port of entry.

Mr. MANN. The gentleman is mistaken. This does not affect the reorganization at all.

Mr. BORLAND. This adds a new port of entry.

Mr. MANN. Not at all. We have passed a great many of these. It is only a matter of convenience for the Treasury Department and importers. It does not add anything whatever to the expense of the Government. It does not create a new district, and it does not affect the reorganization.

Mr. BORLAND. Is the gentleman prepared to say that this does not add anything to the expense of the Government?

Mr. MANN. It does not.

Mr. BORLAND. How can that be, providing for appraisement at a port where no appraisement has heretofore been had?

Mr. MANN. There is no more expense in appraising it there than there is about appraising it at the other place.

Mr. BORLAND. That is a mere matter of conjecture.

Mr. MANN. We frequently have had that report from the Treasury Department. I do not speak from personal experience. We passed all these bills that have been recommended by the Treasury Department and by the Committee on Ways and Means. It does not affect the reorganization in any sense whatever. If it did, I would object.

Mr. BORLAND. It evidently enlarges the reorganization plan.

Mr. MANN. Oh, not at all.

Mr. NORTON. It certainly does not.

Mr. BORLAND. I have not any objection to the gentleman putting a statement in the RECORD.

Mr. NORTON. I do not care at all about making a statement. I want this bill passed, and I think it should pass. It does not add a cent of expense to the Government.

Mr. BORLAND. I expect to object to its passage under unanimous consent, I will say to the gentleman. If he wants to offer anything else, it is all right.

Mr. NORTON. Why do you object to it?

Mr. BORLAND. Because I do not think it properly belongs on the Unanimous Consent Calendar.

Mr. NORTON. Has the gentleman read the bill?

Mr. BORLAND. I have not.

Mr. NORTON. I think the gentleman ought to read it before assuming the responsibility of objecting.

Mr. MANN. I will say to the gentleman from Missouri [Mr. BORLAND] that during the past two years we have passed more than a dozen of these bills on the recommendation of the Treasury Department.

Mr. BORLAND. Mr. Chairman, I ask that the bill be passed without prejudice.

The SPEAKER. The gentleman from Missouri asks unanimous consent that the bill be passed without prejudice. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the next bill.

BRIDGE ACROSS MISSISSIPPI RIVER, MUSCATINE, IOWA.

The next business on the Calendar for Unanimous Consent was the bill H. R. 17907 granting the consent of Congress to the Interstate Bridge & Terminal Co., of Muscatine, Iowa, to build a bridge across the Mississippi River.

The SPEAKER. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the Interstate Bridge & Terminal Co., of Muscatine, Iowa, and its successors and assigns to construct, maintain, and operate a bridge and approaches thereto across the Mississippi River at a point suitable to the interests of navigation at or near Muscatine, in the county of Muscatine, in the State of Iowa, in accordance with the provision of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

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

Mr. STAFFORD. Mr. Speaker, I move to strike out the last word.

The SPEAKER. The gentleman from Wisconsin moves to strike out the last word.

Mr. STAFFORD. I wish to inquire whether this project is one in process of formation, whether the company has already been organized, or whether it is merely for the purpose of exploitation, to ascertain whether ultimately there will be capital sufficient to build the bridge?

Mr. ADAMSON. Mr. Speaker, I yield to the author of the bill to answer that question, the gentleman from Iowa [Mr. VOLLMER].

The SPEAKER. The gentleman from Iowa [Mr. VOLLMER] is recognized for five minutes.

Mr. STAFFORD. I am yielding, Mr. Speaker, for an answer to my question.

Mr. VOLLMER. I will say to the gentleman from Wisconsin, Mr. Speaker, that this is a bill in which the people of Muscatine, in the district I have the honor to represent, and across the river, in the district of the gentleman from Illinois [Mr. TAVENNER], are very much interested. They have sent communications from their commercial bodies and their boards of supervisors and the City Council of Muscatine and prominent people there vouching for this measure; that it is not a scheme of promotion, or anything of that kind, but a proposition that is intended to bring electric railway communication between the two sides of the river; and they hope and believe that as soon as the money market eases up they will be able to make arrangements to get their money and get an electric road to cross this bridge.

Mr. STAFFORD. When was the company formed for this purpose?

Mr. VOLLMER. I think three or four months ago.

Mr. STAFFORD. Are there any substantial backers behind it?

Mr. VOLLMER. Yes; Kansas City people and Muscatine people are back of this project, and they are said to be entirely responsible.

Mr. ADAMSON. Question.

The SPEAKER. The question is on the engrossment and third reading of the bill.

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

On motion of Mr. ADAMSON, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next one.

INTERNATIONAL DRY-FARMING CONGRESS.

The next business on the Calendar for Unanimous Consent was the joint resolution (H. J. Res. 382) authorizing the President to extend invitations to other nations to send representatives to the International Dry-Farming Congress, to be held at Denver, Colo., September 27 to October 8, inclusive, 1915.

The title of the joint resolution was read.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the joint resolution.

The Clerk read as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized to extend invitations to other nations to appoint delegates or representatives to the International Dry-Farming Congress, to be held at Denver, Colo., September twenty-seventh to October eighth, inclusive, 1915: *Provided*, That no appropriation shall be granted for the expenses of delegates or for other expenses incurred in connection with the said congress.

The SPEAKER. The question is on the engrossment and third reading of the House joint resolution.

The House joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER. The Clerk will report the next one.

EXCHANGE OF FOREST LANDS WITH THE STATE OF OREGON.

The next business on the Calendar for Unanimous Consent was the bill (S. 49) to provide for the exchange with the State of Oregon of certain school lands and indemnity rights within the national forests of that State for an equal area of national forest land.

The title of the bill was read.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I object.

The SPEAKER. The gentleman from Illinois objects. The bill is stricken from the calendar. The Clerk will report the next one.

CONTRACTS UNDER RECLAMATION ACT.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 124) authorizing and directing the Secretary of the Interior to investigate and settle certain accounts under the reclamation acts, and for other purposes.

The title of the bill was read.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, I object.

THE SPEAKER. The gentleman from Wisconsin objects. The bill is stricken from the calendar. The Clerk will report the next one.

NONAPPRAISEMENT OF MERCHANDISE, PEMBINA, N. DAK.

Mr. BORLAND. Mr. Speaker, I objected a few minutes ago to calendar No. 377, Senate bill 5449, to make Pembina, N. Dak., a port through which merchandise may be imported for transportation without appraisement. I want to withdraw that objection.

The SPEAKER. The gentleman from Missouri [Mr. BORLAND] asks unanimous consent to withdraw his objection to Calendar No. 377. Is there objection?

Mr. CLINE. I object, Mr. Speaker.

The SPEAKER. The gentleman from Indiana objects. The Clerk will report the next one.

RETIREMENT OF CERTAIN OFFICERS OF PHILIPPINE SCOUTS.

The next business on the Calendar for Unanimous Consent was the bill (S. 1281) providing for the retirement of certain officers of the Philippine Scouts.

The title of the bill was read.

The SPEAKER. Is there objection?

Mr. MANN. I object.

The SPEAKER. The gentleman from Illinois objects. The bill is stricken from the calendar. The Clerk will report the next one.

Mr. PETERSON. Mr. Speaker, will the gentleman withhold his objection a moment? I would like to make a statement about that.

Mr. MANN. Certainly.

Mr. PETERSON. Mr. Speaker, this is a bill for the relief of Capt. John J. Clark. It applies to only one man. Capt. Clark was a soldier of the Civil War and served in that war until its close, and after that he served in the Regular Army. His entire service has amounted to over 40 years. After that he joined the Philippine Scouts, and his service in all aggregates nearly 53 years. Unfortunately the law is such that he can not be retired. This bill is to relieve that situation and retire this old soldier. It seems to me this bill ought to be permitted to pass.

Mr. MANN. Mr. Speaker, that is the objection I have to this bill. It is general in form, but it is intended to apply to only one person. If it is to apply to one person only, it should have been introduced as such and placed on the Private Calendar.

Mr. PETERSON. This bill has passed the Senate twice, and has been favorably reported here twice by the Committee on Military Affairs, and the War Department has approved it, and it is certainly just and right that it should be passed.

The SPEAKER. Does the gentleman from Illinois withdraw his objection?

Mr. MANN. No.

The SPEAKER. The bill is stricken from the calendar. The Clerk will report the next one.

SHOSHONE INDIANS IN WYOMING.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 14869) authorizing the Shoshone Tribe of Indians residing on the Wind River Reservation in Wyoming to submit claims to the Court of Claims.

The title of the bill was read.

Mr. SHACKLEFORD. Mr. Speaker, I make a point of order against that bill, for the reason that the committee that reported it had no jurisdiction even to consider or report it. It should have gone to the Committee on Claims. It is here improperly. The committee had no jurisdiction whatever to consider it.

The SPEAKER. What committee reported it?

Mr. SHACKLEFORD. The Committee on Indian Affairs.

The SPEAKER. The Chair thinks the gentleman's objection comes too late.

Mr. SHACKLEFORD. No. I call the attention of the Chair to the second paragraph of Rule XXII.

Mr. MANN. Paragraph 4 of Rule XXII.

The SPEAKER. What does the gentleman read from?

Mr. SHACKLEFORD. House Rules, Rule XXII, paragraphs 2 and 4. I call the Chair's attention to these words in paragraph 2:

> Any petition or memorial or private bill excluded under this rule shall be returned to the Member from whom it was received; and petitions and private bills which have been inappropriately referred may, by the direction of the committee having possession of the same, be properly referred in the manner originally presented; and an erroneous reference of a petition or private bill under this clause shall not confer jurisdiction upon the committee to consider or report the same.

Now, in the footnote to that it says:

> The erroneous reference of a private bill to a committee not entitled to jurisdiction does not confer it, and a point of order is good when the bill comes up for consideration either in the House or in Committee of the Whole.

It refers to Hinds' Precedents, volume 4, section 4382.

The SPEAKER. What is this bill about?

Mr. SHACKLEFORD. It authorizes a band of Indians to sue the United States Government, and to be paid out of the Public Treasury in case they recover a judgment. In other words, it is a claim to be paid out of the Treasury of the United States, and not out of Indian funds. Now, if the Chair does not happen to remember it, I call the attention of the Chair to paragraph 16 of Rule XI, which defines the things to be referred to the Committee on Indian Affairs:

> The relations of the United States with the Indians and Indian tribes, including appropriations therefor.

The footnote says:

> This committee has a broad jurisdiction of subjects relating to the care, the education, and management of the Indians, including the care and allotment of their lands. It also reports both general and special bills as to claims which are paid out of Indian funds.

The bill here does not provide that it shall be paid out of the Indian funds, but it is to be paid out of the Public Treasury, which clearly carries it to the Committee on Claims.

Mr. MANN. Mr. Speaker, the gentleman might also cite paragraph 27 of Rule XI, stating the jurisdiction of the Committee on Claims.

Mr. SHACKLEFORD. Yes. If the Speaker will pardon me, I will call attention to that:

> To private and domestic claims and demands, other than war claims, against the United States—to the Committee on Claims.

Mr. Speaker, there are great numbers of these private bills being referred to the various committees. If this claim stood alone, I should not make the point.

The SPEAKER. The Chair will inquire of the gentleman: Is this a private bill or a public bill?

Mr. SHACKLEFORD. It is a private bill.

Mr. MILLER. Mr. Speaker——

The SPEAKER. The Chair thinks the point of order is well taken.

Mr. MILLER. This is not a private bill.

Mr. SHACKLEFORD. Oh, yes; it is.

Mr. MILLER. Mr. Speaker——

The SPEAKER. In a moment.

Mr. SHACKLEFORD. The fact that it is a band of Indians taken together does not make it a public bill any more than if it was a bill for the relief of one Indian.

The SPEAKER. If this is a private bill, it has no business on this calendar, anyway.

Mr. MILLER. That is certainly granted, but I do not agree with the proposition that it is a private bill.

The SPEAKER. Why not?

Mr. MILLER. It is a bill in relation to the rights of certain Indians who are wards of the Government, who are not represented here in any capacity whatever. Any bill that affects their welfare, their lands, their property, must of itself be a public bill, as far as the United States is concerned. It is not for the benefit of any private individual, corporation, or concern in the United States. It is a public matter, dealing with our relations with the Indian tribes. If the bill were a private bill, there could be no question whatever about the gentleman's statement that it was erroneously referred. But it is not a private bill.

I also desire to call the attention of the Chair to the fact that bills of this character have been referred to and considered by the Indian Affairs Committee without question for a great many years. Certainly for all the time I have been a member of that committee, which is six years, nobody has thought of raising the point that bills of this kind were not properly referred to that committee.

Section 16 of rule 686 gives the Committee on Indian Affairs jurisdiction over all bills that deal with the relations of the United States with the Indians and the Indian tribes, including appropriations therefor.

The footnote, referring to this committee, says:

> It has a broad jurisdiction of subjects relating to the care, education, and management of the Indians, including the care and allotment of their lands.

The subject matter of the bill we are considering deals with two treaties made between the United States and Indian tribes; it also deals with public laws of the United States; the relations between the United States and Indian tribes as such in their very essence are public, not private.

Then, too, this bill deals with the allotment of Indian lands. It proposes that there shall be an inquiry into the treaties made controlling allotment of the Indian lands, and also an inquiry into whether or not in the allotment of the Shoshone Indian lands we have violated the terms of those treaties.

Let me also call the Chair's attention to the fact that the Indian Committee has jurisdiction, as everyone admits, of

claims arising from Indian depredations, and this whether the Indians complained of have funds in the hands of the United States out of which the claims can be paid or not.

Mr. SHACKLEFORD. May I interrupt the gentleman?

The SPEAKER. Does the gentleman yield to the gentleman from Missouri?

Mr. MILLER. I do not understand that I have the floor, Mr. Speaker.

Mr. SHACKLEFORD. Then I will say what I want to say in my own right. The condition that the gentleman refers to is just what induced me to make this point. In order to keep these claims within proper bounds it has been thought advisable that they should be properly coordinated by sending them all to one committee when they are to be paid out of the Treasury of the United States.

But the gentleman says an abuse has grown up in that committee, and I agree with him that it has, and that is what I have in mind in raising this point of order, to get this thing back where it belongs.

Mr. BURKE of South Dakota. Will the gentleman yield?

Mr. SHACKLEFORD. Yes.

Mr. BURKE of South Dakota. The gentleman is entirely mistaken in saying this question has never been raised in the Committee on Indian Affairs. It has been often raised and was always sustained when I was chairman of the committee, and I think it has universally been held when the question has been raised that the Indian Committee is without jurisdiction.

Mr. MILLER. Mr. Speaker, with due respect to the distinguished gentleman from South Dakota and with due deference to his personal recollection as to what he did when he was chairman of the committee, I still maintain that not at any time since I have been a member of that committee has that point ever been raised, except when the gentleman from Missouri [Mr. SHACKLEFORD], who now raises the point here, raised it in the committee a few weeks ago.

The SPEAKER. The Chair will ask the gentleman from South Dakota, Is this a private bill or a public bill, in the gentleman's opinion?

Mr. BURKE of South Dakota. There is some doubt about it, but I am inclined to think it is a public bill. Many of this class of bills provide for appropriating the money that may be recovered in the judgment, and universally they have gone on the Union Calendar. Perhaps this bill is different in that respect. Recently we passed a bill restoring the annuities to the Santee Sioux. That bill was on the Union Calendar, and I think that has been the universal practice. If it is a private bill, of course it does not belong on this calendar.

Mr. MILLER. That was the point I started to make. These bills go to the Union Calendar. This bill is on the Union Calendar. A private bill is never placed on the Union Calendar.

The SPEAKER. Yes, but the way this bill got on the Unanimous Consent Calendar is that it was erroneously referred to the House Calendar.

Mr. MILLER. Yes, but in addition to that, will the Speaker allow me to call his attention to what it seems to me is the determining factor? This bill proposes to deal with the relations between the United States and a band of Indians, not between the United States and a citizen of the United States. If it did, the bill would be a private bill and a private claim.

Mr. SHACKLEFORD. May I ask the gentleman a question?

Mr. MILLER. This contemplates the consideration of the conduct of the United States in its trust capacity in relation to the property belonging to a large band of Indians, and it does not seem to me that it could from any point of view be considered as a private measure. It is a public measure. It deals with a public question. If the relations between the United States Government and a band of Indians are not a public question, I can not possibly conceive of anything that would be a public question.

The SPEAKER. Nobody understands or can define the exact relations between the Indian tribes and the United States. Sometimes they are treated as independent and sometimes as wards of the Nation.

Mr. SHACKLEFORD. In considering the importance of this as disclosed by what the gentleman from Minnesota says, the habit is growing up in several committees of taking jurisdiction of these bills, and that is the reason that I am opposing it, and I say that it is a private bill.

The SPEAKER. Why does the gentleman say it is a private bill?

Mr. SHACKLEFORD. A private bill does not necessarily have to be a bill for a private individual. It might be for Jim Jones, and it might be for some particular corporation composed of a hundred men, or an individual company composed of a million men. Still the single unit you are dealing with makes it a private bill. This is not dealing with the Indians generally; it is dealing with a band of Indians as a consolidated unit that seeks to recover from the United States Government some money because that particular unit received some injury. It does not apply to all Indians. If it was for Jim Crow or Big Feather it would be a private bill, and the fact that it is for a particular band does not prevent its being still a single unit, and it does not apply to any other Indian tribe, and therefore, I say, is a private bill.

Mr. MANN. Mr. Speaker, to save any question about the matter I object.

Mr. FERRIS. Will not the gentleman withhold his objection and let the Speaker rule upon it for the benefit of the Indian Committee?

Mr. MANN. It is just because I think the Speaker ought not to be called upon to determine this question at this time without an opportunity to consult precedents that I have objected.

Mr. FERRIS. I have no desire to hurry the matter except to point out, as the House will remember, that when the Indian Committee had its bill in here the chairman of the committee ruled that everything subject to a point of order was a gratuity appropriation out of the Treasury. Now the gentleman rules that the Indian Committee has no authority to deal at all with these matters, but I want to call attention to the fact that the jurisdiction of the Indian Committee is slipping away pretty fast and soon will not have anything left.

Mr. MANN. Oh, no; I think not. I went over this matter when the bill was reported, and I was in doubt about it. I do not think the Speaker ought to be called upon to rule offhand, and I was going to object, anyhow.

The SPEAKER. The gentleman from Illinois objects, and the bill will be stricken from the calendar.

MANUFACTURE OF DENATURED ALCOHOL.

The next business on the Calendar for Unanimous Consent was the bill H. R. 9591, to permit the manufacture of denatured alcohol by mixing domestic and wood alcohol while in process of distillation.

The Clerk read the bill, as follows:

Be it enacted, etc., That notwithstanding anything contained in the act entitled "An act for the withdrawal from bond, tax free, of domestic alcohol when rendered unfit for beverage or liquid medicinal uses by mixture with suitable denaturing materials," approved June 7, 1906, or the act amendatory to same approved March 2, 1907, or subsection 2 of subsection N of the act approved October 3, 1913, amendatory to same, domestic alcohol while it is in its nascent condition, before it has passed from the state of vapor, or while in the original closed and continuous process of distillation, may be denatured by so mixing with it the vapors or condensed vapors arising from the destructive distillation of wood or other denaturing material or materials or admixture of the same as to render such alcohol unfit for use as an intoxicating beverage and thereupon shall be directly conveyed from the still by continuous closed pipes to locked and sealed receptacles, from which it may be withdrawn under such regulations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may prescribe.

SEC. 2. That where such alcohol is of insufficient proof to be denatured the same may be transferred in bond from such locked and sealed receptacles, free of tax, to a central distilling and denaturing plant, as provided for in subsection 2 of subsection N of the act approved October 3, 1913, where such alcohol may be redistilled and denatured when sufficient denaturants shall not already have been mixed with said alcohol, as hereinbefore provided, under such regulations and upon the execution of such notices and bonds as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may prescribe.

The SPEAKER. Is there objection?

Mr. STAFFORD. Reserving the right to object, Mr. Speaker, I would like to ask some member of the Ways and Means Committee as to the reason that the bill was not submitted to the Treasury Department for condemnation or approval. I notice there is no reference whatever in the report to its having been submitted to the Secretary of the Treasury.

Mr. MOORE. The bill was introduced by my colleague [Mr. PALMER], and he was very much interested in it. It had the approval of the committee. As he is not here at the moment I ask that it be passed without prejudice.

Mr. STAFFORD. I notice that the chairman of the Ways and Means Committee has just come in. While the gentleman was temporarily absent I made an inquiry as to the reason the bill was not submitted to the Treasury Department for its approval or disapproval.

Mr. UNDERWOOD. I will say to the gentleman that I have not had charge of the bill personally. It was referred to a subcommittee, of which the gentleman from Pennsylvania [Mr. PALMER] was chairman, and he reported the bill. My understanding is that he had the matter up with the Treasury Department and they stated that it would not interfere with the revenue. It was a unanimous report from the Ways and Means Committee; the Members on both sides agreed to the bill. I am not in a position to give the gentleman full information because I have not given it any detailed study.

Mr. STAFFORD. I was not so much concerned about the first section of the bill as about the second section, which involves a question of practice as to the operation of making denatured alcohol which I think should be submitted to the commissioner general of internal revenue for his opinion. I have no objection to the bill being passed over without prejudice.

Mr. UNDERWOOD. I will say to the gentleman that I do not like to make a statement from memory without I am positive, but I am quite positive that this bill did go to the Treasury Department and met with its approval.

Mr. STAFFORD. I am in sympathy with the object sought to be obtained by the bill, particularly the first section, which seeks to legalize a new practice in making denatured alcohol, but I was thinking whether the second section might not meet with some objection from the Commissioner of Internal Revenue.

Mr. UNDERWOOD. I did not know the bill was coming up and therefore I have not the papers here, but I am satisfied in my own mind that it was submitted to the Treasury Department and met with its approval, or it would not have been reported by the committee.

Mr. JOHNSON of Kentucky. Mr. Speaker, I have read the bill a number of times, and I have serious doubts whether it will accomplish the purpose which it seeks to accomplish, and that is whether the new mixture of denatured alcohol will be free from tax. I think it had better be looked into before it is passed to see whether that is so or not.

Mr. UNDERWOOD. That would not hurt the Government any.

Mr. JOHNSON of Kentucky. No; but it would be better not to pass the bill unless it is going to accomplish the object sought.

Mr. UNDERWOOD. On what ground does the gentleman think the bill does not free the alcohol from tax?

Mr. JOHNSON of Kentucky. Will the gentleman show me where, in the bill, it does free it from tax?

Mr. UNDERWOOD. It says "notwithstanding anything contained in the act entitled 'An act for the withdrawal from bond, tax free, of domestic alcohol,'" and so forth.

Mr. JOHNSON of Kentucky. But that is only giving the title of another bill.

Mr. UNDERWOOD. The bill puts the new process under the same process and the same conditions as the act providing for the manufacture of denatured alcohol.

Mr. JOHNSON of Kentucky. I do not think it does. I think it gives the right to mix the vapors or condensed vapors, which mixing heretofore has not been allowed; but, after it is mixed, I doubt if the bill relieves it of the tax.

Mr. UNDERWOOD. I do not see why.

Mr. JOHNSON of Kentucky. Because it does not say so in so many words. I do not know that I am opposed to the bill. I am really seeking an explanation of its provisions with the view of determining whether I am for it or not.

Mr. UNDERWOOD. Here is the situation in reference to the bill: The general provisions of an act passed some years ago provide that denatured alcohol shall not be taxed. That is proposition No. 1. In the bill that became a law some time ago the way of denaturing alcohol was described in the bill. This method of denaturing alcohol is to denature it by mixing the vapors instead of after it has become a liquid.

Mr. JOHNSON of Kentucky. Mr. Speaker, if the gentleman will read line 4, page 2, he will find that he is mistaken in that respect. There it speaks of condensed vapors, and condensed vapor is a liquid.

Mr. UNDERWOOD. The process is intended to run the vapors out of one pipe system, or whatever it may be called, and as they go into the condensing pipe they go in together, where they will be denatured.

Mr. JOHNSON of Kentucky. If the condensing pipe is the worm, and there is no provision for other than one worm, then it goes from the still and must come from the one condensing pipe or worm; and the bill provides, in lines 3 and 4, page 2, that the condensed vapors may be mixed.

Mr. STAFFORD. But in line 3 it says "vapors."

Mr. JOHNSON of Kentucky. It says "vapors or condensed vapors." Vapor is one thing and condensed vapor is another.

Mr. STAFFORD. It permits both.

Mr. UNDERWOOD. This bill provides:

> Or while in the original closed and continuous process of distillation, may be denatured by so mixing with it the vapors or condensed vapors arising from the destructive distillation of wood or other denaturing material or materials.

In other words, the purpose of the bill is to allow the man who makes the denatured alcohol to run the vapors of wood alcohol together with the vapors of grain alcohol, and I suppose that when they go through the worm, as the gentleman calls it, where they are condensed into liquid form, the two classes of alcohol become condensed together, and the result is that you have an alcohol that has a sufficient amount of wood alcohol in it to prevent it from being used for drinking purposes.

Mr. JOHNSON of Kentucky. This goes further than that, however. The first vapor that comes from the worm, or the condensing pipe, if you choose to call it that, is of very high proof, and the longer vapor continues to come into the pipe and flow from it the lower in proof it becomes. Section 2 provides that this condensed vapor, or liquid, may be shipped in bond from one place to another when it is of "insufficient proof" to be denatured.

Mr. UNDERWOOD. I think that is the law to-day. There are certain classes of alcohol that can be shipped in bond.

Mr. JOHNSON of Kentucky. Oh, yes; whisky can be shipped in bond, but it would have to pay a tax of $1.10 on a measured gallon instead of $1.10 on a proof gallon if it were below 100 proof.

Mr. UNDERWOOD. That is when it comes out with an insufficient degree of wood alcohol in the balance of the alcohol to be of the test that the inspectors require in order to say that it amounts to denatured alcohol.

Mr. STAFFORD. Mr. Speaker, the second section provides that it shall be transported under those conditions free of tax.

Mr. JOHNSON of Kentucky. Yes; it can be transported free of tax, but when you are transporting it free of tax it is still in bond, and when it comes out of bond it must or must not pay the tax, and there is no provision in the bill which says in so many words that it shall not pay the tax when it comes out of bond. You can ship whisky from Kentucky to California in bond, but when it gets out to California, before it gets out of bond, the tax must be paid. There is no direct provision in this bill which says that the tax on these goods shall not be paid.

Mr. UNDERWOOD. The gentleman is mistaken about that, because he does not read this in the light of the present law.

Mr. JOHNSON of Kentucky. Oh, yes; I will say to the gentleman that I have read the present law in connection with it, and I fail to comprehend it.

Mr. UNDERWOOD. If the gentleman will allow me, I will try and explain it again. If there is sufficient denaturant which goes into the alcohol in this process, then it becomes denatured alcohol, and no denatured alcohol is taxed under the general law. Therefore, it is not subject to tax. If, during the process, the alcohol comes out, and there is not sufficient denatured alcohol to come up to the requirements of the law, then for mechanical purposes they are allowed to ship it in bond, if used for mechanical purposes, such as they are allowed to ship alcohol for to-day.

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

Mr. UNDERWOOD. Yes.

Mr. MADDEN. What advantage is there in mixing it?

Mr. UNDERWOOD. I will say to the gentleman that I am not sufficiently familiar with this process to know, except that I know there are certain gentlemen who have a process—I am not sure whether it is patented or not——

Mr. MADDEN. Is it intended to take the place of gasoline?

Mr. UNDERWOOD. Oh, no. Alcohol is used in the arts for a great many purposes.

Mr. MADDEN. I know it is.

Mr. UNDERWOOD. And they contend that if you denature it in this way they can produce denatured alcohol very much more cheaply than they can by the process of denaturing it as it is used to-day.

Mr. MADDEN. And they could use it for the same purpose for which gasoline is now used?

Mr. UNDERWOOD. Probably for some purposes for which gasoline is used, but alcohol is used for a good many purposes that gasoline could not be used for.

Mr. MADDEN. Oh, yes.

Mr. SHACKLEFORD. Mr. Speaker, if the gentleman will permit, I was a member of the committee at the time this bill was considered, and while I did not hear all that was presented, I was present at the committee when some of the hearings were had. The proposition was that under this process the denaturized alcohol was made by a single process, whereas as it is now made it requires a double one. First, you manufacture the alcohol and then you subsequently denaturize it. These gentlemen have a process, which they propose to test, which produces the denatured alcohol in one process, thereby greatly reducing the cost of it. Now, as to the use of it, it will be used in whatever way denatured alcohol is used.

Mr. MADDEN. Does this strengthen it at all or make it better for fuel?

Mr. SHACKLEFORD. It is not made better or worse.

Mr. UNDERWOOD. I do not think it makes it any better or worse, as the gentleman from Missouri says. It is only the question that these men claim they can make cheaper denatured alcohol in this way. I do not say they can or not, but I think it is worth while that they should be given the opportunity.

Mr. SHACKLEFORD. As it is now, they can not even experiment in it without violating the internal-revenue law.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in the Committee of the Whole House on the state of the Union.

The SPEAKER. The gentleman from Alabama asks unanimous consent that this bill may be considered in the House as in the Committee of the Whole House on the state of the Union. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That notwithstanding anything contained in the act entitled "An act for the withdrawal from bond, tax free, of domestic alcohol when rendered unfit for beverage or liquid medicinal uses by mixture with suitable denaturing materials," approved June 7, 1906, or the act amendatory to same approved March 2, 1907, or subsection 2 of subsection N of the act approved October 3, 1913, amendatory to same, domestic alcohol while it is in its nascent condition, before it has passed from the state of vapor, or while in the original closed and continuous process of distillation, may be denatured by so mixing with it the vapors or condensed vapors arising from the destructive distillation of wood or other denaturing material or materials or admixture of the same as to render such alcohol unfit for use as an intoxicating beverage and thereupon shall be directly conveyed from the still by continuous closed pipes to locked and sealed receptacles from which it may be withdrawn under such regulations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may prescribe.

SEC. 2. That where such alcohol is of insufficient proof to be denatured the same may be transferred in bond from such locked and sealed receptacles, free of tax, to a central distilling and denaturing plant, as provided for in subsection 2 of subsection N of the act approved October 3, 1913, where such alcohol may be redistilled and denatured when sufficient denaturants shall not already have been mixed with said alcohol, as hereinbefore provided, under such regulations and upon the execution of such notices and bonds as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may prescribe.

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

SHOSHONE TRIBE OF INDIANS.

Mr. STEPHENS of Texas. Mr. Speaker, during my absence from the Hall a few moments ago Unanimous Consent Calendar No. 385 was called and some disposition made of it. I desire to know what disposition was made of the case.

The SPEAKER. It was stricken from the calendar.

Mr. STEPHENS of Texas. Was the question raised as to the jurisdiction of the Committee on Indian Affairs?

The SPEAKER. There were four or five questions raised, and finally the gentleman from Illinois [Mr. MANN] settled the whole squabble by objecting.

Mr. STEPHENS of Texas. Then it was objected to and went off the calendar on that ground and not on the ground of the lack of jurisdiction of the Committee on Indian Affairs?

The SPEAKER. No; the Chair is going to investigate that matter.

LOBSTER-REARING STATION.

The next business on the Calendar for Unanimous Consent was the bill (S. 4725) providing for the establishment of a lobster-rearing station at some suitable point on the Atlantic coast.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. FOSTER. Mr. Speaker, I object.

The SPEAKER. The bill is ordered stricken from the calendar.

ENTRIES UNDER ACT OF MAY 29, 1908.

The next business on the Calendar for Unanimous Consent was the bill (S. 5629) for the relief of certain persons who made entry under the provisions of section 6, act of May 29, 1908.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in the Committee of the Whole House on the state of the Union.

The SPEAKER. Is there objection to the request of the gentleman from Wyoming? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That all entries made by beneficiaries under section 6 of the act of Congress approved May 29, 1908, entitled "An act authorizing a resurvey of certain townships in the State of Wyoming, and for other purposes" (35 Stat., p. 465), in connection with which such beneficiaries have submitted proof of their compliance with the homestead law in Wisconsin, and where such proof shows full five years' residence and improvements on the Wisconsin land, to which their title failed by reason of the decision of the Supreme Court in the case of the Wisconsin Central Railroad Co. *v.* Forsythe (159 U. S., p. 46), whether such entry is now being asserted by the original entryman or by his transferee, be, and the same are hereby, confirmed, and the Secretary of the Interior is directed to issue patents thereon: *Provided*, That this legislation is to be construed as only removing the objection with relation to transfer, heretofore raised by the Interior Department against said entries, and is not to be construed as confirming entries, if any, made for lands not subject to entry or entries made by persons not entitled thereto: *Provided further*, That if any of the said entries under the remedial act or amendments thereto have been canceled and the lands embraced therein reentered by intervening adverse claimants, such canceled entries are not to be reinstated and validated by this act, but the right to make new locations in lieu thereof for lands subject to homestead entry is hereby granted.

The committee amendment was read as follows:

Page 2, strike out after the word "act," line 17, the comma and the words "but the right to make locations in lieu thereof for land subject to homestead entry is hereby granted."

The amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

Mr. FERRIS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a letter from the report from the Department of the Interior.

The SPEAKER. On this bill?

Mr. FERRIS. A report on this identical bill.

The SPEAKER. What is the request?

Mr. FERRIS. The request is to print in the RECORD a letter from the department's report on this identical bill.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to print in the RECORD a letter from the department about this bill. Is there objection? [After a pause.] The Chair hears none.

The letter referred to is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, June 18, 1914.

Hon. HENRY L. MYERS,
Chairman Committee on Public Lands,
United States Senate.

MY DEAR SENATOR: By your reference I have for report Senate bill 5629, for the relief of certain persons who settled under the homestead laws upon certain lands which were lost to them because of conflict with the grant to the Wisconsin Central Railroad.

Congress has on three occasions legislated respecting the homestead settlers on the lands found to belong to the Wisconsin Central Railroad Co. The first was the act of April 19, 1904 (33 Stat., 184); the second, the act of May 29, 1908 (35 Stat., 465); the third was the joint resolution No. 164 of June 25, 1910 (36 Stat., 885).

A number of entries were made under said legislation by the alleged beneficiaries, and it appeared that agreements had been made by them prior to entry for the transfer of the lands to be so entered.

In the test case of Leopold Bauer, decided by the department February 21, 1910 (38 L. D., 460), adhered to on review and rereview (39 L. D., 304), the department held that the remedial legislation referred to contemplated merely that in making homestead entries for other lands for their own benefit the entrymen should be credited for the time spent and improvements made on the Wisconsin lands, but did not grant a scrip right nor authorize agreement prior to entry for transfer of the lands to be entered thereunder.

It appears that the entry of Bauer was canceled on August 6, 1913.

The action of the department was predicated upon its view as to the proper construction to be placed upon said remedial legislation, which, in the opinion of the department, did not authorize transfer of the right of entry, but merely authorized entries to be made by the beneficiaries for their own use and benefit. The present legislation obviates the objection theretofore raised by the department and provides for confirmation of the entries whether such entries are now being asserted by the original entrymen or by transferees. The department is not at all averse to this legislation, inasmuch as it appears that the settlers made their settlements and improvements upon lands supposed to be public lands and lost their claims without any fault of their own. Having in effect earned title to the former lands, which could not be given them because the lands were not public lands of the United States, they may very properly be accorded the right to transfer the additional lands, and any agreements to do so made prior to entry may be allowed if Congress desires to grant such privilege.

It is believed, however, that the following provisions should be added to the proposed bill, viz:

"*Provided*, That this legislation is to be construed as only removing the objections with relation to transfer, heretofore raised by the Interior Department against said entries, and is not to be construed as confirming entries, if any, made for lands not subject to entry or entries made by persons not entitled thereto: *And provided further*, That if any of the said entries under the remedial act or amendments thereto have been canceled and the lands embraced therein reentered by intervening adverse claimants, such canceled entries are not to be reinstated and validated by this act, but the right to make new locations in lieu thereof for lands subject to homestead entry is hereby granted."

Respectfully,

A. A. JONES,
First Assistant Secretary.

NONAPPRAISEMENT OF GOODS AT NYANDO, N. Y.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 17982) to make Nyando, N. Y., a port through which merchandise may be imported for transportation without appraisement.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. BORLAND. Mr. Speaker, reserving the right to object, I want to say to the House that this bill seems to be similar to Calendar No. 377, providing that same privilege for Pembina, N. Dak. I withdrew my objection to the other bill, being convinced that it was a measure that ought to pass in the interest of the efficiency of the service, and I hope these two bills will be taken up together, and I ask unanimous consent that Calendar Nos. 377 and 391 be taken up together, as they are exactly similar bills.

The SPEAKER. The gentleman from Missouri asks unanimous consent that Calendar No. 377, at the foot of the first page of the calendar, and Calendar No. 391, being similar, shall be taken up together.

Mr. NORTON. Mr. Speaker, as the gentleman from Missouri has stated, these bills are similar in their purpose. The gentleman from Indiana [Mr. CLINE] a few minutes ago objected to Calendar No. 377, but since having more carefully considered the bill I am advised has no objection to it now.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report 377.

Mr. MANN. Mr. Speaker, I ask unanimous consent that both bills may be considered in the House as in the Committee of the Whole House on the state of the Union.

The SPEAKER. Is there objection to the request of the gentleman from Illinois? [After a pause.] The Chair hears none.

NONAPPRAISEMENT OF MERCHANDISE, PEMBINA, N. DAK.

The Clerk read as follows:

An act (S. 5449) to make Pembina, N. Dak., a port through which merchandise may be imported for transportation without appraisement.

Be it enacted, etc., That the privileges of the first section of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement be, and the same are hereby, extended to the port of Pembina, N. Dak.

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

NYANDO, N. Y.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 17982) to make Nyando, N. Y., a port through which merchandise may be imported for transportation without appraisement.

The Clerk read as follows:

Be it enacted, etc., That the privileges of the first section of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement be, and the same are hereby, extended to the port of Nyando, N. Y.

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

RESERVATION OF SCHOOL LANDS IN ALASKA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 20851) to reserve lands in the Territory of Alaska for educational uses and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, it seems to me this bill is one which ought to receive some discussion and consideration in the House.

Mr. FERRIS. The gentleman from Wisconsin [Mr. LENROOT] is familiar with it and I hope he will reply to the gentleman and give all the information the gentleman desires.

Mr. MANN. As I understand this bill it would not raise any money immediately for school purposes.

Mr. LENROOT. When the coal lands are leased it will.

Mr. MANN. When the coal lands are leased. Is the money received from that put in a fund?

Mr. LENROOT. Put in a fund and the income therefrom shall be available only.

Mr. MANN. So necessarily it would raise no money very soon.

Mr. LENROOT. No; I will state to the gentleman the object of the bill is not with the idea of any substantial amount being raised at this time, but surveys are being made and lands are being entered. The purpose of the bill and all that it does is to make reservation of these school sections, a certain amount of the land when the lands are surveyed, if they are nonmineral in character.

Mr. MANN. I do not know that I would have any objection to the passage of the bill, but it does involve some questions which I think ought to be considered and discussed.

Mr. LENROOT. I will say to the gentleman that the bill as originally introduced was a very sweeping one, and attempted to make a grant of land to establish a college, and many other things. The committee simply cut all of that out of the bill and simply provide for the reservation and the income from leased lands to go into a territorial fund, the principal of which will remain intact and the income used for school purposes.

Mr. MANN. Of course, it is almost self-evident, maybe not quite, that this bill will not become a law at this session of Congress, owing to the situation in the Senate, and it seems to me that a bill of this character, involving the question and, I might say, almost a novel proposition, ought to be discussed somewhat in the House, and not passed by unanimous consent without any consideration. I do not know but that I am in hearty accord with the propositions in the bill, but I think it ought to be considered in the House, and, with some regret, I shall have to object at present.

The SPEAKER. The gentleman from Illinois objects.

Mr. MANN. I am perfectly willing to pass it over.

Mr. LENROOT. Mr. Speaker, I ask unanimous consent that the bill be passed without prejudice.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that the bill be passed without prejudice. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the next bill.

TO PLACE BARROW COUNTY, GA., IN EASTERN DIVISION, NORTHERN DISTRICT.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 20688) to place Barrow County, Ga., in the eastern district of the northern district of Georgia.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. MANN. Mr. Speaker, reserving the right to object, I should like to make one inquiry. What is the name of this county?

Mr. LEE of Georgia. It is Barrow County.

Mr. MANN. It is Barrow, and not Bartow?

Mr. LEE of Georgia. Mr. Speaker, I want to amend in line 3.

The SPEAKER. You have not unanimous consent to consider the bill as yet.

Mr. MANN. The bill has one name and the report another.

The SPEAKER. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the county of Bartow, in the State of Georgia, is hereby attached to and made a part of the eastern division of the northern judicial district of said State.

Mr. LEE of Georgia. Mr. Speaker, I desire to offer an amendment. I should like to amend in line 3 by inserting the word "Barrow" in place of the word "Bartow."

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

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read a third time, and passed.

The title was amended to conform with the text.

LEGISLATIVE REFERENCE DIVISION, LIBRARY OF CONGRESS.

The next bill on the Calendar for Unanimous Consent was the bill H. R. 20095, to establish the Legislative Reference Division of the Library of Congress.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. MANN. Mr. Speaker, reserving the right to object, I see that the gentleman from Texas [Mr. SLAYDEN], the author of the bill, is not present. I ask unanimous consent that the bill be passed without prejudice.

Mr. BORLAND. Mr. Speaker, I object to the consideration of the bill.

Mr. MONDELL. Mr. Speaker, I hope the gentleman from Missouri [Mr. BORLAND] will not object and insist on the bill going off the calendar. The gentleman from Texas [Mr. SLAYDEN], who is interested in this bill, as many of us are, unfortunately is not here to-day.

The SPEAKER. It has not been three minutes since he was here.

Mr. BORLAND. The gentleman recollects the bill was——

Mr. MANN. Mr. Speaker, I withdraw my request.

Mr. STEPHENS of Texas. Mr. Speaker, I ask unanimous consent that this bill be temporarily passed.

The SPEAKER. The gentleman from Texas asks that the bill be passed temporarily. Is there objection?

Mr. BORLAND. Reserving the right to object, I want to say that this is a bill that will occasion a great deal of debate. There is a pretty widely marked difference of opinion as to the character of the legislative bureau that ought to be created. Under a clause that got into an appropriation bill in another body a year ago, they established this bureau and employed a large number of people and collected a lot of information upon

general subjects, such as the advisability of having a budget system, and so on. This is not the kind of legislative bureau that we thought we were going to have, by which Members could have bills redrafted to comply with the decisions of the Attorney General and the courts and Comptroller of the Treasury, but a legislative bureau to go into the investigation of what foreign Governments have done on various matters, such as for rural credits and public health, and so forth.

The SPEAKER. Is there objection to the request that this bill be passed temporarily?

Mr. BORLAND. I object on the ground that it does not properly belong on this calendar and it will occasion a good deal of debate when it comes up.

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

Mr. BORLAND. I object to that, too.

Mr. STEPHENS of Texas. I hope the gentleman will not object.

The SPEAKER. The gentleman from Missouri [Mr. BORLAND] objects, and the bill is stricken from the calendar.

CLAIMS OF SISSETON AND WAHPETON BANDS OF SIOUX INDIANS.

The next business on the Calendar for Unanimous Consent was the bill S. 5255, an act conferring jurisdiction on the Court of Claims to hear, determine, and render judgment in claims of the Sisseton and Wahpeton Bands of Sioux Indians against the United States.

Mr. NORTON. Mr. Speaker, I ask that the bill be passed without prejudice.

Mr. SHACKLEFORD. I make the same point of order against that bill that I made against the bill H. R. 14869. The gentleman from Minnesota [Mr. MILLER] made the point that it was not a public bill, which I think is not tenable; but, if it were, it does not alter the case. This is a bill for a claim against the Government. It is a claim against the United States Treasury, and as such, regardless of the character of the claim, it should have gone to the Claims Committee. Now, like the chairman of the Committee on Indian Affairs [Mr. STEPHENS], I would like to have a ruling on the point of order; and I will ask, if the Speaker is not ready to rule, to have it submitted to him and have him take it under advisement until some future day and give us a ruling.

The SPEAKER. The Chair will do that. The gentleman asks unanimous consent that this bill be passed without prejudice.

Mr. MANN. Mr. Speaker, I object to the consideration of the bill.

Mr. SHACKLEFORD. Mr. Speaker, I think the point of order has precedence over the objection to it. Whenever it comes up it is subject to a point of order, and I make the point of order. I do not ask the Chair to decide it now, but let it be pending.

The SPEAKER. The gentleman from Missouri will please furnish the Speaker with a brief on all these points. The gentleman from Illinois [Mr. MANN] objects.

Mr. STEPHENS of Texas. I want to state, Mr. Speaker, that this has been a vexed question, and we want it decided one way or the other.

The SPEAKER. The Chair will settle it as soon as he gets a chance to investigate it, but it is an important matter, and as it will probably affect many other bills, he does not wish to settle it offhand. It is as troublesome a bill as there is in the House.

The gentleman from Illinois [Mr. MANN] objects, and the bill is stricken from the calendar.

LEGISLATIVE JOURNALS AS SECOND-CLASS MAIL.

The next business on the Calendar for Unanimous Consent was the bill (S. 1701) to admit legislative journals of State and Territorial legislatures to the mails as second-class mail matter.

The title of the bill was read.

The SPEAKER. Is there objection?

Mr. MURDOCK. Reserving the right to object, Mr. Speaker, I would like to have some explanation as to what extent this is going to increase the free matter. It is penalty matter?

Mr. MADDEN. That bill passed the Senate and was referred to the Committee on the Post Office and Post Roads, and Senator BRYAN appeared before the committee and made the statement that a great many requests had been made by officers of the States that permission should be granted to send the journal of the legislatures to the people within the States, not outside the States, without payment of postage.

Mr. MURDOCK. The Post Office Department at the present time is struggling with a deficit that seems to be growing.

Mr. MADDEN. This will not amount to much.

Mr. MURDOCK. There are 48 States in the Union, and some of them have yearly sessions of the legislature, and some have biennial sessions.

Mr. MADDEN. Yes.

Mr. MURDOCK. It seems to me that would increase the amount of franked matter considerably.

Mr. STAFFORD. Mr. Speaker, if my colleague on the committee will permit, this is not intended to increase the amount of franked matter, but merely to grant to daily legislative journals the second-class mailing privilege. It is not frankable.

Mr. MANN. Reserving the right to object, Mr. Speaker, what are the "daily legislative journals" of the legislative bodies? I know that we have a Journal here, but it is not printed every day.

Mr. MADDEN. Whatever it is, that is what they want.

Mr. MANN. Yes; "whatever it is." I would like to know what it is. It may be a chance to insert all sorts of matter in a legislative journal and send it out under the second-class privilege. The legislative journal is not printed daily.

Mr. MADDEN. In our hearings it was understood that it was merely the journal of the proceedings of the day.

Mr. MANN. Perhaps it is a daily legislative calendar.

Mr. MADDEN. No; it is not a calendar.

Mr. MANN. Certainly the journal of the proceedings is not printed daily in any legislative body on earth.

Mr. MADDEN. If it is not printed daily it would not be sent out daily.

Mr. MURDOCK. Do any legislatures keep a stenographic report of the proceedings?

Mr. MANN. I think not. But it would not be that. We have a legislative Journal here in the House, but it is not printed daily. It is printed some time after the end of a session. I do not think there is any legislative body that prints what we call a journal daily. Now, if this means something, apparently no one knows what it does mean. The sending out of the CONGRESSIONAL RECORD is now quite an expense, and if we undertake to allow them to send out everything that is inserted in every legislative body in the States, including all the bills that are introduced and all the reports that are made, the privilege would be used very extensively, possibly, and at considerable cost.

Mr. MADDEN. This is not giving the franking privilege.

Mr. MURDOCK. That was my first impression—that it did give it.

Mr. MANN. Oh, I know; but to send at 1 cent a pound is practically below cost.

Mr. MADDEN. The question is whether the people in the States are not sufficiently interested in the proceedings of the legislatures of the States to justify the enactment of such a law as this.

Mr. MANN. I suspect that if I were in one of the legislative bodies in a State and desired to publish to my constituents the great amount of work that I was doing, I would have the journal showing that I had introduced such and such bills and mail that at 1 cent a pound to all the constituents in my district. It is purely political campaigning that ought to be paid for by the man that does it, and not by the Government of the United States.

Mr. MADDEN. I am not interested in that at all.

Mr. MOORE. Mr. Speaker, I object.

The SPEAKER. The gentleman from Pennsylvania [Mr. MOORE] objects.

AMENDMENT OF THE INTERSTATE COMMERCE ACT.

Mr. CULLOP rose.

The SPEAKER. For what purpose does the gentleman from Indiana rise?

Mr. CULLOP. I want to call up the bill (H. R. 2496) to amend section 15 of the act to regulate commerce, as amended June 29, 1906, and June 18, 1910. It was called up a few moments ago and objection was made when it was called up, and it was stricken from the calendar. I want to know if the gentleman from Illinois [Mr. MANN] will consent that the bill be passed over without prejudice, and not stricken from the calendar. It is the bill H. R. 2496 to amend section 15 of the Interstate Commerce act. It is No. 368 on the calendar.

The SPEAKER. The gentleman from Indiana [Mr. CULLOP] asks if the gentleman from Illinois [Mr. MANN] will withdraw his objection made to the consideration of this bill, and let it be passed over without prejudice?

Mr. MANN. So far as I am concerned, Mr. Speaker, I have no objection.

The SPEAKER. The gentleman from Indiana asks unanimous consent to pass over the bill without prejudice. Is there objection?

Mr. MOORE. I object.

The SPEAKER. The gentleman from Pennsylvania [Mr. MOORE] objects.

Mr. CULLOP. Mr. Speaker, will the gentleman from Pennsylvania withhold his objection for a moment?

Mr. MOORE. I have no objection to withholding it.

Mr. CULLOP. This bill passed the Sixty-second Congress by practically a unanimous vote. It is a bill of great importance to the country, for the uniform classification of freights, and I hope that the gentleman will consent that the bill may be passed over now, as objection has been made, without prejudice, so that at some other time it may be taken up during the session. It is a matter of great importance.

The SPEAKER. Does the gentleman from Pennsylvania [Mr. MOORE] adhere to his objection or does he relent?

Mr. MOORE. Mr. Speaker, this is a very important bill, and it is one to which some of the commercial bodies of my section of the country object. I have been hearing from them on this subject. There should be a full discussion of a measure of this importance, and it seems unfair to bring it up in this way on unanimous-consent day when everything is under such high pressure. I would be willing to have it considered in the regular way, but it should not be considered now.

Mr. CULLOP. I want to say to the gentleman, in that connection, that very extensive hearings were had on this bill.

Mr. MOORE. May I ask the gentleman what his request was?

Mr. CULLOP. It was that the bill may now be passed over without prejudice, as objection was made to its consideration.

Mr. MOORE. I do not object.

The SPEAKER. Is there objection?

There was no objection.

INVESTIGATION AND SETTLEMENT OF ACCOUNTS UNDER RECLAMATION ACTS.

Mr. RAKER rose.

The SPEAKER. For what purpose does the gentleman from California rise?

Mr. RAKER. For the purpose of asking unanimous consent that the bill (H. R. 124) authorizing and directing the Secretary of the Interior to investigate and settle certain accounts under the reclamation acts, and for other purposes, No. 383 on the calendar, be passed over without prejudice. I want to call the attention of the gentleman from Illinois [Mr. MANN] to the fact that I have taken this matter up with the department and have had the matter practically looked into, and I ask that it be passed over without prejudice. It has to do with the settlement of accounts under reclamation projects for labor performed.

Mr. MANN. I have no objection. That is the mechanics' lien matter?

Mr. RAKER. Yes.

Mr. STAFFORD. I object to having it returned to.

Mr. MANN. The gentleman is trying to prepare a proper bill?

Mr. RAKER. Yes; I am having it put in proper shape, and at the next consideration I will have it in proper shape.

The SPEAKER. The gentleman from California asks unanimous consent that Calendar No. 383 (H. R. 124) be passed without prejudice. Is there objection?

Mr. MILLER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MILLER. I understand that bill was stricken from the calendar.

The SPEAKER. Yes.

Mr. MILLER. Will the unanimous consent asked for by the gentleman from California restore it to the calendar; and, if so, to the place it formerly occupied on the calendar?

The SPEAKER. The Chair thinks it would; but to be on the safe side the Chair will put the request in this way: The gentleman from California asks unanimous consent to pass Calendar No. 383 (H. R. 124) without prejudice and to have it restored to the relative place on the calendar that it now occupies. Is there objection?

Mr. BORLAND. I object.

Mr. RAKER. Will the gentleman let it go to the bottom of the calendar?

Mr. BORLAND. This bill has been on the calendar every time it has been called.

Mr. RAKER. Will not the gentleman let it go to the bottom of the calendar?

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

Mr. BORLAND. I object.

SANITARY CONDITIONS IN COMPOSING ROOMS, DISTRICT OF COLUMBIA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 18383) to provide better sanitary conditions in composing rooms within the District of Columbia.

The title of the bill was read.

The SPEAKER. Is there objection?

There was no objection.

The bill was read as follows:

Be it enacted, etc., That all typesetting, type-casting, and similar machines and apparatus, such as linotype machines, monotype casters, stereotype melting pots, and the like, shall be piped in a proper and efficient manner, so as to effectually carry off the noxious fumes and gases arising during their operation: *Provided*, That exhaust fans, blowers, or other suitable devices shall also be installed when deemed necessary for the purpose of further aiding in the discharge of all deleterious matter from composing and other rooms where any of the above machines may be in operation.

SEC. 2. That it shall be the duty of the health officer of the District of Columbia to inspect the composing rooms of all printing offices within his jurisdiction at least once a year. He shall, in addition to observing that the intent and purpose of this act is carried into effect, order such other changes as he may deem necessary to give proper ventilation to the employees therein. Such orders of the health officer to be complied with within 30 days thereafter. Any failure so to do to be reported by him to the District attorney for prosecution.

SEC. 3. That any person, firm, or corporation found guilty of a violation of, or a failure to comply with, any of the requirements of this act shall be guilty of a misdemeanor, punishable by a fine of $25 for each and every machine so operated: *Provided*, That each and every day such machine or machines are operated after proper notification by the health officer of the insanitary conditions surrounding them shall be deemed a separate violation and punishable in like manner as the original offense.

SEC. 4. That this act shall take effect three months from the date of its passage.

With the following committee amendments:

Page 1, line 3, after the word "That," insert the words "the melting pots of."

Page 1, line 9, strike out the words "when deemed necessary."

Page 2, strike out all of section 2.

Page 2, line 13, strike out the figure "3" and insert the figure "2."

Page 2, line 17, strike out all of said line after the word "operated" and all of lines 18, 19, 20, and 21 and insert in lieu thereof the following: "; and each day operated shall constitute a separate offense."

Page 2, line 23, strike out the figure "4" and insert in lieu thereof the figure "3."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

THE LATE SENATOR JOHN T. MORGAN.

The next business on the Calendar for Unanimous Consent was the joint resolution (S. J. Res. 196) to authorize the Secretary of War to grant permission to the Southern Commercial Congress to place a tablet at Gamboa, Canal Zone, as a memorial to the late Senator John T. Morgan.

The title of the joint resolution was read.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, let us have the joint resolution reported.

The SPEAKER. The Clerk will report the joint resolution.

The joint resolution was read, as follows:

Resolved, etc., That permission is hereby granted for the placing of a tablet containing a portrait bust of the late Senator John T. Morgan, with an appropriate inscription, at Gamboa, in the Canal Zone, at such time and under such regulations as the Secretary of War may direct.

With the following committee amendment:

In line 3, strike out the words "for the placing of" and insert in lieu thereof the words "to the Southern Commercial Congress to place."

Mr. MANN. Mr. Speaker, reserving the right to object, I see in the report this statement made concerning Senator Morgan:

It will be universally admitted that but for his persistent, earnest, and able efforts in behalf of the Isthmian Canal there would not be such canal to-day in existence. He was firmly convinced that the Nicaraguan route was the most feasible, but this does not in any way lessen the importance of his efforts, through which, more than anything else, the canal connecting the Atlantic and Pacific Oceans in America was finally constructed and is now in operation.

I assume that as the bill provides the authority to erect a bust on the Panama Canal with an appropriate inscription, those who favor the bill would put on the bust an inscription something like what I have read from the report. I am not willing to admit that that statement in the report is correct. With the highest regard for Senator Morgan and for the work which he did, it is not universally admitted by a long way—

that but for his persistent, earnest, and able efforts in behalf of the Isthmian Canal there would not be such a canal to-day in existence.

I do not think it is desirable to give authority to some one to erect an appropriate bust or otherwise with such inscriptions on the canal. If that authority were granted quite generally, we would soon have a large number of these memorial busts along the canal, each claiming that the particular gentleman whose bust was erected was really the author and father of the canal. That would be exceedingly ludicrous.

Mr. UNDERWOOD. Mr. Speaker, if the gentleman from Illinois has finished what he has to say, I desire to say a word if he will yield the time.

Mr. MANN. I will reserve the right to object. The gentleman can take the floor in his own right.

Mr. UNDERWOOD. Mr. Speaker, it is with very deep regret that I have heard the gentleman from Illinois indicate his intention to object to the consideration of this bill. There is no charge on the Government. The Southern Commercial Congress represents the business interests of the Southern States. John T. Morgan was for more than 30 years a typical representative of those States in the Congress of the United States. He was a man whose character was without question, whose loyalty and earnest devotion to his State and to his country entitled him to a place in history and a place in the hearts of his countrymen. The gentleman from Illinois says it is absurd to say that the work of John T. Morgan was not largely responsible for the building of an Isthmian Canal.

Mr. MANN. If the gentleman will yield, I did not make any such statement as that.

Mr. UNDERWOOD. I thought that was the gentleman's statement.

Mr. MANN. Not at all.

Mr. UNDERWOOD. I withdraw it, if I misquoted the gentleman. I did not intend to do so.

Mr. Speaker, I do not hesitate to say that there are several, if not many, great men in this country whose names should be immortal for the work they have done in the building of this canal; but I say that no man has ever been connected with the history of this Government whose work was more continuous and more earnest in behalf of the building of an Isthmian Canal, or the result of whose work was more effective in producing the legislation that ultimately built the canal, than John T. Morgan. It is true he believed the Nicaragua route was the safest, the best, and the cheapest to be built. When the bill was passed this House, by more than a three-fourths vote, agreed with his position. The House accepted the bill that was finally passed, because it could get no other legislation from the other body.

This gentleman from Iowa, Mr. Hepburn, whose fame will live as long as the canal exists, reported and passed through this House the bill that was advocated by John T. Morgan for building an Isthmian Canal, but it was his insistence that a way should be cut for the passage of the ships through the Isthmus that agitated the American people, that created a sentiment from one coast to the other for the building of this canal. And now I say for the Congress of the United States to deny his own people, who ask nothing of the Government, the right to place a tablet at this canal and record on it the work that he had done in the past connecting the two oceans together in the interest of the commerce and trade of the world, is most unfortunate, and I shall regret most deeply if the distinguished gentleman from Illinois exercises his privilege to defeat this bill.

Mr. MANN. Mr. Speaker, I have always had, since I knew anything about him, the greatest admiration for Senator Morgan and for the work which he did in reference to an Isthmian Canal. It is undoubtedly true that his constant effort on the subject had great weight and effect, but it is not correct, in my judgment, to say that but for him there would have been no canal. He was not the only one; he was not the originator at all of the idea that the Government should construct the canal. That is the only way it ever would be constructed. Senator Morgan from the start was insistent upon doing something for the Nicaragua Canal Co., which had a concession. That was the way he thought the canal ought to be constructed. He was strongly in favor of the Nicaragua route and against the Panama route. In that I always agreed with him, and I do yet. But I am unwilling, if I can prevent it, to let some one start in by erecting busts or tablets containing inscriptions along the line of the Panama Canal, claiming that a particular person was the author or the father of the plan.

Mr. UNDERWOOD. If the gentleman will allow me, I know of no intention on the part of the people who intend to erect the tablet to say that he was the father of it. The bill says that they may erect this tablet with a suitable inscription on it, and, of course, that inscription must have the approval of the Secretary of War. I know of no intention on the part of the people to claim that John T. Morgan alone was responsible for building the canal. He undoubtedly is entitled to great credit for the work that he did. He was undoubtedly among the foremost men of those who created a sentiment in the United States for the legislation that was ultimately passed, and I think the gentleman from Illinois is not justified in claiming that these people propose to erect a tablet claiming all the credit for Senator Morgan, because I am sure they do not.

Mr. MANN. I read from the report on this bill, and I have no doubt the report shows the line along which the committee think the proper inscription should be written. Of course, I appreciate the fact that it is highly desirable that the people in Alabama, which State Senator Morgan so long and so ably represented, should believe that he was the one who did the work, and yet there are other points of view without any reflection upon the work that he did do.

Mr. UNDERWOOD. I have just stated to the gentleman that neither I nor anyone else claim that Senator Morgan did all the work. History and time itself will give him the place that he is entitled to for the great work he did, and I do not think this Congress should withhold the mere privilege from his own people of placing a tablet at the Canal Zone and let future generations know that they believe in the man and the work he did.

Mr. MADDEN. Mr. Speaker, I would like to make this suggestion: That the sentiment to be placed on the table or monument, or whatever it may be, should be in the bill.

Mr. UNDERWOOD. I have no objection to that; but I do not propose to advocate a bill which would violate the proprieties of any occasion. As to the Congress dictating who is entitled to the greatest credit, the people of the United States will find that verdict, and nobody in building a monument can find the verdict for them.

Mr. MANN. I suppose if the bill passes it would not be long before we should have a variety of portrait busts, with inscriptions, along the line of the canal that would rival the "Chamber of Horrors" right here behind us.

Mr. DENT. Will the gentleman yield?

Mr. MANN. Yes.

Mr. DENT. I want to ask the gentleman from Illinois, if the objectionable sentence which he read in the report was stricken out by unanimous consent, there being nothing in the bill on this subject, it would relieve his objection to the bill?

Mr. MANN. I think that is the kind of appropriate inscription that the Southern Commercial Congress would think was proper to be placed upon the bust. I do not think that is correct history.

Mr. GREENE of Vermont. Mr. Speaker, I might say now, if it will shorten this debate, that I shall object to the consideration of the bill under any circumstances.

Mr. NORTON. Mr. Speaker, I object.

The SPEAKER. The gentleman from North Dakota objects, and the bill will be stricken from the calendar.

GRANTING LANDS TO SCHOOL DISTRICT NO. 44, CHELAN COUNTY, WASH.

The next business on the Calendar for Unanimous Consent was the bill (S. 4146) granting certain lands to school district No. 44, Chelan County, Wash.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby granted to school district No. 44, Chelan County, State of Washington, 1.77 acres in lot 3, section 13, township 27 north, range 16 east, Willamette meridian, more particularly described as follows: Beginning at the corner No. 1 of the tract of land to be described, which is a stone marked "S. H.-44," from which the quarter corner between sections 13 and 14, same township, bears north 450 feet, thence south 62 east 418 feet to corner No. 2, thence south 209 feet to corner No. 3, thence north 62 west 418 feet to corner No. 4, thence north 209 feet to corner No. 1, the place of beginning, being the same as now used and occupied by said district for public-school purposes, and the Secretary of the Interior is hereby authorized and directed to issue patent for said lands to said school district.

The SPEAKER. Is there objection?

Mr. MADDEN. Reserving the right to object, I ask that this bill go over without prejudice, as I do not see the author of the bill here.

Mr. FERRIS. Mr. Chairman, will not the gentleman reserve his objection and his request? This only affects 1.7 acres, and the gentleman may not be able to get the bill up again.

Mr. MADDEN. Mr. Speaker, I withdraw the request.

Mr. FERRIS. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to consider the bill in the House as in Committee of the Whole. Is there objection?

There was no objection.

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

LEASING OF UNPATENTED OIL OR GAS LANDS.

The next business on the Calendar for Unanimous Consent was the bill (S. 5434) authorizing the Secretary of the Interior to grant permits to the occupants of certain unpatented lands on which oil or gas has been discovered, and authorizing the extraction of oil or gas therefrom.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I would like to inquire whether since we embodied this provision in the omnibus bill the Supreme Court or any other court has passed upon the cases which were pending in which these lands were involved?

Mr. CHURCH. Mr. Speaker, I will say to the gentleman from Wisconsin that it has not.

Mr. MADDEN. Mr. Speaker, I object to the consideration of the bill.

Mr. CHURCH. Mr. Speaker, I hope the gentleman will withhold his objection for a moment, until the matter has been considered somewhat.

Mr. MADDEN. Mr. Speaker, several gentlemen seem to desire to discuss the bill, and I reserve the objection.

Mr. MONDELL. Mr. Speaker, would the gentleman have any objection to the bill going over without prejudice?

Mr. MADDEN. I would not. I would be very glad to agree to that.

Mr. MONDELL. Mr. Speaker, it is rather important that this legislation be enacted at this session of Congress. The session is so near to a close that it is quite certain that general legislation on the subject will not be had; and there are quite a number of cases in California and some in Wyoming that would be affected by this legislation, where relief is needed. The provision is that where a claimant for a patent desires to surrender his right to a patent he may, in lieu of the patent, secure the opportunity to lease not to exceed 640 acres. I do not undertsand why there should be any objection to the passage of the bill. The House has already adopted this provision in the general leasing law.

Mr. MADDEN. Then why do they want this at this time?

Mr. MONDELL. Because the general leasing bill, along with other meritorious legislation, is not very likely to be enacted at this session of Congress. It is now before the Senate, and this is only a fragment of that legislation—an effort to pass a bill that covers those cases that require immediate relief.

Mr. MADDEN. Does not the gentleman think the bill is too important to consider by unanimous consent?

Mr. MONDELL. But the bill has been fully considered by the House and has been approved by the House.

Mr. MADDEN. It will probably have to be considered again at the extra session.

Mr. MONDELL. Not this feature of it, if we provide for it here. It affects only a comparatively few cases; but those cases are important to the industry of the region in which they are located. In my own State, I will say to my friend, we have an oil field whose development just now is very greatly hampered and restricted by reason of the fact that there are some of these entries that are under contest.

Mr. MADDEN. Was the gentleman in favor of this provision in the law, which he said passed the House, for leasing public lands for any purpose?

Mr. MONDELL. Mr. Speaker, I offered it as an amendment and it was adopted. That would indicate, I think, that I favored it. There was some discussion in respect to it, and I will ask the chairman of the Committee on Public Lands, the gentleman from Oklahoma [Mr. FERRIS], if his recollection is the same as mine—that the amended bill as we now have it before us is not in exactly the same language as the amendment adopted to the general leasing bill?

Mr. FERRIS. I think it is identical, and the gentleman from California [Mr. CHURCH] says that it is word for word. I have not compared it myself. The situation is this: We had two relief bills here—one for the relief of some phosphate lands in Idaho, offered by the gentleman from Idaho [Mr. FRENCH], and this bill that the California and Wyoming people were interested in. By tacit agreement we put both of those bills on the general leasing bill. That bill went to the Senate with these two amendments upon it, and, as the House knows, the Senate is blocked and is not passing anything. Consequently this bill will probably not get through.

Mr. MONDELL. Has not the House since allowed by unanimous consent the passage of the phosphate bill?

Mr. FERRIS. I was just about to add that two weeks ago, perhaps four—in any event on one unanimous-consent day—the Idaho bill for the relief of those parties was brought up by unanimous consent and passed. I expressed the hope at that time, and I express the hope now, that this bill be passed. It does not affect anybody in my State, but all winter long, and for the last year, people from California and Wyoming have journeyed away across the continent at great expense to themselves to urge the Congress to help them out, and I think we will get a chance to get some royalty and some leases out of a very badly mixed-up situation. I think the House ought to do it.

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

Mr. FERRIS. I do; but I have not the floor.

Mr. MADDEN. Will the gentleman from Wyoming yield, so that I may ask a question?

Mr. MONDELL. Yes.

Mr. MADDEN. If this bill is passed, would it not legislate several cases out of the courts?

Mr. FERRIS. No; I think not. The trouble arose over this by reason of making the placer law applicable to oil lands. I never have thought the placer law should be applied to oil; I do not think it fits; and recent developments show that it does not fit. I think this will allow these parties that are trying to get title——

Mr. MANN rose.

Mr. FERRIS. I wish the gentleman would permit me to proceed.

Mr. MANN. The gentleman ought not to proceed too long along that line, because the gentleman is slightly in error.

Mr. FERRIS. What is the error?

Mr. MANN. These cases do not involve a distinction between the placer and the lode mining laws.

Mr. FERRIS. I was not stating that——

Mr. MANN. That is what the gentleman did state.

Mr. FERRIS. No; I was not stating that; I was stating——

Mr. MONDELL. The gentleman from Oklahoma suggests the difficulty arose because we applied the placer law to oil lands. I do not think that is quite accurate; but having applied it, there are certain questions in regard to withdrawals.

Mr. FERRIS. Let me follow up with the gentleman from Illinois [Mr. MADDEN]. This bill merely allows these people to surrender their opportunity to get a patent under that law and take out a lease and pay royalty to the Government. Now, the House, by an almost unanimous vote, committed itself to the proposition last summer that we should get for the Government some royalty out of these oil lands. This will make it uniform; this will allow the Government to get something now where in all probability they will not get it under the other law. The oil people—a great many of them—feel they are losing a good deal by being compelled to take this; but they want to get their fat out of the fire; they want to get their cases tried; they want to get their peace of mind and go ahead with their business.

Mr. MADDEN. Suppose this legislation should be enacted into law, what effect will that have on the litigation now pending?

Mr. FERRIS. The gentleman means the litigation in the Land Office?

Mr. MADDEN. In the Supreme Court.

Mr. FERRIS. These cases are pending in the Land Office, which this bill remedies. They are trying to get title to land, but they were held up for one reason or another, and they were held up in getting their patents. They now no longer seek patents but are willing to relinquish and take leases instead of a patent, and this bill gives them the right to do that.

Mr. MADDEN. I think I shall have to object. Mr. Speaker, I object.

The SPEAKER. The gentleman from Illinois objects, and the bill is stricken——

Mr. MONDELL. Will the gentleman consent to this bill being passed without prejudice?

Mr. MADDEN. I am willing to let it go over without prejudice; yes.

The SPEAKER. The gentleman asks unanimous consent that this bill be passed without prejudice. Is there objection? [After a pause.] The Chair hears none.

RIGHT OF WAY FOR PIPE LINE AND RESERVOIR, LINCOLN NATIONAL FOREST.

The next business on the Calendar for Unanimous Consent was the bill (S. 2278) granting the El Paso & Rock Island Railway Co. a right of way for its pipe lines and reservoir upon the Lincoln National Forest for the carrying and storage of water for railroad purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, as I glean from the report there are some suits pending concerning these water rights now exercised by this railroad company which are being contested by the Government.

Mr. YOUNG of Texas. Yes; there are some such suits. The bill specially provides that this legislation shall not in any manner affect the merits of this litigation. That provision was put in at the instance of the Department of Justice.

Mr. STAFFORD. Yet it might affect the merits of this litigation. Will not the passage of this bill supersede and obviate the necessity of the further prosecution of that case?

Mr. YOUNG of Texas. Oh, I do not know that necessarily it would.

Mr. STAFFORD. Is not the very purpose of this bill to grant this railroad company rights which to-day they have not?

Mr. YOUNG of Texas. No; that is not the purpose involved. There have been some controversies about pipe lines running across the forest reservation. A permit was issued by the Department of Agriculture, and one of the other departments raised some controversy about it. This is the only pure water the railroad can get for miles and miles, and they have gone to hundreds of thousands of dollars of expense, and they find this water on top of the mountain there, and it is the only water they can use that will run the machinery without being very deleterious and destroying the machinery. The water question is a very important question to-day in that particular section, and this bill was introduced and passed through the Senate so as to eliminate this controversy that had arisen between the departments, and the Government is protected in every way in the world.

Mr. MONDELL. Will the gentleman from Texas yield for an inquiry?

Mr. YOUNG of Texas. Yes.

Mr. MONDELL. Has this railroad company ever attempted to secure this right of way under the act of 1905 that authorizes the use of a right of way for water for domestic purposes?

Mr. YOUNG of Texas. As far as I know, that act does not go far enough to embrace railroads.

Mr. MONDELL. Well, it might go far enough to embrace water for the purposes for which a railroad uses water.

Mr. YOUNG of Texas. I understand that act covers mining companies and municipalities, and I do not think it extends far enough to give railroads protection.

Mr. STAFFORD. Why has not this bill been submitted to the department for their views?

Mr. YOUNG of Texas. It has been so submitted.

Mr. STAFFORD. There is nothing in the report which shows that it has.

Mr. YOUNG of Texas. The Secretary of Agriculture's communication was before the committee, and it shows that there is no objection to this legislation. There were quite extensive hearings in the Senate, and in fact the real hearings were had over there.

Mr. STAFFORD. Why was it not embodied in the report, so that Congress might have the views of the department on such a bill?

Mr. YOUNG of Texas. The gentleman will find that information in the hearings before the Senate committee on this same proposition.

Mr. STAFFORD. The gentleman knows that these hearings before the various committees are not easily available to Members. There is no mention here of any such hearings.

Mr. YOUNG of Texas. That is true; but quite extended hearings were had, and I will say to the gentleman I took this matter up with representatives from that section of the country who had the bill passed through the Senate. It is purely a local matter to that section of the country, but it is a matter of great importance to this railroad company.

Mr. STAFFORD. Mr. Speaker, I have no objection to this bill being passed without prejudice, and in the meantime the gentleman can have a supplemental report in which may be contained the ideas of the department, but where there is litigation on a question which is at issue, and where a bill seeks to overcome the litigation, I think we ought to have the views of the department concerning it.

Mr. YOUNG of Texas. Mr. Speaker, I will ask that the bill be passed without prejudice and that it retain its place on the calendar.

The SPEAKER pro tempore (Mr. RAKER). The gentleman from Texas asks unanimous consent that this bill be passed without prejudice and that it retain its place on the calendar. Is there objection? [After a pause.] The Chair hears none.

COPYRIGHTS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 21137) to amend section 23 of the act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. MORRISON. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard. The bill will be stricken from the calendar. The Clerk will report the next bill.

TRADE-MARKS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 16098) revising and amending the statutes relative to trade-marks.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. HOWARD. Mr. Speaker, I object.

WATER SUPPLY OF NEVADAVILLE, COLO.

The next business on the Calendar for Unanimous Consent was the bill (S. 2518) granting to the town of Nevadaville, Colo., the right to purchase certain lands for the protection of water supply.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. STAFFORD. Reserving the right to object, I would like to inquire why this municipality does not avail itself of the privilege of the general act of February 1, 1905.

Mr. FERRIS. The gentleman from Colorado [Mr. KEATING] is here. He is familiar with these Colorado matters, and will answer questions on the bill. The gentleman from Colorado [Mr. TAYLOR] is sick in bed, and could not attend the session to-day.

Mr. KEATING. I will say to the gentleman that Nevadaville is a small mining town, and this bill affects only 17 acres.

Mr. STAFFORD. I am aware of that fact.

Mr. KEATING. And that land is needed to protect this water supply.

Mr. STAFFORD. Although the report of the Assistant Secretary says that it affects 17,399 acres, a clear reading of the bill says that it affects only 17 acres.

Mr. KEATING. That is a typographical error. There should be a period inserted after the figures "17" instead of a comma.

Mr. STAFFORD. The bill says it is only 17 acres. The report carries the impression, by reason of the typographical error, that it is 17,399 acres.

Mr. SELDOMRIDGE. Mr. Speaker, I hope the gentleman will not object.

Mr. STAFFORD. My original question was, Why does the municipality not avail itself of the privilege under the law of 1905?

Mr. SELDOMRIDGE. I suppose this land is included in the forest reserve. The Government has been unwilling to allow them to take any land included in a forest reserve.

Mr. STAFFORD. Under the law of 1905 they are privileged to grant a right of way over and through a forest reserve.

Mr. KEATING. As the officials of the town presented this matter, they insisted it was necessary for them to have a clear title to this tract of land in order that they might put in a water system and issue some bonds.

Mr. STAFFORD. Although my question has not been answered, inasmuch as it involves only a small quantity of land, I will not object.

Mr. KEATING. Thank you.

Mr. MANN. I notice that section 2 says—

> That within one year after the survey of the foregoing-described property proposed to be granted to the town of Nevadaville said town may purchase said land by paying the amount prescribed in section 1 hereof, and the Secretary of the Interior is authorized and directed to cause the same to be patented to said town.

This property has not yet been surveyed, I believe.

Mr. KEATING. Apparently not.

Mr. MANN. And under this authorization the town is to pay for the survey?

Mr. KEATING. Yes.

Mr. MANN. Suppose it did not put in any money for the next 25 years? The authorization would still stand. Nothing else could be done with the property, and they would have the right within one year after the survey to purchase it. They would practically have purchased it when the bill passed. Now, does not the gentleman think there ought to be some limitation of time in which the survey should be made?

Mr. KEATING. I am perfectly willing to accept any limitation the gentleman suggests, because it is the intention of the town officials to carry out the transaction just as soon as possible.

The SPEAKER pro tempore. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none. The bill is on the Union Calendar.

Mr. FERRIS. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That the town of Nevadaville, a municipal corporation of the State of Colorado, is hereby granted the right to purchase the public lands situate in the county of Clear Creek, Colo., described as follows: Beginning at corner No. 1, from which corner the south one-fourth corner section 32, township 2 south, range 73 west of the sixth principal meridian; bears north 65° 8′ 12″ east 7,227.7 feet; thence south 46° 46′ east 681 feet to corner No. 2; thence south 43° 14′ west 175 feet to corner No. 3, from which corner No. 3 corner No. 1 of survey No. 16,380 bears south 70° 22′ east 223 feet; thence south 46° 23′ east 2,094.97 feet to corner No. 4; thence south 64° 22′ east 730 feet to corner No. 5, from which corner the south one-fourth corner section 32, township 2 south, range 73 west sixth principal meridian, bears north 36° 35′ 21″ east 6,719.17 feet; thence south 52° 55′ west 256 feet to corner No. 6, from which corner No. 6 corner No. 1 of survey No. 19,015 bears south 60° 50′ east 113.6 feet; thence north 61° 18′ 43″ west 675.23 feet to corner No. 7; thence north 44° 59′ west 2,095.1 feet to corner No. 8; thence south 43° 14′ west 175 feet to corner No. 9; thence north 46° 46′ west 681 feet to corner No. 10; thence north 43° 14′ east 500 feet to corner No. 1, the place of beginning; all of said land being situate in unsubdivided township 3 south, range 73 west of the sixth principal meridian (the survey of said land being bounded at its corner with rock monuments chiseled "N1, N2, N3, N4, N5, N6, N7, N8, N9, N10," consecutively), and containing 19.474+ acres, of which 2.075 acres under survey No. 16,380 are in conflict, leaving a total of 17.399 acres, more or less, upon the payment of $1.25 per acre by said town to the United States.

SEC. 2. That within one year after the survey of the foregoing-described property proposed to be granted to the town of Nevadaville, said town may purchase said lands by paying the amounts prescribed in section 1 hereof, and the Secretary of the Interior is authorized and directed to cause the same to be patented to said town.

SEC. 3. That the grant hereby made is, and the patent issued hereunder shall be, subject to all legal rights heretofore acquired by any person or persons in or to the above described premises, or any part thereof, and now existing under and by virtue of the laws of the United States or of the State of Colorado: *Provided*, That there is reserved to the United States all gas, oil, coal, and other mineral deposits and the right to prospect for, mine, and remove the same: *And provided further*, That the cost of the survey, mentioned in section 2 of this act, shall be paid by the said town of Nevadaville: *And provided further*, That in the event said lands are ever abandoned and not used for municipal purposes all right, title, and interest therein to be conveyed to the said town of Nevadaville by this act shall be forfeited and the same shall revert to the United States.

Mr. MANN. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The gentleman from Illinois offers an amendment which the Clerk will report.

The Clerk read as follows:

Page 3, line 22, after the word "Nevadaville," insert the words: "And within two years after the passage of this act."

Mr. MANN. That is in order to save time.

Mr. KEATING. I want to make this suggestion to the gentleman from Illinois. It has just occurred to me that the situation in the Senate is such that I am afraid we will never get the Senate to concur in the proposed amendment on account of the parliamentary situation there. I have absolutely no objection to the amendment. It seems to me the survey would have to be ordered by the Secretary of the Interior, and that he could fix the time when the survey should be made.

Mr. MANN. He can not survey it until the town puts up the money. They might not put up the money under this bill for 50 years.

Mr. KEATING. My only objection is that it might be tied up in the Senate.

Mr. MANN. That applies to so many bills——

Mr. KEATING. But this is such a small matter. However, we will take our chances.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

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

The bill as amended was ordered to be read a third time, was read the third time, and passed.

The SPEAKER pro tempore. The Clerk will report the next bill.

INTERNATIONAL CONGRESS OF EDUCATION.

The next business on the Calendar for Unanimous Consent was the House joint resolution 273, requesting the President of the United States to invite foreign Governments to participate in the International Congress on Education.

The SPEAKER pro tempore. Is there objection to consideration of the resolution? [After a pause.] The Chair hears none. The Clerk will report the resolution.

The Clerk read the resolution, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is hereby authorized and requested to invite foreign Governments to appoint honorary vice presidents and otherwise participate in the International Congress on Education, to be held at Oakland, Cal., August 16 to 27, 1915, in connection with the Panama-Pacific International Exposition: *Provided*, That no appropriation shall be granted at any time hereafter in connection with said congress.

Mr. J. R. KNOWLAND. Mr. Speaker, the Senate joint resolution 187 having passed the Senate, I ask unanimous consent to discharge the Committee on Foreign Affairs from further consideration of the House joint resolution and take from the Speaker's table Senate joint resolution 187.

The SPEAKER pro tempore. The gentleman from California [Mr. J. R. KNOWLAND] asks unanimous consent to discharge the Committee on Foreign Affairs from the further consideration of House joint resolution 273 and consider Senate joint resolution 187 in lieu of the House resolution. Is there objection?

Mr. MOORE. Mr. Speaker, reserving the right to object, can the gentleman give us some information in regard to this?

Mr. MANN. This is similar to the resolution which the gentleman from Pennsylvania had in reference to the International Educational Congress to be held at Philadelphia.

Mr. LOGUE. Which was to be held last September, but which was called off on account of the war.

Mr. MOORE. And it is to be held in San Francisco?

Mr. J. R. KNOWLAND. In Oakland, Cal.

Mr. MOORE. I have no objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. CLINE. Reserving the right to object, Mr. Speaker, I would like to inquire of the gentleman from California if this Senate resolution provides for an appropriation?

Mr. J. R. KNOWLAND. No. It is the identical bill. No appropriation is contained in it.

Mr. MANN. Let us have the Senate joint resolution read, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the Senate joint resolution.

The Clerk read as follows:

Resolved, etc., That the President of the United States is hereby authorized and requested to invite foreign Governments to appoint honorary vice presidents and otherwise participate in the International Congress on Education, to be held at Oakland, Cal., August 16 to 27, 1915, in connection with the Panama-Pacific International Exposition: *Provided*, That no appropriation shall be granted at any time hereafter in connection with said congress.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. MANN. Mr. Speaker, I would like to be recognized for a moment.

The SPEAKER pro tempore. The Chair will recognize the gentleman from Illinois for five minutes.

Mr. MANN. No; I am recognized for one hour, but I shall not consume it. Was this International Congress on Education held at Philadelphia?

Mr. MOORE. No; it was not held.

Mr. LOGUE. It was called off on account of the European war.

Mr. MANN. Then all the labor that the two gentlemen from Pennsylvania performed last summer was of no avail and went for naught?

Mr. MOORE. The bill was passed.

Mr. LOGUE. It was called off.

Mr. MANN. A great deal of time was spent on that. Does my friend from California [Mr. J. R. KNOWLAND] understand that it really will be held at Oakland this year?

Mr. J. R. KNOWLAND. I have been advised by numerous telegrams that the people of Oakland will be, as they always have been, ready for the entertainment of their guests.

Mr. MANN. I understand that there are somewhere between 117 and 170 different conventions and congresses, and so forth, to be held at the Panama-Pacific Exposition during the coming summer. Where will the delegates come from? Certainly the European nations at war will not be sending delegates to this international congress.

Mr. J. R. KNOWLAND. Oh, I think there will be some. There will be a good many from the United States, and, I think, some foreigners will be able to attend. All the nations are not at war.

Mr. MANN. Does the gentleman know whether each one of these congresses is going to ask the Congress to authorize the President to invite representatives of each of the nations of the world to attend each congress at the expense of the delegates and not at the expense of our Government?

Mr. J. R. KNOWLAND. I think that is specifically stated in the resolution.

Mr. MANN. I know about this one, but I am trying to get information as to the others.

Mr. J. R. KNOWLAND. Congress is within 16 days of closing, and I do not think there will be much opportunity afforded for passing other resolutions of this character.

Mr. MANN. Well, as soon as this resolution in the House was restored to the calendar recently, it having been stricken from it by mistake some time ago, I received several communications from different portions of the country in reference to

other congresses, with suggestions that other international congresses would also like to have the President invite delegates from foreign countries to attend those congresses. I think the people who sent the letters to me did not know, perhaps, that this resolution provided that the delegates should come at their own expense. Maybe that makes a difference.

Mr. KENT. Mr. Speaker, will the gentleman yield to me a moment?

Mr. MANN. Certainly.

Mr. KENT. In reference to the gentleman's question as to the possibility of people going there, I received a letter from one of the big universities of California in which the writer stated that he considered this as very important, inasmuch as he expected a great many people to come from Europe.

Mr. MANN. I do not object now to this as it comes toward the end of Congress, and as the gentleman from California [Mr. J. R. KNOWLAND], from the Oakland district, suggests, there is not very much time for all the others to make a request. I never have believed, and do not now believe, in having the Government of the United States invite people to attend something at their own expense.

Mr. J. R. KNOWLAND. Mr. Speaker, will the gentleman yield?

Mr. MANN. Yes.

Mr. J. R. KNOWLAND. I think we did at the Chicago Exposition in 1893.

Mr. MANN. Well, I know that the gentleman does not know, and I myself do not know whether they did or not.

Mr. J. R. KNOWLAND. The report so states.

Mr. MANN. Well, the report was written by a gentleman who did not know. I think the Government entertained quite a good many people at the Chicago Exposition, invited from abroad; and if the gentleman has any doubt about that, I will refer him to the gentleman from New Jersey [Mr. TOWNSEND], who, in one of his "Chimmie Fadden" articles positively asserts, in a very humorous manner, that that was the case.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The question is on the third reading of the Senate joint resolution.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

Mr. MANN. Now, Mr. Speaker, I ask unanimous consent that House joint resolution 273 be again stricken from the calendar and laid on the table.

The SPEAKER pro tempore. Without objection, it will be so ordered.

There was no objection.

The SPEAKER pro tempore. The Clerk will report the next one.

GRANT OF CERTAIN LANDS TO GRAND JUNCTION, COLO.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 19116) to grant certain lands to the city of Grand Junction, Colo., for the protection of its water supply.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, let us have the bill reported.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to convey to the city of Grand Junction, in the county of Mesa and State of Colorado, section 34, township 12 south, range 97 west of the sixth principal meridian, in said county and State, to have and to hold said lands for the purpose of the protection of the head gate of the water-supply pipe lines and waterworks system of said city: *Provided*, That the said city of Grand Junction shall pay for said lands or such portions thereof as it may need for said purpose at the rate of $1.25 per acre: *And provided further*, That the grant hereby made is, and patent issued thereunder shall be, subject to all legal rights heretofore acquired by any person or persons in or to the above-described premises or any part thereof and now existing under and by virtue of the laws of the United States.

With a committee amendment, adding the following proviso:

Page 2, line 4, change the period to a colon and add the following: *Provided*, That there shall be reserved to the United States all oil, coal, and other mineral deposits that may be found in the lands so granted, and all necessary use of the lands for extracting the same: *Provided further*, That the lands hereby authorized to be purchased as hereinbefore set forth, and all portions thereof, shall be held and used by or for the said grantee for the purpose herein specified, and in the event the said lands shall cease to be so used they shall revert to the United States, and this condition shall be expressed in the patent to be issued under the terms of this act: *And provided further*, That the grant herein contained shall not be construed to deprive the public the right to continue the use of what is known as the Kannah Creek trail across said land.

The SPEAKER pro tempore. Is there objection?

There was no objection.

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

Mr. FERRIS. Mr. Speaker, the bill is on the Union Calendar. I ask unanimous consent that it be considered in the House as in Committee of the Whole House on the state of the Union.

Mr. MANN. I object. I have some amendments to offer.

Mr. FERRIS. Then, Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 19116, objection having been made.

The SPEAKER pro tempore. Is there objection to the consideration of the bill in the Committee of the Whole House on the state of the Union?

Mr. MANN. I objected. A motion is pending.

Mr. FERRIS. I made the motion, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Oklahoma [Mr. FERRIS] moves that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the bill H. R. 19116. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. FOSTER] will take the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 19116, with Mr. FOSTER in the chair.

The CHAIRMAN. The Clerk will report the bill.

Mr. FERRIS. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill. It was read a moment ago.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent to dispense with the first reading of the bill. Is there objection?

There was no objection.

Mr. MANN. Will the gentleman explain this bill a little more fully?

Mr. FERRIS. I will give the gentleman the explanation that I have. It simply authorizes the city of Grand Junction to buy 640 acres of unoccupied, rough, hilly land at $1.25 an acre, the usual Government price, for the purpose of protecting the water supply of the city. The bill was referred to the department, and the department made a favorable report on it, and the committee made a unanimous report. I will say, parenthetically, that the author of the bill is sick to-day and is not here.

Mr. MANN. That is one reason why we did not object to the consideration of it. If he had been here he would have excited opposition.

Mr. FERRIS. The gentleman from Colorado [Mr. SELDOMRIDGE] is here, however, and he can perhaps respond to any question the gentleman may wish to ask.

Mr. MANN. I do not care especially to ask the gentleman from Colorado about the bill. I should like to ask the gentleman from Oklahoma. We have passed so many of these bills, I should like to ask the gentleman is there no way under which the town can make a purchase of Government land?

Mr. FERRIS. Under the act of 1905 they can procure rights of way, but there is no general act under which they can buy land for watershed purposes, and each case has to stand on its own bottom apparently. Some one raised that question in the committee a short time ago, and suggested that we ought to pass a general act. It was our thought that the calendars were congested with about 400 bills and that a bill of that kind would probably provoke discussion and debate, and we felt unwilling to bring that up in the House.

Mr. MANN. Could not anybody take possession of the land?

Mr. FERRIS. Anybody could enter it if he wanted to. It is open to homestead entry.

Mr. MANN. How could an individual obtain it under existing law?

Mr. FERRIS. If the gentleman from Illinois and myself were clothed with homestead qualifications, we could go out and homestead the land and acquire title to it, and then probably hold the city up afterwards.

Mr. MANN. It is unfair to make that statement. Neither the gentleman from Oklahoma nor myself would hold up the city. Other people might do it. We are exempt from such a charge.

Mr. FERRIS. I was merely using the gentleman from Illinois and myself for an illustration, for the moment.

Mr. MANN. I might hold up the city, but I am sure the gentleman from Oklahoma would not.

Mr. FERRIS. I bow in reverence to the gentleman from Illinois.

Mr. MANN. There are a great many who would attempt it, of course.

Mr. FERRIS. That is true.

Mr. MANN. Is there no other way of obtaining title to this land except by homestead entry?

Mr. FERRIS. If this was desert land they could make a desert entry on it and then buy it, but in order to do that they would have to show that it was irrigable, and then put water on it.

Mr. MANN. Can you not obtain desert land until you can show that it is irrigable?

Mr. FERRIS. No; and you actually have got to put the water on it before you can get it.

Mr. MANN. They could put water on it, I suppose. That is what this is for, to maintain the water supply, or a water reservoir. There is a water pipe that will run through it, is there not?

Mr. FERRIS. The gentleman knows that the rainfall is very slight up there, and they must have a large area to catch the snow that falls in the winter. I know that the House has been to the trouble of considering a good many bills of this kind, and no doubt it is annoying to the gentleman from Illinois to have them come up continually.

Mr. MANN. I will say that nothing in the way of legislation ever annoys me. I take it as it comes.

Mr. FERRIS. The thought I was trying to leave was this, that these lands have no value for homestead purposes. They have no value as desert-land claims. They have no value for anything on earth, as I believe, other than they may have some mineral under them, or that they may be used to protect the watersheds of these cities, so that they may have pure water.

Mr. MANN. As I understand, this bill is for the purpose of retaining this land as a watershed, to furnish pure water to this city.

Mr. FERRIS. I so understand.

Mr. MANN. And yet it contains a provision that a trail shall continue across the land for the purpose of having cattle travel over it. It does not seem to me that would be very appropriate for a 640-acre watershed, to leave it so that the ranchmen in that country could run their cattle over it. That would not be my idea of pure water.

Mr. FERRIS. I confess there is very much force in what the gentleman says. Still it is better to have one road across it than it would be to have people camp on it and hold their cattle on it overnight. The report also states that they have a caretaker. The city of Grand Junction is under the commission form of government, and it has a caretaker who can look after it without additional expense. While the gentleman from Colorado could tell better than I, it is probably some old trail that they would have trouble about if they should close it up. There are many mountain passes up there that must be preserved. I think they can handle a local matter of that kind. It is worthless land. They want it; they need it. Pure water is always important.

Mr. SELDOMRIDGE. While I am not personally acquainted with the land in question, I know that Grand Junction has constructed its waterworks at some distance from the city, and these lands are evidently located several miles, perhaps 10 or 15 miles, away from the city. The trail probably leads up through the canyon to a place otherwise inaccessible, so that it is necessary to preserve this convenient means of travel to the section of country that is reached by it. The purpose of getting the land, as I understand it, is to furnish protection to the water supply and allow the city to exercise police power over the land.

Mr. MANN. I can not understand how it will furnish protection to the water supply to have 640 acres of land, over which there is a cattle trail, where large numbers of cattle are constantly passing. That is to me a queer idea.

Mr. SELDOMRIDGE. Probably the city does not want to interfere with the only route of travel that exists.

Mr. MANN. I suspect that the city does want to interfere.

Mr. SELDOMRIDGE. The bill will leave the trail open.

Mr. MANN. Yes; but that is one objection to the bill. What sense is there in giving to a city the right to 640 acres of land for the purpose of letting it have pure water and at the same time provide for a cattle trail over it?

Mr. SELDOMRIDGE. It is not exactly a cattle trail.

Mr. MANN. I imagine it is for the purpose of accommodating some private persons.

Mr. SELDOMRIDGE. The gentleman would not want to discontinue the only possible route for travel in going into the mountains with pack animals, would he? This trail would bear the same relation as a public road in a narrow canyon.

Mr. MANN. If there could not be a trail put anywhere else, the gentleman's remarks would be fully appropriate; but that is what I want to know.

Mr. SELDOMRIDGE. I think that is the condition.

Mr. MANN. The bill as introduced did not provide for any such exemption. I suppose somewhere some stockman kicks because he does not want to go around half a mile farther with his stock. I should say that the protection of the water supply of a city like Grand Junction was of more importance than the convenience of some stockman.

Mr. SELDOMRIDGE. Has the gentleman read the report?

Mr. MANN. Oh, yes; I have read the report.

Mr. FERRIS. Will the gentleman yield?

Mr. MANN. Yes.

Mr. FERRIS. I know the gentleman is always right, and he probably has his powder dry in this instance; but where did the gentleman get the idea that this is cattle trail?

Mr. MANN. The report on page 2 says:

> It appears to your committee that for some 25 years past certain stockmen and ranchmen have constructed and used a trail extending from the valley below up to the highlands beyond and across a portion of this land.

Mr. FERRIS. That is sufficient.

Mr. MANN. I would like to ask one further question. I suppose it is the intention, probably, of the city to purchase the entire 640 acres, but the bill provides—

> That the said city of Grand Junction shall pay for said lands, or such portions thereof as it may need for said purpose, at the rate of $1.25 per acre.

Should they not pay for the entire 640 acres within some limit of time?

Mr. FERRIS. I think so. I do not know whether the land has been surveyed or not.

Mr. MANN. It must have been surveyed or they could not describe it as section 34, township 12 south, range 97 west of the sixth principal meridian.

Mr. FERRIS. I do not know what the facts are about that, but if the gentleman has an amendment he wishes to offer I do not think the gentleman from Colorado [Mr. TAYLOR] would object to it.

Mr. MANN. I expect to offer an amendment striking out, commencing in line 11, page 1, the words "or such portions thereof as it may need for said purpose," and then insert after the word "shall," line 11, the words "within [stating the time] from the passage of this act."

Mr. FERRIS. I feel sure that there will be no objection to that.

Mr. MONDELL. Mr. Chairman, this legislation should be had. It is regrettable that we have not some general legislation on this subject. As I understand it, the Committee on the Public Lands has had under consideration for some time general legislation on the subject. I think such a bill was reported out at one time, but for some reason or other it was not passed.

Mr. Chairman, I feel like protesting against the restrictions we place around transfers to municipalities of land of the character of this description. This tract, as I understand, is very rough, mountainous land, through which a deep canyon runs. It has a little brush on it and, probably, is not worth more than the price fixed—$1.25 an acre—if it is worth that. It has never been considered valuable enough to tempt anyone to homestead it. The probability is that no portion of it is fit for cultivation; it is just a scrubby, brushy canyon-cut mountainside. We are selling it to a municipality, to a collection of American citizens who are going to hold it in their collective capacity, and yet we throw as many restrictions about it as if we were proposing to sell it to some grasping corporation that we thought was going to utilize it for the purpose of holding up the community.

We first provide that if, perchance, any minerals shall be found they shall be reserved to the United States. Now, in all probability the land does not contain any minerals. I assume that no one has ever suggested that it contains minerals. So this reservation is entirely superfluous; but it has this effect: We are granting land which is to be used for the protection of the water supply, in order that the city may keep trespassers off the tract and protect it, to prevent pollution of the water supply, and we place in the law a provision which invites trespassers, invites evil-intentioned persons to go on the tract ostensibly for prospecting after any or every sort of mineral, going up there and camping under pretense of prospecting, and liable to commit all sorts of depredations under the pretext of prospecting, if they are so disposed.

If we were disposing of this land to an individual, there might be some excuse for this mineral reservation. As a matter of fact, there is probably no excuse for mineral reservation even in such a case, because the lands contain no minerals, as far as anybody knows. The geological formation is such that there

is not the remotest probability of any mineral being found under the surface. But dealing with American citizens collectively, a municipality, for the purpose of enabling them to protect their water supply, we insist on reserving all kinds and sorts of minerals, as though they actually might sometime be found, and by so doing we invite every person who in good faith may seek to prospect, every blackmailer, every person who for any reason might desire to go on the lands under pretense that they were prospecting, to interfere with the protection of the water supply.

Then, although the land is worthless, simply a square mile serving to hold the surface of the earth together, made up of brush, canyon, and rock of no value—nobody wants it, nobody has homesteaded it—if the city shall not use it for these particular purposes we propose to take it back, not that we have any use for it, not that we know that anyone will ever want it or desire it or have any particular reason for utilizing it, but if the city shall not use it for this particular purpose, for the protection of its water supply, we propose to take it back. We throw around a grant of this kind—of rocky, brushy hillside—more regulations and provisions which may be harmful, in disposing of it to a community in its community capacity, than would be necessary were we disposing of something that really might become very valuable to some grasping corporation that might use the values for the purpose of holding up the community.

Mr. Chairman, I realize that the gentlemen on the Committee on the Public Lands understand that only by inserting all of these reservations and provisions with regard to the extinguishment of the title for nonuse can legislation of this kind be gotten through the House. I presume they are probably correct in their view of the matter. It seems to me that we have arrived at a peculiar state of mind in the House when it is necessary to have all of these conditions and limitations surrounding the transfer from all of the people to part of the people of a tract of rocky, barren, practically worthless hill land.

Mr. STAFFORD rose.

The CHAIRMAN. Does the gentleman desire to be recognized in his own right?

Mr. STAFFORD. I do.

Mr. FERRIS. How long does the gentleman desire?

Mr. STAFFORD. I do not intend to consume very much time.

Mr. FERRIS. I desired to ask unanimous consent to close the general debate.

Mr. STAFFORD. I think the gentleman will get it closed more quickly by having me proceed now.

Mr. FERRIS. Very well.

Mr. STAFFORD. I wish to inquire of the chairman of the committee the reason why they embodied the following proviso:

And provided further, That the grant herein contained shall not be construed to deprive the public the right to continue the use of what is known as the Kannah Creek trail across said land.

Mr. FERRIS. Mr. Chairman, I do not know what the trail is, I do not know how important it is, and I do not know why it was suggested. It was suggested by the department, and it was in obedience to their suggestion that we reserved it. The information is that the city has a caretaker who lives on the land and can protect these watersheds. I presume it is a mountain pass or something that could not well be closed, although that is an assumption upon my part.

Mr. STAFFORD. Mr. Chairman, I think the gentleman is in error when he states that it was suggested or recommended by the department. I direct his attention to the letter of the Secretary of the Interior, as found on page 2 of the report, wherein the Secretary makes some suggestions, but in those suggestions nothing is contained as to this reservation of the rights to this trail. Some person outside, other than the Secretary, and outside of the department, has made that suggestion.

Mr. FERRIS. Perhaps the gentleman is right. The department made the suggestion with reference to the mineral reservation; and as I look at it again I think the gentleman is right. There are two provisos there, and it was my thought that the committee copied them verbatim; but it seems the gentleman is right. The mineral reservations were suggested by the department and the committee adopted them.

Mr. STAFFORD. The committee adopted the recommendations of the department, but added another proviso for which it is difficult to find any suggestion, so far as the department is concerned.

Mr. FERRIS. It is unfortunate that the author of the bill who knows about this is sick and unable to be here to-day.

Mr. STAFFORD. It is a minor matter, and I presume it does not impair the general provisions of the bill. I will not press the inquiry further. I reserve the balance of my time.

Mr. FOWLER. Mr. Chairman, I desire to inquire of the gentleman from Oklahoma if the city of Grand Junction is now using this lease of land for the purpose denominated in the bill, and if so, how long have they been so using it?

Mr. FERRIS. They are really not using it at all. It has been vacant land, and they desire to use it as a part of their watershed.

Mr. FOWLER. Have they ever used it for the purpose of a watershed to supply the city with water?

Mr. FERRIS. Oh, no. They do not own it. It is public land. Anybody could, if they desire, go upon it and enter it.

Mr. FOWLER. They may have been using the water from it even though it is public land.

Mr. FERRIS. I presume they have, inadvertently.

Mr. FOWLER. It has occurred to me that they might want to get across that particular tract of land to a more desirable tract of land for the purpose of supplying the city with water.

Mr. FERRIS. That may be true. The House is unfortunate in not having the exact information at hand regarding this trail.

Mr. FOWLER. The reason I am led to that conclusion is because the sanitary conditions of the tract of land are not very well preserved by the bill, and it occurred to me that perhaps the city did not want the land for the purpose of the watershed to furnish water, but as a right of way over which they might go to a more desirable fountain of water supply.

Mr. FERRIS. They have the power to get the right of way under another act, without coming to Congress, so that I believe the gentleman's presumption would hardly be correct. An act was passed in 1905 authorizing cities to get rights of way without coming to Congress. So it could not be for that purpose.

Mr. FOWLER. It is not very clear in the bill, and no information has been given which is clear, as to the real intent of the purchase of this land by the city.

Mr. FERRIS. Mr. Chairman, I think the gentleman is in error in that. The bill and the report are clear on those points, but we are unfortunate in not being able to tell the gentleman about this road, and the committee has gladly confessed that inability to the gentleman and to the gentleman from Illinois [Mr. MANN] and the gentleman from Wisconsin [Mr. STAFFORD], owing to the absence of the gentleman from Colorado [Mr. TAYLOR].

Mr. FOWLER. The conflict between the high purpose which is urged for the purchase of this land and the promiscuous use permitted by the bill which might defeat that high purpose is of such a character that it does not appear to Members who are not acquainted with conditions there that it is the real purpose to use this land for a watershed.

Mr. FERRIS. About that there can be no question. The city needs this as a part of their watershed. They have asked for it. The city council has asked for it and the officials of the city who have appeared before us asked for it. This road matter is the only part of the bill I am not familiar with. I assume it is some local matter, some mountain pass or something of that kind, and if the gentleman feels it is wrong or has any doubt about the matter he can move to strike it out when the time arrives.

Mr. FOWLER. I shall not do so, because I feel the committee knows more about it than I do. I know nothing whatever about this, although I have been to Grand Junction and I know something about the surroundings there, and it appears to me that the practical effect the bill pretends to seek is not very clearly defined.

Mr. Chairman, I do not agree with my colleague from Wyoming [Mr. MONDELL] in his remarks concerning the disposition of real estate. Apparently he objects to the limitations surrounding this purchase, or proposed purchase, by the city of Grand Junction. It never was intended by the wonderful God of all that any one man or any set of men should get a monopoly of what is known to be the greatest physical inheritance that men ever had. The right of a man to have a home ought to be preserved in the State; the State has title to the land in republics, the king in absolute forms of government. The State ought to see that the real estate shall never be hedged about by the control of the few against the rights of the many, and if a State has permitted such to be done it becomes the solemn duty of the State to remedy such wrongs and see that the real estate is held for homesteads for the poor. To do otherwise——

Mr. MONDELL. Will the gentleman yield?

Mr. FOWLER. In a moment—to do otherwise is a violation of the divine gift from heaven to man. Now I will yield to the gentleman from Wyoming.

Mr. MONDELL. I agree with what the gentleman has said——

Mr. FOWLER. I only yielded for a question.

Mr. MONDELL. And much admire his eloquence, but there is no reservation here of a homestead right. So far as home-

stead rights are concerned, they are wiped out and obliterated by this legislation. There is a reservation here in the United States as against the good people of Grand Junction to minerals that are not there.

Mr. FOWLER. Mr. Chairman, the gentleman from Wyoming has lost sight of the necessity for preserving real estate for homes, instead of allowing it to go into the hands of corporations. Municipal corporations have no more right to acquire large areas of land and hold them in deference to the rights of individuals than private corporations have. One of the greatest acts that was done by Napoleon was the division of the real estate of France into small tracts and placing them within easy reach of the French peasants. That was one of the great reasons why France was able to pay the wonderful indemnity in 1872 imposed on her by Germany.

Mr. McKENZIE. Will my colleague yield?

Mr. FOWLER. In a moment. The gentleman from Wyoming objects to this land going back to the United States in case the city of Grand Junction should cease to use it for a watershed supply. What could be more sensible than to let it go back to the real owner? What does Grand Junction want with it now except to keep the people supplied, according to the terms of this bill, with water, and as soon as that necessity has ceased, then the real estate ought to go back where it came from, to the State, to be held for the purpose of use in the future, whether for mineral purposes, homestead, or otherwise. Real estate ought not to be perpetuated in large tracts in the hands of the few. Corporations ought not to be permitted to hold real estate except for the purpose of their business; manufacturing industries may own the ground on which their plants rest; banking institutions may hold the ground on which their business buildings rest; but no country will ever be prosperous which permits the few to gobble up the real estate and hold it against the rights of the many. I now yield to my colleague from Illinois.

Mr. McKENZIE. I understand this bill is for the purpose of granting certain lands to the municipality of Grand Junction for the protection of its water supply. I desire to ask my colleague if he does not believe it is perfectly proper for municipalities to control tracts of land, even large tracts of land, for park purposes and for the protection of a water supply, and if the control of the same does not inure to the interests of the people.

Mr. FOWLER. Oh, certainly; that is true. Municipalities ought to have an opportunity to see that sanitary conditions prevail within their limits, and that is always desirable; but it is never desirable to hold large tracts of land against the interest of individuals so as to deprive them of homesteads. The happiest place in the world is the place which a man can call his home. [Applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. STOUT having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had concurred in the request of the House of Representatives for the return of the enrolled bill (S. 7555) to authorize the construction of a bridge across the Suwanee River, in the State of Florida.

GRANT OF CERTAIN LANDS TO GRAND JUNCTION, COLO.

The committee resumed its session.

Mr. MANN. Mr. Chairman, I move to amend the committee amendment by inserting, in line 18, after the word "public," the word "of."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend the committee amendment by inserting after the word "Public," in line 18, the word "of."

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

The question was taken, and the committee amendment as amended was agreed to.

Mr. MANN. Mr. Chairman, I move, page 1, line 11, after the word "shall," to insert the words "at least two years from the passage of this act."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, on page 1, by inserting after the word "shall," in line 11, the words "within two years after the passage of this act."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. MANN].

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

Mr. MANN. Now, I move to strike out, commencing with line 11, the language "or such portions thereof as it may need for said purpose."

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

The Clerk read as follows:

Page 1, line 11, after the word "lands," strike out the words "or such portions thereof as it may need for said purpose."

Mr. FERRIS. Mr. Chairman, let me make a suggestion to the gentleman on that. I can think of a case where there might be some objection to adopting that. Suppose that only half the land fell into the watershed at all, and the other half carried the water off in another direction, does the gentleman think, then, that the land ought not to be used for its proper purpose on the other side; that is, mining, or grazing, or such other uses as it might be put to, and not compel the city to buy something to hold in idleness—something it did not want?

Mr. MANN. If the gentleman's supposition was correct, the criticism would be correct. The statement, however, is, that this land is valueless so far as its use for anything else is concerned. They take the water from Kannah Creek and on this section they have what is called a head gate. This is some distance from the city, and there the water pipe starts and carries the water to the city of Grand Junction. Well, I doubt whether any of this section can be used if the city should just get the land right around the head gate. Now, they say they want to buy it all. I am willing to sell it all to them, but I doubt whether it would be fair to the Government and the rest of the land to sell just a little bit of it right around the head gate and right along the line of the creek.

Mr. FERRIS. I can see how that would work an unfairness. I only thought of a supposititious case.

Mr. MANN. They stated they wanted to purchase the whole section. There are no adverse rights.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. MANN].

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

Mr. FERRIS. Mr. Chairman, I move that the committee do now rise and report the bill favorably.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. FOSTER, Chairman of the Committee of the Whole House on the state of the Union, reported that the committee had had under consideration the bill (H. R. 19116) to grant certain lands in the city of Grand Junction, Colo., for the protection of its water supply, and had directed him to report the same back to the House with certain amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them en gross.

The amendments were agreed to.

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

On motion of Mr. FERRIS, a motion to reconsider the vote by which the bill was passed was laid on the table.

UNAPPROPRIATED LANDS IN NORTH DAKOTA.

Mr. NORTON. Mr. Speaker, I ask unanimous consent to have printed in the RECORD a concurrent resolution adopted by the Legislative Assembly of the State of North Dakota, pertaining to legislation for the purpose of assisting in settling up unappropriated lands in North Dakota and the West.

The SPEAKER. The gentleman from North Dakota asks unanimous consent to extend his remarks in the RECORD by publishing certain resolutions of the North Dakota Legislature in reference to settling up the wild lands there. Is there objection? [After a pause.] The Chair hears none.

The following is the joint resolution:

STATE OF NORTH DAKOTA,
DEPARTMENT OF STATE.

I, Thomas Hall, Secretary of State of the State of North Dakota and keeper of the great seal thereof, hereby certify that the attached is a true and correct copy of a certain concurrent resolution adopted by the Fourteenth Legislative Assembly of the State of North Dakota and the whole of such resolution.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State at the capitol, in the city of Bismarck, this 10th day of February, A. D. 1915.

[SEAL.] THOMAS HALL, *Secretary of State.*

A concurrent resolution (McClellan).

Be it resolved by the House of Representatives of the State of North Dakota (the Senate concurring), That—

Whereas there are now in the western part of North Dakota about 673,000 acres of rough, broken, and nonirrigable vacant Government land more suitable for grazing and stock raising than for any other purpose; and

Whereas the steady development of the West has been dependent upon and built up by actual settlers and homesteaders who came west for the purpose of finding homes for the support and maintenance of themselves and families; and

Whereas the occupation and settlement of these vacant lands will in time, through taxation and other sources, inure to the benefit of the counties and whole country in which said lands are located; and

Whereas practically all the agricultural lands in the third congressional district of the State of North Dakota have been selected and are now occupied by actual settlers; and

Whereas the balance of the unoccupied lands are quite rough and broken and consists mostly of what are commonly known as the Bad Lands and principally valuable for stock raising; and

Whereas there is a shortage of beef throughout the land as a result of stock raising having been neglected for agricultural pursuits; and

Whereas the balance of this land, if assigned in proper quantities, will yet support hundreds of families; and

Whereas we believe an act can and should be passed by Congress which will grant each settler a sufficient acreage of said lands as will comfortably support a family by mixed farming and stock raising thereon, and which act might be drafted along the line of the 640-acre stock-raising homestead bill No. 15799, which was introduced during the second session of the Sixty-third Congress of the United States, and in which there is incorporated a classification clause which would leave absolutely no grounds for the act to monopolize lands coming under the 160-acre or 320-acre acts; and

Whereas it has come to our notice that a movement was no foot to have Congress pass a law to have said Government lands granted to the State for leasing purposes, and to also pass a national leasehold bill; and

Whereas we believe that such an act would be a crime and an outrage perpetrated upon the counties in which said lands are situated and would deprive them of the actual settlers and families which they would otherwise get, and would further deprive such counties of the assessable valuations and taxable property which they are entitled to and from which said counties would eventually realize an abundance of revenues by virtue of entrymen having their lands patented and homes built thereon for themselves and families and their children's children; and

Whereas there is not the incentive for families to build up valuable and permanent homes on rented land that there is on land they can call their own, and from which they would not have to be separated by virtue of the expiration of a lease; and

Whereas there are a number of the counties in which this land is located that are already too small in the area of their agricultural lands without robbing them of what is left, and this is especially true of Billings County, which has not any more taxable real estate than it needs for the running of their county government; and

Whereas we do not believe in heaping the burdens of taxation on the few who happen to own the agricultural land in such localities when the same can be reduced with the settlement of these vacant Government lands by homesteaders who are willing to share the burden of taxation in their community for the purpose of getting homes; and

Whereas we are heartily in favor of some act that will tend to improve said district and bring settlers who will make permanent homes therein, but that we are bitterly opposed to the submission of a national leasehold bill or any act that will shut the lands out from actual homesteading, thereby curtailing and handicapping the development and upbuilding of said district: Now, therefore, be it

Resolved by the House of Representatives of the State of North Dakota (the Senate concurring), That we transmit a copy of this resolution to our Senators and Representatives in the National Congress, requesting and urging them to use all honorable means to see that the spirit of this resolution be put into execution as far as possible, and that any act which would tend to prevent the actual settlement of the lands above referred to, and which would deprive any county in said third congressional district of the full benefit of its lands through taxation or otherwise, be prevented.

It is further resolved, That the secretary of state is hereby authorized to transmit the foregoing resolution to the Senators and Representatives in Congress from the State of North Dakota.

A. P. HANSON,
Speaker of the House.
ALBERT N. WOLD,
Chief Clerk of the House.
J. H. FRAINE,
President of the Senate.
M. J. GEORGE,
Secretary of the Senate.

VESSELS FOR COAST AND GEODETIC SURVEY.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 20418) to authorize the purchase or construction of six new vessels, with all necessary equipment, for the Coast and Geodetic Survey, and providing for additional survey by the Coast and Geodetic Survey.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. MANN. Reserving the right to object, is my friend from Georgia [Mr. ADAMSON] serious about this?

Mr. ADAMSON. I suppose so. I have not cracked a smile about it lately. I would like to have the bill passed.

Mr. MANN. The gentleman knows that in the sundry civil bill there escaped me, unfortunately, while I was detained by some one else in conversation, a provision for two new vessels, to cost $290,000, for this service. That probably will get into the law, although it ought to have been stricken out on a point of order.

Mr. ADAMSON. I am very much obliged to the Committee on Appropriations for granting that much. And if those are really intended as a part of this authorization, I am willing to give credit for them when they go to appropriate for these.

Mr. MANN. Those two having been carried in the appropriation bill, where they will probably be provided for, and assuming that was satisfactory to the department, I did not suppose the gentleman would be pressing a bill now for six.

Mr. ADAMSON. I am not advised that those two are a part of this authorization at all.

Mr. MANN. That was what I was trying to get at, whether the new Department of Commerce, with a view to economy in its efforts to restrict expenditures—and we all know how hard it is working in that direction—wanted to build eight new vessels this year, or only six, or only two.

Mr. ADAMSON. I have always voiced my protest against using economy on the small matters from my committee only, and letting extravagance run wild on other things. If gentlemen would use it on the large matters that come in in millions, on the large propositions, it seems to me, with less hurt to any of them, we would do a great deal on the side of saving, and still grant the little authorizations from my committee.

Mr. MANN. I vote for economy on the large measures. I am not sure that my friend always does.

Mr. ADAMSON. Oh, yes.

Mr. MANN. I have in every case. I notice the half-million dollar items mount up if there are enough of them.

Mr. ADAMSON. There are not many. Our committee has jurisdiction of a few things that go to the vitals of the Government's operations and transactions, and when we come in with a bill for a few little necessary appliances and facilities to carry on the necessary work of the Government, it strikes some of the gentlemen very hard—I do not allude to the gentleman from Illinois; he is not the worst one—and yet they can swallow without choking hundreds of millions of dollars that do not go for any such beneficial purposes.

Mr. MANN. The gentleman will have an opportunity tomorrow, or soon, to show whether he is in favor of economy on large measures or not. I am in favor of economy on both the large and small measures.

Mr. ADAMSON. I thank the gentleman for his suggestion, and, inasmuch as he has mentioned it, I am sure he has reference to the administration ship bill. If I do have a chance to vote for it, I shall vote for it with the greatest of pleasure, as the most necessary thing to be done that has come before the House in a generation, because the business of the world is paralyzed, we are without shipping to do our business, and our products here at home are wasting. We are not able to secure their transportation, and if we do not provide transportation for them at once our people will lose the benefit of them and also lose an opportunity to capture the trade of the world. [Applause.] That bill ought to pass, and pass quickly.

The SPEAKER. Is there objection?

Mr. CLINE. I object, Mr. Speaker.

The SPEAKER. The gentleman from Indiana objects, and the bill will be stricken from the calendar. The Clerk will report the next bill.

PREVENTION OF LEPROSY IN THE UNITED STATES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 20040) to provide for the care and treatment of persons afflicted with leprosy and to prevent the spread of leprosy in the United States.

The title of the bill was read.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, let us have the bill reported.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That for the purpose of carrying out the provisions of this act the Secretary of the Treasury is authorized to select and obtain, by purchase or otherwise, a site or sites suitable for the establishment of a home or homes for the care and treatment of persons afflicted with leprosy, to be administered by the United States Public Health Service; and the Secretary of War, the Secretary of the Navy, the Secretary of the Interior, or the Secretary of Agriculture is authorized to transfer to the Secretary of the Treasury any abandoned military, naval, or other reservation suitable for the purpose, or as much thereof as may be necessary, with all buildings and improvements thereon, to be used for the purpose of said home or homes.

SEC. 2. That there shall be received into said home or homes, under regulations prepared by the Surgeon General of the Public Health Service, with the approval of the Secretary of the Treasury, any person afflicted with leprosy who presents himself or herself for care, detention, and treatment, or who may be apprehended under authority of the United States quarantine acts, or any person afflicted with leprosy duly consigned to said home or any of said homes by the proper health authorities of any State, Territory, or the District of Columbia. The Surgeon General of the Public Health Service is authorized, upon request of said authorities, to send for any person afflicted with leprosy within their respective jurisdictions, and to convey said person to any such home for detention and treatment, and when the transportation of any such person is undertaken for the protection of the public health, the expense of such removal shall be paid from funds set aside for the maintenance of said home or homes.

SEC. 3. That regulations shall be prepared by the Surgeon General of the Public Health Service, with the approval of the Secretary of the Treasury, for the government and administration of said home or homes and for the apprehension, detention, treatment, and release of all persons who are inmates thereof.

SEC. 4. That the Secretary of the Treasury be, and he is hereby, authorized to cause the erection upon such site or sites of suitable and necessary buildings for the purposes of this act at a cost not to exceed the sum herein appropriated for such purpose.

SEC. 5. That when any commissioned or other officer of the Public Health Service is detailed for duty at the home or homes herein provided for he shall receive, in addition to the pay and allowances of his grade, one-half the pay of said grade and such allowances as may be

provided by the Surgeon General of the Public Health Service, with the approval of the Secretary of the Treasury.

SEC. 6. That for the purposes of carrying out the provisions of this act there is hereby appropriated, from any money in the Treasury not otherwise appropriated, the sum of $250,000, or as much thereof as may be necessary, for the preparation of said home or homes, including the erection of necessary buildings, the maintenance of the patients, pay and maintenance of necessary officers and employees, until June 30, 1916.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, where are these homes to be located?

Mr. ADAMSON. That has not been determined. I will state to the gentleman that the only suggestion I have heard about it is that two or three States are now maintaining homes of that kind—one in Louisiana, and one in Massachusetts, and one in some other State—and the supposition is that these States will be glad to turn over those homes to the Government.

Mr. MANN. And have the Government support them instead of the States?

Mr. ADAMSON. Yes; just as the Government did with respect to the quarantine stations.

Mr. MANN. Well, why not have the Government support all other State eleemosynary institutions?

Mr. ADAMSON. Well, I suppose the fundamental questions involved it is unnecessary for us to discuss at length just now. It is a practical proposition, and not a theory. The country is filling up with lepers, and they go about from State to State, and it has gotten so that we have about 4,000 lepers in the United States. The Government should protect interstate commerce and health by removing the menace to travel and by taking care of these people.

Mr. MANN. Do I understand that it is the purpose of the department now to have a leprosorium in Massachusetts?

Mr. ADAMSON. No; they have not said that. I said that Massachusetts has a leprosorium, and Louisiana has a leprosorium, and some other State, possibly California, has one, and it has been suggested to us that those homes might be acquired. It is objectionable, of course, in some communities for the Government to establish a leprosorium in their vicinity, but wherever they already exist and are maintained by the State authorities and can be sold to the Government, I think all friction in that respect could be removed.

Mr. MANN. This matter has been under consideration by the committee, which undoubtedly has had hearings upon it. How many leprosoriums is it intended to have under the provisions of this bill? There is no limit placed in the bill.

Mr. ADAMSON. No; there is no limit in the bill, but it is not intended to have many. One proposition was to acquire an island somewhere off the coast and to have just one. I do not know what will be determined upon about that.

Mr. MANN. This bill authorizes the Secretary of the Treasury to buy a site at any place in the United States for a leprosorium, wherever he chooses.

Mr. ADAMSON. I would take it for granted, however, that he would not do so over the objections of the community, and the easiest way would be to purchase or acquire those already established in the States.

Mr. MANN. I take it that if he does it, it will be over the objections of the immediate community. They certainly will never consent. The bill also authorizes practically all the departments to turn over at any time any land which they have in the way of a reservation.

Mr. ADAMSON. Well, it might be that a reservation would be found suitable for it free from objection, where the Government could allow it to be constructed. We can not, of course, settle all these details in advance. One of the best reasons why we can not is the one suggested by the gentleman, that if we were to propose to locate one at a particular place the people around that place would do to us just as they did before, when we proposed to locate one in Arizona. They defeated the entire bill, because the people interested in that country did not want it.

Mr. MANN. I remember that very well. I have no objection, I will say to the gentleman, to giving the Public Health Service authority to locate a leprosorium and take the chances on where it will be located, but I am very much opposed to giving them authority to locate 40.

Mr. ADAMSON. So am I.

Mr. MANN. This gives them that authority, without any limit at all, practically to take any piece of land that the Government owns and to buy any piece they choose.

Mr. ADAMSON. I do not suppose they would establish one where it was unnecessary or force one on an unwilling community. I believe they would work it out with more common sense than that.

Mr. MANN. I do not always assume that a department will exercise all the power it can; but whenever we give them unlimited authority we find that they do exercise it, just the same, and they say, "There is the law."

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

Mr. MANN. The gentleman suggests that the purpose is to establish only one leprosorium?

Mr. ADAMSON. Suppose you make it no more than two.

Mr. MANN. I can not see what they would want to have two for.

Mr. ADAMSON. This is a big country, you know, and we would not want to haul them from coast to coast.

Mr. MANN. Oh, a leper in this country is no danger at all, so far as communicating disease to others by traveling is concerned.

Mr. ADAMSON. Well, the State of Massachusetts and the State of Louisiana have thought otherwise by establishing homes in those States. There is one, also, on the Pacific coast.

Mr. MANN. We had one here. I do not know what became of Mr. Early. They still have a leprosorium here, for all I know.

Mr. ADAMSON. I do not think there would be any objection to limiting the number to two or three, but I think they ought to have more than one.

Mr. MANN. I do not think we ought to authorize more than one. If they need one, very well; but I am not in favor of giving a blanket authority for locating leprosoriums wherever they please, regardless of the wishes of the communities. The proper place to locate one is out in the wild somewhere, where nobody lives within a radius of many miles and where nobody ever will live.

Mr. ADAMSON. I would rather have authority to start with one than none at all. What would the gentleman suggest?

Mr. MANN. I have not any amendment prepared.

The SPEAKER. Is there objection?

Mr. MANN. I think the bill ought to go over, if the gentleman is serious about it. I will call the gentleman's attention to what I think is an error. The bill undertakes to appropriate $250,000 for the construction of buildings, and so forth, and gives authority to use $250,000 until June 30, 1916. You could not appropriate for a building after that date, and it is quite certain you could not buy a site and build one before that date. So your authorization would not do any good if the bill should pass. That is section 5 of the bill.

Mr. ADAMSON. We can amend that, if the gentleman does not object to the consideration of the bill.

Mr. MANN. We could, as far as I am concerned, spend the afternoon on it; but I think we want to pass some other bills this afternoon.

Mr. ADAMSON. I do not think we will have any chance to pass this after to-day.

Mr. MANN. Oh, I think so. I suggest to the gentleman that he ask to have the bill passed over without prejudice. I think we will have time during the latter days of the session. Of course, this bill will not become a law at this session anyway.

Mr. ADAMSON. Mr. Speaker, under the circumstances I am glad to oblige the gentleman by making the request that the bill go over without prejudice.

The SPEAKER. The gentleman asks that the bill be passed without prejudice. Is there objection?

There was no objection.

WALTER DEAN.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 20427) to authorize the sale of certain land in Alabama to Walter Dean.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, this is a Private Calendar bill, but I suppose it is not the fault of the author of the bill that it is on the Union Calendar; and as we would have passed it the other night if it had been on the Private Calendar, I shall not make the point of order.

Mr. FERRIS. I thank the gentleman. It is quite important to get this fixed up at this time.

The SPEAKER. Does the gentleman object?

Mr. MANN. No; I do not.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. This bill is on the Union Calendar.

Mr. FERRIS. I ask unanimous consent to consider the bill in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to consider this bill in the House as in Committee

of the Whole House on the state of the Union. Is there objection?

There was no objection.

The bill was read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to issue a patent to Walter Dean, of Calhoun County, Ala., for the north half of section 24, township 14 south, range 7 east, Huntsville meridian in the State of Alabama: *Provided*, That the said Dean shall within six months from approval hereof file his application for said tract and pay the register and receiver of the *land office at* Montgomery, Ala., the sum of $1.25 per acre therefor.

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

On motion of Mr. FERRIS, a motion to reconsider the last vote was laid on the table.

HOMESTEAD ENTRYMEN UNDER RECLAMATION PROJECTS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 19061) for the relief of homestead entrymen under the reclamation projects of the United States.

The title of the bill was read.

The SPEAKER. Is there objection?

Mr. MONDELL. Mr. Speaker, reserving the right to object, I should like to ask the gentleman from Oklahoma [Mr. FERRIS] if there are many cases that are expected to be affected or relieved by this legislation?

Mr. FERRIS. I understand there are only a few.

Mr. MONDELL. I notice that the report says there are about eight on the Uncompahgre reclamation project in Colorado and several in California. The bill is general in form, and I am not able at this time to bring myself to believe that sections 2 and 3 are necessary. It does not seem to me that there is any objection to section 1, but section 2 is a general provision. On reading it hurriedly I think it would apply to other cases than cases such as are proposed to be relieved by section 1, and I can scarcely conceive of a situation that would arise that would necessitate any such provision as section 2.

Mr. FERRIS. Did the gentleman read the letter of Mr. Sweeney, the Assistant Secretary?

Mr. MONDELL. I have read the letter of Mr. Bo Sweeney on the subject, but it does not convince me. I doubt if there is any situation that they could not meet, and I doubt if section 3 should be adopted without pretty full consideration.

Mr. FERRIS. Will not the gentleman allow it to be considered, and content himself with offering an amendment? The gentleman may be right about it. I see, however, that the report says:

Section 3 is added to meet a situation that is the source of considerable distress among settlers, for which there appears to be no remedy either in the law or in the discretion of the Secretary of the Interior.

On section 2 the report says:

The provisions of section 2 are suggested to cover the circumstances where two or more entrymen who have relinquished their entries shall apply for the same farm unit. It is intended to avoid the necessity of other methods of selection as between two applications for the same farm unit, also to provide that when the number of farm units subject to entry is insufficient to afford a lien selection for each person in the situation described those open to entry shall be awarded in sequence of original entries.

That seems to be in order to determine priority, and the department thinks it is necessary to avoid other methods of selection.

Mr. MONDELL. Let me say to the gentleman that if there is any necessity for any provision of that kind, it is a necessity that arises, in the main, outside of any legislation of this sort; it is possible that there will be some such contests between applicants for the same tracts on reclamation projects generally; but where you have only 8 entrymen in one case and 15 in another to deal with, it is not at all likely that any such contingency will arise as is intended to be provided for by this section. As a general provision applying to all projects, if there is some law necessary to guide the Secretary in his discretion, we should have it; but I doubt the necessity of making any provision to guide his discretion in these cases.

Mr. BORLAND. Will the gentleman yield?

Mr. MONDELL. Yes

Mr. BORLAND. Sections 1 and 2 seem to have no necessary connection with section 3; but as to sections 1 and 2, the gentleman has no objection to that power being conferred on the department, has he? Where settlers have made an entry in good faith upon land withdrawn for the purpose of irrigation, and either by delay in completion of the project or change in the location of the ditches, it is found that their land is not within the irrigable area, is it not a good thing to give them the right to exchange their land for some land that is within the irrigable area?

Mr. MONDELL. Will the gentleman point out to me the class of cases affected by section 3 that are not affected by section 1?

Mr. BORLAND. I confess I do not understand section 3. I am going to try to get some information on it.

Mr. MONDELL. I never like to vote for anything I do not understand. I do understand section 1, and I can understand that there may be a necessity for that. But I doubt the necessity of section 2 or the advisability of section 3.

Mr. BORLAND. If there were an amendment to strike out section 3, are not sections 1 and 2 applicable to the situation, and are they not a good thing to pass?

Mr. MANN. There is no necessity for section 2.

Mr. BORLAND. Probably not; I understand that is a practice of the department.

Mr. MANN. I am going to object to the bill unless sections 2 and 3 go out.

Mr. FERRIS. I think section 2 is the existing law, and I do not think section 3 would be insisted upon by the author of the bill. If the gentleman thinks that that will relieve the objection, I will agree to it.

Mr. MONDELL. I hope the gentleman will agree to strike out sections 2 and 3 because I think the relief can be had under section 1 of the bill.

Mr. FERRIS. I think there will be no objection to that. I will ask that it be done.

The SPEAKER. Is there objection to the consideration of the bill?

There was no objection.

Mr. FERRIS. Mr. Speaker, I ask unanimous consent to consider the bill in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That any person who has made homestead entry under the act of June 17, 1902 (32 Stat. L., p. 388), for land susceptible of irrigation which at the time of said entry was withdrawn for any contemplated irrigation project, may relinquish the same, provided that it has since been determined that the land embraced in such entry is not or will not be irrigable under the project, and in lieu thereof may select and make entry for any farm unit included within such irrigation project as finally established, notwithstanding the provisions of section 5 of the act of June 25, 1910, entitled "An act to authorize advances to the reclamation fund," etc., and acts amendatory thereof: *Provided*, That such entryman shall be given credit on the new entry for the time of bona fide residence maintained on the original entry.

SEC. 2. That in case more than one application be made at the same time for the same farm unit, preference shall be given to the applicants in the order of the dates of their original entries for the lands relinquished, and if two or more such entrymen having made previous entry on the same date shall apply to enter the same farm unit at the same time in lieu thereof, the precedence shall be decided between them by lot.

SEC. 3. That any person who has heretofore established residence upon and improved any tract of land within the irrigable area of a reclamation project withdrawn from entry under the provisions of the reclamation act of June 17, 1902 (32 Stat. L., 388), and acts supplementary thereto and amendatory thereof, and who shall have made bona fide improvements upon such land, and who shall have resided thereon in good faith for two years prior to the passage of this act, may make entry for the farm unit upon which his residence is established, notwithstanding the provisions of section 5 of the act of June 25, 1910, entitled "An act to authorize advances to the reclamation fund," and so forth, and acts amendatory thereof, and the homestead entry of any entryman who has heretofore established residence upon any such tract of land and who shall have resided thereon in good faith for two years prior to the passage of this act and who has placed bona fide improvements thereon is hereby validated, but such entry shall be subject to conformation to a farm unit when established.

The following committee amendments were read:

Page 1, line 6, after the word "land," insert the words "believed to be."

Page 1, line 9, after the word "entry," insert the following: "or all thereof in excess of 20 acres."

The committee amendments were agreed to.

Mr. FERRIS. Mr. Speaker, agreeably to the arrangement made a few moments ago, I move to strike out all of sections 2 and 3.

The SPEAKER. The gentleman from Oklahoma moves to strike out sections 2 and 3.

The motion was agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

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

On motion of Mr. FERRIS, a motion to reconsider the vote whereby the bill was passed was laid on the table.

CANDLER AND EVANS COUNTIES, GA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 20814) to place Candler and Evans Counties,

of Georgia, in the eastern division of the southern district of Georgia.

The Clerk read the bill, as follows:

Be it enacted, etc., That the counties of Candler and Evans, in the State of Georgia, are hereby attached to and made a part of the eastern division of the southern judicial district of said State.

The following committee amendments were read:

In line 3, after the word "Candler," insert the word "Jenkins."

The SPEAKER. Is there objection?

There was no objection.

The committee amendments were agreed to.

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

The title was amended to read: "A bill to place Candler, Jenkins, and Evans Counties, Ga., in the eastern division of Georgia."

POST OFFICE AT CARLISLE, PA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 18645) for the acquisition of additional site and improvement of Federal post office at Carlisle, Pa.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any moneys in the United States Treasury not otherwise appropriated, the sum of $20,000 for the acquisition of additional land for a site and for the improvement and alteration of the Federal post office at Carlisle, Pa.

The following committee amendments were read:

Line 6, strike out the figures "$20,000" and insert in lieu thereof the figures "$3,500."

Lines 6 and 7, strike out the words "for the acquisition of additional land for a site and."

The SPEAKER. Is there objection?

Mr. MANN. I object.

Mr. LOGUE. Will the gentleman reserve his objection?

Mr. MANN. Yes.

Mr. LOGUE. This has been amended by the committee. It is not for the acquisition of an additional site.

Mr. MANN. I know what it is for; it is to put certain things in a more attractive condition.

Mr. LOGUE. No; if the gentleman will pardon me.

Mr. MANN. The gentleman does not know what it is for.

Mr. LOGUE. Yes, I do; it is for the alteration and improvements of the stairway that was reported to be in an unsafe condition.

Mr. MANN. To put the stairway in a more attractive condition.

Mr. LOGUE. In a safer condition.

Mr. MANN. I am only reading from the report, which the gentleman from Pennsylvania can read; he is denying what is in the report.

Mr. LOGUE. It is to be placed in a safer and more attractive position.

Mr. MANN. That is what I said.

Mr. LOGUE. No; the gentleman stated only that it was to be put in a more attractive condition.

Mr. MANN. Here is a stairway which has just been erected, and the people do not like it because they say it does not look nice.

Mr. LOGUE. This is under the report of the department, coupled with the report of the postmaster, that several people have fallen down these stairs and that there is danger to the citizens of injury. The fact in connection with this situation is that the building was completed within the appropriation and a large sum of money was covered back into the Treasury. At that time the department should have had notice, and it has been called to their attention that these changes are needed, and the appropriation of $3,500 does not reach the limit originally made for the erection of the building. It is not an attempt to beautify it. The Representative to Congress from that district [Mr. RUPLEY] was before our committee. The report of the department was such that our committee thought that it was needed for the safety of the public and that these changes should be made.

Mr. MANN. I have read the report, and it is about as ridiculous as anybody could make it. Here is a stairway just erected, and because the patrons who are served by rural routes want to go there and get their mail, they want this stairway changed. They prefer to go there and climb these steps, but they say they do not look nice, and want somebody to build them over again.

Mr. CLARK of Florida. Mr. Speaker, I want to ask the gentleman from Illinois one question. I want to ask him if he thinks it is fair to this committee and to the House to make a statement that the report of the committee is simply to the effect that the stairway is to be changed merely to be made more attractive, when the report itself says it is to be made safer and more attractive?

Mr. MANN. The gentleman should quote what I really said.

Mr. CLARK of Florida. The two are not analogous at all. When you say to make it safer and more attractive you do not mean simply to make it more attractive. The burden of the thing is, if the gentleman will read the report from the department, that this stairway is absolutely in a dangerous condition, and the main purpose of this is to make it safe. Of course it may be made a little more attractive.

Mr. COOPER. Mr. Speaker, will the gentleman from Illinois yield?

Mr. MANN. Yes.

Mr. COOPER. Mr. Speaker, I would like to ask the gentleman from Florida what is the nature of the defect in the stairs that makes them so unsafe?

Mr. CLARK of Florida. I understand that they are so steep that it is positively dangerous to go up and down. That is the report made to us. It is a very insignificant sum; and, besides that, I understand that the stairway is so constructed as to detract largely from the appearance of the building; that it makes it appear hideous, in other words, besides being absolutely unsafe. The gentleman from Pennsylvania [Mr. RUPLEY], the Member from that district—and I believe that is his home town—came before the committee and he enlarged upon those two propositions. The main proposition, however, is the unsafe condition of the stairway, and that is why we made this report.

Mr. MANN. Mr. Speaker, I had not stated what actuated the committee. I stated in the first place that the purpose of this bill was to make the stairway more attractive. Here is the report of the department:

The steps in use at the present time are not in harmony architectually with the building, and to a great extent mar its appearance. Otherwise it is a splendid structure—

And so forth. It is true they later say——

Mr. CLARK of Florida. Will not the gentleman be fair enough to read the balance of that?

Mr. MANN. I shall not take the trouble to read the three pages. I was just stating that it was true that later on they say the steps are dangerous. It is also true that they say there are handrails there and that the people will not use the handrails. Evidently the people do not think the steps are dangerous or they would use the handrails. It is perfectly patent. The department has just constructed a building and the people there do not like it. I would be very glad to have the stairway rebuilt if we had plenty of money.

Mr. CLARK of Florida. Mr. Speaker, will the gentleman permit me to read a line on page 3?

Mr. MANN. So far as I am concerned, the gentleman can read it all.

Mr. CLARK of Florida. I read from the report:

It is unfortunate that the building was so designed in the first instance as to provide for a flight of entrance steps so steep as to be dangerous.

Mr. MANN. It is unfortunate. How long has this building been constructed? It has just been finished.

Mr. COOPER. Mr. Speaker, I did not become interested in this until I picked up this report a moment ago. I see that the Secretary of the Treasury, Mr. McAdoo, said in a letter on December 22, written to the chairman of the Committee on Public Buildings and Grounds, which letter is found in the report of the committee on page 3:

The matter of the entrance steps is in a different category. It is unfortunate that the building was so designed in the first instance as to provide for a flight of entrance steps so steep as to be dangerous. Of the estimated cost of $7,500, it is believed that the cost of reconstructing the steps would amount to $3,500.

Mr. CLARK of Florida. That is what the committee recommends, and nothing more.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I object.

The SPEAKER. The gentleman from Illinois objects; and the bill is stricken from the calendar.

PUBLIC BUILDING AT HARTFORD, CONN.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 18310) to acquire a site for a public building at Hartford, Conn.

The Clerk read the title of the bill.

Mr. LONERGAN. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection?

There was no objection.

FEDERAL BUILDING AT OAKLAND, CAL.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 21239) to increase the limit of cost of the site of a Federal building at Oakland, Cal.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. BORLAND. Mr. Speaker, reserving the right to object, I would like to have some explanation of what the amount of money appropriated in the bill—$51,750—is for?

Mr. J. R. KNOWLAND. Mr. Speaker, I will state to the gentleman that in 1912 an appropriation was made to enlarge the site of the Oakland post-office building. The owners of the property refused to accept the amount that had been appropriated and condemnation proceedings were begun by the Government. The award is $57,750 in excess of the amount appropriated. The Attorney General states that he considers this a reasonable price, and adds that if any more delay is had he fears the site can not be secured for the amount awarded. The necessity for the additional land is apparent when I state that the post-office building is now so crowded that the internal-revenue office, the customs office, and the commissioner of bankruptcy and other Federal officers are compelled to rent quarters outside of the Federal building.

Mr. BORLAND. Are we to assume that the Government went ahead with condemnation proceedings and that the verdict of the jury was for $57,750 more than the amount estimated?

Mr. J. R. KNOWLAND. Yes.

Mr. BORLAND. And that is the sole cause of this?

Mr. J. R. KNOWLAND. Yes.

Mr. BORLAND. And no more land was embraced?

Mr. J. R. KNOWLAND. No; the same land; and in the opinion of the Attorney General this is a reasonable figure; and if more delay is had, owing to the rapid increase in the values in that locality, it will unquestionably cost the Government more to acquire the property. The bill is recommended by the Treasury Department.

Mr. CLARK of Florida. This bill gives just enough so that, added to the authorization heretofore made, it completes the amount of the award.

Mr. J. R. KNOWLAND. Yes.

Mr. BORLAND. Will this complete the acquisition of the site?

Mr. J. R. KNOWLAND. Yes.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. J. R. KNOWLAND. Mr. Speaker, I ask unanimous consent to consider the bill in the House as in the Committee of the Whole.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the limit of cost for the purchase of a Federal building site at Oakland, Cal., be, and the same is hereby, increased $51,750, or so much thereof as may be necessary to meet the additional cost of the said site.

With the following committee amendment:

Line 5, strike out the figures "$51,740" and insert the figures "$51,750."

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

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

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

QUIETING TITLE TO PROPERTY, GUTHRIE, OKLA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 21200) quieting and confirming the title of the Methodist University of Oklahoma in and to certain tracts of land located in the city of Guthrie, Okla.

The Clerk read the title.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, there does not seem to be very much information given in the report in this case. The bill was introduced to give a quitclaim title to the Methodist University. The amendment is to give title to the city of Guthrie.

Mr. FERRIS. Or rather to relinquish.

Mr. MANN. Is that for the benefit of the university?

Mr. FERRIS. It is intended to be given to the university.

Mr. MANN. Suppose they do not give it to the university; then what?

Mr. FERRIS. Let me state the facts concerning this case; I suppose the gentleman will be interested. Pursuant to the act of May 2, 1890, which is the general act and does not give very much light on this identical town site, there were ten and a fraction of acres of land reserved in the city of Guthrie as the Territorial capital of Oklahoma for capital purposes and for the capital city. It is called a park, but is never used as a park but for capital purposes. Later statehood came and there was added to what was originally Oklahoma the Indian Territory. The people of the adjoining Territories took a vote as to where the capital should be, and located the capital at the city of Oklahoma as distinguished from the city of Guthrie. It then left the people of Guthrie with quite a large building on their hands, and left them with 10 acres of land on their hands, and they sought as best they could to recoup their loss by reason of having the capital removed——

Mr. MANN. But what was the title the Government conveyed?

Mr. FERRIS. The Government by the act of May 2, 1890, conveyed a limited title to them.

Mr. MANN. I know; but what was that title?

Mr. FERRIS. Later on——

Mr. MANN. What was the title conveyed?

Mr. FERRIS. For park and school purposes.

Mr. MANN. Oh, no; it was conveyed for capital purposes; but what was the limitation upon the title?

Mr. THOMPSON of Oklahoma. Will the gentleman permit?

Mr. MANN. I will.

Mr. THOMPSON of Oklahoma. Originally it was conveyed to the town-site trustees. Afterwards, under the act of 1904, the town-site trustees conveyed it to the city of Guthrie with a limitation. In 1913 the President of the United States conveyed the second title with absolute fee without any reservation at all. Now, afterwards when this question came up, when the grant was made to the Methodist University, the Supreme Court held that the limitation of the original town-site act of 1890 applied; that the town held it in trust, so that the object of this bill is to convey title to the city, so that the city can do as it pleases.

Mr. MANN. Well, I know; but what is the city going to do with it?

Mr. THOMPSON of Oklahoma. I presume, Mr. Chairman, it is the intention of the city to convey it to the university.

Mr. MANN. I really think in fairness we ought to know.

Mr. THOMPSON of Oklahoma. That is the intention.

Mr. MANN. The substitute says here it is to be conveyed to the city of Guthrie. Now, the city of Guthrie has conveyed to the Methodist University this land, but did not have a good title. Now, if they convey a good title to the city of Guthrie and if the city does not choose to convey it to the Methodist University, really that university is up in the air.

Mr. THOMPSON of Oklahoma. Mr. Chairman, I would say in reply to the gentleman from Illinois, that the deed was put in escrow and a condition imposed on the university, that they are to raise $250,000 as an endowment fund, and they are now waiting until the deeds are approved before they commence to raise that money. When the deeds are approved, they will raise the money.

Mr. MANN. I have no objection.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. FERRIS. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in the Committee of the Whole House on the state of the Union.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma? [After a pause.] The Chair hears none.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the bill be printed in the RECORD and that the substitute be read.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the bill be printed in the RECORD and that the substitute be read. Is there objection? [After a pause.] The Chair hears none.

The bill is as follows:

Be it enacted, etc., That the title of the Methodist University of Oklahoma in and to a certain tract of land located in the city of Guthrie, State of Oklahoma, and more particularly described as follows, to wit: A tract of land 680 feet square, containing 10.62 acres, located within that part of the city of Guthrie, Logan County, Okla., formerly known as Capitol Hill, and bounded as follows: On the north by Cleveland Avenue, on the west by Capital Boulevard, on the south by Harrison Avenue, on the east by Drexel Boulevard, designated and known on the official plat as Capital Park, and heretofore conveyed by said city of Guthrie to the Methodist University of Oklahoma by a deed executed May 16, 1913, pursuant to an election held in said city on the 9th day of May, 1913, authorizing and directing the execution of said conveyance, be, and the same is hereby, in all things quieted

and confirmed, subject only to the compliance on the part of said Methodist University of Oklahoma with the terms and conditions of said conveyance.

The substitute was read, as follows:

Strike out all after the enacting clause and insert:

"That for the purpose of removing a cloud from the title to that certain tract of land located in the city of Guthrie, State of Oklahoma, and more particularly described as follows, to wit: A tract of land 680 feet square, containing 10.62 acres, located within that part of the city of Guthrie, Logan County, Okla., formerly known as Capitol Hill, and bounded as follows: On the north by Cleveland Avenue, on the west by Capitol Boulevard, on the south by Harrison Avenue, on the east by Drexel Boulevard, designated and known on the official plat as Capital Park, whatsoever right, title, or interest the United States may have in and to said tract of land by reason of escheat or otherwise, be, and the same is hereby, released and quitclaimed unto said city of Guthrie."

The SPEAKER. The question is on the substitute.

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

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

The title of the bill was amended so as to read: "A bill quieting title to a certain tract of land located in the city of Guthrie, Okla."

On motion by Mr. THOMPSON of Oklahoma, a motion to reconsider the vote by which the bill was passed was laid on the table.

PUBLIC BUILDING AT BATH, ME.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 1702) increasing the limit of cost fixed by act of Congress approved June 25, 1910, for enlargement, extension, etc., of Federal building at Bath, Me.

The Clerk read the title.

The SPEAKER. Is there objection?

Mr. BORLAND. Mr. Speaker, reserving the right to object, I would like to know who is in charge of this bill. This bill adds $10,000 to the authorization, but according to the report it seems to be for some work which was omitted when the contracts were originally let. Does the gentleman from Florida know what that work was which was omitted? The report does not state it.

Mr. CLARK of Florida. The report says:

It is estimated that an increase of $10,000 will be sufficient to complete the approach work along the lines originally contemplated and also provide for certain desirable betterment.

I do not know just exactly what it is further than that, Mr. Speaker. The gentleman from Maine [Mr. MCGILLICUDDY] came before the committee. I do not think I was present when he was there. He stated that there were a number of small things they had to cut off in order to put up the building. These things are necessary, and the committee felt it was necessary that they should be done.

Mr. BORLAND. That seems a little vague. The word "approaches," as the gentleman understands, is generally used in these bills to signify some work that is doing in the city or in the street contiguous to the site. I think it had better go over. The gentleman from Maine [Mr. MCGILLICUDDY] is not here.

The SPEAKER. The gentleman from Maine [Mr. MCGILLICUDDY] is down in West Virginia at present.

Mr. BORLAND. Mr. Speaker, I ask that it be passed over without prejudice.

The SPEAKER. Is there objection?

There was no objection.

VALIDATION OF HOMESTEAD ENTRIES.

The SPEAKER. The Clerk will report the next bill.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 21122) to validate certain homestead entries.

The SPEAKER. Is there objection to the consideration of the bill.

Mr. MANN. I object.

Mr. FERRIS. Will the gentleman hear me a minute on that?

Mr. MANN. Yes; I will reserve my objection.

Mr. FERRIS. In 1900 Congress passed an act opening certain lands to settlement. There were a lot of remnant lands left that no one wanted. After the first 60-day period anyone could take the remaining lands who would go and settle on them, and the first settler thereon got them. Two or three years went along with some activity in homesteading and a few remnant lands were still remaining. I incorporated in the Indian appropriation bill—or at least I advocated it and it was adopted—a short amendment providing for the sale of these remaining remnant lands. I thought we could close it up in that way.

Mr. MANN. What had it to do with the Indian appropriation bill? These are not Indian lands.

Mr. FERRIS. Oh, no; only it passed as other amendments that were added to the bill. It was land that had been ceded to the Government.

Mr. MANN. We supposed at that time these were Indian lands. The gentleman puts an amendment in the appropriation bill. I do not say that he led us erroneously to suppose that these were remnant lands belonging to Indians; but that is the only way that the bill would have jurisdiction over them.

Mr. FERRIS. The gentleman and I both know how these appropriation bills go through, and that at the Senate end they very often hang on everything in the shape of amendments.

Mr. MANN. I remember the item. I remember the impression I received on the floor that these were remnant lands belonging to the Indians and hence it was proper in the Indian appropriation bill to provide for their disposal.

Mr. FERRIS. I think the gentleman was probably incorrect, as I think this amendment went in at the Senate end, and I do not think the gentleman had any statement from me at the time. There was a question at the time as to whether or not they were Indian lands. But the department later held they were public lands and not Indian lands. This is what happened. After this amendment had passed, the local land office down at Guthrie gave out a published statement in the newspapers, and the matter was current in the State, and asked the people to come and enter these lands, and they did enter them—some 56 in number. They filed on them. A good many of them proved them up, got their receipts, and built houses on them. Last fall when I was home they had received notices by reason of the amendment in the Indian appropriation bill which provided for the sale of these land, back in 1911; that these lands had been erroneously entered and their titles were held for cancellation. I said to them that I did not believe the Government would let them go on the land and build homes and prove them up and then take the lands away from them. I called it to the attention of the Land Office, and they were willing to favor legislation to straighten it out. They think themselves that they ought not to let people enter land and live on it two or three years and then take it away from them. I introduced the bill, and the department recommended it favorably, and the committee reported it. It ought to pass. It will straighten out a tangle that should be straightened.

Mr. STAFFORD. Will the gentleman yield?

Mr. FERRIS. I will.

Mr. STAFFORD. Under the Indian appropriation provision, what prevented these settlers from purchasing these lands on which they made improvements at the appraised value?

Mr. FERRIS. The Land Office did not offer them under the 1911 provision, and they being segregated by existing entries were not subject under the 1913 provision.

Mr. STAFFORD. Were they not subject to entry under the prior act of 1911? Is not the gentleman confusing the dates?

Mr. FERRIS. That is the one I referred to. And it is that one that the land should have been sold under, and the local land office made the error and invited numerous families to come on to settle on the land. There was for a time some confusion about it as to whether or not the land was Indian land. This probably was the cause of the trouble.

Mr. STAFFORD. Under the act of 1911, which is not the appropriation act.

Mr. FERRIS. It was an amendment to the Indian appropriation bill. The act of 1911 was the Indian appropriation act.

Mr. STAFFORD. Not according to the report here.

Mr. FERRIS. It is, though.

Mr. STAFFORD. They have a right to-day to buy the lands at the appraised value, not including the improvements.

Mr. FERRIS. Oh, yes; but a man has exhausted his homestead right. A man who three or four years ago was invited to go and enter on the land and build a house on it and cultivate it and comply with the homestead law, and even prove up on it, does not want to give it up. He is entitled to it. He should not be compelled to buy it a second time.

Mr. STAFFORD. The gentleman's statement is not correct when he says he is deprived of his entire right, because he is not. He can purchase this land at the appraised value, not including the improvements. He does not wish to buy at the appraised value.

Mr. FERRIS. The gentleman should not say I am in error. I know it from A to Z. There were two amendments in the appropriation bill under which the department could sell the land. Later I came along and put a provision in the appropriation bill in 1913 authorizing that they sell and clean up these remnant lands. I want to get rid of them and get rid of any trouble of this kind.

Mr. BURKE of South Dakota. Will the gentleman yield?

Mr. FERRIS. I was first trying to satisfy the gentleman from Wisconsin.

Mr. BURKE of South Dakota. These lands in the Kiowa, Comanche, and Apache Indian Reservations that originally

were authorized to be disposed of were sold, were they not, to the highest bidder—that is, under sealed bids?

Mr. FERRIS. This first opening was not; no. The first opening was ceded lands, and they had a general drawing. These are lands that were carried over from that first opening. The latter opening was under the 1906 opening.

Mr. BURKE of South Dakota. From the original opening?

Mr. FERRIS. Yes.

Mr. BURKE of South Dakota. Did the Indian appropriation act contain an item for the disposition of remnant lands, or did it not apply to reserve tracts that had been used for schools and agency purposes?

Mr. FERRIS. The last act more particularly did. There were two acts. An amendment was placed in the Indian appropriation act for 1911 which provided that the Secretary of the Interior was authorized to sell the Kiowa, Comanche, and Apache lands. They did not sell them, but on the contrary the local land office people went out and invited people to settle them by homestead entry.

Mr. BURKE of South Dakota. They were open to homestead entry before that act was passed, and did not that act withdraw them from homestead entry?

Mr. FERRIS. I believe it did, and they held that they can not prevent these people from entering, even if they have entered or already have gotten title. I present herewith the report on the bill from the Public Lands Committee. It also contains the views of the department. It is as follows:

[House of Representatives, Rept. No. 1367, 63d Cong., 3d sess.]

VALIDATING CERTAIN HOMESTEAD ENTRIES.

Mr. FERRIS, from the Committee on the Public Lands, submitted the following report.

The Committee on the Public Lands, having had under consideration H. R. 21122, entitled "A bill to validate certain homestead entries," after carefully considering the same, reports the bill back to the House with the recommendation that the same do pass with the following amendment added thereto:

"*Provided*, That in addition to the land-office fees prescribed by statute for such entries the entryman shall pay $1.25 per acre for the land entered at the time of submitting final or commutation proof."

The bill is short, and is therefore printed herewith at length, with the provision added thereto, which is strictly in accord with the recommendation of the Interior Department, and as it was unanimously approved by the committee. It is as follows:

"A bill to validate certain homestead entries.

"*Be it enacted, etc.*, That all homestead entries heretofore erroneously allowed for the unused, unallotted, and unreserved lands of the United States in the Kiowa, Comanche, and Apache Indian Reservations, which lands were authorized to be sold under section 16 of the act approved March 3, 1911 (36 Stat. L., p. 1069), and under the provisions of the act approved June 30, 1913 (38 Stat. L., p. 92), are hereby ratified and confirmed: *Provided*, That in addition to the land-office fees prescribed by statute for such entries the entryman shall pay $1.25 per acre for the land entered at the time of submitting final or commutation proof."

The bill was regularly referred to the Interior Department by the Public Lands Committee for report and recommendation. The department, under date of January 26, 1915, rendered a favorable report thereon and it is printed herewith at length, as follows:

DEPARTMENT OF THE INTERIOR,
Washington, January 26, 1915.

Hon. SCOTT FERRIS,
Chairman Committee on the Public Lands,
House of Representatives.

MY DEAR MR. FERRIS: I have before me for consideration H. R. 21122, which provides:

"That all homestead entries heretofore erroneously allowed for the unused, unallotted, and unreserved lands of the United States in the Kiowa, Comanche, and Apache Indian Reservations, which lands were authorized to be sold under section 16 of the act approved March 3, 1911 (36 Stat. L., 10069), and under the provisions of the act approved June 30, 1913 (38 Stat. L., 92), are hereby ratified and confirmed."

These, with other lands, were ceded to the United States by the Indian tribes named by treaty of October 21, 1892, and, with the exception of certain reservations, were made subject to entry at $1.25 per acre by the act of June 6, 1900 (31 Stat., 680).

The act of March 3, 1911 (36 Stat., 1096), authorized the Secretary of the Interior to sell such lands as remained then undisposed of upon such terms and under such rules as he might prescribe. After the passage of the last-named act the Commissioner of the General Land Office on April 29, 1911, instructed the register and receiver to allow no more entries for such lands until further notice. However, the register and receiver did allow about 56 entries to be made, 12 of which have been passed to patent.

In the Indian appropriation act of June 30, 1913 (38 Stat., 92), which further authorized the sale of the unused, unallotted, and unreserved lands in the reservations mentioned, it was provided that the Secretary of the Interior might "grant to settlers a preference right to purchase for 90 days from and after notice, at the appraised price, exclusive of improvements, such lands as are occupied by such settlers in good faith on January 1, 1913."

It is pointed out on behalf of the 56 entrymen that they occupy a different status from the settlers described in the act last cited in that the settlers went upon the land of their own accord and were not misled by the allowance of their claims by the register and receiver, whereas the 56 entrymen in question were misled by the allowance of their homestead entries, and, relying thereupon, constructed houses and other improvements upon the land, secured loans from banks, and took other steps in reliance upon the allowance of their said entries.

Under the circumstances, and as the entrymen were misled by the erroneous action of the Government officers, it is the opinion of the department that they are entitled to relief. While H. R. 21122 is apparently designed to permit the perfection of the entries in the same manner and at the same price as entries allowed under the act of June 6, 1900, supra, it is believed that in order to make this clear there should be added a proviso to the following effect:

"*Provided*, That in addition to the land-office fees prescribed by statute for such entries, the entrymen shall pay $1.25 per acre for the land entered at the time of submitting final or commutation proof."

So amended, the department recommends the enactment of the bill.

Very truly, yours,

A. A. JONES,
First Assistant Secretary.

The bill relates to 56 homestead entries which were allowed by the Guthrie local land office to be erroneously made. Notices were published by the land office inviting settlers to take up certain remnant lands which were left after two preceding openings had been held. Under this invitation and these notices 56 entries were made during the year 1912. Twelve of the entries have been passed to patent, the entrymen having entered promptly, resided upon the lands, proved up, and received final certificate thereto, in some cases loans having been made thereon. The other 44 entries were regularly made pursuant to the invitation issued by the local land office. The entrymen improved the land, constructed dwellings and buildings thereon, made the land more valuable, and in every way complied with the homestead laws. Later it was discovered that the lands, technically, were not subject to entry, and each of the 56 settlers were called upon to show cause why their entries should not be canceled. The land office is without power, technically, under the law to render these homesteaders relief. Certainly they are entitled to relief. To grant them this relief would not divest the Indians of any money or property, the lands having heretofore been ceded to the Government. In order to secure this relief the settlers would be required to pay $1.25 per acre for the land, the Government price for nonmineral, nonirrigable, nontimbered lands. The lands mentioned are remnant odds and ends of little value which were left over from preceding openings and are nontimbered, nonirrigable, and nonmineral.

It is thought that the only honorable thing for the Government to do in this instance is to allow their entries to stand of record, permit the homesteaders to acquire title to the lands in strict compliance with the law, and it is therefore the recommendation of your committee that this bill do pass and the relief be granted.

It may not be out of place to say that from the year 1901 up until March 3, 1911, these lands were subject to homestead entry and were not taken or selected, and it is the thought of your committee that the bill does not in any way work a hardship upon the Government; that the Indians' rights were formerly entirely severed from these lands by the treaty of October 21, 1892; that the settlers entered upon the lands in good faith and in strict accord with the invitation of the Government; that they have complied with the homestead laws—have placed improvements on the lands; that the rights of innocent persons have entered into the matter; and that these settlers are entitled to the relief mentioned.

Mr. MANN. Well, two years ago the gentleman from Oklahoma [Mr. FERRIS] put a provision on a bill authorizing them to sell the land and giving the settlers the right to buy them at the appraised value.

Mr. FERRIS. That is true; but I did not intend it to be construed in that way.

The SPEAKER. Is there objection?

Mr. MANN. I object.

Mr. FERRIS. Would the gentleman from Illinois object to its retaining its place on the calendar?

Mr. MANN. Not at all.

Mr. FERRIS. I ask unanimous consent, Mr. Speaker, that this bill be passed over without prejudice.

The SPEAKER. Is there objection to passing over the bill without prejudice?

There was no objection.

The SPEAKER. The Clerk will report the next bill.

CHICOT AND DESHA COUNTIES, ARK.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 18086) to amend section 71 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 4, 1911.

The title of the bill was read.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, this transfers two counties from one district to another?

Mr. FLOYD of Arkansas. That is all. It transfers two counties from one district to another.

Mr. MANN. I understand; but was the convenience of the United States considered in any way? There is no report here or anything to indicate that this matter was ever submitted to the Attorney General or to the United States district attorney or to the district attorney for a report. It is usual to do that.

Mr FLOYD of Arkansas. Well, it is more convenient to the people of those two counties, and I know of no objection to it from any source. It takes two counties that lie along the Mississippi River and where railroad communication is direct with Helena and transfers them from the Little Rock district, which is far more remote, to Helena.

Mr. MANN. I know that recently we passed a law dividing the State into districts—or a reenactment of the law—and it is customary when these cases are up to consult the officials, so that we shall have information before us.

Mr. FLOYD of Arkansas. I will state to the gentleman from Illinois, Mr. Speaker, that in this case it is the same trial judge that holds the courts.

Mr. MANN. That is all the more reason why we should have asked him whether this is a proper transfer, so that we would have his opinion on the subject. However, I am not going to object, although I think this is a pretty loose way to do business.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That section 71 of an act approved March 4, 1911, entitled "An act to codify, revise, and amend the laws relating to the judiciary," be, and the same is hereby, amended as relates to the eastern district of the State of Arkansas, so that when amended it shall read as follows:

"The State of Arkansas is divided into two districts, to be known as the eastern and western districts of Arkansas. The western district shall include the territory embraced on the 1st day of July, 1910, in the counties of Sevier, Howard, Little River, Pike, Hempstead, Miller, Lafayette, Columbia, Nevada, Ouachita, Union, and Calhoun, which shall constitute the Texarkana division of said district; also the territory embraced on the date last mentioned in the counties of Polk, Scott, Yell, Logan, Sebastian, Franklin, Crawford, Washington, Benton, and Johnson, which shall constitute the Fort Smith division of said district; also the territory embraced on the date last mentioned in the counties of Baxter, Boone, Carroll, Madison, Marion, Newton, and Searcy, which shall constitute the Harrison division of said district. Terms of the district court for the Texarkana division shall be held at Texarkana on the second Mondays in May and November; for the Fort Smith division, at Fort Smith on the second Mondays in January and June; and for the Harrison division, at Harrison, on the second Mondays in April and October. The eastern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Lee, Phillips, St. Francis, Cross, Monroe, Woodruff, Chicot, and Desha, which shall constitute the eastern division of said district; also the territory embraced on the date last mentioned in the counties of Independence, Cleburne, Stone, Izard, Sharp, and Jackson, which shall constitute the northern division of said district; also the territory embraced on the date last mentioned in the counties of Crittenden, Clay, Craighead, Greene, Mississippi, Poinsett, Fulton, Randolph, and Lawrence, which shall constitute the Jonesboro division of said district; and also the territory embraced on the date last mentioned in the counties of Arkansas, Ashley, Bradley, Clark, Cleveland, Conway, Dallas, Drew, Faulkner, Garland, Grant, Hot Spring, Jefferson, Lincoln, Lonoke, Montgomery, Perry, Pope, Prairie, Pulaski, Saline, Van Buren, and White, which shall constitute the western division of said district. Terms of the district court for the eastern division shall be held at Helena on the second Monday in March and the first Monday in October; for the northern division at Batesville on the fourth Monday in May and the second Monday in December; for the Jonesboro division, at Jonesboro on the second Mondays in May and November; and for the western division, at Little Rock on the first Monday in April and the third Monday in October. The clerk of the court for the eastern district shall maintain an office in charge of himself or a deputy at Little Rock, at Helena, at Jonesboro, and at Batesville, which shall be kept open at all times for the transaction of the business of the court, and the clerk of the court for the western district shall maintain an office in charge of himself or a deputy at Fort Smith, at Harrison, and at Texarkana, which shall be kept open at all times for the transaction of the business of the court."

SEC. 2. That all laws and parts of laws in conflict herewith are hereby repealed.

The SPEAKER. The question is on the engrossment and third reading of the bill.

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

On motion of Mr. FLOYD of Arkansas, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next bill.

FOUNDATION FOR THE PROMOTION OF INDUSTRIAL PEACE.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 21236) to dissolve the Foundation for the Promotion of Industrial Peace, and for other purposes.

The title of the bill was read.

The SPEAKER. Is there objection?

Mr. MANN. I object.

The SPEAKER. The gentleman from Illinois objects, and the bill is stricken from the Calendar. The Clerk will report the next one.

CRATER NATIONAL PARK REVENUE FUND.

The next business on the Calendar for Unanimous Consent was the bill (S. 2223) to authorize the use of the revenues in the Crater Lake National Park in the management of the same, and the construction, repair, and improvement of roads, trails, and bridges in the park.

The title of the bill was read.

The SPEAKER. Is there objection?

Mr. MANN. I reserve the right to object, Mr. Speaker.

Mr. SINNOTT. Mr. Speaker, this bill is one designed to give to the Secretary of the Interior authority to expend the receipts coming from leases, franchises, and licenses in Crater Lake Park, Oreg., in the improvement of the park. The bill was drawn in the office of the Secretary, and he states that the Crater Lake Park and the Mesa Verde Park, in Colorado, are the only parks under his supervision where he has not the authority to expend the funds in the management of the parks. It can readily be seen that this park ought to be placed on the same footing with the other parks with regard to expending the revenues of the park upon the park.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, for just a moment, I am not in sympathy with the purpose of the bill, but it would not accomplish the purpose which it is designed to accomplish if it were enacted.

It only shows how carelessly rough some bills are sent to us from the various departments. The language of the bill was originally prepared and sent as an estimate to go into the sundry civil appropriation bill. The sundry civil bill contains an appropriating clause at the beginning of the bill, and it would have appropriated, if this item had been inserted in the sundry civil bill, the receipts referred to in this bill.

But there is no appropriation at all in this bill. All that this bill would accomplish would be to do what is now done—to turn the money into the Treasury, as is now the case, and when the money is once in the Treasury there is no way of getting it out without an appropriation, and there is no appropriation in this bill. In order that it may be properly corrected, I object.

The SPEAKER. The gentleman from Illinois objects, and the bill is stricken from the calendar. The Clerk will report the next one.

GREAT NORTHERN RAILWAY.

The next business on the Calendar for Unanimous Consent was the bill (S. 3897) to authorize the Great Northern Railway Co. to revise the location of its right of way, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. COOPER. Reserving the right to object, Mr. Chairman, I should like to hear a statement of the purport of the bill.

Mr. STOUT. I have no particular statement to make, further than that made in the report. It is desired to eliminate a very heavy grade at the point referred to in the bill. The length of the right of way which is sought to be abandoned is something less than 2 miles. The length of the right of way which is desired by this bill is something in excess of a mile. It cuts out a wide curve. The railroad forms the southern boundary of Glacier National Park. The bill provides that the land which is left between the old and the new rights of way shall be added to the national park, in order that the line of the railway shall continue to constitute the southern boundary of the park.

Mr. COOPER. I do not quite understand the last paragraph of the report. Is this bill as now presented the bill recommended by the department?

Mr. STOUT. It is.

Mr. COOPER. It differs from the Senate bill?

Mr. STOUT. The bill recommended by the department is substituted for the original Senate bill.

Mr. COOPER. The report says the committee have had the bill under consideration, but there is no statement in the report that that is the bill reported by the committee.

Mr. STOUT. It is the bill submitted by the department in lieu of the original bill as introduced.

Mr. COOPER. So this is the amendment of the Department of the Interior?

Mr. STOUT. Yes; it is.

The SPEAKER. Is there objection?

There was no objection?

The SPEAKER. This bill is on the Union Calendar.

Mr. STOUT. Mr. Speaker, I ask unanimous consent to consider the bill in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Montana asks unanimous consent to consider the bill in the House as in Committee of the Whole. Is there objection?

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That, with the consent and approval of the Secretary of the Interior and upon the filing with the Interior Department and the approval thereof by said Secretary of maps of definite location, the Great Northern Railway Co., a corporation of the State of Minnesota, be, and it is hereby, authorized to revise the location of that part of its line of railway along the southern boundary of the Glacier National Park, in the State of Montana, on the terms and conditions and subject to the limitations and restrictions granted by and contained in an act of Congress entitled "An act granting to railroads the right of way through the public lands of the United States," approved March 3, 1875 (18 Stats., p. 482), as amended by an act of Congress entitled "An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1899, and for prior years, and for other purposes," approved March 3, 1899 (30 Stats., p. 1233): *Provided*, That all lands north of the north line of the revised right of way, when said revised line of right of way shall have been approved as aforesaid, shall be excluded from the Lewis and Clark National Forest and become and remain part of the Glacier National Park, and be subject to all the provisions of an act of Congress entitled "An act to establish 'the Glacier National Park' in

the Rocky Mountains south of the international boundary line in the State of Montana, and for other purposes," approved May 11, 1910 (36 Stats., p. 354), and to all the provisions of any act of Congress that may hereafter be passed relative to said park, and the regulations of the Secretary of the Interior heretofore or hereafter prescribed in accordance with law for the government of the park, and that any and all lands south of the north line of such revised line of right of way which may now be within the Glacier National Park shall become and remain a part of the Lewis and Clark National Forest and be subject to and be governed by the laws heretofore or hereafter enacted by Congress and the regulations heretofore or hereafter prescribed by the Secretary of Agriculture for the control of national forests.

With the following committee amendments:

Insert, on page 1, in line 6, after the word "location," the words "within three years from the passage of this act."

Add, at the end of the last paragraph on page 3, the following: "*Provided further*, That before the Secretary of the Interior shall consent to and approve the revision of location herein authorized the said Great Northern Railway Co. shall file with the said Secretary a relinquishment of all claims, of whatever nature, to that portion of its right of way affected by said revised location."

The committee amendments were agreed to.

The bill as amended was ordered to a third reading, and was accordingly read the third time and passed.

On motion of Mr. STOUT, a motion to reconsider the last vote was laid on the table.

CERTAIN TOWN SITES IN MONTANA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 20498) to validate title to certain town sites in the State of Montana.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, I should like to ask if Mr. Tallman represents the railroad company?

Mr. STOUT. He does not.

Mr. MANN. This is a private speculation of his own?

Mr. STOUT. He is just a private individual.

Mr. MANN. I object.

The SPEAKER. The gentleman from Illinois objects, and the bill is stricken from the calendar.

WESTERN DISTRICT OF SOUTH CAROLINA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 20894) to provide for the appointment of a district judge, district attorney, and marshal for the western district of South Carolina, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. MANN. I object.

The SPEAKER. The gentleman from Illinois objects, and the bill will be stricken from the calendar.

Mr. FINLEY. Mr. Speaker, I will ask the gentleman from Illinois to withhold his objection.

Mr. MANN. Certainly; I reserve the objection.

Mr. FINLEY. Mr. Speaker, this proposed legislation is necessary. In my State we have over 1,800,000 population and only one district judge. While it is true that there is a circuit judge who is appointed from that State, he does not hold any courts in South Carolina. His time is taken up with his other duties.

I will say to the gentleman from Illinois that this bill has passed one House or the other three times. I think it has passed both Houses twice.

Mr. MANN. When did it pass this House?

Mr. FINLEY. In the Fifty-seventh Congress a substantially similar bill passed.

Mr. MANN. That was 14 years ago, and they have gotten along very well from that time up to date, and nobody even reintroduced the bill, I think.

Mr. FINLEY. Oh, no; I beg the gentleman's pardon. The bill has been here in each Congress.

Mr. MANN. It has not been reported. I think in the present state of the Treasury they can get along for at least another year.

Mr. FINLEY. This bill was vetoed once by the President, on the ground that we did not provide a district judge. Every State in the Union of anything like the size of South Carolina that has two districts has two separate sets of court officials.

Mr. MANN. When was this bill vetoed by the President?

Mr. FINLEY. It was vetoed by President Roosevelt in the Fifty-seventh Congress.

Mr. MANN. And they have gotten along very well since then.

Mr. FINLEY. No; the bill passed again in the Fifty-eighth Congress. I will suggest to the gentleman from Illinois that the report is short——

Mr. MANN. I have read the report. I remember the case.

Mr. FINLEY. I will say to the gentleman that this district judge is one of the most industrious judges on the bench in this country. I do not know what he says about it, but some of his friends are anxious about him, because he has more work than he should do. I hope the gentleman from Illinois will not object.

Mr. MANN. I do not think this is a very good time to create another judgeship.

The SPEAKER. Is there objection?

Mr. CULLOP. I object.

The SPEAKER. The gentleman from Indiana [Mr. CULLOP] objects, and the bill is stricken from the calendar.

PUBLIC BUILDING AT BIDDEFORD, ME.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 6134) to amend the act authorizing the construction of a public building at Biddeford, Me.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. FOSTER. I object.

The SPEAKER. The gentleman from Illinois objects. The bill is stricken from the calendar. This completes the Calendar for Unanimous Consent.

Mr. ADAMSON. There are two uncontested bridge bills which were reported too late to get onto this calendar. I hope no one will object to allowing me to ask unanimous consent for their consideration at this time. They will take only a moment.

The SPEAKER. The gentleman from Georgia asks unanimous consent for the present consideration of two bridge bills. Is there objection?

Mr. COOPER. Mr. Speaker, reserving the right to object, the House is entitled to know what business is to come up for consideration. These are not emergency measures, and therefore I object.

HOUR OF MEETING TO-MORROW.

Mr. SHERLEY. Mr. Speaker, I ask unanimous consent that when the House adjourn to-day it adjourn to meet at 11 o'clock to-morrow.

The SPEAKER. The gentleman from Kentucky asks unanimous consent that when the House adjourn to-day it adjourn to meet at 11 o'clock to-morrow. Is there objection?

Mr. RAGSDALE. I object.

ACADEMY OF ARTS AND LETTERS.

Mr. SLAYDEN. Mr. Speaker, I move to suspend the rules and discharge the Committee on the Library from further consideration of S. 583, incorporating the American Academy of Arts and Letters, and to pass the bill.

The SPEAKER. The gentleman from Texas moves to suspend the rules, discharge the Committee on the Library from further consideration of S. 583, and pass the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That William Dean Howells, of New York; Henry James, of Massachusetts; Henry Adams, of the District of Columbia; Thomas Raynesford Lounsbury, of Connecticut; Theodore Roosevelt, of New York; John Singer Sargent, of Massachusetts; Alfred Thayer Mahan, of New York; Daniel Chester French, of New York; John Burroughs, of New York; James Ford Rhodes, of Massachusetts; Horatio William Parker, of Connecticut; William Milligan Sloane, of New Jersey; Robert Underwood Johnson, of New York; George Washington Cable, of Massachusetts; Andrew Dickson White, of New York; Henry van Dyke, of New Jersey; William Crary Brownell, of New York; Basil Lanneau Gildersleeve, of Maryland; Woodrow Wilson, of New Jersey; Arthur Twining Hadley, of Connecticut; HENRY CABOT LODGE, of Massachusetts; Francis Hopkinson Smith, of New York; Edwin Howland Blashfield, of New York; William Merritt Chase, of New York; Thomas Hastings, of New York; Hamilton Wright Mabie, of New Jersey; Brander Matthews, of New York; Thomas Nelson Page, of the District of Columbia; Elihu Vedder, of Massachusetts; George Edward Woodberry, of Massachusetts; Kenyon Cox, of New York; George Whitefield Chadwick, of Massachusetts; Abbott Handerson Thayer, of New Hampshire; John Muir, of California; Charles Francis Adams, of Massachusetts; Henry Mills Alden, of New Jersey; George de Forest Brush, of New Hampshire; William Rutherford Mead, of New York; John White Alexander, of New York; Bliss Perry, of Massachusetts; Abbott Lawrence Lowell, of Massachusetts; James Whitcomb Riley, of Indiana; Nicholas Murray Butler, of New York; Paul Wayland Bartlett, of New York; Owen Wister, of Pennsylvania; Herbert Adams, of New Hampshire; Augustus Thomas, of New York; Timothy Cole, of New York, and their successors, duly chosen, are hereby incorporated, constituted, and declared to be a body corporate of the District of Columbia, by the name of the American Academy of Arts and Letters.

SEC. 2. That the purposes of this corporation are and shall be the furtherance of the interests of literature and the fine arts.

SEC. 3. That the American Academy of Arts and Letters shall consist of not more than 50 regular members, and the said corporation hereby constituted shall have power to make by-laws and rules and regulations; to fill all vacancies created by death, resignation, or otherwise; to provide for the election of foreign, domestic, or honorary associate members, and the division of such members into classes; and to do all other matters needful or usual in such institutions.

SEC. 4. That the American Academy of Arts and Letters shall hold an annual meeting at such place in the United States as may be designated and shall make an annual report to the Congress, to be filed with the Librarian of Congress.

SEC. 5. That the American Academy of Arts and Letters be, and the same is hereby, authorized and empowered to receive bequests and donations of real or personal property and to hold the same in trust, and to invest and reinvest the same for the purpose of furthering the interests of literature and the fine arts.

The SPEAKER. Is a second demanded on this bill?

Mr. STAFFORD. Mr. Speaker, I demand a second.

Mr. SLAYDEN. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Texas asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

Mr. SLAYDEN. Mr. Speaker, I have had this bill up once on the Unanimous Consent Calendar, and ran against an objection. It is a bill that proposes to charter the American Academy of Arts and Letters, an association of gentlemen distinguished in the profession of letters, in painting, in sculpture, and the other fine arts. The only objection that I have heard advanced by any gentleman is that some gentlemen say they are opposed to granting charters.

In reply to that I call attention to the fact that it has been done. I have here a list of 15 or 20 associations to which charters have been granted by the Congress of the United States. Several of these are within the last 10 years. One was in 1912, the Naval History Society; and another in 1912, the American Numismatic Association. There is quite a list of them, too numerous to call attention to in detail, and I can see no reason, Mr. Speaker, why, if charters were granted to these associations, it should not be granted to the one which makes the request, which consists of some of the most eminent men in the country.

Another objection that has been sometimes urged by some gentlemen is that it is sectional. Mr. Speaker, that is not true. The bulk of these gentlemen do live in New York and in the East, and that is not an unreasonable thing under the circumstances. They came from all over the country originally, but the market for their wares is in New York and Boston, and they do like a mechanic or a lawyer or a merchant would under like circumstances—they go to the market in which they will thrive and in which their profession has the greatest recognition.

I call attention to the fact, in reply to the charge that it is sectional, that 10 of these gentlemen come from New York City, 8 from Boston, 2 from Cambridge, 1 from Beverly, 1 from Lowell, and 1 from Williamstown, 10 from Connecticut, Vermont, and New Hampshire, 8 from Ohio, 4 from Indiana, 1 from Michigan, 8 from Pennsylvania, 2 from New Jersey, and so on; 11 of these gentlemen, while living mostly in the East, were born in the South.

Mr. Speaker, there is nothing in the charge that this association is in any respect sectional. Now I will yield to the gentleman from Minnesota [Mr. MILLER].

Mr. MILLER. How was this list of distinguished men arrived at?

Mr. SLAYDEN. Originally it was a volunteer association.

Mr. MILLER. Does not the gentleman think it is most unfortunate that these are all practically eastern men and no one west of the Allegheny Mountains except two?

Mr. SLAYDEN. Since its organization there have been people from west of the Allegheny Mountains, some of the most eminent in the country among its members. Samuel L. Clemens, better known perhaps as Mark Twain, was a member of the association, and he lived the first half of his life not only west of the Alleghenies, but largely west of the Rocky Mountains. James Whitcomb Riley, of Indiana, and John Muir, of California, who is now dead, were from the West.

Mr. MILLER. I am not opposed to the bill; I am in favor of it; but is it not possible to get some recognition for American arts and letters, and not localize it all in New York and Massachusetts?

Mr. SLAYDEN. I am glad that the gentleman is going to support the measure, but his statement that this localizes it in New York and Massachusetts is inaccurate. I have no affiliation with New York, although I go to New York and Boston occasionally and pay a pretty big hotel bill and meet some agreeable people, but that is all of my connection with that section.

Mr. COOPER. Will the gentleman yield?

Mr. SLAYDEN. Yes.

Mr. COOPER. George Washington Cable, of Massachusetts, was born in Louisiana.

Mr. SLAYDEN. Yes.

Mr. MILLER. I know that many of these individuals were born in the West, where the best people are born, but they have gravitated to the East.

Mr. AUSTIN. Will the gentleman yield?

Mr. SLAYDEN. Yes.

Mr. AUSTIN. I do not see a resident of the Southern States south of the Potomac River in this list of individuals.

Mr. SLAYDEN. I will say to my colleague from the South—and he can not regret it any more than I do—that at this time the most eminent men in arts and letters are not residents of the South. They do not live there. I have spent all my life in the South; I am a southern man. My sympathies are all with the South, my hopes are for the South, my pride is in the South; but on account of the great Civil War, the poverty and distress which it brought upon us, the sacrifices we were called upon to make, the high-class schools of training in arts and letters have been lacking in that section.

But, Mr. Speaker, we are coming into our own in that respect. We have produced a number of distinguished men in the last few years in art and letters, in painting and sculpture, and because these men go from the South where their services are not so much required, for the reason that we have not the wealth or demand for works of art of the higher order, to those communities in which there is a better and more remunerative demand for their services we ought not to deny them the privilege of associating themselves in this way. This association is an inspiration to men who work in the arts. It is educational. It is not sectional. It is open to any man who does such work as to command the respect and admiration of his fellow citizens, who are qualified to pass on these things. Frankly, Mr. Speaker, I would not be qualified to say who is so eminent a sculptor, who so distinguished a painter, who such a master in letters, that he is entitled to belong to an association which devotes itself entirely to the development of those arts. We have produced poets and fiction writers, historians and philosophers, and they have been recognized. Some of them are in this list.

Mr. STEPHENS of Texas. Mr. Speaker, will the gentleman yield?

Mr. SLAYDEN. Yes.

Mr. STEPHENS of Texas. Does not my colleague think it is possible he might be mistaken in the statement there are no eminent men from the Southern States——

Mr. SLAYDEN. Oh, I did not say that.

Mr. STEPHENS of Texas. Is it not a fact that in the Southern States he will find university graduates, and in our own State men who are graduates from the very best schools not only in the United States but in Europe, who are now residents of the South, who are southern born and raised? I dissent from the gentleman's statement.

Mr. SLAYDEN. But the gentleman did not catch my statement. However, in reply to him I will state that I have personally known a great many very distinguished and honorable graduates of the greatest universities in the world who could not speak and write correct English and who certainly could not paint a great picture, chisel a worthy statue, or write a high-class book.

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

Mr. SLAYDEN. Yes.

Mr. SHERLEY. I will ask the gentleman what he thinks of a given number of men, self-appointed, creating themselves through an act of Congress into a self-perpetuating body that shall determine who shall be entitled to recognition. The thing about this that I do not like is the fact that these gentlemen appoint themselves as the arbiters of all matters of science and art and determine who shall be worthy of future admission to this academy of immortals.

Mr. SLAYDEN. Mr. Speaker, I do not personally know much about that. I do not recall anything at this moment about the academy in Germany, the academy in England, or in Spain. They have them in all of these countries. We have all read perhaps more about the French academy, and I think that academy selects its own members.

Mr. SHERLEY. And what we have read about the French academy is mostly of the distinguished men who have been denied admission to the French academy, men whom the world admitted to a real hall of fame, in spite of the action of the academy.

Mr. SLAYDEN. Oh, being men, no doubt they will make mistakes.

I yield five minutes to the gentleman from Ohio [Mr. FESS].

Mr. FESS. Mr. Speaker, when I first read the list of notables here enumerated in the proposed act I thought there was a good deal of sectionalism in the bill. But I notice that the very first name, the president of the association or incorporation we propose to incorporate, is W. D. Howells, who Ohio claims. I notice also that the chancellor, William M. Sloane, is an Ohio man, although they are both scheduled in the list as residents of other States. In looking over Who's Who in America I find there are 8 of these men who are really Ohio men, and I have just learned from the statement of the gentleman from Texas [Mr. SLAYDEN] that there are 11 of them who are from the Southern States. I notice some of them who are very well known in the world of achievement as coming from

the South. Take, for instance, Mr. Brander Matthews. He is domiciled in New York, but a southern man. Then there is Mr. Gildersleeve, who was born, as I remember it, in South Carolina. Then there is President Woodrow Wilson listed as coming from New Jersey, when, as a matter of fact, he was born in Virginia. An analysis of the list shows the following facts against what has been termed a sectionalism in the bill: Sixteen come from New York, 13 from Massachusetts, 5 from Connecticut, 3 from Vermont, 2 from New Hampshire, 8 from Ohio, 4 from Indiana, 1 from Michigan, 8 from Pennsylvania, 2 from New Jersey, 11 from the Southern States, and 6 from foreign countries.

It is easy to understand why they are printed as coming from the East, and especially the great centers. These men who have distinguished themselves in various fields of art and letters are located in places where they can get together, where a community of interest is possible. They have gotten together, evidently, and have asked for this incorporation to give them the recognition and dignity that goes with the incorporation by the authority of the Nation. It does not mean that the number is to be limited to these who are asking to be incorporated whose names are in the proposed act, and therefore I think that that objection would not be valid.

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

Mr. FESS. Yes.

Mr. MARTIN. Has the gentleman noticed that the bill does propose to limit the number of this association at any time to 50?

Mr. FESS. That is, of regular members. All associations of this kind have two classes of members—regular and associate. Sometimes they are classed as regular and honorary. Other associations classify under the heads active and associate members.

Mr. MARTIN. Is there any provision in the bill for any other kind of members?

Mr. FESS. I see no provision; but it would not prevent the election of associate members, just as in the American Historical Association or other similar associations.

Mr. MANN. The bill does provide for the election of honorary and associate members.

Mr. FESS. I thank the gentleman for calling my attention to that. I had not noticed it. Mr. Speaker, I sent over to the Library a moment ago for a list of similar associations incorporated by the authority of Congress. The list sent to me numbers 34. Since receiving it I went to the telephone to verify the statement that these have all been incorporated by act of Congress, and am told that they have been, and, if I desired it, the date of the act would be furnished. The list is as follows:

1. Academy of Natural Sciences, Philadelphia.
2. Academy of Science, St. Louis.
3. Academy of Science and Art of Pittsburgh.
4. Academy of Science and Letters, Sioux City.
5. American Academy of Dramatic Art.
6. American Academy of Political and Social Science.
7. American Forestry Association.
8. American Forestry Congress.
9. American Historical Association.
10. American Institute of Architects.
11. American Institute of Electrical Engineers.
12. American Institute of Mining Engineers.
13. American-Irish Historical Society.
14. American-Jewish Historical Society.
15. American Philological Association.
16. American Philosophical Association.
17. American Psychological Association.
18. American Society of Mechanical Engineers.
19. Archæological Institute of America.
20. Association of Engineering Societies.
21. Illuminating Engineering Society.
22. National Academy of Design.
23. National Academy of Sciences.
24. National Institute of Arts and Letters.
25. National Institute of Social Sciences.
26. Southern Historical Society.
27. Unitarian Historical Society, Boston.
28. California Academy of Sciences.
29. New York Academy of Sciences.
30. Academy of Natural Sciences of Philadelphia.
31. American Philosophical Society, held at Philadelphia, for Promoting Useful Knowledge.
32. Carnegie Foundation for the Advancement of Teaching.
33. Carnegie Institution of Washington.
34. National Conservatory of Music.

I hope that there will be no serious objection to this national recognition of the effort toward the organization of an academy of arts and sciences. It is only another item in the great movement toward the better and higher appreciation of things that are worth while. The objection that it is undemocratic is without force. If denial is placed upon that ground, then all such organizations should be so opposed. I do not see any serious objection to this any more than to the American Historical Association or to the American Philosophical Association or any of the other 32 such associations already incorporated. Some of these associations are domiciled at Philadelphia, others in New York, others in Boston, others in Pittsburgh, and still others in Washington. They are all incorporated under the authority of national law. I sincerely hope objection will not be pressed, but this House will show its appreciation of this sort of achievement.

The following is a list of the officers and members of the American Academy of Arts and Letters:

[Revised to January, 1915.]

OFFICERS.

President, Mr. Howells; chancellor and treasurer, Mr. Sloane; permanent secretary, Mr. Johnson.

Directors, Messrs. Blashfield, Brownell, Hastings, Howells, Johnson, Mead, and Sloane.

MEMBERS.

William Dean Howells, Augustus Saint-Gaudens (deceased), Edmund Clarence Stedman (deceased), John La Farge (deceased), Samuel Langhorne Clemens (deceased), John Hay (deceased), Edward MacDowell (deceased), Henry James, Charles Follen McKim (deceased), Henry Adams, Charles Eliot Norton (deceased), John Quincy Adams Ward (deceased), Thomas Rainsford Lounsbury, Theodore Roosevelt, Thomas Bailey Aldrich (deceased), Joseph Jefferson (deceased), John Singer Sargent, Richard Watson Gilder (deceased), Horace Howard Furness (deceased), John Bigelow (deceased), Winslow Homer (deceased), Carl Schurz (deceased), Alfred Thayer Mahan (deceased), Joel Chandler Harris (deceased), Daniel Chester French, John Burroughs, James Ford Rhodes, Edwin Austin Abbey (deceased), Horatio William Parker, William Milligan Sloane, Edward Everett Hale (deceased), Robert Underwood Johnson, George Washington Cable, Daniel Coit Gilman (deceased), Thomas Wentworth Higginson (deceased), Donald Grant Mitchell (deceased), Andrew Dickson White, Henry van Dyke, William Crary Brownell, Basil Lanneau Gildersleeve, Julia Ward Howe (deceased), Woodrow Wilson, Arthur Twining Hadley, Henry Cabot Lodge, Francis Hopkinson Smith, Francis Marion Crawford (deceased), Henry Charles Lea (deceased), Edwin Howland Blashfield, William Merritt Chase, Thomas Hastings, Hamilton Wright Mabie, Bronson Howard (deceased), Brander Matthews, Thomas Nelson Page, Elihu Vedder, George Edward Woodberry, William Vaughn Moody (deceased), Kenyon Cox, George Whitefield Chadwick, Abbott Handerson Thayer, John Muir (deceased), Charles Francis Adams, Henry Mills Alden, George de Forest Brush, William Rutherford Mead, John White Alexander, Bliss Perry, Francis Davis Millet (deceased), Abbott Lawrence Lowell, James Whitcomb Riley, Nicholas Murray Butler, Paul Wayland Bartlett, George Browne Post (deceased), Owen Wister, Herbert Adams, Augustus Thomas, Timothy Cole, Cass Gilbert, William Roscoe Thayer.

Mr. STAFFORD. Mr. Speaker, no bill in my memory which has sought to form a close corporation has embodied the idea that it was not subject to revision and repeal by the Congress. Here we provide by this bill—different from the House bill, which had the repealable clause—the authority that these gentlemen, estimable, holding high positions as they do, may constitute themselves a small, exclusive body to determine who shall be included within the class of immortals. I do not wish to dispute that these persons named have achieved high distinction in the realm of letters, painting, and the like, but a mere glance over the list shows that it is sectional in its character. I take issue with the author of this bill that there are not men from the South, men from the West, the Middle West, and the far West, who have achieved as much distinction in the line of letters as those men who are named here.

Mr. SLAYDEN. Mr. Speaker, if the gentleman is referring to me, I hope he will take the stenographer's notes and see that he is quoting me absolutely incorrectly.

Mr. STAFFORD. I do not intend to quote the gentleman incorrectly, but I say that there are men in the South who have achieved as high distinction in the realm of letters—for instance, James Lane Allen——

Mr. SLAYDEN. I hope the gentleman——

Mr. STAFFORD. And other men who, by their records in art and literature, have achieved as high worth as these men, some of whom are on the verge of the grave and some of whom have already passed into the realm beyond.

Mr. SLAYDEN. Will the gentleman yield?

Mr. STAFFORD. I yield.

Mr. SLAYDEN. I protest against the gentleman putting words in my mouth which I did not say.

Mr. STAFFORD. I did not refer to the gentleman in my second statement. The gentleman misunderstands me entirely.

Mr. SLAYDEN. The gentleman repeated it a second time.

Mr. STAFFORD. And I repeat it a third time.

Mr. SLAYDEN. And I desire to protest that I did not say anything of the kind.

Mr. STAFFORD. I am not saying what the gentleman said, but I will repeat it a third time, that there are gentlemen as worthy of inclusion in this list from the South and West as those who are named. There are two fundamental objections. We are seeking to create by act of Congress a corporation with certain 50 named persons designated, and another provision limiting the number hereafter to 50. If there were no restrictions as to the number, the objection would not be so great, but here you create a small class of 50 selected dignitaries—you leave it to these men to say who shall be considered as a

select class, the only worthy of the worthy. I do not think that is American. I have no objection to a corporation being formed which comprises all who are entitled to it nationally, but when it comes to enacting a law which creates a class which shall arrogate to itself the privilege of determining that they alone have the high characteristics to obtain membership to this select class I dissent because I know many who are equally as worthy as those who are included, even though they happen not to be domiciled in the sacred precincts of the commercial center of the country, not the literary center but the commercial center—New York.

Mr. STEENERSON. Will the gentleman yield?

Mr. STAFFORD. I will.

Mr. STEENERSON. Does the gentleman think the United States Government ought to be represented on this board, that some of the officials, like the Commissioner of Education or some other officials, the President of the United States?

Mr. STAFFORD. That is worthy of consideration, except that might include many worthy people.

Mr. PLATT. The President of the United States is included.

Mr. STAFFORD. That is not officially. He is included by reason of his historical writings, essays, and very worthily so, on account of the position he has occupied in the realm of letters.

Mr. PLATT. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. PLATT. Does not the gentleman think after this association has been incorporated we can easily get up another one to take in all those very worthy men, and even ourselves, if necessary?

Mr. SHERLEY. If the gentleman will permit, that goes to the main question. These gentlemen have a perfect right to associate themselves together and put the seal of their approval upon whom they please; but for them to come and ask the Congress to delegate to them the seal of authority to determine who are fit to be within an exclusive class of 50 immortals is to undertake something that comes mighty near the extreme of egotism and presumption, no matter what the ability of these gentlemen.

Mr. STEENERSON. Mr. Speaker——

Mr. STAFFORD. Mr. Speaker, I must decline to yield further. We surrender to them for all time the right of Congress to repeal this act, never before, in my knowledge, done; and I challenge anyone to say where in any of these 36 similar incorporations of the past Congress did not reserve the right to repeal, and yet under this bill we surrender that privilege.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. STAFFORD. How much time have I occupied?

The SPEAKER. Seven minutes.

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

Mr. STEPHENS of Texas. Does the gentleman remember the instance of three tailors who got into a back room in a tailor shop in London and declared that those three were the people of London, and proceeded then to give directions to the British Empire?

Mr. STAFFORD. We do not have to go to London to find that. We find it here in this country. I reserve the balance of my time.

Mr. SLOAN. Will the gentleman yield?

Mr. STAFFORD. I will.

Mr. SLOAN. I desire to ask the gentleman from Wisconsin if he has discovered any reason why Walt Mason, the most widely read, and the most generally read, and the best-paid poet on the Western Continent, a citizen of Nebraska, loaned temporarily to Kansas, is not mentioned in that list?

Mr. STAFFORD. You can keep on citing names ad infinitum of men illustrious in the realm of letters who are entitled as much to inclusion in this list as this select few.

I reserve the balance of my time. How much time have I used, Mr. Speaker?

The SPEAKER. The gentleman has used eight minutes.

Mr. SLAYDEN. Mr. Speaker, how much time have I left?

The SPEAKER. The gentleman from Texas has five minutes remaining.

Mr. SLAYDEN. Mr. Speaker, I ask the gentleman from Wisconsin to go on and use some more of his time.

Mr. STAFFORD. I am strongly opposed to this bill in its present form. I am under obligations to yield five minutes to a gentleman in favor of it, the gentleman from Iowa [Mr. TOWNER].

Mr. TOWNER. Mr. Speaker, I am grateful to the gentleman from Wisconsin [Mr. STAFFORD], who controls the time for the opposition, yet generously yields to me, knowing I will support the bill.

Mr. Speaker, this bill is in substance an application made by a number of American citizens, distinguished in arts and letters, who desire to incorporate as a national association, having for its purpose the furtherance of the interests of literature and the fine arts in the United States. No one here will venture to question the entire worthiness of that purpose. No one but desires that literature and the fine arts may be encouraged, that their standards may be elevated; that their appreciation may be increased. If the Congress of the United States can by this mere recognition of the worthiness of their purpose aid these gentlemen in their endeavor to further these interests it ought to do so.

The American Academy of Arts and Letters as a voluntary association has been in existence some years. It will doubtless continue its existence whether we incorporate it or not. But it is desired that as this association is composed of men from all over the United States and is national in its scope, it be given national recognition, just as we have given national recognition to the American Academy of Political and Social Science, to the American Historical Association, to the National Academy of Sciences, and to some 30 other national associations of similar character.

Mr. SHERLEY. Will the gentleman yield?

Mr. TOWNER. I will.

Mr. SHERLEY. Why do they need a special act of Congress? They can incorporate under the laws of practically every State in the Union or under the laws of the District of Columbia?

Mr. TOWNER. I think that is a very pertinent inquiry, and I will say in reply that, so far as I am informed, it is only because they desire to add as much dignity and importance to the association as is possible.

Mr. SHERLEY. Now, if the gentleman please, is it not the real reason that they hope by virtue of an act of Congress to have themselves designated as the exclusively chosen patrons of art and letters?

Mr. TOWNER. Mr. Speaker, if the gentleman would reflect, I think he would not desire to asperse the character of those men by attributing to them any such selfish purpose.

Mr. SHERLEY. Oh, if the gentleman——

Mr. TOWNER. I decline to yield any further, Mr. Speaker, because I have not the time.

These men are representative of that which is best in American art and letters. They are incapable of such an unworthy desire as the gentleman ascribes to them. In so far as any selfish purpose is indicated, it is only that the association may become more efficient and influential in promoting art and letters in the United States. It is not intended that an exclusive cult shall be formed which shall determine standards or ideals. It is certainly proper to place a limit on the membership of an association of this kind. That is always done. But how unreasonable it is to charge that because a number of men and women desire to associate themselves for the furtherance of any worthy purpose, such an endeavor is an attempt to arrogate to themselves exclusive possession of merit or distinction in such field. Other associations may be formed. Individual effort is not in any way discredited or handicapped. In order to better accomplish a worthy purpose these gentlemen, who have won distinction in their several lines, who stand for that which is best and most elevated in American letters and art, desire to associate themselves into an organization that shall assist in advancing the cause and increasing the influence of letters and art. This is a worthy purpose. We should encourage rather than disparage it.

Mr. DIES. Will the gentleman yield?

Mr. TOWNER. For a question only.

Mr. DIES. I would like to ask the gentleman how many new stars have been added to the constellation since we killed the bill before?

Mr. TOWNER. I hardly know what the gentleman means. If he means that the selection of membership does not meet with his approval, I will say to the gentleman that any selection that could be made would be subject to criticism.

Mr. DIES. I want to know if there are any new names.

The SPEAKER. The gentleman declines to yield.

Mr. TOWNER. The charge has been made before and is again urged that the bill is sectional; that in the names of the incorporators there are too many from the East and too few from the West and South. As I view it, that objection, if true in fact, should be given little weight. If a number of gentlemen in any worthy cause of this character desire to associate themselves and they are of enough distinction to compel national respect and approval, even if they were all from a

single State or city, I would not consider that fact a sufficient reason why we should not recognize them.

But the sectional objection has little basis in fact. In giving the present location of the organizing members it appears that a large number are found in New York, Boston, and the East. But the chairman, Mr. Howells, is from Ohio, as is the chancellor and treasurer, Mr. Sloane. There are eight Ohio men in the association. There are 11 from the Southern States. Chase, *the artist*, and Riley, the poet, come from Indiana. Cable comes from Louisiana, Joel Chandler Harris from Georgia, and John Muir was a Californian. Woodrow Wilson is put down from New Jersey, but he was born in Virginia. Many men of arts and letters have gravitated to the eastern centers because they find in such centers the association, the market, and the material for their work. To urge this objection under the circumstances is an exhibition of narrow provincialism unworthy of the Members of this House.

It is not likely if we fail to incorporate the association it will be materially injured by such failure. The association can continue its work as a voluntary association without national official recognition. But we shall injure ourselves if we do not pass this bill. Our refusal to do so for reasons assigned today will not be creditable to us. We should be able, at least occasionally, to be broadminded, and to understand and appreciate some of the things that rise above neighborhood prejudices. It will be altogether creditable to the American Congress if it shall pass this bill. It will be a reflection upon our intelligence if we refuse to pass it.

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

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

Mr. FERRIS. Mr. Speaker, I make a similar request. I want to print a letter from Robert Underwood Johnson.

The SPEAKER. Is there objection?

Mr. MANN. Suppose everybody did that? Everyone has a letter from Mr. Johnson.

Mr. FERRIS. They have not had a good one, like this.

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

Mr. FERRIS. Mr. Speaker, the letter is from the Hon. Robert Underwood Johnson, formerly editor of the Century Magazine. He is a fluent writer and a distinguished citizen of the Republic. His letter has certain value to this question. It is pertinent and deserves a place in the CONGRESSIONAL RECORD in connection with this bill. It is as follows:

THE CENTURY ASSOCIATION,
7 West Forty-third Street, February 12, 1915.

DEAR MR. FERRIS: If you were selecting the best chemists in the country, would you select them according to States or according to distinction?

As a matter of fact, the members of the American Academy of Arts and Letters since its organization is geographically well distributed if you take the birthplaces of the 79 members, living or dead. You see, writers and artists come to New York and Boston for their market and for the sympathy and comradeship found in large cities. I inclose a list. Will you not have the justice and kindness to show it to those who are affected by the geographical distribution of residences? No amount of residence in New York can obscure the fact that Mark Twain was a Missourian. So is Augustus Thomas. Howells, Sloane, Kenyon, Cox all came from Ohio; Cass Gilbert from Michigan; Chase, the artist, from Indiana, where I spent my boyhood, coming east to join the Century Magazine staff—a national organ. Riley lives in Indiana, where Moody was born; John Muir was a Californian; Joel Chandler Harris from Georgia; Prof. Gildersleeve, born in South Carolina, lived in Virginia, and now lives in Maryland; Cable and Matthews were born in Louisiana; Brush, whose paintings are in the Corcoran, was born in Tennessee; Van Dyke, Wister, and Furness, the great Shakespeare commentator, came from Pennsylvania.

Please ask Mr. SLAYDEN to let you see the full list.

Is it not a trivial objection that the academy, based on large achievement, has no representative of certain States where less attention is given to literature and the arts? So much more do they need the help of such an organization. With thanks for your frank letter and hope that you will help us with our enabling act on Monday, I am,

Very sincerely, yours,

R. U. JOHNSON.

Geographical distribution of the birthplaces of the 79 members of the American Academy of Arts and Letters.

New Yorks City	10
New York State	6
Boston	8
Massachusetts (outside Boston)	5
Connecticut	5
Vermont	3
New Hampshire	2
Pennsylvania	8
New Jersey	2
Ohio	8
Indiana	4
Michigan	1
Maryland	1
District of Columbia	1
Virginia	2
South Carolina	1
Georgia	1
Louisiana	2
Tennessee	1
Missouri	2
Abroad (including Muir, of California, and Schurz, of Missouri)	6
Total	79

RÉSUMÉ.

New York City and State	16
Boston and Massachusetts	13
Connecticut, Vermont, and New Hampshire	10
Pennsylvania and New Jersey	10
Ohio, Indiana, and Michigan	13
South	11
Wisconsin and California (resident, Muir)	1
Abroad (besides Muir, including Carl Schurz, of Missouri)	5

Mr. STAFFORD. Mr. Speaker, I yield two minutes to the gentleman from Kentucky [Mr. SHERLEY].

Mr. SHERLEY. Mr. Speaker, I do not desire to reflect upon any of the individuals named in this list. Some of them I happen to have the pleasure of knowing. All of them are men of distinction, and I in no way object to the bill because of the absence of the names of men residing in the South. I am not sectional in my opposition. I realize fully that art and science know no geographical limitations, and it is for that very reason that I deeply resent the egotism that I believe underlies this movement. It is not the first time in the history of the world when men distinguished in art and letters have, from what they thought very proper motive, or, as the gentleman from Iowa put it, a desire to elevate the world in art and letters, undertaken to arrogate to themselves the sole right of determining what shall be thought worth while in art and letters and who shall be worthy of the approval of these self-appointed censors. The world has grown too big for academies of 50 people to pass upon eligibility for fellowship in the society of intellectual endeavor and achievement, and there is nothing more distinctly un-American than for the National Congress to give its sanction to 50 self-appointed individuals, no matter how eminent they may be, with power to perpetuate themselves and their association and to put the ban of their disapproval or the smile of their approval upon all who may knock hereafter for recognition in art, in science, or in literature. And, as I said a moment ago to the gentleman from Texas [Mr. SLAYDEN], a good many academies of the world, self-created, have become famous because of the men they refused admission to rather than on account of those that they admitted within their sacred portals. [Applause.]

The SPEAKER. The gentleman from Wisconsin [Mr. STAFFORD] has five minutes left.

Mr. STAFFORD. Mr. Speaker, I yield to the gentleman from Illinois [Mr. MANN] three minutes.

The SPEAKER. The gentleman from Illinois [Mr. MANN] is recognized for three minutes.

Mr. MANN. Mr. Speaker, this bill is a companion piece to the law creating the National Institute of Arts and Letters that we passed some time ago. I believe the membership in that institute is 250, or something like that.

Mr. SLAYDEN. That is right.

Mr. MANN. This provides for the American Academy of Arts and Letters, with a membership of 50. Both of these institutions have been in operation for a number of years. The American Academy has been in existence for about 10 years. Men are elected members of the academy, which is the 50-membership institution, from the national institute, which is the 250-membership institution.

Of course, they will exist voluntarily, one of them now being already authorized by law, even if we do not authorize this one by law. There is no doubt in my mind that it is intended by the bill to give these gentlemen a distinction, possibly adding somewhat to the distinction which they would otherwise attain. Yet I can see no harm in it. If this proposal were simply to name these 49 gentlemen named in this bill to create an American academy as a new proposition, I would be opposed to it, because I note from an examination of the bill that out of the 49 members named, 21 come from the State of New York, 11 come from Massachusetts, 2 from the District of Columbia, 3 from Connecticut, 5 from New Jersey, 3 from New Hampshire, and 1 from Maryland, 1 from Indiana, 1 from California—and he is dead—and only 1 from Philadelphia and Pennsylvania combined. [Laughter.]

I would not have created the institute in this manner if it had been left to me to determine the organization. But as the institute is already in existence and men have been selected because of their prominence in arts and in letters, it seems to me that we can not criticize because these men happen to reside in the States named.

It is true that many of them came from other States to New York and Massachusetts. It is undoubtedly true also that many of them are named in this list because they have come in per-

sonal touch with the other men living in New York and Boston. And yet it is inevitable that a center grows up in reference to any line, either of thought or business, and the center of thought in the way of literature and art does actually exist in New York City and Boston, in the main; and those of us, if we should attain prominence in the arts or literature, would probably move to one of those cities, as every man in the country who endeavors to attain to prominence in statesmanship in the end desires or seeks Washington for a home a portion of the time, because this is the center of the country as to statesmanship. Therefore I can see no objection to the passage of the bill. [Applause.]

The SPEAKER. The gentleman from Wisconsin [Mr. STAFFORD] is recognized for two minutes.

Mr. STAFFORD. Mr. Speaker, I would like to inquire if the gentleman from Texas [Mr. SLAYDEN] intends to close in one speech?

Mr. SLAYDEN. It is my purpose to yield all of my time, except half a minute for one statement, to the gentleman from Wisconsin [Mr. COOPER].

Mr. STAFFORD. It is only fair, then, to say that I hope the gentleman will use his minute, and I propose that we shall have only one more speech on this side.

The SPEAKER. The gentleman from Texas [Mr. SLAYDEN] is recognized.

Mr. SLAYDEN. Then I will act on the suggestion of the gentleman from Wisconsin. I have a letter here from a gentleman highly connected with the Government of the United States which, I think, should meet the approval of gentlemen from Minnesota. It is the President of the United States who is anxious for the passage of this bill.

It must be admitted, as stated by the gentleman from Illinois [Mr. MANN], that the men most eminent in letters, in painting, sculpture, and in architecture are associated with this institution, and no reason has been advanced to show why it should not pass.

I yield the balance of my time, Mr. Speaker, to the gentleman from Wisconsin [Mr. COOPER].

Mr. STAFFORD. Mr. Speaker, in all fairness to the gentleman, I will say that we have on this side but one speech remaining. The gentleman from Texas is entitled to close. I yield two minutes to the gentleman from Tennessee [Mr. AUSTIN].

Mr. AUSTIN. Mr. Speaker, I would like to give this bill my support, but as a Representative from a Southern State, I can not do it. I can not virtually say by my vote that the entire Southern States are without men who are qualified and that their names should not be associated with a great national project or proposition of this kind. I should consider it a reflection upon the South and an insult to my constituents to be compelled to vote for a bill of this kind, and I hope we shall send it back to the committee, and that the gentlemen mentioned in the bill will find out there is a great section of this country not only south of the Ohio River, but west of the Mississippi River. [Applause.]

During the Sixty-first Congress—a Republican Congress—in having the pictures of the previous Speakers of this House painted we found well-known southern artists to paint the pictures of Speakers who were elected from the Southern States; and in this matter I ask this Democratic House, made up practically of a majority of southern men, to vote with me, a southern Republican, against this bill, and send it back to the committee, and if those interested do not know that we have men of art and literary talent in the South and West, we will give them time to find out before they get a proposition of this kind through the House with the aid of our votes [Applause.]

BRIDGE ACROSS THE SUWANEE RIVER, FLA.

The SPEAKER. Before the Chair recognizes the gentleman from Wisconsin [Mr. COOPER], he desires to announce the cancellation of his signature to the bill (S. 7555) to authorize the construction of a bridge across the Suwanee River, in the State of Florida.

AMERICAN ACADEMY OF ARTS AND LETTERS.

The Chair now recognizes the gentleman from Wisconsin [Mr. COOPER] for four and one-half minutes.

Mr. COOPER. Mr. Speaker, I am heartily in favor of this bill. Gentlemen have given various reasons for opposing it. Some have said that its tendency is exclusive, aristocratic, sectional, and that it confers unwarranted special privileges. But it is no more exclusive, aristocratic, or sectional than are the 34 or 35 corporations that Congress already has created, nor does it confer any more unwarranted privileges. We already have the American Academy of Sciences; we already have the American Historical Society. This bill merely proposes to create a sister society to these to include in its membership painters, sculptors, musicians, and authors, and to be called the American Academy of Arts and Letters.

Gentlemen complain of the limited number of the incorporators. Of course their number is limited. Of necessity this must be so. But in this there is nothing either aristocratic or unduly exclusive. Congress incorporated the American Red Cross Society. Its original incorporators were limited in number. But at that time no one said, as gentlemen have said here to-day, "We must not incorporate the Red Cross Society, because if we do we thereby say that only those whose names are mentioned as incorporators shall be entitled to be considered charitable; we will support no bill of this kind unless its list of incorporators shall include the name of somebody from my congressional district or State." Mr. Speaker, with all respect for the gentlemen who have made that argument to-day, it is the narrowest possible sort of a way to consider a question of this kind. Wisconsin has nearly completed, at a cost of $6,000,000, a superb State capitol. Among the other great artists who have decorated the structure is Blashfield, of New York, one of the incorporators named in the pending bill. Who decorated the beautiful State capitol in Minnesota? Were they men from some congressional district in Minnesota or were they from the East? How preposterous to talk about art as though it were a matter of mere geography. Painting, sculpture, and music speak a universal language and make a universal appeal.

Mr. MARTIN. Will the gentleman yield?

Mr. COOPER. I have no time to yield.

The SPEAKER. The gentleman declines to yield.

Mr. COOPER. One gentleman says, "Let us send this bill back until we can get into it the name of somebody from the South." Well, George W. Cable was born in Louisiana. His name is here. The name of Thomas Nelson Page, of Virginia, is here.

Mr. SLAYDEN. And the name of Joel Chandler Harris.

Mr. ESCH. Joel Chandler Harris.

Mr. COOPER. The name of Joel Chandler Harris is here. I am not going to vote against this bill because it makes no mention of anybody from Wisconsin.

The gentleman from Texas [Mr. DIES] asks, "Have there been any distinguished reputations made since we killed the bill before?" Now, the fact that a bill has been killed before does not signify that it was not meritorious. The amendment for the income tax was killed by Congress more than once before it became a part of the Constitution. The constitutional amendment for the election of Senators by the people was killed time and again before at last it became a part of the Constitution. Consecutive defeats do not always demonstrate the unworthiness of the measure that is defeated. I can not understand the logic of the gentleman.

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

The SPEAKER. Does the gentleman from Wisconsin yield to the gentleman from Texas?

Mr. COOPER. No; I have only very little time. I can not yield. The bill makes provision not only for regular members, but also for foreign, domestic, or honorary members. I regret that I have not time in which to discuss it.

The SPEAKER. The time of the gentleman has expired. All time has expired. The question is on suspending the rules, discharging the Committee on the Library from the further consideration of the bill read at the desk, and passing the bill.

The question being taken, on a division (demanded by Mr. STAFFORD) there were—ayes 62, noes 41.

Accordingly, two-thirds not voting in the affirmative, the motion was rejected.

INTERSTATE COMMERCE IN THE PRODUCTS OF CHILD LABOR.

Mr. PALMER. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 12292) to prevent interstate commerce in the products of child labor, and for other purposes, as amended.

Mr. MANN. I will ask the gentleman from Pennsylvania whether the motion is to pass the House substitute as it is printed?

Mr. PALMER. Yes; the amended bill as it is printed in the report.

Mr. MANN. As it is printed in bill form, as amended?

Mr. PALMER. Yes.

The SPEAKER. Of course, whatever is read from the desk is what will be voted upon.

The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That it shall be unlawful for any producer, manufacturer, or dealer to ship or deliver for shipment in interstate commerce the products of any mine or quarry which have been produced, in whole or in part, by the labor of children under the age of 16 years, or the products of any mill, cannery, workshop, factory, or manufacturing establishment which have been produced, in whole or in part, by the labor of children under the age of 14 years, or by the labor of

children between the age of 14 years and 16 years, who work more than eight hours in any one day, or more than six days in any week, or after the hour of 7 o'clock p. m. or before the hour of 7 o'clock a. m.

SEC. 2. That the Attorney General, the Secretary of Commerce, and the Secretary of Labor shall constitute a board to make and publish from time to time uniform rules and regulations for carrying out the provisions of this act.

SEC. 3. That for the purpose of securing proper enforcement of this act the Secretary of Labor, or any person duly authorized by him, shall have authority to enter and inspect at any time mines, quarries, mills, canneries, workshops, factories, and manufacturing establishments in which goods are produced for interstate commerce.

SEC. 4. That it shall be the duty of each district attorney to whom the Secretary of Labor shall report any violation of this act, or to whom any State factory or mining or quarry inspector, commissioner of labor, State medical inspector, or school-attendance officer, or any other person shall present satisfactory evidence of any such violation to cause appropriate proceedings to be commenced and prosecuted in the proper courts of the United States without delay for the enforcement of the penalties as in such cases herein provided.

SEC. 5. That any person, partnership, association, or corporation, or any agent or employee thereof manufacturing, producing, or dealing in the products of any mine, quarry, mill, cannery, workshop, factory, or manufacturing establishment who shall violate any of the provisions of section 1 of this act, or who shall refuse or obstruct the entry or inspection authorized by section 3 of this act, shall be guilty of a misdemeanor and shall be punished by a fine of not more than $1,000 nor less than $100, or by imprisonment for not more than one year nor less than one month, or by both fine and imprisonment, in the discretion of the court: *Provided*, That no dealer shall be subject to conviction under the provisions of this section who shall establish a guaranty issued by the person by whom such goods were manufactured or produced, and residing in the United States, to the effect that in the manufacture and production of such goods, neither in whole nor in part, had children been employed or permitted to work in any mine or quarry under the age of 16 years, or in any mill, cannery, workshop, factory, or manufacturing establishment under the age of 14 years, or between the ages of 14 years and 16 years, who worked more than eight hours in any one day, or more than six days in any week, or after the hour of 7 o'clock p. m. or before the hour of 7 o'clock a. m. Said guaranty, to afford the protection above provided, shall contain the name and address of the person giving the same, and in such event such person shall be amenable to any prosecution, fine, or penalty to which the person seeking the protection of such guaranty would otherwise have been subject under the provisions of this act. The word "dealer" as used in this act shall be construed to include any individual or corporation, or the members of any partnership or other unincorporated association.

SEC. 6. That in prosecutions under this act each shipment or delivery for shipment shall constitute a separate offense.

SEC. 7. That this act shall take effect from and after one year from the date of its passage.

The SPEAKER. Is a second demanded?

Mr. BYRNES of South Carolina. Mr. Speaker, I demand a second.

Mr. PALMER. I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that a second be considered as ordered.

Mr. BYRNES of South Carolina. I object.

The SPEAKER. The gentleman from South Carolina objects, and the Chair will appoint the gentleman from South Carolina [Mr. BYRNES] and the gentleman from Pennsylvania [Mr. PALMER] as tellers.

The House divided, and the tellers reported that there were 54 ayes and 32 noes.

Mr. TRIBBLE. Mr. Speaker, I make the point that no quorum is present.

The SPEAKER. The gentleman from Georgia makes the point that no quorum is present, and evidently there is not. The Doorkeeper will close the doors and the Sergeant at Arms will notify the absentees.

Mr. CRISP. Mr. Speaker, I move that the House do now adjourn.

The question was taken, and on a division (demanded by Mr. PALMER) there were—36 ayes and 64 noes.

Mr. BYRNES of South Carolina. Mr. Speaker, I ask for the yeas and nays.

Mr. TRIBBLE. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman from Georgia will state it.

Mr. TRIBBLE. When the call comes on the point of no quorum, will the vote be on an adjournment?

The SPEAKER. If there are enough Members rise to order the yeas and nays, the vote will be on the question to adjourn.

Mr. PALMER. If a sufficient number of Members do not arise to get the yeas and nays, will the vote be on the adjournment?

The SPEAKER. No; and if the yeas and nays are refused, the House will have refused to adjourn by a vote of 64 to 36. The question is on taking the vote by yeas and nays, and all those in favor of taking the vote by yeas and nays will rise. [After counting.] Twenty-eight Members; a sufficient number.

Mr. PALMER. The other side, Mr. Speaker.

The SPEAKER. Those opposed to taking the vote by yeas and nays will rise. [After counting.] Sixty-five gentlemen have arisen. Twenty-eight is a sufficient number, and the Clerk will call the roll on the motion to adjourn.

The question was taken; and there were—yeas 63, nays 201, not voting, 159, as follows:

[Roll No. 59.]

YEAS—63.

Adamson	Davenport	Helm	Post
Aiken	Dies	Henry	Ragsdale
Ashbrook	Doughton	Hoxworth	Rayburn
Aswell	Dupré	Hughes, Ga.	Saunders
Bailey	Eagle	Hull	Slayden
Bell, Ga.	Fergusson	Johnson, S. C.	Small
Booher	Ferris	Kirkpatrick	Stedman
Borchers	Fields	Lazaro	Stephens, Miss.
Byrnes, S. C.	Finley	Lee, Ga.	Taggart
Callaway	Fordney	Lever	Tribble
Carlin	Glass	Moon	Vinson
Chandler, N. Y.	Gordon	Morgan, Okla.	Weaver
Claypool	Gregg	Murray	Webb
Cline	Hardy	Page, N. C.	Witherspoon
Collier	Harrison	Park	Young, Tex.
Crisp	Heflin	Parker, N. J.	

NAYS—201.

Abercrombie	Edmonds	Konop	Rainey
Adair	Esch	Lafferty	Raker
Alexander	Evans	La Follette	Rauch
Allen	Fairchild	Langham	Reilly, Conn.
Anderson	Falconer	Langley	Reilly, Wis.
Austin	Farr	Lenroot	Rogers
Baker	Fess	Levy	Rouse
Baltz	FitzHenry	Lewis, Md.	Rubey
Barchfeld	Flood, Va.	Lieb	Russell
Barkley	Floyd, Ark.	Lindbergh	Seldomridge
Barton	Foster	Linthicum	Shackleford
Beakes	Fowler	Lobeck	Sherley
Beall, Tex.	Francis	Lonergan	Sherwood
Bell, Cal.	French	McAndrews	Sims
Britten	Gallagher	McKellar	Sinnott
Brown, N. Y.	Gallivan	McKenzie	Sloan
Browne, Wis.	Garner	McLaughlin	Smith, Idaho
Browning	Garrett, Tenn.	MacDonald	Smith, J. M. C.
Brumbaugh	Garrett, Tex.	Madden	Smith, Minn.
Bryan	Gill	Maguire, Nebr.	Smith, N. Y.
Buchanan, Ill.	Gillett	Mapes	Smith, Saml. W.
Buchanan, Tex.	Gilmore	Martin	Smith, Tex.
Bulkley	Gittins	Metz	Stafford
Burke, S. Dak.	Goodwin, Ark.	Miller	Steenerson
Burke, Wis.	Gray	Mitchell	Stephens, Cal.
Burnett	Green, Iowa	Mondell	Stephens, Nebr.
Byrns, Tenn.	Greene, Mass.	Morrison	Stephens, Tex.
Candler, Miss.	Greene, Vt.	Moss, Ind.	Stevens, Minn.
Caraway	Guernsey	Moss, W. Va.	Stevens, N. H.
Carter	Hamilton, Mich.	Mott	Stone
Church	Hamilton, N. Y.	Mulkey	Stout
Clancy	Hamlin	Murdock	Stringer
Coady	Hayden	Neeley, Kans.	Sumners
Connelly, Kans.	Helgesen	Neely, W. Va.	Sutherland
Connolly, Iowa	Helvering	Nelson	Talcott, N. Y.
Cooper	Hill	Norton	Tavenner
Cox	Hinds	O'Hair	Ten Eyck
Cramton	Hinebaugh	Oldfield	Thomas
Cullop	Houston	Padgett	Thompson, Okla.
Curry	Hughes, W. Va.	Paige, Mass.	Towner
Davis	Humphreys, Miss.	Palmer	Vaughan
Decker	Igoe	Parker, N. Y.	Vollmer
Deitrick	Jacoway	Peters	Volstead
Dershem	Johnson, Ky.	Peterson	Walsh
Dickinson	Keating	Phelan	Watkins
Dillon	Kennedy, Conn.	Platt	Wingo
Dixon	Kennedy, Iowa	Plumley	Woods
Donovan	Kent	Porter	Young, N. Dak.
Doolittle	Kindel	Pou	
Driscoll	Kinkaid	Powers	
Eagan	Knowland, J. R.	Quin	

NOT VOTING—159.

Ainey	Dooling	Howard	Morgan, La.
Anthony	Doremus	Howell	Morin
Avis	Drukker	Hulings	Nolan, J. I.
Barnhart	Dunn	Humphrey, Wash.	O'Brien
Bartholdt	Edwards	Johnson, Utah	Oglesby
Bartlett	Elder	Johnson, Wash.	O'Shaunessy
Bathrick	Estopinal	Jones	Patten, N. Y.
Blackmon	Faison	Kahn	Patton, Pa.
Borland	Fitzgerald	Keister	Price
Bowdle	Frear	Kelley, Mich.	Prouty
Brockson	Gard	Kelly, Pa.	Reed
Brodbeck	Gardner	Kennedy, R. I.	Riordan
Broussard	George	Kettner	Roberts, Mass.
Brown, W. Va.	Gerry	Key, Ohio	Roberts, Nev.
Bruckner	Godwin, N. C.	Kiess, Pa.	Rothermel
Burgess	Goeke	Kitchin	Rucker
Burke, Pa.	Goldfogle	Korbly	Rupley
Butler	Good	Kreider	Sabath
Calder	Gorman	Lee, Pa.	Scott
Campbell	Goulden	L'Engle	Scully
Cantor	Graham, Ill.	Lesher	Sells
Cantrill	Graham, Pa.	Lewis, Pa.	Shreve
Carew	Griest	Lindquist	Sisson
Carr	Griffin	Lloyd	Slemp
Cary	Gudger	Loft	Smith, Md.
Casey	Hamill	Logue	Sparkman
Clark, Fla.	Harris	McClellan	Stanley
Conry	Hart	McGillicuddy	Switzer
Copley	Haugen	McGuire, Okla.	Talbott, Md.
Crosser	Hawley	Mahan	Taylor, Ala.
Dale	Hay	Maher	Taylor, Ark.
Danforth	Hayes	Manahan	Taylor, Colo.
Dent	Hensley	Mann	Taylor, N. Y.
Difenderfer	Hobson	Montague	Temple
Donohoe	Holland	Moore	Thacher

Thomson, Ill.	Underwood	Watson	Wilson, Fla.
Townsend	Vare	Whaley	Wilson, N. Y.
Treadway	Walker	Whitacre	Winslow
Tuttle	Wallin	White	Woodruff
Underhill	Walters	Williams	

So the motion to adjourn was rejected.

The Clerk announced the following pairs:

For the session:

Mr. UNDERWOOD with Mr. MANN.

Until further notice:

Mr. GRAHAM of Illinois with Mr. AINEY.
Mr. WILSON of Florida with Mr. DUNN.
Mr. MCGILLICUDDY with Mr. DANFORTH.
Mr. CONRY with Mr. KENNEDY of Rhode Island.
Mr. DALE with Mr. SWITZER.
Mr. WHALEY with Mr. HAMILTON of New York.
Mr. BARNHART with Mr. ANTHONY.
Mr. BARTLETT with Mr. BUTLER.
Mr. BLACKMON with Mr. AVIS.
Mr. BORLAND with Mr. CALDER.
Mr. BROWN of West Virginia with Mr. CAMPBELL.
Mr. BURGESS with Mr. CARY.
Mr. CANTRILL with Mr. BURKE of Pennsylvania.
Mr. CASEY with Mr. DRUKKER.
Mr. CLARK of Florida with Mr. FREAR.
Mr. DENT with Mr. COPLEY.
Mr. DOREMUS with Mr. GOOD.
Mr. EDWARDS with Mr. GRIEST.
Mr. ESTOPINAL with Mr. GRAHAM of Pennsylvania.
Mr. FITZGERALD with Mr. HAUGEN.
Mr. GOLDFOGLE with Mr. HAWLEY.
Mr. GOULDEN with Mr. HAYES.
Mr. HAY with Mr. HOWELL.
Mr. HOWARD with Mr. HUMPHREY of Washington.
Mr. HOLLAND with Mr. JOHNSON of Utah.
Mr. KEY of Ohio with Mr. JOHNSON of Washington.
Mr. KITCHIN with Mr. KAHN.
Mr. LEE of Pennsylvania with Mr. KEISTER.
Mr. LESHER with Mr. KELLEY of Michigan.
Mr. LLOYD with Mr. LEWIS of Pennsylvania.
Mr. DOOLING with Mr. LINDQUIST.
Mr. MORGAN of Louisiana with Mr. MANAHAN.
Mr. O'SHAUNESSY with Mr. MCGUIRE of Oklahoma.
Mr. PATTEN of New York with Mr. MOORE.
Mr. PRICE with Mr. MORIN.
Mr. RIORDAN with Mr. PATTON of Pennsylvania.
Mr. RUCKER with Mr. PROUTY.
Mr. SABATH with Mr. ROBERTS of Nevada.
Mr. SCULLY with Mr. ROBERTS of Massachusetts.
Mr. SISSON with Mr. SCOTT.
Mr. SPARKMAN with Mr. SELLS.
Mr. TALBOTT of Maryland with Mr. SHREVE.
Mr. TAYLOR of Arkansas with Mr. SLEMP.
Mr. TAYLOR of Colorado with Mr. TEMPLE.
Mr. WALKER with Mr. TREADWAY.
Mr. WATSON with Mr. VARE.
Mr. WILLIAMS with Mr. WALLIN.
Mr. CAREW with Mr. WINSLOW.
Mr. MAHER with Mr. KIESS of Pennsylvania.
Mr. JONES with Mr. KRIEDER.

Mr. GOODWIN of Arkansas. Mr. Speaker, on a second roll call before my name was reached I voted "nay," thinking the Clerk called by name. I may have been mistaken, owing to the great confusion in the Hall. It may have been that the Clerk called the name of Mr. GODWIN of North Carolina, which sounds very much like my own.

The SPEAKER. The Chair will inquire if Mr. GODWIN of North Carolina voted on this roll call, or if he is here. [After a pause.] Does any gentleman from North Carolina know whether Mr. GODWIN was in the room or not? [After a pause.] The Chair gets no response. There is no question but the gentleman from Arkansas [Mr. GOODWIN] has voted.

The result of the vote was announced as above recorded.

Mr. BYRNES of South Carolina. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BYRNES of South Carolina. Before the motion to adjourn was made a second was demanded and tellers were ordered on the question of ordering a second. Upon the announcement of the vote by tellers the yeas and nays were ordered on the point of no quorum being made. Does the vote now recur on ordering a second?

The SPEAKER. No. The motion is to suspend the rules and pass the bill.

Mr. MANN. Mr. Speaker, the roll call discloses the presence of a quorum.

Mr. PALMER. The only other question was the point of no quorum. That has been disposed of.

The SPEAKER. That is true. The Doorkeeper will open the doors.

Mr. BYRNES of South Carolina. Mr. Speaker, when the vote was taken by tellers the point of no quorum was made.

The SPEAKER. Not when taken by tellers.

Mr. BYRNES of South Carolina. No quorum was present when the vote was taken by tellers.

The SPEAKER. The Chair does not recall that anybody raised the point on the vote by tellers on ordering the second.

Mr. BYRNES of South Carolina. The point was raised, Mr. Speaker.

The SPEAKER. The Chair understood that the point of no quorum was made on the motion to suspend the rules and pass the bill.

Mr. BYRNES of South Carolina. That motion was made. The gentleman from Georgia [Mr. TRIBBLE] made the point of no quorum when the announcement of the vote by tellers was made on ordering a second.

Mr. TRIBBLE. That is correct.

The SPEAKER. In any event a quorum is now present.

Mr. TRIBBLE. There was no quorum present when the vote was taken by tellers on ordering a second. I made the point of order that no quorum was present.

The SPEAKER. A quorum is present now.

Mr. BYRNES of South Carolina. The contention is that the vote on ordering a second should now be taken again.

The SPEAKER. That is exactly what is going to happen if the gentleman will give the Chair a chance to put the question.

Mr. CRISP. Mr. Speaker, if the Chair will indulge me, the vote by tellers on ordering a second was no vote, because immediately upon the announcement of the result of the vote the point of order of no quorum was made.

The SPEAKER. The Chair will ascertain what the Reporter's notes show.

Mr. MANN. Mr. Speaker, as a matter of fact, after the vote was taken by tellers, the gentleman from Georgia [Mr. TRIBBLE] did make the point of order of no quorum. I do not think anyone understood that that was on the vote by tellers, but if he claims it was, the vote now would be on ordering a second by tellers.

Mr. TRIBBLE. That was the purpose of my making the point.

The SPEAKER. The Chair will state that the Reporter's notes show that the gentleman from Georgia is correct in his contention as to when he made the point of order of no quorum.

Mr. PALMER. The point of order of no quorum was made, and the Chair then counted, and the Chair determined that no quorum was present. A motion was then made that the House adjourn. That vote was taken by the yeas and nays and the roll disclosed the presence of a quorum. That settles the question of whether a quorum is present, and the motion to suspend the rules having been seconded by a majority by tellers, there is nothing in order now except 40 minutes of debate.

Mr. ADAMSON. Mr. Speaker——

Mr. MANN. Let us take the vote by tellers.

The SPEAKER. The gentleman from Georgia.

Mr. ADAMSON. Mr. Speaker, I distinctly remember the gentleman from Georgia [Mr. TRIBBLE]——

The SPEAKER. There is no question about that.

Mr. ADAMSON. But in regard to the other matter. The gentleman asked the question as to what the roll call would be on, whether it would be on tellers or on the motion to adjourn.

The SPEAKER. It was on the motion to adjourn.

Mr. ADAMSON. Then after the gentleman had made it he asked the question.

The SPEAKER. Of course you could not vote on a motion until after it was made.

Mr. ADAMSON. But when the point of no quorum is settled——

The SPEAKER. But there is a quorum here now.

Mr. ADAMSON. Of course; but the question is, ought the vote by tellers be taken again?

The SPEAKER. What is the statement of the gentleman from Illinois?

Mr. MANN. The gentleman from Georgia claims that he made a point of no quorum on the vote by tellers. I do not think the Speaker so understood——

Mr. BURKE of South Dakota. I was watching closely the proceedings, and if the Speaker will allow me to state——

Mr. MANN (continuing). If so, the proper thing to have done would have been to have had the roll call on seconding the motion.

Mr. BURKE of South Dakota (continuing). After the Speaker put the question, the gentleman from Georgia made the point of no quorum.

Mr. TRIBBLE. Correct.

Mr. BURKE of South Dakota. That is what transpired; and then the motion to adjourn was made.

Mr. TRIBBLE. Correct.

The SPEAKER. A motion to adjourn takes precedence over the other, and the thing to do is to vote on whether this matter is seconded or not. The question is on seconding the motion to suspend the rules.

The question was taken; and the tellers (Mr. PALMER and Mr. BYRNES of South Carolina) reported that there were—ayes 140, noes 27.

Mr. TRIBBLE and Mr. BYRNES of South Carolina. Mr. Speaker, I make the point of order of no quorum.

The SPEAKER. The Chair will count.

Mr. RAGSDALE. Mr. Speaker, I move to adjourn.

Mr. MANN. I make the point of order that the motion to adjourn is dilatory.

The SPEAKER. The Chair thinks it is.

Mr. PALMER. Mr. Speaker, I move a call of the House.

The SPEAKER. The Chair will count to see if a quorum is present.

Mr. TRIBBLE. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TRIBBLE. We have just had the Members of the House pass through tellers, and the record shows there is no quorum present.

The SPEAKER. The record does not show anything of the sort. The record shows that a quorum did not vote.

Mr. TRIBBLE. All right.

The SPEAKER. The Chair will count. [After counting.] One hundred and eighty-seven Members are present—not a quorum.

Mr. TRIBBLE. Mr. Speaker, I move to adjourn.

Mr. PALMER and Mr. MANN. Mr. Speaker, I make the point of order that that motion is dilatory.

The SPEAKER. The Chair thinks it is dilatory. The question is on seconding the motion to suspend the rules. The Doorkeeper will lock the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 212, nays 45, answered "present" 3, not voting 163, as follows:

[Roll No. 60.]

YEAS—212.

Abercrombie	Doremus	Kent	Porter
Adair	Driscoll	Key, Ohio	Post
Alexander	Dupré	Kindel	Pou
Allen	Eagan	Kinkaid	Powers
Anderson	Edmonds	Kirkpatrick	Quin
Anthony	Esch	Knowland, J. R.	Rainey
Ashbrook	Evans	Konop	Raker
Aswell	Fairchild	Lafferty	Rauch
Austin	Falconer	La Follette	Reilly, Conn.
Bailey	Farr	Langham	Reilly, Wis.
Baker	Fergusson	Langley	Rogers
Baltz	Ferris	Lazaro	Rouse
Barchfeld	Fess	Lenroot	Rubey
Barkley	Fields	Lewis, Md.	Russell
Barton	FitzHenry	Lieb	Seldomridge
Bathrick	Foster	Lindbergh	Shackleford
Beakes	Fowler	Linthicum	Sherley
Bell, Cal.	Francis	Lloyd	Sherwood
Borchers	French	Lobeck	Sims
Bowdle	Gallagher	Lonergan	Sinnott
Britten	Gallivan	McAndrews	Sloan
Brown, N. Y.	Garner	McKellar	Smith, Idaho
Browne, Wis.	Garrett, Tenn.	McKenzie	Smith, J. M. C.
Browning	Garrett, Tex.	McLaughlin	Smith, Minn.
Brumbaugh	Gill	MacDonald	Smith, N. Y.
Bryan	Gillett	Madden	Smith, Saml. W.
Buchanan, Ill.	Gilmore	Maguire, Nebr.	Smith, Tex.
Bulkley	Gittins	Mapes	Stafford
Burke, S. Dak.	Glass	Martin	Steenerson
Burke, Wis.	Gordon	Metz	Stephens, Cal.
Burnett	Graham, Ill.	Miller	Stephens, Tex.
Byrns, Tenn.	Gray	Mitchell	Stevens, Minn.
Carter	Green, Iowa	Mondell	Stevens, N. H.
Church	Greene, Mass.	Montague	Stone
Clancy	Greene, Vt.	Morgan, Okla.	Stout
Cline	Gregg	Morrison	Stringer
Coady	Guernsey	Moss, Ind.	Sumners
Collier	Hamilton, Mich.	Moss, W. Va.	Sutherland
Connolly, Iowa	Hamlin	Mott	Taggart
Cooper	Hardy	Mulkey	Talcott, N. Y.
Cox	Hayden	Murdock	Tavenner
Cullop	Heflin	Neeley, Kans.	Thomas
Curry	Helgesen	Neely, W. Va.	Thompson, Okla.
Davenport	Helvering	Nelson	Towner
Davis	Hill	Padgett	Vaughan
Decker	Hinds	Paige, Mass.	Vollmer
Deitrick	Hinebaugh	Palmer	Volstead
Dershem	Houston	Parker, N. Y.	Walsh
Dickinson	Hull	Peters	Watkins
Dillon	Igoe	Peterson	Williams
Dixon	Keating	Phelan	Woods
Donovan	Kennedy, Conn.	Platt	Young, N. Dak.
Doolittle	Kennedy, Iowa	Plumley	Young, Tex.

NAYS—45.

Adamson	Doughton	Lever	Stedman
Aiken	Eagle	Moon	Stephens, Miss.
Beall, Tex.	Floyd, Ark.	Murray	Taylor, Ark.
Bell, Ga.	Fordney	Norton	Tribble
Brockson	Goodwin, Ark.	O'Hair	Vinson
Buchanan, Tex.	Harrison	Oldfield	Weaver
Byrnes, S. C.	Helm	Page, N. C.	Webb
Callaway	Hughes, Ga.	Park	Wingo
Candler, Miss.	Humphreys, Miss.	Parker, N. J.	Witherspoon
Caraway	Jacoway	Ragsdale	
Crisp	Johnson, S. C.	Rayburn	
Dies	Kitchin	Small	

ANSWERED "PRESENT"—3.

Flood, Va.	Levy	Mann

NOT VOTING—163.

Ainey	Elder	Jones	Rupley
Avis	Estopinal	Kahn	Sabath
Barnhart	Faison	Keister	Saunders
Bartholdt	Finley	Kelley, Mich.	Scott
Bartlett	Fitzgerald	Kelly, Pa.	Scully
Blackmon	Frear	Kennedy, R. I.	Sells
Booher	Gard	Kettner	Shreve
Borland	Gardner	Kiess, Pa.	Sisson
Brodbeck	George	Korbly	Slayden
Broussard	Gerry	Kreider	Slemp
Brown, W. Va.	Godwin, N. C.	Lee, Ga.	Smith, Md.
Bruckner	Goeke	Lee, Pa.	Sparkman
Burgess	Goldfogle	L'Engle	Stanley
Burke, Pa.	Good	Lesher	Stephens, Nebr.
Butler	Gorman	Lewis, Pa.	Switzer
Calder	Goulden	Lindquist	Talbott, Md.
Campbell	Graham, Pa.	Loft	Taylor, Ala.
Cantor	Griest	Logue	Taylor, Colo.
Cantrill	Griffin	McClellan	Taylor, N. Y.
Carew	Gudger	McGillicuddy	Temple
Carlin	Hamill	McGuire, Okla.	Ten Eyck
Carr	Hamilton, N. Y.	Mahan	Thacher
Cary	Harris	Maher	Thomson, Ill.
Casey	Hart	Manahan	Townsend
Chandler, N. Y.	Haugen	Moore	Treadway
Clark, Fla.	Hawley	Morgan, La.	Tuttle
Claypool	Hay	Morin	Underhill
Connelly, Kans.	Hayes	Nolan, J. I.	Underwood
Conry	Henry	O'Brien	Vare
Copley	Hensley	Oglesby	Walker
Cramton	Hobson	O'Shaunessy	Wallin
Crosser	Holland	Patten, N. Y.	Walters
Dale	Howard	Patton, Pa.	Watson
Danforth	Howell	Price	Whaley
Dent	Hoxworth	Prouty	Whitacre
Difenderfer	Hughes, W. Va.	Reed	White
Donohoe	Hulings	Riordan	Wilson, Fla.
Dooling	Humphrey, Wash.	Roberts, Mass.	Wilson, N. Y.
Drukker	Johnson, Ky.	Roberts, Nev.	Winslow
Dunn	Johnson, Utah	Rothermel	Woodruff
Edwards	Johnson, Wash.	Rucker	

So a second was ordered.

The Clerk announced the following additional pairs:

Until further notice:

Mr. CARLIN with Mr. ANTHONY.

Mr. BARNHART with Mr. CHANDLER of New York.

Mr. LEE of Georgia with Mr. CRAMTON.

Mr. BOOHER with Mr. LEWIS of Pennsylvania.

Mr. BROUSSARD with Mr. SLEMP.

Mr. CONNELLY of Kansas with Mr. WALLIN.

Mr. DONOHOE with Mr. GOOD.

Mr. FINLEY with Mr. JOHNSON of Washington.

Mr. GARD with Mr. KAHN.

Mr. HENRY with Mr. HUGHES of West Virginia.

Mr. HENSLEY with Mr. WINSLOW.

Mr. MANN. Mr. Speaker, I voted "yea." I am paired with the gentleman from Alabama, Mr. UNDERWOOD, but I do not think he voted. Therefore I withdraw my vote of "yea" and vote "present."

The SPEAKER. A quorum is present, and the House seconds the motion to suspend the rules and pass the bill. The Doorkeeper will open the doors.

The gentleman from Pennsylvania [Mr. PALMER] has 20 minutes and the gentleman from South Carolina [Mr. BYRNES] 20 minutes.

Mr. RAGSDALE. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. PALMER. Mr. Speaker, I ask that the Chair advise me when I have consumed five minutes.

Mr. RAGSDALE. Mr. Speaker, on account of the fact that we are to have a caucus to-night, I rise to move to adjourn.

The SPEAKER. The gentleman from Pennsylvania [Mr. PALMER] has the floor.

Mr. PALMER. Mr. Speaker, I will say to the gentleman from South Carolina and other gentlemen that there is no reason why the consideration of this bill should interfere with the caucus to-night. Forty minutes' debate will take us only up to 20 minutes of 7, and the bill can be easily passed in order to allow the Members to get to the caucus at 8 o'clock.

Now, Mr. Speaker, this is a Federal child-labor bill. The bill in its original form is the best thought of all of the social workers of the country who have given time and attention to this

very important question of child labor. The bill was originally drafted by the National Child Labor Committee after a conference with child-labor committees of various States. I want to say at the outset that in its present form, though it is changed somewhat from the original form, it is satisfactory to and has the unqualified approval and indorsement of every child-labor association of America, not only the National Child Labor Committee but also the various child-labor associations of the different States as well.

Now, what the bill does is this: It fixes a standard for child labor, and prohibits from interstate commerce the product of any mine, or quarry, or any mill, factory, or workshop which is produced by children below that standard, and the standard is this: Sixteen years in mines and quarries and 14 years in mills, factories, workshops, canneries, and manufacturing establishments, and provides an eight-hour day, six days a week, and no nightwork; that is, there is to be no labor for children between the hours of 7 p. m. and 7 a. m.

Mr. TRIBBLE. Will the gentleman yield?

Mr. PALMER. For a question.

Mr. TRIBBLE. Suppose a boy 15 years old were gathering peaches in Georgia and those peaches were carried to the cannery and he had a part in canning them, and those were shipped from the State of Georgia?

Mr. PALMER. He would not be working in a cannery.

Mr. TRIBBLE. But suppose he were working in a cannery.

Mr. PALMER. If he were working in a cannery and were under 14 years of age, the product of his labor would be kept out of interstate commerce.

Mr. BURNETT. Will the gentleman yield?

Mr. PALMER. I will.

Mr. BURNETT. There seems to be an impression among some of my colleagues of the South that this would prevent the working of girls in little home canning clubs. There is nothing of that kind, is there?

Mr. PALMER. There is nothing of that kind. The kitchen stove is not a cannery, and a kitchen cannery is not within the purview of this act. Neither does it apply to plantation or farm labor. It must be in the quarries or the mines where the limit is 16 years, and in the workshop where the limit is 14 years.

Mr. TRIBBLE. I will ask the gentleman if he would not favor a bill that provided that cotton could not be shipped out of the South if boys 16 years of age were employed who were raised in the cotton fields instead of going to school?

Mr. PALMER. I am discussing this bill. I have said this does not apply to production in the cotton fields. There is nothing new about these standards. The fact is that 15 States in the Union have adopted the age of 16 years with respect to mines and quarries, and 14 States have adopted the standard age of 14 years in respect to labor in workshops, mills, and factories; 22 States have adopted the standard of forbidding anything more than eight hours a day for children, and I think about an equal number of States have adopted the standard of forbidding any work on the part of any children.

Mr. AUSTIN. Would the gentleman include in his remarks a list of those States?

Mr. PALMER. Yes; and I will say that the report of the committee, which is very full on this subject, does include the names of all the States where these standards have been fixed.

Now, the purpose of this bill is to take this accepted and generally employed standard——

The SPEAKER. The gentleman from Pennsylvania has consumed five minutes.

Mr. RAGSDALE. Mr. Speaker, I make the point that there is no quorum present.

Mr. PALMER. Just one moment. I have the floor; and to analyze that standard——

Mr. RAGSDALE. Mr. Speaker, can not a Member make a point of no quorum at any time?

The SPEAKER. For what purpose does the gentleman from South Carolina rise?

Mr. RAGSDALE. To make a point of no quorum.

The SPEAKER. The Chair will ascertain by counting.

Mr. PALMER. Mr. Speaker, I make the point that that is dilatory.

Mr. RAGSDALE. Why, it is apparent on the face of it, Mr. Speaker, that a quorum is not here.

The SPEAKER. The rule about it is that but one motion to adjourn is in order under a suspension of the rules unless a quorum disappears. The Chair will count. (After counting.) One hundred and fifty-one Members are present—not a quorum.

Mr. RAGSDALE. Mr. Speaker, I move that we do now adjourn.

Mr. PALMER. I move a call of the House, Mr. Speaker.

Mr. MANN. Mr. Speaker, I make the point of order that the House has voted down a motion to adjourn since the motion to suspend the rules was made, and under paragraph 8 of rule 16, which reads—

> Pending the motion to suspend the rules, the Speaker may entertain one motion that the House adjourn; but after the result thereon is announced he shall not entertain any other motion until the vote is taken on suspension—

But one motion could be made since the motion was made to suspend the rules.

The SPEAKER. Let the gentleman read the rest of that.

Mr. RAGSDALE. But, Mr. Speaker——

Mr. MANN. I have read the entire rule.

The SPEAKER. You read the entire rule, but you did not read the decisions on it.

Mr. PALMER. The rule is so plain that there ought not to be any doubt about it.

The SPEAKER. Section 5744, volume 5, Hinds' Precedents, reads:

> A motion to suspend the rules having been entertained and one motion to adjourn having been voted on, another motion to adjourn may not be made unless the failure of a quorum be demonstrated.

Now, the Chair will inquire of the gentleman from Illinois if that is not the exact situation here?

Mr. MANN. No. I think if the point of no quorum is made, and the Chair decides there is no quorum present, then a motion to adjourn is in order.

Mr. RAGSDALE. All that took place, Mr. Speaker.

Mr. MANN. I did not understand the Speaker to have declared that there is no quorum present.

Mr. RAGSDALE. Yes; he did.

Mr. MANN. Just now?

Mr. RAGSDALE. Yes.

Mr. MANN. I was not aware of it.

Mr. RUSSELL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RUSSELL. Does the gentleman from Pennsylvania [Mr. PALMER] lose the floor when a point of order is made?

The SPEAKER. Until that is disposed of he does; and the Chair has announced that there is not a quorum present, and now the gentleman from South Carolina [Mr. RAGSDALE] moves to adjourn.

Mr. PALMER. Mr. Speaker, can a Member take another Member off the floor by raising a point of no quorum?

The SPEAKER. He can on a point of order.

Mr. RUSSELL. If an order is sent out to bring Members in, would not the gentleman from Pennsylvania have the right to the floor?

The SPEAKER. He would not. The trouble is that the quorum has disappeared. The gentleman from South Carolina [Mr. RAGSDALE] raised the point of no quorum, as he had the absolute right to do, and after that nothing except one of two things is in order—a motion to adjourn or a call of the House. Now, if it had turned out on the Speaker's count that there was a quorum here he would not have had any right to make a second motion to adjourn, although there is a decision here that sort of squints that way, but does not decide it clearly.

Mr. CRISP. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. CRISP. The House having seconded this motion to suspend the rules and pass the bill, if the House should adjourn would not this motion come up as the unfinished business on the next day that the suspension of the rules was in order?

The SPEAKER. It undoubtedly would.

Mr. PALMER. That would be four days before the end of the session.

The SPEAKER. The gentleman from South Carolina [Mr. RAGSDALE] moves to adjourn. The question is on agreeing to that motion.

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

Mr. PALMER. A division, Mr. Speaker.

The House divided; and there were—ayes 45, noes 124.

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

The yeas and nays were ordered.

The question was taken, and there were—yeas 34, nays 184, not voting 205, as follows:

[Roll No. 61.]

YEAS—34.

Aiken	Eagle	Jacoway	Smith, N. Y.
Bell, Ga.	Fergusson	Lafferty	Stephens, Miss.
Borchers	Floyd, Ark.	Lee, Ga.	Stephens, Nebr.
Brockson	Goodwin, Ark.	Oldfield	Vinson
Byrnes, S. C.	Gregg	Page, N. C.	Webb
Callaway	Hardy	Park	Whaley
Candler, Miss.	Harrison	Ragsdale	Wingo
Caraway	Helm	Rothermel	
Dies	Hughes, Ga.	Small	

NAYS—184.

Abercrombie	Dillon	Kent	Porter
Adair	Dixon	Key, Ohio	Powers
Alexander	Donovan	Kinkaid	Quin
Allen	Doolittle	Kirkpatrick	Rainey
Anderson	Doremus	Kitchin	Raker
Anthony	Driscoll	Knowland, J. R.	Rauch
Ashbrook	Eagan	Konop	Reilly, Conn.
Aswell	Edmonds	La Follette	Reilly, Wis.
Austin	Esch	Langley	Rogers
Bailey	Falconer	Lazaro	Rouse
Baker	Farr	Lenroot	Rubey
Baltz	Ferris	Lewis, Md.	Russell
Barchfeld	Fess	Lieb	Seldomridge
Barkley	Fields	Lindbergh	Shackleford
Barton	FitzHenry	Linthicum	Sherley
Bathrick	Flood, Va.	Lloyd	Sherwood
Beakes	Foster	Lonergan	Sims
Bell, Cal.	Fowler	McAndrews	Sinnott
Britten	French	McKellar	Sloan
Brown, N. Y.	Gallagher	McKenzie	Smith, Idaho
Browne, Wis.	Gallivan	McLaughlin	Smith, J. M. C.
Browning	Garner	MacDonald	Smith, Minn.
Bryan	Garrett, Tex.	Maguire, Nebr.	Smith, Saml. W.
Buchanan, Ill.	Gill	Mann	Smith, Tex.
Buchanan, Tex.	Gillett	Mapes	Stafford
Bulkley	Gilmore	Martin	Stephens, Cal.
Burke, S. Dak.	Glass	Metz	Stephens, Tex.
Burke, Wis.	Gordon	Miller	Stevens, Minn.
Burnett	Graham, Ill.	Mondell	Stevens, N. H.
Byrns, Tenn.	Gray	Morgan, Okla.	Stone
Carlin	Greene, Mass.	Moss, Ind.	Stringer
Carter	Greene, Vt.	Moss, W. Va.	Sumners
Clancy	Guernsey	Mulkey	Talcott, N. Y.
Cline	Hamilton, Mich.	Murdock	Tavenner
Coady	Hamlin	Nelson	Taylor, Ark.
Collier	Heflin	Norton	Thomas
Connolly, Iowa	Helgesen	Padgett	Thompson, Okla.
Cooper	Hill	Paige, Mass.	Towner
Cox	Hinds	Palmer	Vaughan
Cramton	Hinebaugh	Parker, N. J.	Volstead
Crisp	Humphreys, Miss.	Parker, N. Y.	Walsh
Cullop	Igoe	Patton, Pa.	Watkins
Curry	Keating	Peters	Whitacre
Davenport	Keister	Phelan	Williams
Decker	Kennedy, Conn.	Platt	Woods
Dershem	Kennedy, Iowa	Plumley	Young, N. Dak.

NOT VOTING—205.

Adamson	Fairchild	Kelley, Mich.	Roberts, Nev.
Ainey	Faison	Kelly, Pa.	Rucker
Avis	Finley	Kennedy, R. I.	Rupley
Barnhart	Fitzgerald	Kettner	Sabath
Bartholdt	Fordney	Kless, Pa.	Saunders
Bartlett	Francis	Kindel	Scott
Beall, Tex.	Frear	Korbly	Scully
Blackmon	Gard	Kreider	Sells
Booher	Gardner	Langham	Shreve
Borland	Garrett, Tenn.	Lee, Pa.	Sisson
Bowdle	George	L'Engle	Slayden
Brodbeck	Gerry	Lesher	Slemp
Broussard	Gittins	Lever	Smith, Md.
Brown, W. Va.	Godwin, N. C.	Levy	Sparkman
Bruckner	Goeke	Lewis, Pa.	Stanley
Brumbaugh	Goldfogle	Lindquist	Stedman
Burgess	Good	Lobeck	Steenerson
Burke, Pa.	Gorman	Loft	Stout
Butler	Goulden	Logue	Sutherland
Calder	Graham, Pa.	McClellan	Switzer
Campbell	Green, Iowa	McGillicuddy	Taggart
Cantor	Griest	McGuire, Okla.	Talbott, Md.
Cantrill	Griffin	Madden	Taylor, Ala.
Carew	Gudger	Mahan	Taylor, Colo.
Carr	Hamill	Maher	Taylor, N. Y.
Cary	Hamilton, N. Y.	Manahan	Temple
Casey	Harris	Mitchell	Ten Eyck
Chandler, N. Y.	Hart	Montague	Thacher
Church	Haugen	Moon	Thomson, Ill.
Clark, Fla.	Hawley	Moore	Townsend
Claypool	Hay	Morgan, La.	Treadway
Connelly, Kans.	Hayden	Morin	Tribble
Conry	Hayes	Morrison	Tuttle
Copley	Helvering	Mott	Underhill
Crosser	Henry	Murray	Underwood
Dale	Hensley	Neeley, Kans.	Vare
Danforth	Hobson	Neely, W. Va.	Vollmer
Davis	Holland	Nolan, J. I.	Walker
Deitrick	Houston	O'Brien	Wallin
Dent	Howard	Oglesby	Walters
Dickinson	Howell	O'Hair	Watson
Difenderfer	Hoxworth	O'Shaunessy	Weaver
Donohoe	Hughes, W. Va.	Patten, N. Y.	White
Dooling	Hulings	Peterson	Wilson, Fla.
Doughton	Hull	Post	Wilson, N. Y.
Drukker	Humphrey, Wash.	Pou	Winslow
Dunn	Johnson, Ky.	Price	Witherspoon
Dupré	Johnson, S. C.	Prouty	Woodruff
Edwards	Johnson, Utah	Rayburn	Young, Tex.
Elder	Johnson, Wash.	Reed	
Estopinal	Jones	Riordan	
Evans	Kahn	Roberts, Mass.	

So the House refused to adjourn.

The Clerk announced the following additional pairs:

Until further notice:

Mr. ADAMSON with Mr. BARTHOLDT.

Mr. DICKINSON with Mr. BARTON.

Mr. DOUGHTON with Mr. DAVIS.

Mr. DUPRÉ with Mr. FAIRCHILD.

Mr. EVANS with Mr. FORDNEY.

Mr. HAYDEN with Mr. GREEN of Iowa.

Mr. HOUSTON with Mr. LANGHAM.

Mr. HULL with Mr. MADDEN.

Mr. JOHNSON of South Carolina with Mr. STEENERSON.

Mr. LEVER with Mr. SUTHERLAND.

Mr. LOBECK with Mr. DRUKKER.

Mr. MOON with Mr. HAYES.

Mr. MONTAGUE with Mr. LEWIS of Pennsylvania.

Mr. MORRISON with Mr. MORIN.

Mr. POU with Mr. WOODRUFF.

Mr. SLAYDEN with Mr. WINSLOW.

Mr. SAUNDERS with Mr. J. I. NOLAN.

Mr. UNDERWOOD with Mr. KAHN.

Mr. KINDEL. Mr. Speaker, I should like to vote.

The SPEAKER. Was the gentleman in the Hall, listening, when his name should have been called?

Mr. KINDEL. No; I was not.

The SPEAKER. Then the gentleman can not vote.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present.

Mr. RAGSDALE. Mr. Speaker, how many Members voted?

The SPEAKER. Two hundred and seventeen Members voted, and it takes only 213 to make a quorum now. There are 11 vacancies.

Mr. PALMER. Mr. Speaker, I will ask the gentleman from South Carolina [Mr. BYRNES] to use his time.

The SPEAKER. The gentleman from South Carolina [Mr. BYRNES] is recognized for 20 minutes.

Mr. BYRNES of South Carolina. Mr. Speaker, I am not opposed to the prohibition of child labor by the States of the Union, but I am opposed to the Federal Government under the pretense of regulating interstate commerce usurping the powers of the State and fixing the hours of labor for its citizens. The Legislature of the State of South Carolina at this session is considering a bill seeking to raise the age for child labor from 12 to 14 years. Notwithstanding any view I might hold as to the age which children should be forbidden to work in the State of South Carolina, or any view you might hold, I think it is the right of that State and not that of the Federal Government to say at what age a child should be prohibited from working in a factory, cannery, or workshop within the State of South Carolina. Step by step an effort is being made to substitute the power of the Federal Government for that of the State. Under the guise of regulating interstate commerce we now seek to enact the laws fixing the hours during which citizens of the various States may work.

My friend from Pennsylvania [Mr. PALMER] says that this bill does not prohibit one working in a cannery on a farm. It prohibits the shipment in interstate commerce of the products of any mill, cannery, workshop, factory, and so forth, manufactured or produced, in whole or in part, by a child under the age of 14. What is a cannery if it be not a place where fruit and vegetables are canned? How many cans must be put up to bring a cannery within the provision of the law? What shall constitute a cannery? From the orchard peaches are brought into the home of the farmer, and there he and his children and the children of his neighbors, 13 years old—under the age of 14—can the peaches. Are these canned peaches to be denied the right of interstate commerce? As far as the cotton mills are concerned, does this prohibition refer only to the labor in the cotton mills, or does it refer to those who contribute in part to the production of the cotton that is manufacured in the cotton mill? Who is to say what construction will be placed upon the bill by the inspectors and thereafter by the courts who shall pass upon it?

No matter whether or not you gentlemen from South Carolina, Georgia, North Carolina, and other States of the Union favor the prohibition of child labor, I ask, are you willing to surrender the right of your respective States to enact those laws in accord with your own views on the subject?

The gentleman from Pennsylvania [Mr. PALMER] says that there are 16 or 17 States that have laws prohibiting the labor of children under 14 years of age. If this be so, then why insist on this legislation? Conditions differ in different States of the Union. No demand has been shown for this legislation. You have not heard from your constituents any demand for this legislation. Under the pretense of regulating interstate commerce we are to take from the States the power of controlling the hours of labor and place it under the control of the Federal Government. I ask my colleagues on this side of the House to vote against the bill.

Mr. PALMER. Mr. Speaker, I ask for a vote.

Mr. RAGSDALE. Mr. Speaker, I make the point that no quorum is present.

The SPEAKER. The gentleman from South Carolina makes the point of no quorum, and there is no quorum present.

Mr. BYRNES of South Carolina. Mr. Speaker, I move that the House adjourn.

Mr. PALMER. Mr. Speaker, I ask unanimous consent to address the House for one minute.

Mr. MANN. The House can not give unanimous consent when there is no quorum present.

The SPEAKER. The gentleman from South Carolina moves that the House adjourn.

The question was taken; and on a division (demanded by Mr. RAGSDALE) there were 13 ayes and 97 noes.

Mr. RAGSDALE. I make the point of order that no quorum is present.

The SPEAKER. The Chair has already announced that no quorum is present.

Mr. MANN. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The Clerk called the roll.

The SPEAKER. One hundred and eighty-six Members have answered to their names; not a quorum.

Mr. PALMER. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The question is on the motion of the gentleman from Pennsylvania that the House do now adjourn.

The question was taken.

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

The yeas and nays were ordered.

The question was taken; and there were—yeas 93, nays 114, answered "present" 1, not voting 216, as follows:

[Roll No. 62.]

YEAS—93.

Abercrombie	Cox	Hughes, Ga.	Rouse
Adamson	Crisp	Igoe	Rubey
Alexander	Cullop	Jacoway	Rucker
Ashbrook	Dershem	Key, Ohio	Russell
Aswell	Dickinson	Kirkpatrick	Sherley
Baker	Doremus	Lafferty	Sherwood
Bailey	Doughton	Lazaro	Sims
Baltz	Dupré	Lee, Ga.	Small
Barkley	Eagan	Lee, Pa.	Smith, N. Y.
Bell, Ga.	Eagle	Lever	Smith, Tex.
Blackmon	Fergusson	Levy	Stedman
Booher	Ferris	Lewis, Md.	Stephens, Miss.
Borchers	Finley	Lloyd	Stephens, Nebr.
Bowdle	Flood, Va.	Lobeck	Stephens, Tex.
Brockson	Floyd, Ark.	Mulkey	Sumners
Brown, N. Y.	Goodwin, Ark.	O'Hair	Vaughan
Brumbaugh	Gordon	Oldfield	Vinson
Buchanan, Tex.	Hamlin	Padgett	Watkins
Byrnes, S. C.	Hardy	Page, N. C.	Webb
Church	Harrison	Palmer	Williams
Clancy	Hayden	Park	Wingo
Coady	Heflin	Quin	
Collier	Helm	Ragsdale	
Connelly, Kans.	Houston	Rothermel	

NAYS—114.

Adair	FitzHenry	La Follette	Patton, Pa.
Allen	Fowler	Lenroot	Peterson
Austin	French	Lieb	Phelan
Barchfeld	Gallagher	Lindbergh	Porter
Barton	Gallivan	Lindquist	Powers
Bathrick	Garner	Logue	Raker
Beakes	Garrett, Tenn.	Lonergan	Rauch
Bell, Cal.	Garrett, Tex.	McAndrews	Reilly, Conn.
Browne, Wis.	Gill	McKellar	Reilly, Wis.
Browning	Gillett	McKenzie	Rogers
Bryan	Gilmore	McLaughlin	Seldomridge
Buchanan, Ill.	Goeke	MacDonald	Shackleford
Burnett	Graham, Ill.	Maguire, Nebr.	Sinnott
Byrns, Tenn.	Gray	Mapes	Sloan
Carlin	Greene, Mass.	Metz	Smith, Idaho
Cline	Greene, Vt.	Miller	Smith, J. M. C.
Cooper	Gregg	Mitchell	Smith, Minn.
Cramton	Hamilton, Mich.	Mondell	Stephens, Cal.
Curry	Hinebaugh	Morgan, Okla.	Stevens, Minn.
Decker	Howard	Moss, Ind.	Stevens, N. H.
Dillon	Humphreys, Miss.	Moss, W. Va.	Stone
Dixon	Keating	Mott	Tavenner
Donohoe	Keister	Murdock	Thomas
Driscoll	Kennedy, Conn.	Nelson	Thompson, Okla.
Edmonds	Kennedy, Iowa	Nolan, J. I.	Volstead
Esch	Kent	Norton	Walsh
Falconer	Kinkaid	Paige, Mass.	Young, N. Dak.
Farr	Knowland, J. R.	Parker, N. J.	
Fess	Konop	Parker, N. Y.	

ANSWERED "PRESENT"—1.

Mann

NOT VOTING—216.

Aiken	Bruckner	Carew	Davenport
Ainey	Bulkley	Carr	Davis
Anderson	Burgess	Carter	Deitrick
Anthony	Burke, Pa.	Cary	Dent
Avis	Burke, S. Dak.	Casey	Dies
Barnhart	Burke, Wis.	Chandler, N. Y.	Difenderfer
Bartholdt	Butler	Clark, Fla.	Donovan
Bartlett	Calder	Claypool	Dooling
Beall, Tex.	Callaway	Connolly, Iowa	Doolittle
Borland	Campbell	Conry	Drukker
Britten	Candler, Miss.	Copley	Dunn
Brodbeck	Cantor	Crosser	Edwards
Broussard	Cantrill	Dale	Elder
Brown, W. Va.	Caraway	Danforth	Estopinal
Evans	Hobson	Moore	Stout
Fairchild	Holland	Morgan, La.	Stringer
Faison	Howell	Morin	Sutherland
Fields	Hoxworth	Morrison	Switzer
Fitzgerald	Hughes, W. Va.	Murray	Taggart
Fordney	Hulings	Neeley, Kans.	Talbott, Md.
Foster	Hull	Neely, W. Va.	Talcott, N. Y.
Francis	Humphrey, Wash.	O'Brien	Taylor, Ala.
Frear	Johnson, Ky.	Oglesby.	Taylor, Ark.
Gard	Johnson, S. C.	O'Shaunessy	Taylor, Colo.
Gardner	Johnson, Utah	Patten, N. Y.	Taylor, N. Y.
George	Johnson, Wash.	Peters	Temple
Gerry	Jones	Platt	Ten Eyck
Gittins	Kahn	Plumley	Thacher
Glass	Kelley, Mich.	Post	Thomson, Ill.
Godwin, N. C.	Kelly, Pa.	Pou	Towner
Goldfogle	Kennedy, R. I.	Price	Townsend
Good	Kettner	Prouty	Treadway
Gorman	Kiess, Pa.	Rainey	Tribble
Goulden	Kindel	Rayburn	Tuttle
Graham, Pa.	Kitchin	Reed	Underhill
Green, Iowa	Korbly	Riordan	Underwood
Griest	Kreider	Roberts, Mass.	Vare
Griffin	Langham	Roberts, Nev.	Vollmer
Gudger	Langley	Rupley	Walker
Guernsey	L'Engle	Sabath	Wallin
Hamill	Lesher	Saunders	Walters
Hamilton, N. Y.	Lewis, Pa.	Scott	Watson
Harris	Linthicum	Scully	Weaver
Hart	Loft	Sells	Whaley
Haugen	McClellan	Shreve	Whitacre
Hawley	McGillicuddy	Sisson	White
Hay	McGuire, Okla.	Slayden	Wilson, Fla.
Hayes	Madden	Slemp	Wilson, N. Y.
Helgesen	Mahan	Smith, Md.	Winslow
Helvering	Maher	Smith, Saml. W.	Witherspoon
Henry	Manahan	Sparkman	Woodruff
Hensley	Martin	Stafford	Woods
Hill	Montague	Stanley	Young, Tex.
Hinds	Moon	Steenerson	The Speaker

Mr. MANN. Mr. Speaker, I voted "No." I am paired with the gentleman from Alabama [Mr. UNDERWOOD]. I desire to withdraw that vote and answer "present."

The name of Mr. MANN was called, and he answered "Present."

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is not present.

Mr. MANN. May I ask what was the announcement of the Chair?

The SPEAKER. Yeas 92, nays 113, present 1.

Mr. PALMER. Mr. Speaker, I move a call of the House.

The SPEAKER. We are operating under a call of the House.

Mr. MANN. No. A call of the House was ordered and then the gentleman from Pennsylvania moved to adjourn.

Mr. PALMER. Mr. Speaker, I made a motion to adjourn which has been voted down. If the House does not want to adjourn, we will get the Members and do business, and I move a call of the House. The roll call was on the motion to adjourn.

Mr. MANN. Mr. Speaker, a motion was made and carried awhile ago for a call of the House.

The SPEAKER. The Chair does not understand the gentleman.

Mr. MANN. Was there not a motion for a call of the House awhile ago that prevailed?

The SPEAKER. Yes; they had a call of the House, but the business under the call of the House has never been dispensed with. In the first place, the gentleman from Illinois [Mr. MANN] moved a call of the House; we had a call of the House and failed to develop a quorum.

Mr. MANN. Which was in progress and never has been dispensed with.

The SPEAKER. That is what I say.

Mr. MANN. It is in progress.

The SPEAKER. It is still a part and parcel of the call of the House. If the gentleman wants to make a motion to send out and have the Members arrested, the Chair will entertain it very suddenly.

Mr. PALMER. I make the motion, Mr. Speaker.

The SPEAKER. The gentleman from Pennsylvania [Mr. PALMER] moves that writs be issued for the absent Members, and that they be brought in.

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

Mr. MURDOCK. Mr. Speaker, how does a man vote when he comes in?

The SPEAKER. He votes "present" on this vote. The gentlemen who want to vote now, who have come in since that vote on ordering the call of the House—that is, trying to get a quorum—will answer "present."

Mr. MANN. I would like to inquire whether the tally clerk has the tally on the motion to adjourn or on the call of the House?

The SPEAKER. He ought to have the one on the call of the House.

Mr. MANN. I know what he ought to have, but I think he has the other.

Mr. STOUT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. STOUT. On a motion to adjourn I voted "nay."

The SPEAKER. It does not make any difference about the motion to adjourn. This motion is on the call of the House to get a quorum. It is a call of the House. Did the gentleman vote on that or not?

Mr. STOUT. I voted on the call of the House.

The SPEAKER. Then the gentleman does not want to vote on it again.

Mr. STOUT. There was a motion to adjourn in the meantime.

Mr. MANN. Mr. Speaker, I move that the roll be called again for those who did not answer on the call of the House to vote "present."

The SPEAKER. The Clerk will call the roll.

Mr. LOGUE. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. LOGUE. Is it in order now, under the recent motion to adjourn, to change one's vote?

The SPEAKER. That question has been settled. It is too late. The gentleman from Illinois [Mr. MANN] asks unanimous consent that the names of those who failed to vote on the call of the House shall now be called by the Clerk. Is there objection?

Mr. MURDOCK. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. MURDOCK. Will not that leave one roll call in the midst of the two halves of the other roll call?

Mr. MANN. Not at all. The motion to adjourn is out of the way, and that roll call is ended.

The SPEAKER. The question of adjourning on the roll call has been settled. The House refused to adjourn; and what the gentleman from Illinois [Mr. MANN] wishes is to have the names of those who failed to vote on the call of the House called now, because it is easier to do that than it is to find out how these men want to vote.

Mr. MURDOCK. Will not that result in a complete roll call being found in the RECORD in the midst of two halves?

The SPEAKER. The Chair understands, but you can do anything on earth by unanimous consent.

Mr. BUCHANAN of Illinois. I call for the regular order, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from Illinois [Mr. MANN]?

Mr. BUCHANAN of Illinois. Mr. Speaker, I object.

Mr. PALMER. I make the motion.

Mr. MANN. The Manual says you can. Although there may not be a quorum present, they may order a roll call again on the call of the House at any time.

The SPEAKER. There is no trouble about it, if the gentlemen who did not vote on the roll call will come forward and separate themselves from those who are standing around there and did vote.

Mr. MANN. I will call the attention of the Speaker to the Manual, page 330, section 752, which says:

> But during proceedings under the call——

The SPEAKER. Where is the gentleman reading?

Mr. MANN. From the next paragraph from the bottom, page 330. I read:

> But during proceedings under the call the roll may be ordered to be called again by those present.

The SPEAKER. Well, the motion of the gentleman from Pennsylvania [Mr. PALMER], then, is in order, to have this roll called for the absentees. Those in favor of the motion will say "aye"; those opposed will say "no."

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

The SPEAKER. The Clerk will call the absentees on that roll call.

The Clerk again called the roll, and the following Members failed to answer to their names:

[Roll No. 63.]

Aiken	Butler	Danforth	Gard
Ainey	Calder	Davis	Gardner
Allen	Campbell	Dent	Gerry
Anderson	Candler, Miss.	Difenderfer	Gittins
Anthony	Cantor	Dooling	Glass
Avis	Cantrill	Drukker	Godwin, N. C.
Bailey	Carew	Dunn	Goldfogle
Barnhart	Carr	Edwards	Good
Bartholdt	Cary	Elder	Gorman
Blackmon	Chandler, N. Y.	Evans	Goulden
Borland	Clark, Fla.	Fairchild	Graham, Pa.
Brodbeck	Claypool	Faison	Green, Iowa
Broussard	Collier	Ferris	Griest
Brown, W. Va.	Conry	Fields	Griffin
Bruckner	Copley	Fordney	Gudger
Burgess	Crosser	Francis	Hamill
Burke, Pa.	Dale	Frear	Hamilton, N. Y.
Harris	Korbly	Oglesby	Switzer
Harrison	Kreider	O'Shaunessy	Taylor, Ala.
Hart	Langham	Page, N. C.	Taylor, Colo.
Haugen	Langley	Patten, N. Y.	Taylor, N. Y.
Hawley	Lee, Ga.	Platt	Temple
Hayes	L'Engle	Plumley	Ten Eyck
Helvering	Lesher	Post	Thacher
Henry	Lewis, Pa.	Pou	Thomson, Ill.
Hensley	Lindquist	Price	Townsend
Hobson	Linthicum	Prouty	Treadway
Howell	Loft	Reed	Tuttle
Hoxworth	McClellan	Riordan	Underhill
Hughes, W. Va.	McGillicuddy	Roberts, Mass.	Underwood
Hulings	McGuire, Okla.	Roberts, Nev.	Vare
Hull	Madden	Rupley	Vinson
Humphrey, Wash.	Mahan	Sabath	Walker
Humphreys, Miss.	Maher	Saunders	Wallin
Johnson, Utah	Manahan	Scott	Walters
Johnson, Wash.	Montague	Scully	Watson
Jones	Moon	Sells	Weaver
Kahn	Moore	Shreve	Whaley
Kelley, Mich.	Morgan, La.	Sisson	Whitacre
Kelly, Pa.	Morin	Slemp	White
Kennedy, R. I.	Morrison	Smith, Saml. W.	Wilson, Fla.
Kettner	Neeley, Kans.	Sparkman	Wilson, N. Y.
Kiess, Pa.	Neely, W. Va.	Stanley	Winslow
Kindel	Nolan, J. I.	Steenerson	Woodruff
Kitchin	O'Brien	Sutherland	

The SPEAKER. On this call 245 Members, a quorum, have answered.

Mr. MANN. Mr. Speaker, I move to dispense with further proceedings.

Mr. PALMER. I move, Mr. Speaker, to dispense with further proceedings under the call.

The SPEAKER. The gentleman from Pennsylvania [Mr. PALMER] moves to dispense with further proceedings under the call. The question is on agreeing to that motion.

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

Mr. BYRNES of South Carolina. I ask for a division, Mr. Speaker.

The SPEAKER. A division is demanded.

The House divided; and there were—ayes 132, noes 10.

Mr. TRIBBLE. Mr. Speaker, I call for tellers.

The SPEAKER. Tellers are demanded. Those in favor of taking this vote by tellers will rise and stand until they are counted. [After counting.] Three gentlemen have risen—not a sufficient number.

Mr. RAGSDALE. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER. The gentleman from South Carolina [Mr. RAGSDALE] demands the yeas and nays. Those in favor of taking the vote by yeas and nays will rise and stand until they are counted. [After counting.] Three gentlemen have risen—not a sufficient number. The yeas and nays are refused. The ayes have it, and the motion to dispense with further proceedings under the call is agreed to. The Doorkeeper will open the doors.

Mr. PALMER. Mr. Speaker, I am entitled to the floor to debate the bill, am I not?

The SPEAKER. Yes.

Mr. PALMER. Mr. Speaker, though time is precious, I want to take a couple of minutes to explain——

The SPEAKER. Did the gentleman from South Carolina [Mr. BYRNES] reserve his time or not?

Mr. BYRNES of South Carolina. A point of no quorum was made.

Mr. MANN. He does not have to, Mr. Speaker, under the rules.

The SPEAKER. The Chair knows; but the gentleman from Pennsylvania [Mr. PALMER] has the right to close if he wants to. Does the gentleman from South Carolina [Mr. BYRNES] desire to use his time?

Mr. BYRNES of South Carolina. I desire to use my time. I reserved it.

The SPEAKER. Does the gentleman from Pennsylvania want to speak first?

Mr. PALMER. Yes. I want to speak now.

The SPEAKER. The gentleman will proceed.

Mr. PALMER. Mr. Speaker, it goes without saying, of course, that I am very anxious to pass this bill. The Committee on Labor, which reported it unanimously, is anxious to pass it. It is in the platforms of all the political parties. The Republican Party, and the Progressive Party, and the Democratic Party, and the Nation have declared for this kind of legislation. The country is for it, as it is for very few things in either branch of Congress to-day. [Applause.]

A little while ago I made a motion to adjourn, for this reason: That a caucus of the Democratic Party has been called to meet in the Hall of the House here at 8 o'clock to-night to consider important proposed legislation, and in order that that caucus might meet on time and in order that I might not be

responsible for interfering with it I made the motion to adjourn. The House voted down that motion, and is of a temper to do business, and therefore I think we might well postpone our caucus for a couple of hours in order to put this bill through the House. [Applause on the Democratic side.] And therefore, Mr. Speaker, I want to say that the caucus, which was called for 8 o'clock, will be deferred for a little while, and if the Members on this side who want to stand by party pledges and by the little children of the Nation will stand by for just a few minutes we will pass this bill through the House and hold our caucus and pass our ship-purchase bill also to-night. [Applause on the Democratic side.]

I ask the gentleman from South Carolina [Mr. BYRNES] to use some of his time.

The SPEAKER pro tempore (Mr. FITZGERALD). The gentleman from South Carolina [Mr. BYRNES] is recognized.

Mr. BELL of Georgia. Mr. Speaker, I move that the House do now adjourn.

Mr. MANN. I make the point of order that that is a dilatory motion.

Mr. BYRNES of South Carolina. Why is it dilatory? A speech has been made.

Mr. BELL of Georgia. I insist on my motion.

Mr. MANN. I withdraw the point of order.

Mr. PALMER. I make the point of order that that is dilatory. We have just had a roll call, upon which a quorum was developed.

Mr. RAGSDALE. A point of order, Mr. Speaker. It has been at least half an hour since the motion to adjourn was made.

The SPEAKER pro tempore. The present occupant of the chair is not prepared to hold that this motion is dilatory, as now advised. The present occupant of the chair has not been present during all the proceedings, but he is informed that in the absence of a quorum a motion to adjourn was made.

Mr. PALMER. Mr. Speaker, I make the point of order that the motion to adjourn is not in order, the presence of a quorum having been developed; and only one motion to adjourn can be made pending the motion to suspend the rules and pass the bill.

Mr. MANN. Mr. Speaker, I may be in error; but as I recall the matter there has been one motion made to adjourn, which motion was defeated with a quorum present, since the motion to suspend the rules was made, and under the rule there can be only one motion to adjourn pending the motion to suspend the rules when a quorum is present.

The SPEAKER pro tempore. The Chair is now informed that since the motion to suspend the rules was made a motion was made that the House adjourn, and the House on that motion refused to adjourn. Paragraph 8 of Rule XVI provides:

> Pending a motion to suspend the rules, the Speaker may entertain one motion that the House adjourn; but after the result thereon is announced he shall not entertain any other motion till the vote is taken on suspension.

[Applause.]

The House having already acted on the motion to adjourn, under the rule the Chair is prohibited from entertaining the motion a second time, and the Chair sustains the point of order.

Mr. BELL of Georgia. Mr. Speaker, may I ask if there was a quorum present at the time when the motion to adjourn was voted down?

Mr. RAGSDALE. Mr. Speaker, a point of order.

The SPEAKER pro tempore. The Chair is attempting to dispose of one point of order.

Mr. RAGSDALE. It is along that very line that I wish to be heard. At the time that the motion to adjourn was made the Speaker made a count of this House and it developed at that particular period of time that there was no quorum present, and I believe that the only time we have voted on the motion to adjourn was when there was no quorum present. Subsequently on a call of the House it was developed that there was a quorum here.

The SPEAKER pro tempore. The Chair is informed that the notes of the Journal Clerk show that a quorum was present.

Mr. MANN. I understand; but let me make a statement of what the fact was. The motion to suspend the rules was made, and a second was ordered by tellers. On the vote by tellers no quorum appeared. The point of no quorum was made, and the Speaker declared that no quorum was present, whereupon a motion to adjourn was made, and on that motion no quorum appeared; after the motion to adjourn had been disagreed to the Speaker again ordered the call of the House to be completed, and so, as a matter of fact, when that motion to adjourn was made there was no quorum present, and that declaration had been made by the Speaker.

Mr. RAGSDALE. And it being shown affirmatively once that there was no quorum present the motion to adjourn now is in order.

The SPEAKER pro tempore (Mr. FITZGERALD). The Chair has before him the notes of the Journal Clerk.

> Mr. RAGSDALE demanded the yeas and nays, which were ordered.
> The roll was called, and the yeas were 34 and nays 183, and so the motion to adjourn was not agreed to.

There were 217 Members present. The Chair is informed that 213 constitute a quorum as the House is at present constituted.

Mr. RAGSDALE. Mr. Speaker, since that period of time the gentleman from Pennsylvania [Mr. PALMER] moved to adjourn, and it developed that there was no quorum, and then the gentleman from Pennsylvania demanded a call of the House, and thereafter a quorum was developed, but at the time the motion to adjourn was made there was no quorum. The quorum has developed since the call of the House, and therefore I contend that my motion is in order.

The SPEAKER pro tempore. Since the motion to suspend the rules was submitted to the House, a motion was made to adjourn, and on that motion the yeas and nays were ordered and the House refused to adjourn with a quorum present, as disclosed by the roll call. Under the rule, a motion to adjourn having been submitted since the motion to suspend the rules was presented to the House, with a quorum present, the Chair is prohibited from entertaining another motion to adjourn until the vote is taken on the suspension, and the point of order being made against the gentleman's motion, the Chair is compelled to sustain the point of order.

Mr. MURDOCK. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. MURDOCK. Before the present occupant of the chair took the chair, it was held by the Speaker that a motion to adjourn was in order under the rule where a quorum was not present.

The SPEAKER pro tempore. That is true; but that situation does not exist at this time. The gentleman from South Carolina [Mr. BYRNES] is recognized for 15 minutes.

Mr. BYRNES of South Carolina. Mr. Speaker, I yield five minutes to the gentleman from South Carolina [Mr. RAGSDALE].

Mr. RAGSDALE. Mr. Speaker——

Mr. TRIBBLE. Mr. Speaker——

Mr. RAGSDALE. Mr. Speaker, I yield to the gentleman from Georgia [Mr. TRIBBLE].

Mr. TRIBBLE. Mr. Speaker, I move to reconsider the motion by which the House refused to adjourn.

The SPEAKER pro tempore. The gentleman from South Carolina can not yield to the gentleman from Georgia for that purpose.

Mr. MANN. You can not reconsider a motion to adjourn, anyhow.

Mr. TRIBBLE. Mr. Speaker——

Mr. RAGSDALE. I yield to the gentleman from Georgia.

Mr. TRIBBLE. I make the point of order that there is no quorum present.

Mr. BUCHANAN of Illinois. And I make the point of order that that motion is dilatory.

The SPEAKER pro tempore. The gentleman from Georgia makes the point of order that there is not a quorum present. The Chair will count. [After counting.] Two hundred and thirteen members present, a quorum,, and the gentleman from South Carolina [Mr. RAGSDALE] is recognized for five minutes.

[Mr. RAGSDALE addressed the House. See Appendix.]

Mr. PALMER. Mr. Speaker, I yield three minutes to the gentleman from Wisconsin [Mr. LENROOT].

Mr. LENROOT. Mr. Speaker, the gentleman who has just spoken says that this bill will destroy the industries in certain Southern States; that it yields to the Federal Government control of the industries in those States. Mr. Speaker, this bill will not interfere in the least with the industries of the Southern States or of any other State. Any Southern State that will stop the exploitation of child labor—that will stop sacrificing the lives of its little children—will not be affected in the least degree by this law, but all this law says is that if you insist on doing that thing you will keep within the confines of your own State when you do it, and you shall not exercise a right under the interstate-commerce clause of the Constitution to bring the products of your child labor into competition with other States where they have some respect and some regard for the lives of the little children of the country. [Applause.]

I wish I had the time to discuss somewhat the constitutionality of this question, but I have not in three minutes. This very Congress, however, passed a convict-labor bill prohibiting

the shipment in interstate commerce of the products of convict labor; and if we have the right to do that, and we have, then we have the right to prohibit all interstate-commerce shipments of the products of child labor, which ought to be of a great deal more concern to this country than any other form of labor.

HOUR OF MEETING TO-MORROW.

Mr. UNDERWOOD. Mr. Speaker, I ask the gentleman from Pennsylvania to yield to me in order that I might make a request for unanimous consent.

Mr. PALMER. I yield to the gentleman for that purpose.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow.

The SPEAKER pro tempore. The gentleman from Alabama asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow. Is there objection?

Mr. MURDOCK. Mr. Speaker, reserving the right to object, will the gentleman inform us if the special rule for the consideration of the shipping bill is to come in to-morrow?

Mr. UNDERWOOD. I am not sure about that, but if it does not there will be an appropriation bill under consideration, as well as other business, which we better dispose of one way or the other as soon as we can, because if we expect to avoid an extra session we better be at work.

Mr. MURDOCK. Does the gentleman expect the shipping bill to come in?

Mr. UNDERWOOD. I can not answer that question now; I am not prepared to answer it.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama? [After a pause.] The Chair hears none.

CHILD LABOR.

Mr. BYRNES of South Carolina. Mr. Speaker, I do not care to use any more of the time allotted to me. [Applause.]

Mr. PALMER. Mr. Speaker, while I have time remaining, owing to the lateness of the hour I shall not use any further time, and I ask for a vote. [Applause.]

The SPEAKER pro tempore. The question is, Shall the rules be suspended and the bill passed?

Mr. MANN. Mr. Speaker, on that I ask for the yeas and nays.

The SPEAKER pro tempore. Those in favor of ordering the yeas and nays will rise and stand until counted. Evidently a sufficient number, and the yeas and nays are ordered.

Mr. RAGSDALE. Mr. Speaker, I make the point of order there is no quorum present.

The SPEAKER pro tempore. The yeas and nays have been ordered.

Mr. RAGSDALE. But I made the point of order of no quorum present, and the roll has not yet begun.

The SPEAKER pro tempore. The Chair will count and will ask gentlemen not to move, so there will be no confusion. [After counting.] Two hundred and twenty-one gentlemen are present, a quorum——

Mr. RAGSDALE. Mr. Speaker, on that I demand tellers.

The SPEAKER pro tempore. But the yeas and nays have been ordered.

The question was taken; and there were—ayes 233, nays 43, answered "present" 2, not voting 145, as follows:

[Roll No. 64.]

YEAS—233.

Abercrombie	Burnett	Dupré	Glass
Adair	Byrns, Tenn.	Eagan	Goeke
Alexander	Caraway	Eagle	Goodwin, Ark.
Allen	Carlin	Edmonds	Gordon
Ashbrook	Carter	Esch	Graham, Ill.
Aswell	Casey	Estopinal	Gray
Austin	Church	Evans	Greene, Mass.
Bailey	Clancy	Falconer	Greene, Vt.
Baker	Cline	Farr	Gregg
Baltz	Coady	Fergusson	Gudger
Barchfeld	Collier	Ferris	Guernsey
Barkley	Connelly, Kans.	Fess	Hamilton, Mich.
Barton	Connolly, Iowa	Fields	Harris
Bathrick	Cooper	Fitzgerald	Hay
Beakes	Cox	FitzHenry	Hayden
Bell, Cal.	Cramton	Flood, Va.	Heflin
Booher	Cullop	Floyd, Ark.	Helgesen
Borchers	Curry	Foster	Helvering
Borland	Davenport	Fowler	Henry
Bowdle	Decker	Francis	Hill
Brown, N. Y.	Deitrick	French	Hinds
Browne, Wis.	Dershem	Gallagher	Hinebaugh
Browning	Dickinson	Gallivan	Houston
Brumbaugh	Dillon	Garner	Howard
Bryan	Dixon	Garrett, Tenn.	Hull
Buchanan, Ill.	Donohoe	Garrett, Tex.	Igoe
Buchanan, Tex.	Donovan	George	Jacoway
Bulkley	Doolittle	Gill	Johnson, Ky.
Burke, S. Dak.	Doremus	Gilmore	Jones
Burke, Wis.	Driscoll	Gittins	Keating
Keister	MacDonald	Rainey	Stevens, N. H.
Kennedy, Conn.	Mann	Raker	Stone
Kennedy, Iowa	Mapes	Rauch	Stout
Kent	Martin	Reilly, Conn.	Stringer
Key, Ohio	Metz	Reilly, Wis.	Sumners
Kinkaid	Miller	Rothermel	Taggart
Kirkpatrick	Mitchell	Rouse	Talbott, Md.
Knowland, J. R.	Mondell	Rubey	Talcott, N. Y.
Konop	Morgan, Okla.	Rucker	Tavenner
Korbly	Moss, Ind.	Russell	Taylor, Ark.
Lafferty	Moss, W. Va.	Seldomridge	Thomas
La Follette	Mott	Shackleford	Thompson, Okla
Lazaro	Murdock	Sherley	Towner
Lee, Pa.	Nelson	Sherwood	Townsend
Lenroot	Norton	Sims	Underwood
Lesher	Oldfield	Sinnott	Vaughan
Lewis, Md.	Padgett	Siemp	Vollmer
Lieb	Paige, Mass.	Sloan	Volstead
Lindbergh	Palmer	Smith, Idaho	Walsh
Lindquist	Parker, N. Y.	Smith, J. M. C.	Watkins
Linthicum	Patten, N. Y.	Smith, Md.	Whitacre
Lloyd	Patton, Pa.	Smith, Minn.	Williams
Lobeck	Peters	Smith, N. Y.	Wingo
Logue	Peterson	Smith, Tex.	Woods
Lonergan	Phelan	Stafford	Young, N. Dak.
McAndrews	Porter	Stephens, Cal.	Young, Tex.
McKellar	Post	Stephens, Nebr.	
McKenzie	Powers	Stephens, Tex.	
McLaughlin	Quin	Stevens, Minn.	

NAYS—43.

Adamson	Dent	Lee, Ga.	Slayden
Aiken	Dies	Lever	Small
Bartlett	Doughton	Mulkley	Stedman
Beall, Tex.	Finley	O'Hair	Stephens, Miss.
Bell, Ga.	Hardy	Page, N. C.	Tribble
Blackmon	Harrison	Park	Vinson
Brockson	Helm	Parker, N. J.	Watson
Callaway	Holland	Pou	Weaver
Candler, Miss.	Hughes, Ga.	Ragsdale	Webb
Clark, Fla.	Humphreys, Miss.	Rayburn	Witherspoon
Crisp	Kitchin	Sisson	

ANSWERED "PRESENT"—2.

Byrnes, S. C. Saunders

NOT VOTING—145.

Ainey	Fordney	Kiess, Pa.	Roberts, Nev.
Anderson	Frear	Kindel	Rogers
Anthony	Gard	Kreider	Rupley
Avis	Gardner	Langham	Sabath
Barnhart	Gerry	Langley	Scott
Bartholdt	Gillett	L'Engle	Scully
Britten	Godwin, N. C.	Levy	Sells
Brodbeck	Goldfogle	Lewis, Pa.	Shreve
Broussard	Good	Loft	Smith, Saml. W.
Brown, W. Va.	Gorman	McClellan	Sparkman
Bruckner	Goulden	McGillicuddy	Stanley
Burgess	Graham, Pa.	McGuire, Okla.	Steenerson
Burke, Pa.	Green, Iowa	Madden	Sutherland
Butler	Griest	Maguire, Nebr.	Switzer
Calder	Griffin	Mahan	Taylor, Ala.
Campbell	Hamill	Maher	Taylor, Colo.
Cantor	Hamilton, N. Y.	Manahan	Taylor, N. Y.
Cantrill	Hamlin	Montague	Temple
Carew	Hart	Moon	Ten Eyck
Carr	Haugen	Moore	Thacher
Cary	Hawley	Morgan, La.	Thomson, Ill.
Chandler, N. Y.	Hayes	Morin	Treadway
Claypool	Hensley	Morrison	Tuttle
Conry	Hobson	Murray	Underhill
Copley	Howell	Neeley, Kans.	Vare
Crosser	Hoxworth	Neely, W. Va.	Walker
Dale	Hughes, W. Va.	Nolan, J. I.	Wallin
Danforth	Hulings	O'Brien	Walters
Davis	Humphrey, Wash.	Oglesby	Whaley
Difenderfer	Johnson, S. C.	O'Shaunessy	White
Dooling	Johnson, Utah	Platt	Wilson, Fla.
Drukker	Johnson, Wash.	Plumley	Wilson, N. Y.
Dunn	Kahn	Price	Winslow
Edwards	Kelley, Mich.	Prouty	Woodruff
Elder	Kelly, Pa.	Reed	
Fairchild	Kennedy, R. I.	Riordan	
Faison	Kettner	Roberts, Mass.	

So, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

The Clerk announced the following additional pairs:

On this vote:

Mr. GILLETT and Mr. SUTHERLAND, for bill, with Mr. BYRNES of South Carolina, against.

Mr. ROGERS and Mr. PLUMLEY, for bill, with Mr. SAUNDERS, against.

Mr. SAUNDERS. Mr. Speaker, I find I voted "nay." I wish to withdraw that vote and vote "present." I understand that Mr. ROGERS did not vote.

The SPEAKER pro tempore. He did not vote.

The result of the vote was announced as above recorded.

LEAVE OF ABSENCE.

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

To Mr. WHALEY, for three days, on account of sickness.

To Mr. HENSLEY, for three days, on account of sickness.

To Mr. BARNHARDT, indefinitely, on account of illness and death in his family.

ENROLLED BILL SIGNED.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 17168. An act to authorize the North Alabama Traction Co., its successors and assigns, to construct, maintain, and operate a bridge across the Tennessee River at or near Decatur, Ala.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 18783. An act to increase the limit of cost of the United States post-office building and site at St. Petersburg, Fla.;

H. R. 16896. An act for the relief of Col. Richard H. Wilson, United States Army; and

H. R. 9584. An act to authorize the Secretary of the Treasury of the United States to sell the present old post office and the site thereof in the city of Jersey City, N. J.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 59 minutes p. m.) the House, under its previous order, adjourned until to-morrow, Tuesday, February 16, 1915, at 11 o'clock a. m.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, a letter from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact and conclusion in the case of D. I. Smith et al. *v.* The United States (H. Doc. No. 1608), was taken from the Speaker's table, referred to the Committee on War Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. FLOOD of Virginia, from the Committee on Foreign Affairs, to which was referred the resolution of the Senate (S. J. Res. 210) to authorize the President to invite certain Governments to send delegates to the Pan American Medical Congress, reported the same with amendment, accompanied by a report (No. 1409), which said joint resolution and report were referred to the Committe of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 21451) providing for artificial limbs for soldiers every two years; to the Committee on Invalid Pensions.

By Mr. PAGE of North Carolina: A bill (H. R. 21452) to authorize the Secretary of the Treasury to audit and adjust certain claims of the State of North Carolina; to the Committee on Claims.

By Mr. VOLLMER: A bill (H. R. 21453) to repeal sections 35 to 49, inclusive, of the act of June 13, 1898, concerning mixed flour, as amended by act of April 12, 1902; to the Committee on Ways and Means.

By Mr. CRISP: A bill (H. R. 21454) to prohibit banks holding membership in the Federal reserve system from receiving deposits when insolvent, and prescribing penalties therefor; to the Committee on Banking and Currency.

By Mr. BRYAN: Joint resolution (H. J. Res. 422) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By the SPEAKER (by request): Memorial of the Legislature of the State of North Dakota, urging upon Congress to reconsider and pass the Sheppard-Hobson prohibition-amendment resolution; to the Committee on the Judiciary.

Also (by request), a memorial of the Legislature of the State of Kansas, asking Congress to take necessary steps to deal with the Cimarron River situation as affecting the lands of Kansas and Oklahoma; to the Committee on Irrigation of Arid Lands.

By Mr. ASHBROOK: Memorial of the Legislature of the State of Ohio, relative to the protection of passengers and shipping interests on the high seas and Great Lakes; to the Committee on the Merchant Marine and Fisheries.

By Mr. ALLEN: Memorial of the Legislature of the State of Ohio, respecting protection of passengers and shipping interests on the high seas and the Great Lakes; to the Committee on the Merchant Marine and Fisheries.

By Mr. HAWLEY: Memorial of the Legislature of the State of Oregon, asking that Congress authorize the Secretary of Agriculture to make a study of local conditions necessary to formulate plans for public-road development, etc.; to the Committee on Agriculture.

Also, a memorial of the Legislature of the State of Oregon, favoring the enactment of Senate bill 6217, entitled "A bill to increase the efficiency of the Organized Militia, and for other purposes"; to the Committee on Military Affairs.

By Mr. YOUNG of North Dakota: Memorial of the Legislature of the State of North Dakota urging Congress to reconsider and pass the resolution submitting the Sheppard-Hobson prohibition amendment to the Constitution; to the Committee on the Judiciary.

Also, memorial of the Legislature of the State of North Dakota opposing the passage of proposed legislation to have granted to the State for leasing purposes certain tracts of Government lands; to the Committee on the Public Lands.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 21455) granting an increase of pension to James C. Wilcox; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21456) granting an increase of pension to John W. Warman; to the Committee on Pensions.

By Mr. BARNHART: A bill (H. R. 21457) granting an increase of pension to Leonidas C. Kilgore; to the Committee on Invalid Pensions.

By Mr. GUERNSEY: A bill (H. R. 21458) granting an increase of pension to Thomas J. Chase; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21459) for the relief of Charles K. Bolster; to the Committee on Military Affairs.

By Mr. RAYBURN: A bill (H. R. 21460) for the relief of the legal representatives of R. H. Wells; to the Committee on War Claims.

By Mr. TAYLOR of Arkansas: A bill (H. R. 21461) for the relief of S. Reamey; to the Committee on War Claims.

Also, a bill (H. R. 21462) for the relief of the legal representatives of Archer Hays, deceased; to the Committee on War Claims.

By Mr. NEELY of West Virginia: A bill (H. R. 21463) granting a pension to Theodore H. Robinson; to the Committee on Pensions.

By Mr. KORBLY: A bill (H. R. 21464) granting a pension to James O'Neal; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of citizens of Augusta, Mo., favoring embargo on arms; to the Committee on Foreign Affairs.

Also (by request), petition of Chamber of Commerce, Atoka, Okla., relative to Choctaw Indian money; to the Committee on Indian Affairs.

Also (by request), petition of Amalgamated Clothing Workers of America, relative to unemployment in the United States; to the Committee on Labor.

By Mr. ALLEN: Petition of citizens of Mount Vernon, Ohio, against passage of laws abridging the freedom of the press; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Cincinnati, Ohio, favoring embargo on munitions of war; to the Committee on Foreign Affairs.

By Mr. BAILEY: Petition of A. L. Ostman, of New York City, protesting against the Fitzgerald amendment to the Post Office appropriation bill; to the Committee on the Post Office and Post Roads.

By Mr. BELL of California: Petition of the Shakespeare Club, Pasadena, Cal., protesting against sending American horses to European battle fields; to the Committee on Foreign Affairs.

Also, memorial of Le Mesa (Cal.) Chamber of Commerce, favoring an appropriation for the construction of a military road to Yuma, Ariz.; to the Committee on Military Affairs.

By Mr. BROWNE of Wisconsin: Petition of S. E. Pearl, C. C. Curtis, and others, of Arpin and Wood County, Wis., favoring

freedom of speech and of the press and opposing House bill 20644; to the Committee on the Post Office and Post Roads.

Also, petition of G. W. Paulus, John A. Gaynor, and others, of Grand Rapids, Wis., favoring bills to prohibit export of war material; to the Committee on Foreign Affairs.

By Mr. BRUCKNER: Petition of J. C. Noonan, Miss M. T. Murphy, Miss C. I. Farrell, and 97 other Roman Catholic citizens, of New York City, against use of the mails by the Menace; to the Committee on the Post Office and Post Roads.

Also, petition of John Murphy, Washington, D. C., favoring a bill placing on the retired list of the Army, with the rank of major general, Col. John L. Clem, Quartermaster Corps; to the Committee on Military Affairs.

Also, petition of New York associated dailies against increase in postage rate on newspapers; to the Committee on the Post Office and Post Roads.

Also, petition of harbor boatmen of New York, favoring passage of seamen's bill; to the Committee on the Merchant Marine and Fisheries.

Also, petition of E. R. Davis and Norman King, of New York City, against Fitzgerald amendment to Post Office appropriation bill; to the Committee on the Post Office and Post Roads.

By Mr. COPLEY: Memorial of St. Joseph's Branch, No. 67, Western Catholic Union, protesting against export of war material; to the Committee on Foreign Affairs.

By Mr. CURRY: Petition of Chamber of Commerce of Northern San Joaquin County, Cal., against legislation prohibiting manufacture by the Government of stamped envelopes; to the Committee on the Post Office and Post Roads.

By Mr. DILLON: Petition of citizens of South Dakota, favoring embargo on war material; to the Committee on Foreign Affairs.

By Mr. DOOLITTLE: Petition of 32 citizens of Herington and Lehigh, Kans., favoring an embargo on war material; to the Committee on Foreign Affairs.

By Mr. DONOHOE: Petition of citizens of Philadelphia, Pa., favoring an embargo on arms; to the Committee on Foreign Affairs.

By Mr. FINLEY: Petition of Miss Mary S. Burroughs, chairman, and 6,000 citizens in a mass meeting at Elmwood Music Hall, Buffalo, N. Y., against any abridgment of the freedom of the press; to the Committee on the Post Office and Post Roads.

By Mr. FLOYD of Arkansas: Petition of citizens of Baxter County, Ark., for the completion of the system of locks and dams on the upper White River; to the Committee on Rivers and Harbors.

Also, papers to accompany H. R. 21061, granting an increase of pension to William R. Fisher; to the Committee on Invalid Pensions.

By Mr. GALLIVAN: Petition of citizens of Indianapolis, Ind., and citizens of Jamaica Plain and Boston, Mass., favoring an embargo on war material; to the Committee on Foreign Affairs.

By Mr. HELGESEN: Petitions of citizens of Elgin, Linton, and Gladstone, Lidgewood, Newhome, Sykeston, Hankinson, and Richardton, N. Dak., favoring passage of bills to prohibit export of war material; to the Committee on Foreign Affairs.

Also, petition of 40 citizens of Kindred, N. Dak., in the interest of peace; to the Committee on Foreign Affairs.

By Mr. KONOP: Memorial of Women's Club, of Green Bay, Wis., favoring passage of the Palmer-Owen child labor bill; to the Committee on Labor.

Also, petition of citizens of the ninth congressional district of Wisconsin, favoring bills to prohibit export of war material; to the Committee on Foreign Affairs.

By Mr. MAHAN: Petition of Anna Warner Bailey Chapter, Daughters of the American Revolution, of Groton, Conn., favoring an appropriation to be used to make copies of certain historical data now on file in the Pension Office; to the Committee on Appropriations.

By Mr. MOORE: Petition of sundry citizens of Philadelphia, Pa., favoring bills to prohibit export of war material; to the Committee on Foreign Affairs.

By Mr. MORIN: Petitions of Vorwaerts Singing Society, of Pittsburgh, Pa.; German Roman Catholic Central Verein, of Philadelphia, Pa.; and E. C. F. Ernst, of Pittsburgh, Pa., favoring an embargo on war material; to the Committee on Foreign Affairs.

Also, petition of E. C. Keyser, of Pittsburgh, Pa., relative to system of Federal, State, and municipal free-employment agencies; to the Committee on Labor.

Also, petition of Simpson, Brown & Williams, of Philadelphia, Pa., protesting against House bill 16098, relative to registration of trade-marks; to the Committee on Patents.

Also, memorial of Woman's Home Missionary Society, Oakland Methodist Episcopal Church, Pittsburgh, Pa., protesting against polygamy in the United States; to the Committee on the Judiciary.

Also, memorial of chamber of commerce of Pittsburgh, Pa., protesting against House bill 18666, ship-purchase bill; to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Frankford Arsenal Association, of Philadelphia, Pa., relative to appropriation for improvements in Frankford Arsenal; to the Committee on Appropriations.

Also, petition of the Lutheran Mutual Fire Insurance Association, Burlington, Iowa, relative to exempting from bill to compel companies doing business in a State to pay taxes there on mutual insurance within church organizations; to the Committee on Ways and Means.

By Mr. NEELY of West Virginia: Papers to accompany House bill 20389; to the Committee on Invalid Pensions.

By Mr. OLDFIELD: Petition of Legislature of Arkansas, favoring completion of a system of locks and dams begun in 1898; to the Committee on Rivers and Harbors.

By Mr. PALMER: Petition of citizens of Easton, Pa., protesting against abridgment of freedom of the press; to the Committee on the Post Office and Post Roads.

By Mr. RAINEY: Petition of 48 citizens of New Salem, Ill., and 34 citizens of Bluffs, Ill., against Fitzgerald amendment to Post Office appropriation bill; to the Committee on the Post Office and Post Roads.

By Mr. REILLY of Connecticut: Petition of sundry citizens and societies of Connecticut, favoring bills to prohibit export of war material; to the Committee on Foreign Affairs.

By Mr. SCULLY: Petition of Art Ring, of Long Branch, N. J., favoring establishment of municipal free-employment agencies; to the Committee on Labor.

By Mr. SIMS: Petition of the Woman's Christian Temperance Union of Big Sandy, Tenn., favoring national prohibition; to the Committee on the Judiciary.

By Mr. STEPHENS of California: Petitions signed by 1,200 citizens of Los Angeles, Cal., favoring House joint resolution 377, prohibiting the export of arms and munitions of war; to the Committee on Foreign Affairs.

Also, petitions signed by 41 citizens of Los Angeles, Cal., favoring House joint resolution 344, authorizing a national marketing commission; to the Committee on Agriculture.

Also, petitions signed by six citizens of Los Angeles, Cal., favoring Palmer-Owen child labor bill; to the Committee on Labor.

By Mr. TALCOTT of New York: Memorial of common council of the city of Utica, N. Y., favoring the pensioning of civil-service employees; to the Committee on Reform in the Civil Service.

Also, petition of citizens of Vienna, N. Y., protesting against Fitzgerald amendment to the Post Office appropriation bill; to the Committee on the Post Office and Post Roads.

SENATE.

TUESDAY, *February 16, 1915.*

(Legislative day of Monday, February 15, 1915.)

The Senate reassembled at 12 o'clock noon, on the expiration of the recess.

PUBLIC BUILDING AT FORT WORTH, TEX.

Mr. CULBERSON. Mr. President, I ask unanimous consent, out of order, to submit a report from the Committee on Public Buildings and Grounds.

The VICE PRESIDENT. Is there objection?

Mr. SMOOT. I object. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

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

Ashurst	Dillingham	Martine, N. J.	Smith, Ga.
Bankhead	Fall	Nelson	Smith, Md.
Borah	Fletcher	Norris	Smith, Mich.
Brady	Goff	O'Gorman	Smith, S. C.
Brandegee	Gore	Overman	Smoot
Bristow	Gronna	Page	Stephenson
Bryan	Hitchcock	Penrose	Sterling
Burleigh	Hollis	Perkins	Sutherland
Burton	James	Pittman	Swanson
Camden	Johnson	Pomerene	Thomas
Catron	Jones	Reed	Thompson
Chilton	Kenyon	Robinson	Townsend
Clapp	Kern	Root	Vardaman
Clark, Wyo.	Lane	Saulsbury	Walsh
Clarke, Ark.	Lippitt	Shafroth	Warren
Colt	Lodge	Sheppard	Weeks
Crawford	McCumber	Sherman	White
Culberson	McLean	Shively	Williams
Cummins	Martin, Va.	Simmons	Works