By Mr. CURRY: Resolution by the Richmond Chamber of Commerce, of Richmond, Cal., indorsing site offered by John H. Nicholl for the location of a naval academy on the Pacific coast; to the Committee on Naval Affairs.

By Mr. DALE of New York: Petition of the Defiance (Ohio) Machine Works, relative to Government munitions plant in Defiance; to the Committee on Military Affairs.

Also, memorial of envoys of nonsuffrage States and women voters of Colorado and citizens of Albuquerque, N. Mex., protesting against action of the Judiciary Committee relative to suffrage amendment; to the Committee on the Judiciary.

By Mr. DAVIS of Texas: Petition of the Christian Endeavor Union of Honolulu, favoring prohibition in Hawaii; to the Committee on Insular Affairs.

By Mr. ELSTON: Petition of L. C. Nelson and other citizens of Alameda County, Cal., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, petition of L. C. Nelson and other citizens of Alameda County, Cal., against bills to close barber shops in the District of Columbia on Sunday; to the Committee on the District of Columbia.

By Mr. ESCH: Petition of M. E. Cassity and 27 others, of Tomah, Wis., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, petition of sundry citizens of Thorp, Wis., relative to Government developing water power; to the Committee on Interstate and Foreign Commerce.

By Mr. FULLER: Petition of General Jacob H. Smith Post, No. 83, Veterans of Foreign Wars, favoring the Madden bill, House bill 13671; to the Committee on Military Affairs.

Also, petition of Young Republican Club, of New York, protesting against the Clarke amendment to the Philippine bill; to the Committee on Insular Affairs.

Also, petition of McNeil & Higgins Co., of Chicago, Ill., favoring 1-cent drop-letter postage; to the Committee on the Post Office and Post Roads.

By Mr. HAYDEN: Petition of sundry citizens and organizations of the State of Arizona, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of E. S. Beall and 11 other citizens of Phoenix and Buckeye, Ariz., opposing the passage of House bills 6468 and 491; to the Committee on the Post Office and Post Roads.

By Mr. HAYES: Petition of citizens of San Jose, Santa Clara County, Cal., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, petition of Woman's Christian Temperance Union of Campbell, Cal., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Woman's Christian Temperance Union of Campbell, Cal., favoring prohibition in the District of Columbia; to the Committee on the District of Columbia.

By Mr. HILLIARD: Petition of J. C. Wallace and 21 others of Denver, Colo., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Frank C. Goudy, G. W. Brown, Caldwell Martin, Frazer Arnold, Kenaz Huffman, C. F. Heath, F. B. Richmond, H. S. Peregrine, Thomas F. Azpell, and J. H. Hillyard, of Denver, Colo., urging appropriations for national defense; to the Committee on Appropriations.

By Mr. LINTHICUM: Petition of sundry citizens and organizations of the United States, favoring House resolution 137, for Government inspection of dairies; to the Committee on Rules.

By Mr. MILLER of Delaware: Evidence in support of House bill 14925, granting an increase of pension to Margaret Baylis; to the Committee on Invalid Pensions.

By Mr. MORIN: Petition of the Pittsburgh Builders' Exchange, of Pittsburgh, Pa., favoring reconsideration of bill granting permission to build proposed power plant in close proximity to Mall in the District of Columbia and selection of a site having the approval of the Fine Arts Commission; to the Committee on the District of Columbia.

Also, petition of the Building Construction Employers' Association of Pittsburgh, Pa., favoring reconsideration of bill granting permission to build power plant in close proximity to the Mall in the District of Columbia and selection of a site having the approval of the Fine Arts Commission; to the Committee on the District of Columbia.

Also, petition of Pittsburgh Builders' Exchange, of Pittsburgh, Pa., protesting against passage of House bill 11876; to the Committee on Labor.

Also, petition of the Building Construction Employers' Association, of Pittsburgh, Pa., protesting against passage of House bill 11876; to the Committee on Labor.

By Mr. NOLAN: Petition from Patriots' Day celebration mass meeting, San Francisco, Cal., requesting legislation to prohibit the President from severing diplomatic relations with any foreign power without the consent of Congress; also to prevent American citizens from traveling on ships of belligerent nations; also a request that the Committee on Foreign Affairs report a bill placing an embargo on arms and ammunition; to the Committee on Foreign Affairs.

By Mr. NORTH: Petition of A. E. Longwill, of Indiana, Pa., asking for the assistance in the placing of a tax on all exportations of gasoline; to the Committee on Ways and Means.

By Mr. ROWE: Petition of sundry citizens of New York City, favoring passage of the Stevens standard-price bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of sundry citizens of the State of New York, against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, memorial of the board of trustees of the Cape May Yacht Club, against bills relative to numbers on motor boats; to the Committee on the Merchant Marine and Fisheries.

Also, memorial of New York Young Republican Club, against the Clarke amendment to the Philippine bill; to the Committee on Insular Affairs.

By Mr. SANFORD: Papers to accompany House bill 14455, granting a pension to Joseph P. Weis; to the Committee on Pensions.

By Mr. SMITH of Idaho: Papers to accompany House bill 14896, granting an increase of pension to Gustavus Odor; to the Committee on Invalid Pensions.

By Mr. SMITH of Michigan: Papers to accompany House bill 11523, for the relief of Harriet S. Upright; to the Committee on Invalid Pensions.

By Mr. STEENERSON: Petition of Alf. Anderson and 9 other citizens of Kennedy, Minn., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. SULLOWAY: Petition of Mrs. E. M. Chase and other citizens of Manchester, N. H., favoring passage of House bill 2238, relative to ransom of Miss Ellen M. Stone; to the Committee on Claims.

By Mr. TAYLOR of Arkansas (by request): Petition of C. D. Curry and sundry other citizens of Hot Springs, Ark., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. TILSON: Petition of Harry B. Bezanson and 100 others, of New Haven, Conn., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. WALSH: Petition of New England Conference of Evangelical Association, by Samuel P. Spreng and Charles W. Locke, its president and secretary, respectively, indorsing Sheppard-Gallinger resolutions, so-called; to the Committee on Alcoholic Liquor Traffic.

SENATE.

MONDAY, *April 24, 1916.*

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

Almighty God, we thank Thee that with the returning springtime we have the token of Thy will and Thy purpose to supply all our needs. We thank Thee that we know that back of the rains, the fields, the flowers, and the sunshine is the Father's will, and we look to Thee with praises in our hearts for all the gifts of life. We come to Thee that the higher needs of our spiritual life may also be supplied. We pray that Thou wilt out of the unmeasured resources of Thy grace give to us all the nobler aspirations and ambitions of life, leading us to look at life from God's point of view, measuring its possibilities and its responsibilities by Thy revealed will. Guide us this day in the discharge of the duties that come to us. For Christ's sake. Amen.

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

LANDS IN THE DISTRICT OF COLUMBIA.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of War, the Attorney General, the president of the Board of Commissioners of the District of Columbia, and the chairmen of the Committees on Public Buildings and Grounds of the United States Senate and of the House of Representatives, transmitting a map showing the title of the United States to lands in the District of Columbia, which was referred to the Committee on Printing.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

PETITIONS AND MEMORIALS.

Mr. SHEPPARD presented a memorial of sundry citizens of Avinger, Tex., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

He also presented a petition of the Christian Endeavor Society of the Presbyterian Church of St. Petersburg, Fla., praying for prohibition in the District of Columbia, which was ordered to lie on the table.

Mr. GALLINGER presented a petition of the Woman's Christian Temperance Union of Concord, N. H., praying for Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

He also presented a memorial of Wentworth Grange, Patrons of Husbandry, of West Rumney, N. H., remonstrating against any change being made in the parcel-post law, which was referred to the Committee on Post Offices and Post Roads.

Mr. OWEN. I present a telegram in the nature of a resolution adopted by the Southern Sociological Congress, 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:

NEW ORLEANS, LA., *April 16, 1916.*

Senator ROBERT L. OWEN,
Washington, D. C.:

Please present the following official recommendation of the Southern Sociological Congress offered in sesssion now at New Orleans: Six hundred thousand citizens of the United States die annually of preventable disease and 6,000,000 are needlessly sick. The economic loss per year from the last item alone is a half billion dollars. State and local health authorities have grappled but are overwhelmed with conditions which germinate such destructive and costly maladies as tuberculosis, typhoid, malaria, hookworm, pneumonia, cancer, syphilis, inebriacy. It is the deliberate sense of this congress that the greatest possible act of constructive economic legislation is the establishment of an adequate separate national department of health. The Southern Sociological Congress begs to present with our most constant and loyal respect the earnest petition to the President and to each Senator and Representative in the National House that such legislation be enacted at current Congress session.

C. H. BROUGH,
Governor Elect of Arkansas and President.
J. E. MCCULLOCH,
General Secretary.
Mrs. ANNA RUSSELL COLE,
Founder.

Mr. MARTINE of New Jersey. I present a resolution adopted by the National Democratic Club, of New York City, largely embodying a thought that I believe in. I ask that it may be printed in the RECORD.

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

NATIONAL DEMOCRATIC CLUB,
New York, April 4, 1916.

At a general meeting of the National Democratic Club, held April 4, 1916, presided over by President John M. Riehle, the following resolution was offered by the Hon. Robert L. Luce, indorsing the Alexander shipping bill and unanimously adopted:

RESOLUTION.

"Four years ago the Democratic Party in its national platform pledged itself to enact three great measures vital to the Nation's progress and prosperity. These were reform of banking and currency, tariff reform, and the development of a merchant marine.

"Two of these pledges have been redeemed and a Democratic Congress is about to renew its efforts to give the country the benefit of the third of these great constructive reforms.

"Since the adoption of the platform pledge to rebuild and develop a merchant marine an added importance was attached to this policy by reason of its intimate relation to the subject of national preparedness.

"An adequate auxiliary merchant marine for the transport of men, munitions, and supplies is absolutely essential to an effective navy. Utilizing all available home resources, any real emergency would find our Navy with a shortage of at least 400,000 tons in auxiliary vessels. This deficiency must be made up.

"Owing to American standards of wages, safety at sea, and decent and humane conditions of labor for American seamen, private enterprise can not be relied upon to provide the ships, because experience has demonstrated that private capital can not successfully compete against the handicap of lower standards maintained by other maritime nations.

"Government aid is therefore necessary to overcome this handicap and provide the necessary tonnage. The old-fashioned subsidy system has failed, and it is not only discredited but undemocratic. The policy of loaning Government funds to private individuals and corporations, as the transcontinental railroads were financed, however laudable the object, tends to corruption and control of the Government by special interests, and will not be tolerated while the memory of the Credit Mobilier persists. Neither will public sentiment approve a change in our shipping laws that will tend to relegate us to lower standards of wages, of safety, and of conditions of labor.

"There remains only the policy embodied in the administration's shipping bill, which provides for the immediate purchase by the Government, at an expense of $50,000,000, of a tonnage sufficient to make up for the existing deficiency, and the utilization of these vessels in time of peace, either by private corporations under lease or, if necessary, by the Government, in developing new trade routes to South America and the Far East, and thus taking advantage of the unexampled opportunity pressing upon us for the expansion of our foreign commerce.

"This policy will not only provide for the present emergency but will, when gradually extended, give us the foundation of a real national merchant marine. Coupled, as it is in the pending bill, with the creation of a shipping board that will have the same power to enforce fair practices in ocean freights that the Interstate Commerce Commission has over railroad freights, this measure of constructive statesmanship will not only make for preparedness for war but also for preparedness for peace and commerce.

"Therefore, recognizing these conditions, be it

"*Resolved*, That the National Democratic Club, of the city of New York, heartily supports the President and the Democratic Congress in their efforts to solve constructively this great national problem."

Mr. THOMPSON presented a petition of sundry citizens of Independence, Kans., praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which was ordered to lie on the table.

Mr. LANE presented petitions of sundry citizens of Oregon, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. BURLEIGH presented a memorial of sundry citizens of Lewiston, Me., remonstrating against the enactment of legislation to limit the freedom of the press, which was referred to the Committee on Post Offices and Post Roads.

Mr. JONES presented petitions of sundry citizens of the State of Washington, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Walla Walla and Tacoma, in the State of Washington, remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which were ordered to lie on the table.

Mr. THOMAS presented petitions of sundry citizens of Colorado, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Colorado, remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which were ordered to lie on the table.

He also presented petitions of sundry citizens of Denver, Colo., and of Bisbee, Ariz., praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which were ordered to lie on the table.

Mr. WEEKS presented a petition of sundry citizens of Waban, Mass., praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which was ordered to lie on the table.

He also presented a petition of Local Branch New England Conference of the Evangelical Association, at New Bedford, Mass., praying for national prohibition, which was referred to the Committee on the Judiciary.

He also presented a memorial of the Italian American Citizens' Club of Massachusetts, remonstrating against the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

Mr. WARREN. I present resolutions adopted at a meeting of envoys from nonsuffrage States held at Cheyenne, Wyo., on April 15, 1916, favoring the adoption of an amendment to the Constitution providing for woman suffrage. I ask that the resolutions may be printed in the RECORD.

There being no objection, the resolutions were ordered to lie on the table and to be printed in the RECORD, as follows:

CHEYENNE, WYO., *April 15, 1916.*

Resolved, That this meeting for the envoys from the nonsuffrage States, at Cheyenne, Wyo., April 15, 1916, calls upon the members of the Judiciary Committee to reconsider and report favorably to the House of Representatives the Sutherland-Mondell resolution: Be it further

Resolved, That a copy of this resolution be sent to each member of the Judiciary Committee of the House of Representatives, and also that it be sent to each Member of the congressional delegation of Wyoming, and that it be read into the CONGRESSIONAL RECORD by Representative FRANK W. MONDELL, of the House, and Senator FRANCIS E. WARREN, of the Senate.

Mrs. R. A. MORTON, *Chairman.*

This resolution was seconded by Judge N. S. Metz, of Sheridan, Wyo., Democratic floor leader in the Wyoming Legislature of 1915.

Mr. PHELAN presented a resolution adopted by the California State Congress of Mothers, held at Berkeley, Cal., favoring the establishment of a home education division in the Bureau of Education, which was referred to the Committee on Education and Labor.

He also presented petitions of sundry citizens of Eureka and Oakland, in the State of California, praying for the enactment of legislation to further restrict immigration, which were ordered to lie on the table.

He also presented a petition of the congregation of the Grace Methodist Episcopal Church, of South Clovis, Cal., praying for national prohibition, which was referred to the Committee on the Judiciary.

He also presented a petition of Local Union No. 64, International Union of Steam and Operating Engineers, of San Francisco, Cal., praying for the printing of the report of the Commission on Idustrial Relations, which was ordered to lie on the table.

Mr. THOMAS. I present resolutions adopted at a mass meeting of citizens of Colorado Springs, Colo., favoring the adoption of the Susan B. Anthny woman suffrage amendment to the Constitution, which I ask may be printed in the RECORD.

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

Resolved, That this mass meeting of citizens assembled in Colorado Springs, Colo., in the opera house, April 16, 1916, in response to the appeal of women from nonsuffrage States, calls upon Congress to pass forthwith on to the State legislatures for ratification the Susan B. Anthony amendment, and protests against the action of the Judiciary Committee in unjustly blocking the Susan B. Anthony amendment and demands an immediate and favorable report of this amendment to the House.

Resolved also, That copies of this resolution be sent to the President, Speaker CLARK, the Senate and House leaders of all parties, and to the two Senators and the Representatives from Colorado; and be it further

Resolved, That the chairman of this meeting be empowered in forwarding copies to request that the resolutions be read into the CONGRESSIONAL RECORD.

PORT OF DELIVERY, WINSTON-SALEM, N. C.

Mr. SIMMONS. From the Committee on Finance I report back favorably, without amendment, the bill (S. 5708) for the establishment of Winston-Salem, in the State of North Carolina, as a port of delivery under the act of June 10, 1880, governing the immediate transportation without appraisement of dutiable merchandise, and I ask unanimous consent for its present consideration.

The Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that the privileges of the seventh section of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement, be extended to the port of Winston-Salem, in the State of North Carolina.

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

BILLS AND JOINT RESOLUTION INTRODUCED.

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

By Mr. HOLLIS:

A bill (S. 5719) to construe certain acts as constituting prima facie evidence of a combination and conspiracy in restraint of trade as defined and prohibited in the act of July 2, 1890 (26 Stat. L., p. 209), and acts amendatory thereof; to the Committee on Interstate Commerce.

By Mr. McCUMBER:

A bill (S. 5720) granting an increase of pension to Francis E. Pellett (with accompanying papers); and

A bill (S. 5721) granting an increase of pension to Ole Olson (with accompanying papers); to the Committee on Pensions.

By Mr. NELSON:

A bill (S. 5722) granting an increase of pension to Rose L. Gibbon (with accompanying papers); to the Committee on Pensions.

By Mr. JOHNSON of South Dakota:

A bill (S. 5723) granting an increase of pension to Garrett G. Seger (with accompanying papers); to the Committee on Pensions.

By Mr. SHAFROTH:

A bill (S. 5724) authorizing the construction of a public building in the city of Durango, Colo.; to the Committee on Public Buildings and Grounds.

By Mr. OLIVER (for Mr. PENROSE):

A bill (S. 5725) to grant an honorable discharge to Patrick Sullivan; to the Committee on Military Affairs.

A bill (S. 5726) granting a pension to Calista A. Carpenter; and

A bill (S. 5727) granting a pension to Ed M. Deemer; to the Committee on Pensions.

By Mr. JONES:

A bill (S. 5728) for the relief of the Alaska Steamship Co. (with accompanying papers); to the Committee on Claims.

By Mr. BURLEIGH:

A bill (S. 5729) granting an increase of pension to Hannah A. Holden; to the Committee on Pensions.

By Mr. SMITH of Michigan:

A bill (S. 5730) granting a pension to Arelia Gleason; to the Committee on Pensions.

By Mr. THOMPSON:

A bill (S. 5731) to increase the pay of United States penitentiary guards; to the Committee on Appropriations.

By Mr. CURTIS:

A bill (S. 5732) granting an increase of pension to James E. Sipes (with accompanying papers); to the Committee on Pensions.

By Mr. SHERMAN:

A bill (S. 5733) granting an increase of pension to Iva O. Shepardson; to the Committee on Pensions.

By Mr. OVERMAN:

A bill (S. 5734) to amend the Judicial Code; to fix the time when the annual term of the Supreme Court shall commence, and further to define the jurisdiction of that court; to the Committee on the Judiciary.

By Mr. HUGHES:

A bill (S. 5735) amending the building regulations of the District of Columbia by providing for the better protection of persons engaged in and about the construction, repairing, alterations, or removal of buildings, bridges, viaducts, and other structures; to the Committee on the District of Columbia.

Mr. NEWLANDS. I introduced a bill and ask that it lie on the table.

The bill (S. 5736) to promote interstate commerce, agriculture, and the general welfare by providing for the development and control of waterways and water resources, for water conservation, for flood control, prevention, and protection; for the application of flood waters to beneficial uses; and for cooperation in such work with States and other agencies, and for other purposes, was ordered to lie on the table.

By Mr. OWEN:

A joint resolution (S. J. Res. 123) for the erection of a monument to Thomas Jefferson within the Louisiana Purchase and in the State of Oklahoma, on the proposed international Jefferson Highway; to the Committee on the Library.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. STERLING submitted an amendment providing that the bulletins issued by State boards or departments charged with the enforcement of laws regulating the distribution and sale of food, dairy, and drug products, shall be admitted to the mails as second-class matter, intended to be proposed by him to the Post Office appropriation bill (H. R. 10484), which was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

He also submitted an amendment proposing that of the appropriation of $75,000 for all necessary expenses for the investigation, treatment, and eradication of dourine, $40,000 thereof shall be made immediately available upon the passage and approval of the Agricultural appropriation act for June 30, 1917, etc., intended to be proposed by him to the Agricultural appropriation bill (H. R. 12717), which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

Mr. McCUMBER submitted an amendment proposing to appropriate $25,000 to enable the Bureau of Mines to make a special investigation of the lignite coal fields of North Dakota with reference to their utilization in producing liquid fuels for internal-combustion engines, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. SMITH of Michigan submitted an amendment intended to be proposed by him to the river and harbor appropriation bill (H. R. 12193), which was referred to the Committee on Commerce and ordered to be printed.

M. SHEPPARD submitted an amendment intended to be proposed by him to the river and harbor appropriation bill (H. R. 12193), which was referred to the Committee on Commerce and ordered to be printed.

NATIONAL DEFENSES IN OREGON AND WASHINGTON.

Mr. CHAMBERLAIN submitted the following resolution (S. Res. 174), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War is hereby directed to furnish the Senate the following information:

First. What military force we now have in the States of Oregon and Washington, and to what branch or arm of the service they belong, giving the strength of each and at what places in the States they are stationed.

Second. What coast defenses there are in the States and how they are manned, giving the number and kind of guns in each fort or other fortification and the force of men in each.

PRICE OF PRINT PAPER.

Mr. OWEN submitted the following resolution (S. Res. 177), which was considered by unanimous consent and agreed to:

Resolved, That the Trade Commission is hereby requested to inquire into the increase of the price of print paper during the last year and ascertain whether or not the newspapers of the United States are being subjected to unfair practices in the sale of print paper.

EMPLOYMENT OF CLERK.

Mr. REED submitted the following resolution (S. Res. 175), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Manufactures be authorized to employ an additional clerk at a salary of $100 per month for a period lasting until the beginning of the second session of the Sixty-fourth Congress, the same to be paid out of the contingent fund of the Senate.

EMPLOYMENT OF ADDITIONAL CLERK.

Mr. CHILTON submitted the following resolution (S. Res. 176), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the provisions of the resolution of the Senate of March 9, 1916, authorizing the Committee on the Census to employ an additional clerk for 60 days are hereby extended for a period of 90 days from and after May 10, 1916.

CHOCTAW AND CHICKASAW INDIAN LANDS (S. DOC. NO. 414).

Mr. OWEN. Mr. President, I ask to have printed as a public document a memorial of the principal chief of the Choctaw Nation and the governor of the Chickasaw Nation in regard to the sale of the segregated coal and asphalt deposits belonging to the Choctaw and Chickasaw Tribes, and that it be referred to the Committee on Indian Affairs.

The VICE PRESIDENT. Without objection, it is so ordered.

SPEECH OF SENATOR CHILTON (S. DOC. NO. 416).

Mr. SMITH of Georgia. I desire to ask unanimous consent to have printed as a public document a very interesting speech delivered by the Senator from West Virginia [Mr. CHILTON] a few days ago at Charleston, W. Va.

The VICE PRESIDENT. Without objection, it is so ordered.

RURAL CREDITS.

The VICE PRESIDENT. The morning business is closed.

Mr. HOLLIS. I move that the Senate proceed to the consideration of Senate bill 2986, the rural credit bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2986) to provide capital for agricultural development, to create a standard form of investment based upon farm mortgage, to equalize rates of interest upon farm loans, to furnish a market for United States bonds, to create Government depositaries and financial agents for the United States, and for other purposes, which had been reported from the Committee on Banking and Currency with amendments.

Mr. HOLLIS. I observe that there are notices on the calendar for addresses to be made by Senators this morning, and if they care to proceed now I will give way.

Mr. SHAFROTH. Mr. President, I gave notice that I would address the Senate this morning, but the Senator from New Hampshire desires very much to proceed with the bill. He says he will yield to me to-morrow morning. So I wish to give the notice for to-morrow morning after the morning business, extending the notice which I have already given.

Mr. OVERMAN. 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	Gronna	Myers	Smith, Mich.
Bankhead	Harding	Nelson	Smith, S. C.
Beckham	Hitchcock	Newlands	Smoot
Brady	Hollis	Norris	Sterling
Brandegee	Hughes	Overman	Stone
Burleigh	Husting	Owen	Thomas
Chamberlain	Johnson, Me.	Page	Thompson
Chilton	Johnson, S. Dak.	Phelan	Tillman
Clapp	Jones	Pittman	Vardaman
Clark, Wyo.	Kenyon	Poindexter	Wadsworth
Colt	La Follette	Ransdell	Walsh
Culberson	Lane	Saulsbury	Warren
Cummins	Lodge	Shafroth	Works
Curtis	McCumber	Sheppard	
Dillingham	Martin, Va.	Simmons	
Gallinger	Martine, N. J.	Smith, Ga.	

Mr. CHILTON. I wish to announce that my colleague [Mr. GOFF] is absent on account of illness. This announcement may stand for the day.

The VICE PRESIDENT. Sixty-one Senators have answered to the roll call. There is a quorum present.

Mr. NEWLANDS. Mr. President——

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

Mr. HOLLIS. I do.

RESTORATION OF PEACE IN EUROPE.

Mr. NEWLANDS. I will ask the Secretary to read the resolution which I offered the other day relating to the restoration of peace in Europe.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read the resolution.

The Secretary read Senate resolution 172, submitted by Mr. NEWLANDS on the 20th instant, as follows:

Resolved, That the people of the United States, composed for the most part either of natives or the descendents of natives of the warring countries in Europe, have viewed with distress the existing war, involving, as it does, the universal destruction of the fit and courageous and the general impairment of condition. They have observed with satisfaction the recent announcements of the English and German Governments regarding a possible peace.

Whilst the announcement of each Government contains phrases intended to encourage its own people yet having the effect of irriating the opposing peoples, it is observed that each announcement practically involves the restoration of the status quo ante.

It is to be regretted that on each side phrases have been used which were likely to be misunderstood on the other side, such as the demand of England that German militarism should be destroyed, a phrase which means, to the German people, that German nationalism should be destroyed.

Without going into the contentions of the ancient Empires which have been inherited by the peoples descended from them, or elaborating upon the modern contentions of existing Empires, it is clear that the immediate cause of the existing war was that one of the two Teutonic States, surrounded by hostile Slavs on the one side and hostile Latins on the other, felt that its national life was threatened by the destruction of its Crown Prince through a conspiracy organized in a Slav State, and insisted upon its right to punish this Slav State without foreign intervention, that from this small commencement an almost universal war has arisen, more destructive than any which the world has hitherto witnessed, that, as a result of this war, the Teutonic allies have won on land, whilst the entente allies have won on the sea, and that the result is a deadlock of forces destructive and paralyzing to all.

The Teutonic allies have accomplished the declared purpose of the war—the punishment of Servia. This has been done. It can not be undone. The people of all the warring countries desire peace. Their Governments undoubtedly wish to gratify this aspiration, but in a way that will not involve the impairment of national sovereignty and prestige. Each regards this contest as one for national life. Each disclaims the idea of aggression or conquest. The enthusiasm of the war is over. A grim determination upon the part of each to maintain its national life unimpaired, alone animates the courage and steadies the purpose of all.

The rage of the conflict makes diplomatic parley impossible. The governmental announcements of England and Germany indicate a harmony of view as to many things, such as that no indemnity shall be demanded, that Belgium shall be restored as an independent State, that the portion of France recently occupied by Germany shall be restored, that the status of Alsace and Lorraine, settled over 40 years ago by treaty between Germany and France, shall not be disturbed.

Just as England and France demand that they should be secured by buffer States and proper boundaries against Teutonic aggression in the west, Germany demands that she should be secured against Slav aggression in the east. The disposition of Poland therefore becomes important. Might it not be possible by mutual concessions of existing rights by both Teutons and Slavs to reestablish the ancient Kingdom of Poland, or at least a part of it, as a sovereign buffer State?

Austria demands security on the south. The Teutonic States, in conjunction with Bulgaria, have destroyed the sovereignty of Servia. May it not be possible to restore that sovereignty, or, if that is impossible, may not Servia's prosperity be made more secure in the future through a modified autonomy established under Austrian sovereignty?

Germany's colonial possessions have been wrested from her. May they not be restored, or, at all events, compensated for through some favorable readjustment of her boundaries or sphere of influence in Turkey and Asia Minor?

Russia, locked in by icebound ports, demands access to the southern seas. She has won her way to the Persian Gulf. Why should not this, or free access to the Mediterranean through the Dardanelles, be secured to her?

There remains the question of German militarism and English navalism, the one dominant on land, the other dominant on sea. Why may it not be possible, without irritating phrases, for each of these Governments to state publicly its views, not regarding disarmament, but a gradual reduction of armament on land and sea, and a gradual approach toward the adjustment of international disputes, as domestic disputes are adjusted, through international tribunals organized and proceeding as do domestic tribunals, according to the orderly forms of law, with power to enforce their decrees? Surely the progress which has been made in the substitution of law and order for violence in the settlement of individual disputes through domestic tribunals created for the purpose justifies the hope that a similar international evolution will spring from the blood of the heroes whose valor and courage on land and sea, unequaled in the history of the world, have been fruitless of result, except deterioration of race and impoverishment of condition.

The Senate of the United States, profoundly impressed by the solemnity of the hour, urges upon the warring nations a calm consideration of these views.

Mr. NEWLANDS. Mr. President, from the small beginning of a movement made by a Teutonic State to punish a Slav State for an alleged offense against its national life, resulting in the assassination of its crown prince, the most gigantic and calamitous war in history has arisen.

The distinguishing characteristics of this war include the disclaimer by each of the warring nations of responsibility for its commencement and continuance, the assurance by each that it is not animated by a desire for conquest, the agreement by all participants that it is a senseless war, the declaration of each that it is fighting for its national life and not for aggression or increased dominion, and protests by all against dominant individual militarism either on land or sea.

The frightfulness of the past two years has already surpassed the predictions of the most sinister imagination. May it not be well to seize this moment of deliberation, when the

relations of Germany and America are in the balance, and consider whether, by following the spirit of The Hague tribunal encouraging friendly intervention between contending nations, the United States Senate may not, through some expression, lead European thought toward a statement of the terms that will restore peace?

The warring nations are dimly conscious of the frightful consequences that follow each hour through the sacrifices that have preceded, but can nations locked together in a death struggle stop to deliberate? Must not some nation outside of the belligerent forces come to their aid with friendly suggestion? And if this is not successfully done, can any mind measure the calamitous finality that will be written down in history affecting not only this but unborn generations?

If the war continues as it has progressed, the only hope of peace lies in the ruin of all the contending parties, and victory will be given to that power whose exhaustion is least complete.

I do not propose to invade the jurisdiction of the State Department nor to put any obstacles in the way of the President, whose cares it is our desire to lighten; but as the Senate shares the responsibility for our foreign relations, and as we have reached a crisis which is hourly drawing us closer to the European vortex, I entertain the hope that this body can yet gain the attention of the combatants and induce those now conducting the world's tragedy to state in some concrete form, without taunt, acrimony, or threats, what proposals can be made the basis of a desired peace. If the dead could plead, would they not say to those who perpetuate the race, "It is the time to live and let live"?

The settlement of the all-inclusive contention as to the war itself will adjust the minor contentions that now exist between the belligerent countries and our own, and will be the surest means of solidifying a permanent friendship.

Which Government will make the declaration, England, dominant on sea, or Germany, dominant on land, the allied forces of each interlocked in the deadly and indeterminate struggle of the trenches?

May not the Teutonic powers, having accomplished the declared purpose of the war—the punishment of Servia—see their way clear to end it by offering to restore the status quo with such reasonable modifications as changed conditions may necessitate and at the same time to declare their willingness to join the other powers in a reduction of armaments, both military and naval, and the substitution of international tribunals for force in the settlement of disputes between nations?

Such action at the very height of their military power would bring honor to them and peace to the world.

Mr. President, I ask that the resolution be referred to the Committee on Foreign Relations for its consideration.

The VICE PRESIDENT. Without objection, it is so ordered.

RURAL CREDITS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2986) to provide capital for agricultural development, to create a standard form of investment based upon farm mortgage, to equalize rates of interest upon farm loans, to furnish a market for United States bonds, to create Government depositaries and financial agents for the United States, and for other purposes.

Mr. HOLLIS. Mr. President, modern farming requires capital in large amounts. The American farmer has the best security in the world—productive land. This bill enables the farmer to obtain capital for productive purposes at low rates and for long terms on the security of his farm.

NECESSITY FOR FARM CAPITAL.

The successful farmer becomes more of a business man each year. He must use more machinery, buy more fertilizer, and sow better seed. He must erect better buildings, raise better stock, and grow better crops. He must store his produce in order to sell in a high market. He must pay cash in order to buy cheap. If he wishes to keep his children on the farm he must make his home attractive. All of this costs money. He must have ready cash.

Commercial banks are not suited to the requirements of the farmer. Their deposits are mainly on demand or on short time, so that they can not safely tie their funds up in long-time loans. Those who loan to the farmer on mortgage must have access to funds that are seeking long-term investment.

MONEY SEEKING LONG-TERM INVESTMENT.

Of money seeking long-term investment at low rates there is an abundant supply. It includes the ordinary savings of the school-teacher, clerk, minister, and wage earner; the proceeds of life insurance in the hands of widows and other beneficiaries; funds belonging to estates, minors and wards in chancery, in the hands of executors, guardians, and trustees; funds of insurance companies, benevolent orders, and societies of various kinds; endowments of colleges, hospitals, museums, and other institutions; and assets to be invested by receivers, courts, and governments. The aggregate of these is enormous. They require an investment that is absolutely safe and reasonably liquid in the sense that it may be converted into cash upon moderate notice; in other words, that it may find a ready market. A safe investment of this character need not carry a high rate of interest.

INVESTOR AND FARMER BROUGHT TOGETHER FOR MUTUAL PROFIT.

We may picture the owners of this vast wealth grouped on one side of a river, the farmers desiring loans grouped on the other side. It is evident that each has what the other wants. We are asked to furnish the bridge which shall bring them in touch, or, rather, to grant a franchise to those who will build the bridge if we will construct the approaches. Such we conceive to be a proper function of the Government.

It is evident that the school-teacher in Vermont with $500 to invest can not be sure that the Nebraska farm mortgage offered her is a sound investment. The title of the mortgagor may be defective; the farmer may be improvident; the land may not be productive. She has no way to ascertain these primary facts. But if she is able to buy a long-term bond, with semi-annual coupons sure to be promptly paid, secured in common with thousands of like bonds on millions of dollars' worth of farm lands, guaranteed by 12 banks with an aggregate capital of not less than six millions, with selected borrowers of known character, with titles examined and all details attended to by trained men, and with Government examination and supervision, she may invest with confidence on a moderate-income basis.

The pending rural credits bill (S. 2986) provides for a farm-loan board, which shall have general control over the system; twelve or more land banks which make loans on mortgage to the farmer; and many farm-loan associations which represent the farmers in their dealings with the land banks.

The farm-loan board is nonpartisan, consisting of four members, in addition to the Secretary of the Treasury.

Each land bank must have a capital of at least $500,000. If the public does not subscribe the entire amount, the Government will take the balance.

The farm-loan associations are purely cooperative, made up entirely of borrowing farmers. Ten or more farmers may apply to the land bank of the district for a charter. Every farmer who wishes to borrow must become a member of the loan association, taking stock to the amount of 5 per cent of the face of his loan. The loan association takes out an equal amount of stock in the land bank, forwarding the money at once to the land bank. The land bank sends an official appraiser to examine the land, and if the loan is made, forwards the funds to the farmer through the loan association.

When the land bank has mortgages on hand to the amount of $50,000, it may issue a like amount of farm loan bonds on the security of the mortgages as collateral. The land bank is limited in its issue of bonds to 20 times its capital and surplus. But as each borrower puts up 5 per cent of his loan in cash for capital stock, the issuing power of the land bank increases auotmatically.

The loan associations are purely cooperative and may be of limited (double) liability, or unlimited liability. All mortgages taken by the land bank from the members of a loan association are indorsed by it. The mortgages from the two classes of associations are kept separate, and bonds issued on the unlimited liability mortgages should sell on a better basis than the others.

Farm loan bonds issued by any land bank are guaranteed by all the other land banks, so that they have a broad insurance.

SECURITY OF BONDS.

Every farm-loan bond is secured as follows:

1. By the capital, reserves, and earnings of the land bank which issues it.

2. By the capital, reserves, and earnings of the 11 other land banks.

3. By the collective security of all the mortgages in its division (limited or unlimited) of the land bank, the mortgages pledged being at least equal in amount to the outstanding bonds.

Every mortgage pledged as collateral is secured as follows:

1. By the personal undertaking of the borrower.

2. By the security of the mortgaged land at least double in value to the amount of the loan.

3. By the capital, reserves, and earnings of the local association indorsing the loan.

4. By the individual liability of the members of the indorsing association.

It is believed that these bonds will be marketed at par on a 4 per cent basis. The maximum charge for expenses and profits of the system is 1 per cent on the face of outstanding mortgages, so that the farmer should get his money at 5 per cent. All the profits go to the loan associations in dividends, and thus to the borrowers who are the shareholders in the local associations.

Loans to farmers are on long term, and may be as long as 36 years. They are on the amortization plan, so that with each interest payment the borrower will pay in a small amount on his principal. If he pays in 1 per cent of the principal yearly, he will pay out in 36 years.

Loans must be on first mortgage and may not exceed 50 per cent of the appraised value of the land. The loan committee and the board of directors first pass on the value of the land and the character of the farmer. Before the land bank makes the loan, its board of directors passes upon it and has the land appraised by a land-bank appraiser, who is a Government official. In this way absolute safety is secured for each loan.

The interest of the members of the local association is secured by their ownership of stock, and by their double or unlimited liability, as the case may be. Most of the local work of investigation, collecting payments, and forwarding funds is done by them without expense. Their expenses will be very light.

The mortgages and farm loan bonds will be exempt from taxation and the bonds will be a legal investment for trust funds.

It is believed that the system of land banks outlined affords a safe and attractive farm-loan bond for the investing public; low interest rates, long-term mortgages, and easy payments for the farmers; low cost of administration; simplicity of organization and operation; adaptability to the needs of every section; and stimulation to the spirit of generous cooperation among farmers.

The bill is the outgrowth of much study at home and abroad. I wish to emphasize at the outset that it is not in the slightest sense a partisan bill; and on that subject I may say that a year ago I believe that, if I had been willing to subordinate my own views of what the bill should be to others who are supposed to be in control, the bill would have passed at that time; but those of us who have investigated the subject have stood out for our individual views, irrespective of party.

The Republican members of the various committees, which I will presently outline, have given as much thought and attention and as much help in framing the bill as any of the Democrats, and those of you who are acquainted with the personnel of the Republicans on the Banking and Currency Committee of the Senate will know that those men would give as much attention and as much intelligent consideration to the subject as any one could give.

Mr. OLIVER. Mr. President, will the Senator allow me to interrupt him?

Mr. HOLLIS. I yield to the Senator.

Mr. OLIVER. In connection with the Senator's statement that the bill is entirely nonpartisan in character—a statement with which I agree, in the main—I desire to call his attention to the provision found at the foot of page 5 that, "All such attorneys, experts, assistants, clerks, laborers, and other employees, and all registers and appraisers shall be appointed" without regard to the civil-service act. Will not the Senator acknowledge that there is something partisan in that?

Mr. HOLLIS. Mr. President, I am very glad to have the Senator bring that question up now. The same provision is found in the Federal reserve act; and with me it was a test of how it worked out in the case of the Federal reserve act. I find that in starting a new system, where special qualifications are required, there is tremendous delay involved in waiting for the Civil Service Commission to recommend, and there is also a great limitation on the field. The Federal Reserve Board started outside of the Civil Service Commission, but as soon as they were fairly started, they referred all applications to the Civil Service Commission, and they are to-day voluntarily appointing all their clerks and officials that correspond to those under the civil-service rules in other departments, under the rules and the direction of the Civil Service Commission. I should not object to having this system under civil-service rules, but I know that to start a great Nation-wide system, to start new such a comprehensive system as this, and undertake to get the appointments from an eligible list furnished by the Civil Service Commission, would delay us for months, and then the results would not be satisfactory. I think the Senator will see a very great difference between starting a new system and running an old department and drawing on the Civil Service Commission for recruits.

Mr. OLIVER. I can see some difference, but I am hardly convinced by the Senator's statement that there is an entire absence of partisanship in this provision.

Mr. SMITH of Georgia. Mr. President, I should like to ask the Senator if it is not true that the members of the Federal Reserve Board made their examinations and made their selections without regard to political recommendations? That is my experience.

Mr. OLIVER. I will acknowledge that the strong probability is that the gentlemen who may be appointed upon this Federal farm loan board will act with an entire absence of partisanship; but that does not remove the sting of partisanship from this provision in the bill, which provides that the clerks and laborers shall be appointed without regard to the civil-service act, but that nothing shall prevent the President from placing such employees in the classified service. Why, it is full of partisanship.

Mr. HOLLIS. I wish to say further that this provision was not put in by a party vote. It was recommended unanimously by the joint committee, composed of Democrats and Republicans. As I recall, there was only one vote against it in the Senate Banking and Currency Committee, and it was not considered as partisan in any of those committees. To waste three or four months until even a laborer can be certified by the Civil Service Commission would certainly delay the effective operation of this law; and, as suggested, the appointing power—the farm-loan board—is nonpartisan. However, the same objection was made to the Federal reserve act, and if it was valid then it is valid now, but not more so.

The first serious investigation of the subject of rural credits resulted in sending abroad in 1913 representatives of the United States and representatives of the various States and Canada. They went together—one called the United States Commission, the other called the American Commission. Those commissions investigated the subject very thoroughly in Egypt and in most of the European countries. They made a very comprehensive report in the shape of evidence and testimony taken, containing a thousand very large pages, as large as a family Bible; and it is very fortunate that that information was secured before the war broke out, as it would be impossible to secure it now. As a result of that investigation, three of the members recommended a bill—Senator FLETCHER, of Florida; Congressman Moss, of Indiana; and Dr. Coulter, then belonging to the Census Department. That bill was known as the Fletcher-Moss bill. It involved the most elemental and fundamental principles of rural credits, and all those principles have been preserved in the present bill; but the present bill has gone on much further than the original bill.

Two years ago, in December, the Banking and Currency Committee, by its chairman, Senator OWEN, appointed a subcommittee on the subject of rural credits. Mr. GLASS, chairman of the House Banking and Currency Committee, appointed a similar subcommittee. Those subcommittees had joint hearings and conferences for three months, sitting nearly every day and studying this question very, very carefully. The result was the introduction of a bill in both branches of Congress two years ago. The principal advance of that bill over the Fletcher-Moss bill was this: The Fletcher-Moss bill provided for a great number of small banks of small capital, each of which could make loans to the farmers and issue bonds based on those loans as collateral. Of course sporadic instances of this sort would not give much strength, and the bonds probably would not find much of a market. Therefore the joint subcommittees recommended a bill in substantially the form of the present bill, with a farm-loan board to supervise, 12 strong land banks to make loans and to issue bonds, and numerous local associations—as many as the circumstances called for, to represent the farmers in their dealings with the land banks.

A year ago, in March, Congress authorized a joint congressional committee to investigate the subject and report. That committee was made up of three members of the Banking and Currency Committee of the Senate, three members of the Banking and Currency Committee of the House, three members of the Agricultural Committee of the Senate, and three members of the Agricultural Committee of the House. Mr. GLASS was made chairman of the joint committee, and he divided it into two sections—one to consider personal credits, the other to consider land-mortgage credits. The personal-credits division has not yet reported. The land-mortgage division reported the bill which is now before the Senate. I need not emphasize further the nonpartisan character of the deliberations. No charge was made that anything else was attempted; and, as the chairman of that subdivision of the joint committee, I feel under great indebtedness to the Republican members for their very patriotic and useful work on the committee.

Most of us, and especially those of us who were born in New England, have been brought up to think that a mortgage on a farm is more or less of a disgrace. It is hard to realize that the farmer needs quick capital just as much as the average manu-

facturer or merchant. For instance, a good farmer, intelligent and able-bodied, ought not to be asked to work with cheap instruments, poor tools, no fertilizer, and poor stock, when by borrowing at a fair rate of interest he can double his earning capacity. The amount that he may have to pay in interest may be only a tenth or a twentieth of what that additional money will earn for him. It is just as necessary for a farmer to have capital to carry on operations upon an extended scale as it is for the manufacturer or for the storekeeper.

There are three kinds of capital that are available. In the first place, there are commercial deposits, demand deposits; in the second place, short-time deposits, such as the ordinary savings deposits, found in the ordinary savings bank; and, in the third place, long-term investment capital. I pointed out that the commercial deposits are subject to call, or on very short notice, and therefore ought not to be put into long-term investments. The savings-bank deposit lies midway between the commercial deposit and the long-term investment. The committee believes that short-time deposits properly should go to long-term personal loans or to short-term mortgage loans. The joint committee recommended a savings department for these land banks. Personally I favored it, but the Senate Banking and Currency Committee did not favor it, the idea being to build up a savings department in the land bank and permit the savings department to loan on short-term mortgages, not to exceed five years; but it was feared by some of the other members that that would needlessly complicate the system, and therefore it was stricken out. I need not enlarge on the difficulties of establishing new, without precedent in this country, a comprehensive system of land banks. It is a most difficult subject at best, and I sympathize largely with those who thought that it should be made as little complicated as possible.

As to rates of interest, there has been a good deal of criticism recently because rates of interest have been so high, particularly interest to farmers. But interest is governed mainly by two laws: One the risk and the other the supply of capital. The supply of capital includes also the earning capacity of the money. If the earning capacity is large, there will be a large supply coming in to fill the demand. Now, investigation has shown that where the farmer is charged his highest rates on personal loans, running up to one or two or three hundred per cent a year, the risk is not greater than with the average commercial loan. The farmer pays his debts. Now the reason he is charged so much is that frequently the amount he borrows is very small, and the banker does not want to bother with it, and so he charges a lump sum. A further reason is that the farmer usually borrows in a district where capital is not plentiful, where the earning powers of a bank are very much circumscribed, and in order to meet the overhead charges the bank has to charge a high rate of interest to do business at all. Of that the farmer can not well complain. Investigation has shown, moreover, that in the same State the rate of interest steadily increases the further you get from the commercial center of the State. To take an illustration, in Kansas, for instance, on the eastern side, near Kansas City, the rates are very much lower than on the western side, where you get further away from banking facilities.

Under the present bill it is intended to make every loan absolutely safe to begin with. That eliminates the risk. It is expected that through a Government system the money can be taken from the investor and transferred to the borrower anywhere in the country at a small cost, and therefore that item should be eliminated; but the committee are rational on this subject. It may be that they are mistaken, and it may be that if they had formed one great land bank to cover the whole country, the rate for all the farmers would have been kept high in accordance with the money that is loaned on the least advantageous terms. Therefore it was thought best to divide the country into 12 districts, so that the interest factors might operate independently.

We hope to find that money may be loaned in the South and West just as cheaply as in the North and East. My own opinion is that it will approximate uniformity very closely, just as it does in the Federal reserve banks under the Federal reserve act; but that is something that no man can control by passing a law. We have made the system just as flexible as possible, so as to take advantage of any principles that may work for our benefit.

The farmer has no grievance. He does not come and say, "You have discriminated against me." All he says is this, "Fifty years ago you established national banking associations. You have been catering to the commercial and manufacturing needs of the country. Now, all we ask is that you will furnish a system that will give us the same facilities—have Government banks, have them Government supervised, put them under a farm-loan board, as you have put the national banks under a Federal Reserve Board. Give us the same chance. We will pay what the money is worth if you do not charge us too much for the expenses of the middleman."

That is where the chief disadvantage has come to the farmer. It is through the middleman. There is a table published in the report that accompanies this bill showing the average rates in different parts of the country, showing the straight rate for interest and the commission or other expense. I am told that in many sections of the country the first mortgage is given to the insurance company, or whoever loans the money, and then the middleman takes the second mortgage for half or 1 or 2 or 3 per cent interest for his commission, and that is where the great expense comes. In this bill we have prohibited any commissions or bonuses of any sort. The entire expense and profit must come out of the 1 per cent difference between the amount that the farm-loan bonds carry and the amount at which the money is loaned to the farmer.

Underlying this whole subject of rural credits is the question of cooperation among farmers. That was one of the things that the United States commission found most common in Europe. In Europe, nearly all over the hemisphere, we found all sorts of cooperation. We found cooperative creameries, which we have in great numbers in this country; cooperative buying of farm machinery and fertilizer, and along with that a guarantee that the fertilizer is up to the composition prescribed. In that way the farmer avoids being cheated in what he buys. Then we found cooperative selling, under which the farmer is taught to standardize his product so that it will come to market in attractive shape and command the going market price. Cooperative credit has developed in Europe as we can hardly hope to develop it in this country. It is perfectly easy to have cooperative credit in this country, but we do not need any more laws to enable the farmer to take advantage of it. It is merely a lack of knowledge on his part.

There is a very interesting experiment being conducted with entire success, in the State of Idaho, at a town called Weiser. The merchants in Weiser formed a cooperative association. Every one of them was permitted to join the association if he wished to do so. They appointed a trustee to represent them. Every farmer who desired personal credit went to the trustee and made a statement of what he had. He had so much stock, so much machinery, so much land, all incumbrances stated; he intended to raise such crops, and the trustee decided how big a letter of credit he would give to that farmer. On the back of the letter of credit was a list of the merchants who were willing to give credit under the scheme. The farmer would go to the grocer and get credit for a certain amount, and the grocer would indorse on the back of it how much that was. Then he would go to the hardware man and get his fertilizer, his machinery, and so on. When the letter of credit was entirely exhausted the last man would take it up and turn it over to the trustee. When the first year closed the loans had been made to the farmers at 7 per cent and not a dollar had been lost.

That shows what can be done under methods as they are now if you understand them. It is well known at every bank that you can not get better security than a note signed, say, by 30 farmers. Some farmers have found it easy to get credit in that way to their cost, but it is hoped that under the present bill the farmers would form the local associations and get accustomed to each other and in that way learn to obtain individual personal credit by becoming liable for each other. It is in the hope that farmers will learn to adopt unlimited liability of this nature that the committee has recommended that they be given an opportunity to form their local associations with unlimited liability. They are given their choice. They may have limited liability, in which case the liability is double, as in the case of a national bank, or it may be unlimited. If a substantial number of them will form unlimited associations, they will give a safer mortgage and will be able to place their bonds at a lower rate, and therefore be able to loan to themselves—that is, to the farmers—at a lower rate. It was the opinion of some members of the committee that that would be availed of. Others thought that it would not, but we felt we ought to give each plan a chance and by actual experience determine the question.

Mr. WALSH. Let me make an inquiry of the Senator. The farm-loan bonds, of course, secured by these two different classes of securities, are differentiated in some way?

Mr. HOLLIS. Yes. The land banks have two departments. One is the limited department, the other the unlimited department. When a bank wants to make an issue of bonds it must put up the mortgages of one class, either limited or unlimited, and bonds are so issued, and will be known as farm-loan bonds limited or farm-loan bonds unlimited, the unlimited bonds selling at a lower rate of interest.

Mr. WALSH. Will the Senator express his own view as to which of these systems will ultimately prevail, or is it his opinion that they would run together?

Mr. HOLLIS. My opinion is that they will always run along side by side as they do in the different countries in Europe. Joint stock mortgage banks and associations of limited liability and associations of unlimited liablity go along together. They fulfill their own special functions. Some farmers would never go into unlimited liability associations. Others would be glad to if they knew the other members well. We provide in the bill that one-fifth of the members of the unlimited liability association can blackball, so to speak, any member who wants to come in. They control that.

Then we have another provision of the bill, and it is the joint stock bank run by private capital and in the private interest.

Mr. HUGHES. How does a man get out of the unlimited liability association?

Mr. HOLLIS. Unless he is willing to stand on the proposition that he must get one-fifth of the members to join him, he would be estopped in a case of that kind. Therefore he should be very careful that he does not go into an association unless all the members are satisfactory to him. It does not look as if an American would go into it, but they have been organized in Europe, and that accounts for the low rate of interest they get in Europe, particularly in Germany.

Mr. WALSH. Before the Senator passes to that, I do not quite understand him there. It seems to me that a man having once gone in ought to be at liberty to draw out so far as future liabilities are concerned whenever he wants to. Of course, he can not escape responsibility for past obligations.

Mr. HOLLIS. All mortgages must run for at least five years. That is for the reason that there are considerable overhead expenses. Every mortgage issued must therefore run at least five years. After five years a man may cease to be a member of an individual unlimited liability association by paying up his loan and withdrawing.

Mr. SMITH of Georgia. He can not get out until he pays his loan.

Mr. HOLLIS. He must pay his loan.

As to the reasons for having a joint-stock land bank the Government charters national banks which are purely of a joint-stock character. The typical national bank, all national banks, in fact, are capitalized by individuals, and they are run to make a profit. There seems to be no reason why the Government should not afford to those who wish to invest in a mortgage bank the same facilities now afforded to those who wish to invest in a commercial bank. We have therefore provided that private joint-stock land banks can be started with a capital of not less than $250,000, to loan to farmers and to issue bonds subject to the approval of the farm-loan board. In States having a population exceeding 3,000,000 the capital must be $500,000.

There is good reason for this. It may be that a farmer will not want to assume any individual liability for the sake of borrowing money. It may be that they will not be willing to contribute 5 per cent of his loan to the capital stock. It may be that farmers will not want to subject themselves to the scrutiny that is involved in cooperative association. Therefore we provide that a private joint-stock land bank may be organized and may make loans to farmers without requiring them to contribute to the capital or to assume individual liability. Banks of that character exist all over Europe side by side with cooperative banks. There seems to be a field for both.

Mr. THOMPSON. Will the Senator state the amount of the capital?

Mr. HOLLIS. It is to be not less than $250,000 for joint-stock banks. That is for the reason that mortgage banks to issue bonds ought to have a large capital in order to be entitled to the confidence of the investing public. They are limited in the amount of bonds they issue to fifteen times the amount of capital stock, so that there is always a guarantee fund there of one-fifteenth of the liability on the bonds. To many people it seems unnecessary and harsh that a man who wants to borrow must first take stock in an association.

Mr. SIMMONS. Before the Senator passes to that, let me ask him what security will there be for the bonds issued by the joint-stock bank he has just described?

Mr. HOLLIS. Exactly the same security. They must, in the first place, have a guarantee fund of one-fifteenth of the amount of the liability. That is the guarantee fund. They can only loan on farm lands in a State in which they are chartered or in an adjoining State, and the appraised value must be at least double the amount of the loan. Their profits and expenses are limited to the 1 per cent margin. Just like the Federal banks. They are supervised and examined in just the same way, and they will be constantly under the supervision of the farm-loan board.

Mr. SIMMONS. The regional banks, so to speak, do not indorse.

Mr. HOLLIS. No.

Mr. SIMMONS. As to the others?

Mr. HOLLIS. Not at all. Each joint-stock land bank must stand on its own feet and rise or fall according to the banking ability and good judgment of the directors.

Mr. HITCHCOCK. Will the Senator state how the loans are inspected for these private joint-stock banks?

Mr. HOLLIS. The joint-stock bank, in order to make a loan, must apply to the farm-loan board for the services of a land-bank appraiser, who is a Government official. This land-bank appraiser must appraise the land and make a regular report on it, and the loan can only be made for one-half the appraised value. The joint-stock bank has to pay for the services of the official appraiser, and the same appraiser is used by the cooperative banks, and they also have to pay for his services.

If we could permit a mortgage institution to loan to the farmers and take mortgages, and then put up those mortgages as security for an issue of farm-land bonds, without any guaranty fund, it would be very simple and easy; but it would not work, because, in spite of the greatest care, there are bound to be bad loans. Some man will have bad luck; his farm will be washed into the river; there are certain to be breakdowns; and it is the same with mortgages. For that reason it is absolutely essential to have a guaranty fund to furnish a margin. There seems to be a consensus of opinion in running savings banks or mortgage institutions that there should be a guaranty fund of 5 per cent of the obligations of the institution, and that ratio has been adopted in this bill.

Now, how to get it. There are four and a half billions of dollars of loans on farm lands in the United States. A very large part of that amount would be refunded under this system if it is a success. Not only that, but there will be a great many more loans issued where the farmers can not get accommodation now. Therefore we are likely to have four or five billion dollars in mortgage loans. If we were to raise all the capital by Government contribution or by subscription from individuals we would have to have a twentieth for the capital stock of our land bank—$250,000,000—and that is an enormous amount. I for one should not favor having the Government put up all that capital stock. There is only one way to get it, and that is to have the farmers who get the benefit of the system contribute themselves, and it is not so hard on them when the matter is considered. To begin with, we assume that a farmer wants to borrow $2,000. He is obliged to put up $100 in order to take $100 worth of stock of the farm-loan association. The farmer who can not get $100 in order to borrow $2,000 is not the sort of man whom it will be safe to have in our system. Any farmer who is fit to borrow $2,000 can get $100 somewhere, and that is an indication of the character of the man—some test of whether he is a good man to have in this cooperative system. But if he has not $100 himself and must borrow, as quickly as he gets his $2,000 he can repay it. The bill so provides. Then he has an investment of $100 in the system, and if there are earnings, as we expect there will be, he will get his regular dividends. When the loan is fully paid, his stock is paid back to him in full and he gets the cash.

None of the committees that have worked on this bill have been able to devise any other plan for raising a guarantee fund except this, that each man who wishes to borrow must contribute 5 per cent of the face of his loan toward the stock of the local association. The local association turns the money over to the land bank and takes an equal amount of stock in the land bank. The farmers contribute all the earnings and get all the profits. The local association owns the stock in the land bank, the land bank pays all its earnings to the loan association, and the loan association distributes the profits to the farmers.

Mr. STONE. And he must loan the bank $100.

Mr. HOLLIS. Not exactly. He contributes $100 to the stock of the bank, and receives $2,000.

Mr. LA FOLLETTE. Mr. President, I wish to inquire if that provision applies to private associations?

Mr. HOLLIS. No, not at all.

Mr. LA FOLLETTE. Cooperative?

Mr. HOLLIS. To the cooperative banks only. But many farmers will wish to avail themselves of the ordinary method, and they will go to a joint-stock land bank and get the loan. I am inclined to think the joint-stock land bank will charge a considerably higher rate of interest than the cooperative system. If so, the thing will correct itself because when the farmer sees his neighbor or his cousin is getting a lower rate by join-

ing a cooperative association he will join a cooperative association.

Mr. BORAH. Mr. President——

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

Mr. HOLLIS. I do.

Mr. BORAH. I wish to ask the Senator a question which is somewhat fundamental yet I think it is perhaps relevant at this particular point. The thing which has been difficult for me to work out in my mind is how this bill will result in the farmer realizing on his security at a lower rate of interest than he must now pay. There is plenty of money now, there is no difficulty about the money, but the difficulty has been that the farmer has never been able to get the man who had the money to look upon farm securitiy with the same favor that the man who has the money looks upon other kind of security, railroad securities and such as that. Unless the farmers join and make an entire group of farmers the basis of security, unless there is practically an unlimited liability in which all the securities which they have joined is put up as a protection for the money loaned, how is this going to work a cheaper rate of interest? Does it not all result in the proposition as to whether or not they will go into this proposition and make one liable for all and all liable for one?

Mr. HOLLIS. In the first place, investigation has shown that the man who loans money originally, who actually puts the cash in that gets to the farmer, does receive in the main a low rate of interest now, and that the increased interest comes in the commission and the charges that are placed on the farm loan by the agent who places the loan under the second-mortgage system that I have already outlined. Then there will be the inertia of capital. I will explain it. A man in the East with money to loan has to employ an agent. It is a good deal of bother to find a reliable agent in the West. He has to place his loan through him, and it is right to do that, whereas if we have a Government system, with all the expense and profit limited by statute to 1 per cent, and it can not be more than that, the Government supervises it, so that a man can step into any bank and buy the farm-loan bonds carrying 4 per cent and guaranteed in the way I have indicated. He has a security that he knows his Government supervises. His bonds rest on the security of millions and millions of mortgages, and are insured in a country-wide system, and he knows they are strong.

As suggested by the Senator from Georgia [Mr. SMITH], he does not buy the individual loan, merely. He merely takes his share of an enormous amount of loans based on an enormous amount of mortgages.

Mr. BORAH. That is true, but those of us in the West have had some experience with what is in a sense a similar proposition. For instance, farmers have gone in together and voted bonds upon an entire territory—say, 250,000 or 300,000 acres—and issued bonds upon that for the purpose of purchasing a large irrigation enterprise, and so forth. Now, notwithstanding the fact I have in mind about that particular enterprise, notwithstanding those bonds were voted upon, the body of land irrigated, and fertile, of exceptional capacity for production, we have never been able to satisfy the eastern purchaser that that is as good a security to him as some railroad enterprise which has its bonds to sell, and while the railroad enterprise will get its money at 4 and 5 per cent the mortgage based upon the farm will not command that rate.

Mr. HOLLIS. That is undoubtedly for the reason that value of the land there depends upon the success of a single project If that one project does not turn out well, if the farmers are not able to market their crops, the value is gone. Under our system three, four, five, or six States are all in one great district, and all the mortgages in that district are up for collateral security for the bonds. If there is a drought in one place, there is not likely to be a drought everywhere. If one project fails, it is not likely that all will fail. They get a much broader insurance. That is the result in Germany under the landschaft system which has been discussed and which will be much more discussed.

Mr. HITCHCOCK. Mr. President——

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

Mr. HOLLIS. I do.

Mr. HITCHCOCK. Is there not another reason why the instance of the Senator from Idaho is not a parallel case? Irrigation is to some extent experimental. Some projects have failed, and there is no governmental system provided for inspecting the particular project the Senator has in mind, whereas this bill does provide a governmental system of inspection.

Mr. BORAH. There was nothing for the Government to inspect except the real estate which was supposed to be mortgaged for about one-tenth of its value. It was the land which had been under irrigation. The water right had been passed upon by the courts, the title had been settled by the courts. It was adjudicated and determined that the water right belonged to this land and to no other land, and it had been under irrigation for some 40 years. There was no possible reason why it should be impeached for want of title, and there was nothing to inspect in it, because the mortgage covered the entire group of lands and covered the water also. Any business man who would have gone there would have passed upon it and been better satisfied than if some agent had passed upon it.

Mr. HOLLIS. There is a lurking fear underneath any scheme that is going on a long way off that has resulted in keeping investors from going to remote places. That is a part of the inertia of capital. There is no doubt about that, and it is because of this realization that we have not put the Nation into one great land district, because we believe that the rate of interest would have a tendency to go to the highest point throughout the whole system.

It may not work out so; the committee hopes it will not; but no one has yet succeeded in putting the natural laws relating to interest entirely at defiance. I am more optimistic on that than are many other members of the committee.

I was about to illustrate by the success of the landschaft system in Germany. The landschaft is not an organization; it is a district which embraces a whole province. There is no guaranty fund until the landschaft has been in existence long enough to build up a reserve. Each farmer who wants to borrow produces his mortgage to the officers of the landschaft; he states the rate of interest he wants the mortgage to carry and he receives from the landschaft a bond based on that mortgage which he must sell. If it carries a low rate of interest, it will carry a low price; he will have to sell it at less than 100 cents on the dollar. That is all left to him.

There have been cases of losses in those loans, though they have been rather rare, because they are Government supervised, and, to take up the slack, there is power to levy an assessment on every other piece of land in the whole Province. That is why it is not possible for the United States Government to put the landschaft into operation, because the United States Government has no right to impose on any piece of land that it does not actually own a liability for assessment to pay for losses. But the landschaft has worked out in operation so successfully that its bonds carry a higher rate of interest than the Government bonds whenever there is a war or stress of any kind. That, in a way, answers what the Senator says. When you have a broad insurance base on productive lands, the experience of other countries shows that you can get plenty of money at a low rate of interest.

Mr. CUMMINS. Mr. President——

Mr. HOLLIS. I yield to the Senator from Iowa.

Mr. CUMMINS. My observation is that the two great sources for farm loans in our part of the country are, first, the savings banks, and, second, the insurance companies. The Senator from New Hampshire has already spoken about the feature of the savings bank. What is his opinion as to the possibility of reaching the accumulation of insurance companies through his system? In other words, will the insurance companies that are compelled to earn a certain rate of interest in order to preserve their solvency invest their money in the land-bank bonds?

Mr. HOLLIS. The committee believes that they will. Every insurance company that invests in farm mortgages has to have an expensive department; they have to look after them very carefully. We took the testimony of some of the insurance experts. One of them, I recall, stated that his company had loaned 30 per cent of their assets on farm mortgages and had never lost a dollar, the business had been conducted so carefully. If we can do it as carefully as that—and it seems to me that we ought to—then, by doing the mortgage business of the country, and having the information about every section, knowing what section is good and what section is not so good, we ought to be able to do the business cheaper than the insurance companies can do it for themselves, and thereby get their business.

We have another advantage which the committee believes will settle the matter. The bill provides that these farm-loan bonds shall be tax exempt. In many localities of this country that will determine the scale in favor of our farm-loan bonds over mortgages taken by the insurance companies on which they will have to pay taxes.

Mr. POMERENE. And, Mr. President, the farmers in this way will be relieved from the payment of the large commissions which are paid to the representatives of the insurance companies all the while.

Mr. HOLLIS. I believe it is a fact that the testimony showed that even insurance companies had to pay some commissions.

Mr. POMERENE. And very large ones, too.

Mr. CUMMINS. Mr. President, the Senator from New Hampshire stated that farm-loan bonds were to bear 4 per cent interest, I think?

Mr. HOLLIS. We hope they will, but they can not bear to exceed 5 per cent. Under the bill, if they can not borrow money at 5 per cent they can not borrow at all.

Mr. CUMMINS. My inquiry was intended to develop this question: Whether the insurance companies would loan their money at 4 per cent?

Mr. HOLLIS. Some of them thought they would and some thought they would not. That was our experience. I believe that, if tax exempt, they will loan their money at 4 per cent, and be very glad to do so.

Mr. CUMMINS. Most of them are tax exempt now, are they not?

Mr. HOLLIS. I think not.

Mr. CUMMINS. Are they not permitted to set off their liabilities against their assets, so that the real taxable portion of their property is rather small?

Mr. HOLLIS. I should be very much surprised if every State that has an insurance company within its borders does not succeed in getting a very large tax out of it.

Mr. CUMMINS. One more question. Who fixes the interest that the land-bank bonds shall bear?

Mr. HOLLIS. The farm loan board has supervisory control over that, just as the Federal Reserve Board has in cases under its jurisdiction. The land banks themselves, through their board of directors, would probably be allowed a pretty free hand in that regard.

Mr. CUMMINS. Who fixes the rate of interest that the mortgages shall bear? Is that fixed by agreement between the borrower and the land bank?

Mr. HOLLIS. The rate of interest fixed by the farm loan board is determined by the market; that fixes the maximum which can be charged to a farmer, for you can not charge a farmer more than 1 per cent in excess of the rate carried by the current issue of farm-loan bonds.

Mr. CUMMINS. But are all of the mortgages in a certain territory to bear the same rate of interest?

Mr. HOLLIS. Yes.

Mr. CUMMINS. Without regard to the extent or size of the mortgage?

Mr. HOLLIS. Yes; there must be uniformity.

Mr. CUMMINS. So that all the mortgages that will be deposited as a basis for a particular issue of bonds would bear the same rate of interest?

Mr. HOLLIS. Yes.

Mr. CUMMINS. And does the rate of interest which the mortgages bear determine in any degree the rate of interest which the bonds shall bear?

Mr. HOLLIS. No; that rate must be determined by the market that takes the bonds. If the market should take the bonds at 4 per cent, well and good; if they did not take them at less than 4½ per cent, then the farmer has got to pay 5½ per cent. If the bonds sell at 5 per cent, the farmer will pay 6 per cent. The farm-loan board conducts its business and makes its earnings out of a margin of 1 per cent. In Europe they do it on a margin of one-third of 1 per cent.

Mr. CUMMINS. Can the bonds be issued at 3½ per cent and the mortgages bear 5½ per cent?

Mr. HOLLIS. No; there can not be a difference of more than 1 per cent between the two. There may be a less difference, but not a greater difference; that is true as to all the mortgages and all the bonds.

Mr. SMITH of Georgia. And the bonds sold can not carry a rate of over 5 per cent?

Mr. HOLLIS. No.

Mr. SMITH of Georgia. So that the farmer can not be charged more than 6 per cent?

Mr. HOLLIS. They can not do business beyond that rate.

Mr. SMITH of Georgia. And the rate may be as much less than that as it can be made?

Mr. HOLLIS. As much less as the traffic will bear.

Mr. SMITH of Georgia. But unless the land banks can carry the farmer at 6 per cent they can not do business?

Mr. HOLLIS. That is it exactly.

Mr. THOMPSON. At what rate does the amortization proceed?

Mr. HOLLIS. Obviously, the amount of amortization depends upon the length of time that the loan will run, because if you pay in 1 per cent on a loan that bears a 5 per cent rate it will take 36 years for it to pay out. If you pay in 2 per cent a year it will pay out in something like 22 years. Therefore, the amount that a farmer pays in each year depends entirely on the length of time his loan runs.

Mr. THOMPSON. But the amortization may be completed in a shorter time, if the farmer so desires, by paying a higher rate?

Mr. HOLLIS. Oh, yes; if the farmer wants to pay out in five years he would have to pay approximately 12 per cent a year for the amortization payment, of course.

Mr. DILLINGHAM. Mr. President, I want to ask the Senator from New Hampshire a question regarding the rate of interest. I understood the Senator from New Hampshire to say a few minutes ago that the rates of interest were governed wholly by the supply of money; that is, by the opportunities for borrowing money.

Mr. HOLLIS. No; I did not mean to say that. I meant to say—and I think I did say—that there are three factors: First, risk; second, the earning power of money in that particular locality; and, third, the supply of capital, which depends largely on the earning power.

Mr. DILLINGHAM. Yes; but what about the security? The security offered in each individual case has a bearing upon that question.

Mr. HOLLIS. That is the same thing as risk.

Mr. DILLINGHAM. Well, I understood the Senator to say that the rate would be the same, for instance, in eastern Kansas and western Kansas, other conditions being the same.

Mr. HOLLIS. No. At present the rates are very different in eastern Kansas and western Kansas, but with absolutely safe loans——

Mr. DILLINGHAM. Mr. President——

Mr. HOLLIS. If the Senator will allow me to finish—with absolutely safe loans in both places, under a mortgage, and where the Goverment furnishes the machinery to bring them in contact, the rates ought to approximate—I do not believe they will ever quite come together; but they ought very nearly to approximate.

Mr. DILLINGHAM. I desire to ask the Senator if he does not understand that experience has shown that the insurance companies of the country confine their loans in Kansas very largely to the eastern half of the State, rather than to the western half of the State?

Mr. HOLLIS. That is because they find that they are safer there.

Mr. DILLINGHAM. They are safer there because there is a greater rainfall in that locality.

Mr. HOLLIS. But with the same degree of safety, you will eliminate that risk.

Mr. DILLINGHAM. But if there is not an equality of security the mortgage on land in the western part of the State must of necessity bear a much higher rate of interest because of the increased risk.

Mr. HOLLIS. That would be true to some degree, but the land would be worth something, and that would be governed by the amount that the land bank would loan on the land.

Mr. DILLINGHAM. Then, I understand the Senator to say that the land bank in fixing the rate would take into consideration the question of the quality of the land and the risk involved?

Mr. HOLLIS. It certainly must; that can not be avoided.

Now, the amortization payments are very important, because they persuade the farmer to pay up his loan at some time. I have no doubt some of us have had the experience that we did not save any money until we took out life insurance. Where a man has to meet a fixed payment at a certain time he will get the money in some way. In my part of the country the farmer can borrow money on his farm, if he can borrow at all, at 5 per cent, but he has to give a demand note, so that the mortgage is likely to be foreclosed at any time. That makes him uneasy. Then he is ashamed to go in and offer to pay $10 or $20 when he owes $2,000, and he will not do that; he will wait until he can pay $200 or $300, and that time never comes.

The experience in Europe is that if the loan is amortized, so that the farmer has to pay in a little every six months, he will complete the payment at the end of the term; and in Europe mortgages run for as long a term as 75 or 80 years. I think there are some amortization payments of only a quarter

of 1 per cent a year, which would enable the borrower to pay out in something under a hundred years. It is in order to encourage the farmer not only to get his money at a low rate and to use it for productive purposes, but at some time to pay off his loan that this system is devised.

As to the purposes for which loans can be made, it is not proposed under this bill to allow a farmer to borrow money to pay his living expenses; he can only borrow to purchase land or to buy stock or machinery or equipment for his farm, or to erect buildings, to improve his farm in some such way as building drains or roads or fences or clearing up the land, or to pay existing indebtedness.

Mr. JOHNSON of Maine. Mr. President——

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

Mr. HOLLIS. I do.

Mr. JOHNSON of Maine. May I inquire of the Senator if it is not true that a man can only borrow from the proposed land bank by giving a mortgage upon his land?

Mr. HOLLIS. Yes.

Mr. JOHNSON of Maine. No matter what other security he may have?

Mr. HOLLIS. Yes.

Mr. JOHNSON of Maine. In order to obtain any money he must mortgage his farm?

Mr. HOLLIS. Yes; that is for the reason that, in order to get money at the lowest rate, he must give the best security there is, and that is a first mortgage on productive land. If it is not land that is capable of being cleared so as to produce crops and help pay up the loan it can not come in under this system.

Mr. BORAH. Mr. President, will the Senator permit me to interrupt him?

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

Mr. HOLLIS. I do.

Mr. BORAH. I desire to ask the Senator this question: Suppose that one of these loan associations is formed, say in my State, which is very far on the western border, and the farmers put up their mortgages, and bonds are issued, and so forth, and the bonds are put in the eastern market; and suppose a farm-loan association in the State of Iowa, or a State farther East, a better settled State, an older community, does the same thing, and puts its bonds in the eastern market; does the Senator doubt that the bond purchaser would take the Iowa bonds at a lower rate of interest rather than bonds secured by mortgages on the less-developed portion of the country?

Mr. HOLLIS. Mr. President, I am inclined to think that the rate would be a little lower, but a very little lower, for this reason: All the farm-loan bonds issued by any bank are guaranteed by all the other banks. This system is helped into being by the Government; the Government contributes the capital to the land banks, and in return for that it was thought nothing more than fair that every land bank should become responsible for the bonds of all the other banks. Therefore, relying on the capital and resources of these land banks, the bonds ought to sell the same; but I agree with the Senator that in some remote parts of the country it is impossible to force interest rates to exactly the same level as they are elsewhere. I think they will approximate the same level; I hope so, at any rate.

Mr. BORAH. I entertain the opinion that without Government aid, distinct and substantial, we will never get that uniformity of treatment which the country should have, and neither will we get that low interest rate which is necessary for the man who is acquiring a farm or developing a farm to have.

Now, has the Senator considered the Government passing upon these securities and guaranteeing these bonds, something on the same principle as the Government stands behind the notes issued by the Federal reserve banks?

Mr. HOLLIS. The two cases are entirely different. The Senator now refers to the Federal reserve notes.

Mr. BORAH. Yes.

Mr. HOLLIS. They are Government obligations; there is no practical guaranty about them; they are promises of the Government to pay. The Government merely loans them on security to the Federal reserve banks, and the Federal reserve banks have to put up back of them short-term notes that are based on actual commercial transactions, and they have in addition to put 40 per cent of gold back of them before they can issue them. The Government believes that sufficient advantage is secured to the country by putting currency of that kind in circulation, so that it is willing to do it and run the risk. Therefore I have insisted that it is fair in this case that the Government should put itself back of this system to a reasonable extent, as it will do if this bill passes. I may say that this bill is much more radical in that regard than the bill which has been reported by the House Committee on Banking and Currency.

Mr. BORAH. I do not quite agree with the Senator as to the Federal reserve notes. But to what extent does the Government put itself back of the land banks other than in the way of supervision and the checking up of the bond transactions?

Mr. HOLLIS. In the first place the Government furnishes $6,000,000 of capital to start these 12 land banks. I think, of course, that is a very important thing, because in order to get farmers to join something you have got to have something for them to join. You can not wait for a system to spring up spontaneously, and so it is that the Government pays all salaries and expenses of the farm-loan system; it pays the salaries of the special examiners who investigate the mortgages before bonds are allowed to be issued, and the Government exempts from the income-tax law and from all Federal, State, and local taxes the capital stock of the Federal land banks—not of the joint-stock land banks—and the mortgages and the bonds. The Government under this bill will advance to a land bank money if it gets in temporary difficulty just as it advances the money to commercial banks that get into difficulty by placing Government deposits in certain localities, as it has done repeatedly. Now, to that extent the Government gets back of this system.

Mr. BORAH. Does not the bill contemplate the Government finally securing a return of its $6,000,000 and retiring from the business? Does not the bill contemplate that ultimately the Government is to have no investment?

Mr. HOLLIS. Yes, it does; and I think that is very desirable. In Europe in many instances where the Government has furnished the capital stock in the first place the associations have voluntarily paid the money back, because they would rather do so, and get along on their own feet than to be under Government supervision and control.

This bill provides that after the contributions from the local associations, 5 per cent of the amount borrowed, equals $500,000, thereafter 25 per cent of all such increase shall be paid back to the Government until the Government is entirely repaid. The Government gets no dividends and no interest at all on the money that it employs for this purpose.

Now, this question of how much Government aid should be given is a question of some judgment on the facts stated. The Senator and I might agree pretty well, and we might not. I rather think we would agree pretty well, more so than I might agree with some one more conservative; but we have to look at a great many different things, and my judgment is that this bill goes as far in that direction as it is safe to go, because the scope of this bill is so enormous, and the billions of money that might become a burden on the Government would be so serious a load. Now, that does not settle it, but it gives my view.

Mr. BORAH. I agree with the Senator as to the extent to which the bill goes. I presume it goes as far also as it could go and be reasonably certain of being passed.

Mr. HOLLIS. I am rather inclined to think so. Therefore I am very well satisfied with what I have to take.

Of course, the center of the system, so far as safety is concerned, rests on the carefulness with which the appraisal is made. The local association, of course, is interested in getting cheap money for its members—that is, for the borrowing farmers in the vicinity. There is a temptation to increase the values in that locality and one fellow will help the other fellow get a large loan. Therefore we provide that the recommendation of the loan committee of the local association must be unanimous and in writing. Then the report comes up to the land bank. The land bank also represents the local associations. It has five directors, three of whom are elected by the local associations and two appointed by the farm-loan board. Therefore we put in a Government official at that point to make sure that there is a safe appraisal. He is appointed by the farm-loan board. His services are paid for by the land banks, for he performs an official function, and he goes to every piece of land and examines it himself and passes upon it; and these land-bank appraisers ought to become very expert.

The land bank has made the mortgage, but the mortgage is not of its greatest value in the land bank unless it is permitted to put it up as part security for an issue of farm-loan bonds. Therefore, the land bank, having got a mortgage on its hands through its own efforts, has to run one more gauntlet before it can put that mortgage up for an issue of farm-loan bonds. When it wants to issue farm-loan bonds, it turns over to the registrar of the district, who is a Government officer, the mortgages that it proposes to put up as collateral. The registrar looks them over and checks them up and sees that they are

all there. Then he refers the application to the farm-loan board. The farm-loan board must then refer those mortgages to a special examiner, and the special examiner will look the mortgages over and make such investigation as the farm-loan board thinks is necessary to assure itself that it is safe to allow farm-loan bonds to be issued. The registrar acts as trustee for all parties concerned. He takes the securities and actually keeps them in his hands.

Mr. SMITH of Georgia. What is the subdivision which the registrar represents?

Mr. HOLLIS. There is a registrar in each land-bank district. There are to be 12 districts, or not less than 12. There may be more, if the farm-loan board thinks it is wise to have more. My judgment is that there never will be more than 12. Those districts are to be carved out of the continental United States with regard to the farm-loan needs of the districts—not population, nor commercial activity, but farm-loan needs. My own opinion would be that they would not conform very closely to the Federal reserve districts. For instance, instead of New England having one, I should expect that New England, New York, Pennsylvania, Delaware, New Jersey, and Maryland would probably be all in one district. That would make them more frequent in the West and South, where they are more needed. Each registrar has his own district to look after. He acts as trustee for all parties interested.

Mr. LA FOLLETTE. Mr. President——

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

Mr. HOLLIS. I do.

Mr. LA FOLLETTE. Will the Senator state whether the bonds issued by the joint-stock banks are exempt from taxation as the bonds of the cooperative banks are?

Mr. HOLLIS. Yes. The mortgages and the bonds are exempt in each instance; and the Senator knows that there is very good reason for that, because experience shows that the farmer has to pay all the taxes that are levied on the system. Now, we do not exempt from taxation the capital stock of the private banks. They have to pay on them just as national banking associations do; but if we permitted these mortgages and bonds to be taxed, the farmer would be paying three taxes. He would have to pay on his farm; then the land bank would make him pay in his interest rate enough to pay the taxes on the mortgage, and then the investor who furnishes the money in the first place would have to charge enough in his interest rate to pay the taxes he would have to pay on the bonds. Therefore the farmer would have to be paying three interest rates. Moreover, there is a better reason than that, possibly, and that is that if the States have a right to tax, they have a right to destroy; and if there should arise a jealousy of these Federal land banks in any State, they could tax them, if we did not provide otherwise, so that they would have to go out of existence.

Mr. THOMPSON. Mr. President, will the Senator yield for a question?

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

Mr. HOLLIS. I do.

Mr. THOMPSON. What provision is made for the payment of the salaries of these registrars and other officials? Are they paid by the Federal Government, or is the 1 per cent the Senator speaks of to take care of that?

Mr. HOLLIS. The Government pays the farm-loan boards' salaries and expenses. It pays the registrars' salaries and the special examiners' salaries; but the banks themselves have to pay the salary of the land-bank appraiser, and he will be a much more numerous citizen than anybody else. It seems that there is no other way to provide that very well, because we do not want to have the Government pay for the services of the land-bank appraiser when he is working for the private bank; and therefore we charge the private bank and also the cooperative bank for his services.

The assistance to be obtained from the borrowers is a very important part of the plan. Wherever you have to go into a locality and pay for everything that is done, it is expensive; but the farmers, in order to obtain low-interest rates, join the local association, and then they undertake to do for nothing this appraising and the ordinary work of running the local association. They are called associations because they are not banks. A bank, as we all know, is an institution to receive deposits, loan money, and transmit funds, and these are not banks. They will not have any money on hand. They will keep their deposits in the land bank. They are merely loaning associations, quite comparable to the building and loan associations that are common in our larger cities. They need not keep open for banking hours. After they once get started they probably will not have to meet oftener than once in two or three weeks, or possibly months. They can have their office in an insurance agent's office. The local insurance agent or some such man would probably be the secretary-treasurer, and do nearly all the work. He could do it quite inexpensively, because it would not take very much of his time.

It is feared that in some parts of the country the farmers will be slow to organize local associations and joint-stock banks may not start. We have therefore provided that in districts where local associations do not form within a year the farm-loan board may permit loans to be made through existing banks under Federal or State charters. The banks will then act as agents. If a farmer wants to borrow he will go to a bank and be required to take his 5 per cent of stock in the land bank itself. The bank making the loan, as agent for the land bank, will be required to indorse in place of the loan association, and they will get not to exceed half of 1 per cent to pay them for doing so. You see, they embark none of their capital in the enterprise, so that they can afford to do it for the expense of the transaction and a little profit.

Mr. BRADY. Mr. President——

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

Mr. HOLLIS. I do.

Mr. BRADY. What becomes of the 5 per cent of stock which the farmer subscribes for at the time he makes this loan when he pays off the loan? I should like to have the Senator explain that to me a little more fully.

Mr. HOLLIS. Certainly. When the loan is paid off the farmer gets his money back in full, 100 per cent, when the stock is retired. As quickly as the farmer ceases to be a contributor he ceases to be a sharer in the earnings. That is entirely right; and the land bank is given authority to retire that stock even faster. If it has more capital than is actually earning, it can retire it faster, and it ought to.

Mr. SMITH of Georgia. And in the meantime, if it has made anything, he gets his part of the profits on it?

Mr. HOLLIS. Yes; he gets his share of the profit, in exact proportion to the amount he has contributed toward the earnings.

Mr. SMITH of Georgia. So that, instead of paying 5 per cent commission to somebody to get him a loan, he makes an investment of 5 per cent, on which he gets the interest until he pays off his loan, and then he gets his money back?

Mr. HOLLIS. That is it exactly. That is admirably stated.

Mr. SMITH of Arizona. Mr. President, what is to become of these mortgages in case of a transfer of the realty? I was thinking whether or not it would lay an embargo on the free transfer of the real estate covered by those mortgages.

Mr. HOLLIS. No; it is just as it is now. If a farmer sells his farm, the land bank may accept the new purchaser in his stead, if they care to do so.

Mr. SMITH of Arizona. But suppose he wants a clear title without going into the system at all, can he pay this mortgage as I could pay a private one when due?

Mr. HOLLIS. He can pay it after five years. As I have explained, the overhead charges of making the loan are rather large, and it seems fair to those who borrow on long term that they should be required to give us five years' earnings on it. At any rate, that is the European system, and there did not seem to be any reason to change it.

Mr. SHEPPARD. Mr. President, may I ask the Senator a question?

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

Mr. HOLLIS. I do.

Mr. SHEPPARD. Suppose the capital of one of those banks becomes impaired, and it is necessary to levy an assessment on the stockholders, have you provided for that?

Mr. HOLLIS. Of which banks? One of the land banks?

Mr. SHEPPARD. Any of them. Suppose any of them fails to pay expenses.

Mr. HOLLIS. Any of the land banks?

Mr. SHEPPARD. Yes.

Mr. HOLLIS. If one of the land banks impairs its capital so that it is insolvent it will have to be wound up and go out of business. That is the idea of the committee. If, with all the aid that is given, they can not go along without failing, we think they should be wound up and ended.

Mr. BRADY. Mr. President——

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

Mr. HOLLIS. I do.

Mr. BRADY. What liability would there be on the 5 per cent of stock that the farmer takes at the time he makes his loan?

Mr. HOLLIS. The farmer may take it with either double liability, like a national bank, or unlimited liability. If he goes in on the unlimited-liability basis he would naturally expect to get his loan at rather lower rates of interest, and we hope it will work out in that way. He may assume either that he cares to assume.

Mr. BRADY. And at the time he makes his loan he has the privilege of electing whether he will take the unlimited liability or the double liability?

Mr. HOLLIS. It is not quite that. The associations must be organized on one plan or the other, and according as he joins one association or the other he will assume double liability or unlimited liability, but that is determined when he goes in.

Mr. BRADY. The association could determine that when it organizes?

Mr. HOLLIS. When the association gets its charter it takes it on either the double-liability or the unlimited-liability plan.

Mr. BRADY. And as a matter of fact the farmer would not have to go into the association if he did not like the plan under which it was organized?

Mr. HOLLIS. Oh, not at all; he need not go in at all. He would probably look around for one of the joint-stock banks, then.

Mr. BRADY. So he has the privilege of saying whether he shall accept the double liability or the unlimited liability?

Mr. HOLLIS. Yes; that is true.

The individual liability that the farmer assumes serves two objects. It makes the loan safer; it makes the bonds safer to the investor, and it also insures the interest of the farmer in the system, so that he will see that bad loans are not made. He will be anxious to see that everything is run right and the association stays solvent, so that he will not have to pay up. That is one of the objects of the plan.

The plan has been criticized because it is cumbersome and complicated and because the bill is long. The bill is 72 pages long. The bill providing for a delegate from the District of Columbia, which has been recently reported by the District Commitee. is 50 pages long, and on that basis this bill ought to be 1,000 pages long. But the bill is not really long. It is as long as it is in order to make the operation simple and certain. It is not cumbersome. There could not be anything simpler than this bill. You want Federal supervision, and you would not have a board of less than five. You must have banking brains somewhere in order to run a banking system and to make safe loans intelligently, and that is run by five directors of each land bank. The land bank makes the loans. In order to get local touch it makes them through local associations that know the farmer and the circumstances. Now, if a farmer in my county wants to form an association and get nine other farmers to join with him, they send to the land bank, wherever it is, and get a charter, and then they are entitled to borrow from the land bank. It is very simple. The costs are made as low as it is possible to make them and have safety.

Mr. SMITH of Georgia. Under the bill as it is now reported you do not require a land bank in each State?

Mr. HOLLIS. Oh, no.

Mr. SMITH of Georgia. You do not require now a separate organization in each State?

Mr. HOLLIS. No.

Mr. SMITH of Georgia. There is one land bank now for the district?

Mr. HOLLIS. That is it.

Mr. SMITH of Georgia. And the farmer, or the local association, deals directly with that land bank?

Mr. HOLLIS. That is it.

Mr. SMITH of Georgia. And that land bank is supervised by this Government board, which has no interest in the bank except, as Government officers, to see that it does business wisely and intelligently and that the benefits of the scheme reach to the farmers and borrowers?

Mr. HOLLIS. That is it exactly.

There are, of course, two schools of thought on this subject. One believes that the Government ought not to "butt into" the land-mortgage field at all; that it ought to stay out, and leave it entirely to private enterprise. I should agree to that if the farmers all over the country were getting sufficient accommodation at a low rate of interest. I would not have the Government do it just for the sake of having the Government do it; but there is a need for it, and therefore I believe the Government should do it.

The other extreme is to have the Government loan public money directly to the farmer on the security of his farm, and then have the Government borrow money on its bonds. My objection to that is that in the first place, as I have stated, it would involve the Government in an enormous indebtedness that would run into the billions, and it does not seem right to do that for one class of citizens. If you do it for the farmers, the mechanics would ask for it next, and then all of us would ask for it, and the result would be that the Government would be furnishing money cheaply, and it would probably never be foreclosing, which would break down the system. In the early part of the last century, as I recall, the Government loaned a lot of money to the States. It has never collected any of it. The States have never paid it back. And a political party that would undertake to foreclose on a thousand farmers, through the farm-loan board or through any other board, preceding a campaign, would stand very little chance of staying in office. I do not think that is practicable, but I do not want to quarrel with those who believe it is. It merely means that they are on the other extreme, and they are doubtless honest and intelligent in their views. I do not believe that plan will commend itself to the Congress.

Mr. SIMMONS. Mr. President——

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

Mr. HOLLIS. I do.

Mr. SIMMONS. The Senator has devoted the most of his time to discussing the farmers' associations and their connection with the land banks which the bill creates. The Senator has not given quite as much time to the discussion of the connection of the joint-stock land banks for which this bill provides. I want to suggest to the Senator that it seems to me from his statement—I may be mistaken about it—that the connection between these joint-stock land banks and the land banks is very, very slight.

Mr. HOLLIS. There is no connection whatever.

Mr. DILLINGHAM. Mr. President, we can not hear on this side of the Chamber what is being said.

Mr. SIMMONS. I said that it seemed to me, from the Senator's statement, that the connection between these joint-stock associations and the land banks was very, very slight; that the Government, through the banks, had very little to do with them; and under the system he has outlined they are not very much more than purely private institutions.

Mr. HOLLIS. They are no more than that. I will go over it and make it plain. It is very easy to do.

Mr. SIMMONS. I would like to have the Senator give attention to that point and make a more elaborate explanation of it. first, as to the interest. I understood the Senator to state that the associations fix their own rate of interest. I also understand that the bonds they may issue based upon the land mortgages as collateral will have no security behind them except the mortgage and the liability of this private association.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 7617) to provide that in order to promote agriculture, afford better facilities for rural transportation and marketing farm products, and encourage the development of a general system of improved highways, the Secretary of Agriculture, on behalf of the United States, shall in certain cases aid the States in the construction, improvement, and maintenance of roads which may be used in the transportation of interstate commerce, military supplies, or postal matter.

Mr. HOLLIS. I ask unanimous consent that the unfinished business be laid aside.

The PRESIDING OFFICER. Without objection, that course will be pursued.

Mr. HOLLIS. I ask that the Chair lay before the Senate the rural credits bill, and that its consideration may be proceeded with.

The PRESIDING OFFICER. The Chair lays before the Senate Senate bill 2986, the rural credits bill.

Mr. SIMMONS. The bonds that may be issued by these joint-stock associations will have no security except that of the land and the liability of the association itself.

Mr. HOLLIS. Yes; and the capital. That is right.

Mr. SIMMONS. And the capital. But there will be that much.

Mr. HOLLIS. Yes.

Mr. SIMMONS. And that is about as much as the loan-association bonds would have but for the indorsement of these 12 banks. Now, would it be feasible to admit these private associations to a closer connection of the bank by permitting them to take stock in the bank at the rate of 5 per cent upon each loan, just as is provided with reference to the loan associations, upon their becoming members of it and contributing to this

fund to the same extent as the loan association, to become responsible for their bonds, and as a result of that responsibility prescribe a maximum rate of interest that they may charge, just as you prescribe in the case of a loan through the farmers' association?

If the Senator will pardon me, I somewhat agree with him that it is possible that this private association may run along with the other; but, not only that, it may absorb it, and most of the business may be done through that. I think it is possible to provide in this bill so as to limit the rate of interest that those private institutions may charge, and by increasing the security for the bonds they may issue you would provide a very strong system.

Mr. HOLLIS. The fundamental difficulty in permitting the joint-stock land banks to become a part of the cooperative land bank system is this: The cooperative land bank system is built on the cooperative plan. The members are all borrowing farmers. The borrowing farmers furnish all the earnings to the system, and the borrowing farmers get all the earnings—if there are any—paid back to them like a participating life-insurance policy. The joint-stock land banks are formed for private enterprise entirely, just as I might organize a national bank. They furnish private capital, and they furnish none of the earnings themselves because they do not borrow. They merely set up a joint-stock enterprise that they hope will earn money. They do not require the borrower to take any stock; they do not require the borrower to assume any individual responsibility. They occupy exactly the same field in the mortgage system that the average national bank occupies in the commercial system. It is purely a private, speculative, money-earning institution, under Government supervision, to extend to farmers the facilities of a land-mortgage system. They do not touch the Federal land banks at all. They ought not to touch them, because as soon as they do we come to the question of apportioning the earnings between the contributors to the joint-stock capital and the borrowing farmer. They are merely organized to meet the demand that is made by men who are now in the mortgage-loan business. There are a great many of them who are performing very useful functions. They see that they will be driven out of business if our cooperative plan works, and they say, give us a chance to come in now and do our business on honor, under Government supervision. Give us just the same facilities that you have given to the national banks in the commercial field.

We have done it. We discriminate against them only in allowing them to issue bonds to 15 times their capital and surplus, while the cooperative system may issue bonds to 20 times the capital and surplus. We have tried, by an adjustment of the burdens and advantages, to give them each a chance. If it turns out that the joint-stock banks charge a higher rate of interest than the cooperative system, then the cooperative system will have a better chance to occupy the field. The result will be that the joint-stock banks will have to pull their interest rate down to compete with the cooperative system.

Originally, I was not in favor of allowing the joint-stock banks to come in, but I was finally persuaded that there are parts of the country where you can not get the farmers to go into the cooperative system and these districts would be without facilities. I was satisfied that there were many farmers who would not go into the cooperative system and put up 5 per cent and assume any individual liability, and I wanted to extend to those men the facilities that are extended through the Government system of commercial banks to merchants and manufacturers.

Mr. BORAH. As I understand from the reading of the bill, it does not assume to reach anyone except a landowner.

Mr. HOLLIS. A landowner or one who desires to become a landowner. For instance, a man who is a tenant farmer wants to purchase a farm. You would hardly expect the Government to furnish facilities so that the man could borrow without any security. Therefore, a farmer who wishes to buy a farm worth, say, $2,000 has, perhaps, $500 to pay in on it. He can borrow half of the $2,000 under our system at a very low rate of interest. Then he can put a second mortgage on it for the other $500 at a rate of interest enough higher to induce money to come in and make up for the risk. Under the amortization plan, with the first six months' interest, there will be a reduction of the principal. So the second mortgage ought to be a pretty good and attractive investment. In that way we think the tenant farmer will be helped, if that is what the Senator has in mind.

Mr. BORAH. I understand the Senator. I think that answers the question.

Mr. SHEPPARD. Suppose there is a default in interest payment, what becomes of the entire debt?

Mr. HOLLIS. If there is a default in the interest payment, it is carried to the suspension account for two years. That is where the guaranty fund comes in to take up the slack. But at the end of two years the local association must be called on to pay that mortgage in full or produce another one for an equal amount. If the association is small, it is entirely possible it might be wiped out by one payment, but after it has grown to a substantial size with a proper reserve it may very well meet the payment of one or more mortgages.

Mr. SHEPPARD. In other words the association must foreclose the entire mortgage within two years of its default.

Mr. HOLLIS. Yes; the association must do that within two years. Then would come into play the individual liability of the other members of the association, either double liability or unlimited as the case may be.

Mr. THOMPSON. I wish the Senator would explain in reference to the limited and unlimited liability of the farmers who are in the association. I do not quite understand how he distinguishes the liability of one man from that of another.

Mr. HOLLIS. The farmers in a certain locality know each other pretty well, and if they are satisfied that the mortgage loans are safe and want to get the benefit of the very lowest rates that are available, they will organize a farm-loan association of unlimited liability, and that loan association will not have members of any other character. Every one who joins that association will assume unlimited liability for the debt of the association.

When the mortgages go before the land bank, they are all kept in one division for unlimited liability. There will be loan associations of limited liability and associations of unlimited liability. The mortgages of limited liability will be kept by themselves and the mortgages of unlimited liability will be kept by themseves. When an issue of bonds is desired the bank has to put up mortgages of one kind. If they are for unlimited liability they will be the best sort of security in existence, and will get the very lowest rate of interest from those who invest in farm lands. If they carry merely double liability they will not be of such undoubted character and they will probably sell on the market at less favorable rates.

Mr. THOMPSON. There may be both associations in one locality?

Mr. HOLLIS. There may be in some town a limited and an unlimited association, and there may be in that same town a private joint-stock bank, and all three of them may have useful functions to perform and fulfill certain requirements.

Mr. WILLIAMS. Unlimited liability means merely unlimited for that association?

Mr. HOLLIS. It means unlimited liability for that particular association.

Mr. WILLIAMS. But could he go out and take one farm for the whole thing?

Mr. HOLLIS. Yes; but he would have a right to make all the others contribute as was equitable. That is so, of course, under any liability statute with which I am familiar.

Mr. SIMMONS. Will the Senator allow me to interrupt him?

Mr. HOLLIS. Certainly.

Mr. SIMMONS. I can see from the Senator's statement, and in reply to the question I asked a little while ago, a good reason why it might not be advisable to require the private joint-stock companies to come in under the plan that is provided in the bill, but I can not see any reason why if one of the joint-stock companies does desire to come in under the bill, and conform to all the requirements of the bill, it should not be permitted to do so. The mortgage that they would issue would have behind it just as much as security, probably a little better security, than the mortgage which a farmers' association would present. The mortgage of the farmers' association would have behind it nothing but the land and the limited or unlimited liability of the members. The mortgage that the private joint-stock association would offer would have behind it the land and the liability of the association and the individual liability of the stockholders in that association. It would be therefore just as good security as the other.

Now, if one of those institutions comes to the land bank and says, "Here are my mortgages indorsed by my association, I want to issue bonds on them; I am willing to comply with the provisions of your law if you will accept these mortgages and indorse our bonds that we desire to issue upon it"; why is not that feasible? Why the bank issuing these bonds would not be just as well protected as in the case of the bonds issued at the instance of the farmers' association I am unable to see. Therefore, I suggest to the Senator that there would seem to be no reason why, if these private associations desire to come into this system and comply with its terms as to interest, their bonds

should not be indorsed by the bank just as the bonds of the private farmers' association.

Mr. HOLLIS. I can only add to what I have said—that no mortgage man has suggested that he would want to raise capital for a joint-stock land bank and then split the earnings that would possibly come to him with the Federal land bank and come in on the cooperative plan. What the mortgage men want to do is to raise the capital and go into business and have all the margin for themselves without dividing it with the Federal land bank. I have not heard of anyone who suggested it, but what the Senator says is perfectly true; they would have greater responsibility, they would have much greater value to their indorsement than the little farm-loan association; but we would still have the mixture of private capital and the cooperative plan contributing all the earnings, and if there is a surplus, dividing it in proportion to the amount each contributes.

Mr. BRADY. Mr. President——

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

Mr. HOLLIS. Certainly.

Mr. BRADY. The Senator is certainly giving us a very lucid and intelligent analysis of the bill, and I have given the measure considerable thought and study. Following the thought of the Senator from North Carolina [Mr. SIMMONS], speaking of the joint-stock bank, I have been wondering if there is not liable to be a great deal of confusion by including all three of these systems in the one bill. As the Senator has given the matter a great deal of study I should like to have an expression from him, if he feels so disposed, as to what he thinks about leaving the joint-stock bank feature out of the present bill and incorporating it into another bill if the Senate should see fit to write it into law.

Mr. HOLLIS. I can see great advantages in what the distinguished Senator from Idaho suggests. It would be very much easier to frame a bill of this kind if the conditions in this country were like those in the countries of Europe. with a homogeneous population, speaking the same language, rooted in the same soil, generation after generation, accustomed to going to the same church and having the same social organizations.

If we had that condition I should be very clear that we ought to insist on merely the unlimited-liability cooperative plan. I think we should impose that plan, and I know that it would be the cheapest and the most desirable to the farmer in the long run. But we have a great diverse country, with a shifting population, with neighbors living miles apart, not knowing or caring about each other, not willing to undertake liability for each other. Therefore I think we are forced into complications that would not be necessary if we had a smaller and a more homogeneous country. But in trying to select between the three different systems, the private joint-stock bank, the limited-liability plan cooperative, and the unlimited-liability plan cooperative, I could not risk my judgment as to which of the three was best or whether there was any best in the three. I felt that in this measure, without needless complications, we could give the people of all parts of the country a chance to select one of the three systems, or to absorb all three of the systems in the same locality if it seemed to them wise to do it. Nothing but experience can demonstrate in this country whether all three will exist side by side as they do successfully in Europe. Nothing but experience will show whether one of the three systems will outstrip the other. The committee felt that the only proper way was, without needless complication, to give them all a fair chance—a fair start—and see which comes out a winner at the end of the race. That is the only answer I can give.

Mr. JOHNSON of South Dakota. What amount of bonds can the private joint banks issue?

Mr. HOLLIS. The private joint-stock banks may issue bonds up to fifteen times their capital and surplus. The cooperative land banks can issue bonds up to twenty times their capital and surplus. There is a very good reason for that. The joint-stock bank can get its capital and its bond issue out without any trouble, but the only way for the cooperative bank to get its capital out in loans is to loan to the farmers. The very first loan it makes, the farmer contributes 5 per cent more capital, so that in getting the loans out you are getting more capital in all the time. The result is that it is not possible for cooperative banks to get out a ratio of more than 15 to 1 at any one time. Therefore it seemed fair to me that this difference in ratio should exist.

Mr. JOHNSON of South Dakota. I understand, in order to issue the bonds, each of the banks must hold an amount of first mortgages equal to the bonds they issue. Is that correct?

Mr. HOLLIS. Yes; that is right. There must at all times be existing in the hands of the registrar for the district mortgages equal in face value to the outstanding bonds issued by the land bank; and whenever they fail to do that, if they have used up the capital and surplus so that they can not furnish other securities to take their places, then it must go out of business.

Mr. SHEPPARD. May the bondholder under any circumstances bring suit to foreclose an individual mortgage?

Mr. HOLLIS. No; the bondholder has no interest in any one mortgage or any lot of mortgages. All he has is a right to have the trustee who is the registrar foreclose the mortgages for him and the other bondholders collectively.

Mr. SHEPPARD. Has he a right to have the trustee selected and the mortgage foreclosed in the event of default by the bank association?

Mr. HOLLIS. No; it would work in this way. We will assume that there is $100,000 in mortgages put up as collateral security for $100,000 in bonds. One of those mortgages is defaulted and the security is only, say, $90,000. The land bank is then obliged, under the terms of the bill, to put up another mortgage, a good mortgage, of that amount, or United States bonds, or cash, or farm-loan bonds carrying the same rate of interest as the bonds that are imposed upon that security. If the land bank can not do that, it is insolvent and must be closed.

Mr. SHEPPARD. What becomes of the right of the bondholder to make his bond good?

Mr. HOLLIS. When the assets are liquidated for the benefit of all the creditors, then each creditor gets his percentage with the others; they share alike.

Mr. SHEPPARD. Has he not a right, then, to hold the others responsible for his loss?

Mr. HOLLIS. Yes; that works in this way. If the bondholder presents a coupon at the land bank that issued a bond and that land bank does not pay on demand of the bondholder, he has a right to present the coupon at any other land bank, and they must pay on demand. They can then call on the other land banks to contribute. But so far as the principle of the bond is concerned it must wait until the land bank that issued the bond is liquidated and the further liability is determined. Then the other land banks are assessed their amount of the deficiency based on the aggregate of the farm-land bonds that each has outstanding at the time.

Mr. BRADY. Mr. President——

Mr. HOLLIS. I yield to the Senator.

Mr. BRADY. As I understand it, the failure of an individual borrower to pay his interest or even his loan would in no direct way affect the holder of a bond issued by the cooperative bank.

Mr. HOLLIS. Oh, not at all. That is what the capital—the 5 per cent guarantee fund—is for. That is in the form of capital to take up the slack.

Sometimes there will be a mortgage which will have to be foreclosed. Experience has shown in this country and abroad that a 5 per cent margin is safe. We further provide that there shall be 25 per cent of earnings of both the loan association and the land bank applied to the reserve every year until the reserve equals 20 per cent of the capital, and after that 5 per cent of the earnings go to the reserve, no matter how large it is. If we can escape drought and bad fortune and get by two or three years we will have a reserve built up that will be safe, comparable, perhaps, to the European system that has been running for many years.

Unless some one else cares to ask a question, Mr. President, I ask that the bill be read.

The PRESIDING OFFICER. The Chair would like to inquire of the Senator who has charge of the bill whether he wishes to have it read in full or for amendment?

Mr. HOLLIS. I will ask unanimous consent that the formal reading of the bill be dispensed with.

The PRESIDING OFFICER. And that it be read for amendment?

Mr. HOLLIS. No; I will make that request later. I simply ask unanimous consent that the formal reading of the bill be dispensed with.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. HOLLIS. I will inquire if there is anyone who desires to speak on the bill this afternoon?

Mr. SHEPPARD. I wish to submit merely a few remarks.

The PRESIDING OFFICER. The Senator from Texas.

Mr. SHEPPARD. Mr. President, it is a well-established principle that the land itself may be so mobilized as to be entirely sufficient security for the bonds it supports without the intervention of a bank. The officers of a land district may be given authority to collect the interest and sinking-fund payments and the creditor may have the right to have that authority exercised in his behalf in the event of a default. It is the same

principle that has made school and drainage district bonds so successful.

These are demonstrable facts. If you must have a bank to guarantee the bonds the creditor looks primarily to the bank and not to the land. The best results can be obtained by relying on the land alone, with as little scaffolding as possible.

The system proposed by the joint committee is an adaptation of the profit-banking system simply and not a genuine application of the cooperative principle.

The success of the joint-committee system will depend on the skill with which the banks are conducted. No more skill or special ability is required in a cooperative land district system than is required to conduct a drainage district. The duties of the officers are largely ministerial.

Then I wish to ask this question: Why encumber the land with the expense and risk of 12 great land banks, with the burden of their proper management, when the land itself may be combined under a simple district system issuing its own bonds and collecting the necessary money? Why put the farmer in the banking business when his land can be so handled as to form a satisfactory security without it?

These are the questions which have addressed themselves to my mind while considering this bill, which has been framed with such labor and such creditable zeal by the members of the joint committee. I would not say that the bill which they have suggested is unworkable. I want to call attention to the fact that I do not think it is necessary to build up an enormous bank superstructure which the farmer himself must conduct and manage when he possesses a security that is capable of being mobilized in simple district or landschaft system, providing adequate security for the bonds.

Mr. BRADY. Mr. President, before the Senator sits down, let me ask him is it his suggestion that, instead of organizing these cooperative banks, nine or more farmers may organize their land into a district and bond the district and sell the bonds of the district on the same principle as a drainage district is organized?

Mr. SHEPPARD. The same principle on which drainage districts or school districts are organized, but a landschaft district would never contain as few as 9 or 10 members. It would contain hundreds of thousands and might well embrace an entire State.

Mr. BRADY. And the Senator feels that that would be a more economical system than the organization of banks?

Mr. SHEPPARD. Undoubtedly. I think the farmer is entitled to the best system, one which will most successfully mobilize his lands as the basis of credit and also which shall be the least expensive to him.

Mr. HOLLIS. Mr. President, the observations made by the Senator from Texas are entitled to every consideration. They were, however, in the minds of the joint committee. It was not desired to plunge the farmer into any unnecessary trouble to get his loans, but the only other system that was suggested was the landschaft system, which would require the Government to impose on the lands in the States certain conditions as to liability for assessments, and that is something that the Federal Government has no right to do. If there were any other way of accomplishing this end that offered a prospect of giving the farmer the relief to which he is entitled, either with less expense to him or less risk to anyone, the committee would be delighted to adopt it, but this is the only system which has been proposed which seems to offer a reasonable prospect of attaining that end.

Mr. SHEPPARD. Mr. President, under my view of the matter, it is entirely within the power of Congress to organize a corporate body within the District of Columbia which shall have the power to organize land districts in the District of Columbia and in any territory immediately subject to the jurisdiction of the United States; and also with the power to organize such districts in such States as will give permission to the corporate body to do business within the limits of the respective States. In that way the stamp of State authority will be put upon the system and its assessment powers. Insurance companies organize in the District of Columbia under the District corporation laws, with directing headquarters at Washington, and with power to operate in any State which will admit the organization to do business. In that way I think the Federal Government could authorize a district system and give it a Federal head. After all, the assessment power of the landschaft would operate with far less hardship than the foreclosure power conferred by the joint committee bill. Under the latter a borrower may be made to pay his entire debt within two years after default of interest. This could not happen in the landschaft.

Mr. HOLLIS. Mr. President, it would be a very interesting experiment to see the landschaften tried in the District of Columbia or in any other place where the Government has a right to impose assessments on the land; but it is not a function of this bill to provide a system particularly for the District of Columbia, and it would certainly not be advisable to provide a system which must wait for the States to change their laws in order to have it become operative. The committee feels that the suggested plan will work practically all over the United States at once without waiting for laws to be changed. For that reason, and understanding fully the objections and suggestions of the Senator from Texas, they recommend the passage of this bill.

Mr. SHEPPARD. Mr. President, all that would be necessary would be for the States to admit this organization to do business within their limits.

Mr. SMITH of Arizona. How could you do that without an act of the legislature?

Mr. SHEPPARD. That would be very easy. The parent body could be admitted to the States either by a special act or under general incorporation laws.

Mr. HOLLIS. Mr. President, unless some other Senator is ready to speak this afternoon, I ask unanimous consent that the bill be——

Mr. SHEPPARD. Just a moment. I do not mean to say that it is my unchangeable intention to vote against the measure proposed by the committee. Perhaps it may be amended so as to be made more satisfactory. I am so anxious to see legislation of some kind enacted on the subject that I may be willing to concede that this measure, developed after so much labor and so much investigation, should have a trial. I deem it my duty to say, however, that I do not believe that it represents the fundamental and scientific solution of the land credit question. If the landschaft system can not have a directing Federal head, let a bureau be established by the Federal Government to furnish model landschaft laws to the States, and to aid the States both in the enactment of such laws and in the marketing of landschaft bonds. I think, however, that the system I have suggested, with a directing head in the District of Columbia, is entirely feasible.

Mr. HOLLIS. Mr. President, if no other Senator is ready to address himself to the bill this afternoon, I desire to ask Senators to prepare themselves so that they may speak on the bill beginning to-morrow, if there is opportunity, so that we may proceed and read the bill for amendment. I do not think, perhaps, that it would be fair to ask that the bill be read for amendment this afternoon. I therefore ask unanimous consent that the bill be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered, and the bill will go over until to-morrow.

THE CALENDAR.

Mr. CHILTON. I ask unanimous consent that the calendar under Rule VIII be taken up, beginning at Order of Business 262, where we left off several days ago.

The PRESIDING OFFICER. Is there objection?

Mr. SMITH of Georgia. And that we consider only unobjected bills.

Mr. CHILTON. That is all right. I accept the suggestion of the Senator from Georgia.

Mr. SMITH of Georgia. I am not willing to consider only unobjected bills down to the point where we last ended the consideration of the calendar and then go forward without making the same restriction as to the remaining bills on the calendar.

Mr. TOWNSEND. Mr. President, I am a little curious to know how long we are going to continue the practice of considering unobjected bills, and going back and beginning over again, and thereby preventing the consideration of other bills that might be brought up on motion.

Mr. CHILTON. We are not going back to the beginning; we are going back to Order of Business 262.

Mr. TOWNSEND. Is that where the consideration of the calendar was left off?

Mr. CHILTON. Yes; practically it is a little ahead of that point.

Mr. SMITH of Georgia. I was about to raise the same objection which the Senator from Michigan has raised. I simply yielded when it was stated that the intention was to resume the consideration of the calendar at the point we reached when we last discontinued its consideration.

The PRESIDING OFFICER. The question is on the request for unanimous consent preferred by the Senator from West Virginia. Is there objection? The Chair hears none, and it is so ordered.

BILLS PASSED OVER.

The bill (S. 5126) giving the consent of the United States for the bringing of certain suits in the Supreme Court of the United States, and for other purposes, was announced as first in order.

The PRESIDING OFFICER. The Chair is informed that that bill was read the last day the calendar was under consideration.

Mr. CULBERSON. Mr. President, let that bill go over.

The PRESIDING OFFICER. Being objected to, the bill goes over.

Mr. CHILTON. Mr. President, I hope the Senator from Texas will not make that objection. The bill could have been disposed of the other day had the consideration of the calendar been continued. Those Senators who had opposed it in committee, who were then here, stated that they had no objection to the bill being brought up and being considered. I sincerely hope that the Senator from Texas will not now take the position of objecting to the consideration of the bill.

Mr. CULBERSON. Mr. President, in view of the absence of so many Senators who are members of the Committee on the Judiciary, I insist on the bill going over.

Mr. CHILTON. Mr. President, if the Senator from Texas had been here the other day he would have seen that there was then present comparatively more than the average number of Senators who are ordinarily present when the calendar is being considered.

Mr. CULBERSON. The bill was reported by the Committee on the Judiciary by a vote of only 8 to 7.

Mr. CHILTON. That fact was stated the other day in the Senate, and those Senators who were here on the opposite side from me as to the bill made the statement that they were perfectly willing for the matter to be considered. Is the Senator from Texas opposing the bill?

Mr. CULBERSON. Certainly, I am, Mr. President. I opposed the bill in committee and I oppose it here. I insist that it go over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. CULBERSON subsequently said: Mr. President, a moment ago I objected to the consideration of Calendar No. 262, being Senate bill 5126, because of the small attendance in the Senate at that time. There being rather a full attendance now, I withdraw my objection to its consideration, though I am opposed to its passage.

The PRESIDING OFFICER. The bill has been read twice.

Mr. HARDWICK. Mr. President, I think I will have to object to that bill.

The PRESIDING OFFICER. The Senator from Georgia objects. The bill will be passed over.

The bill (H. R. 54) to pension widows and minor children of officers and enlisted men who served in the War with Spain, Philippine insurrection, or in China was announced as next in order.

Mr. SMITH of Georgia. I object to the consideration of that bill, Mr. President.

The PRESIDING OFFICER. The bill goes over.

The bill (H. R. 655) to pension the survivors of certain Indian wars from January 1, 1859, to January, 1891, inclusive, and for other purposes, was announced as next in order.

Mr. SMITH of Georgia. I object to the consideration of that bill, Mr. President.

The PRESIDING OFFICER. Being objected to, the bill goes over.

Mr. SMOOT. Mr. President, there are so few Senators in the Chamber that I suggest the absence of a quorum, because some Senators who are not now present may be interested in bills on the calendar.

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

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

Ashurst	Gronna	Myers	Smith, S. C.
Bankhead	Hardwick	Norris	Smoot
Brandegee	Hitchcock	Overman	Sterling
Broussard	Hollis	Page	Thomas
Burleigh	Hughes	Phelan	Thompson
Chamberlain	Husting	Poindexter	Tillman
Chilton	Johnson, Me.	Pomerene	Townsend
Clapp	Johnson, S. Dak.	Ransdell	Underwood
Clark, Wyo.	Jones	Saulsbury	Vardaman
Culberson	Kenyon	Sheppard	Wadsworth
Cummins	Lane	Sherman	Walsh
Curtis	Lewis	Simmons	Warren
Fall	Lodge	Smith, Ariz.	Williams
Gallinger	McCumber	Smith, Ga.	
Gore	Martine, N. J.	Smith, Mich.	

Mr. LEWIS. Mr. President, I desire to announce the absence of the Senator from Tennessee [Mr. SHIELDS], who is detained by illness in his family.

The PRESIDING OFFICER (Mr. NORRIS in the chair). Fifty-seven Senators have answered to their names. There is a quorum present.

Mr. TOWNSEND. Mr. President, there was so much confusion in the Chamber a moment ago that I did not know what was done with Calendar No. 263, House bill 54.

The PRESIDING OFFICER. The present occupant of the Chair is informed that that bill went over under objection.

Mr. TOWNSEND. Who objected?

The PRESIDING OFFICER. The Senator from Georgia [Mr. SMITH].

Mr. JOHNSON of Maine. Let me inquire whether we are proceeding now with the consideration of bills to which there is no objection?

The PRESIDING OFFICER. Yes.

Mr. JOHNSON of Maine. By what agreement?

The PRESIDING OFFICER. The present occupant of the chair is informed that unanimous consent was given to proceed to the consideration of unobjected bills on the calendar, beginning with Calendar No. 262.

SINKING FUND FOR REDUCTION OF NATIONAL DEBT.

The bill (S. 55) to authorize the Secretary of the Treasury to use, at his discretion, surplus moneys in the Treasury in the purchase or redemption of the outstanding interest-bearing obligations of the United States was considered as in Committee of the Whole.

The PRESIDING OFFICER. This bill was read on Saturday last.

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

JOHN P. WAGNER.

The bill (S. 1296) for the relief of John P. Wagner was considered as in Committee of the Whole. It provides that in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, John P. Wagner shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a captain of Company H, Two hundred and second Regiment Pennsylvania Volunteer Infantry, on the 12th day of November, 1864; but no pension shall accrue prior to the passage of this act.

Mr. SMITH of Georgia. Mr. President, I should like to hear some explanation why this gentleman is to have his present disabilities removed.

Mr. WARREN. Mr. President, the purpose of the bill, of course, is to give Mr. Wagner a pensionable status. I will say in regard to the case that he served three months with honor and was honorably discharged. He entered the Army a second time, served honorably, was promoted through the different grades to second lieutenant and then to first lieutenant, and again was honorably discharged. During a third service he unfortunately imbibed too much drink on one occasion, and on that account was dishonorably discharged. He is a very old man, and I think ought to be pardoned now in order that he may have a pension for the few months that he has yet to live.

Mr. SMITH of Georgia. I will not object to the consideration of the bill.

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

METROPOLITAN POLICE OF THE DISTRICT.

The bill (S. 4479) to amend an act approved June 8, 1906, entitled "An act to amend section 1 of an act entitled 'An act relating to the Metropolitan police of the District of Columbia,' approved February 28, 1901," was considered as in Committee of the Whole, and the Secretary read the bill, as follows:

Be it enacted, etc., That the act of Congress approved June 8, 1906, entitled "An act to amend section 1 of an act entitled 'An act relating to the Metropolitan police of the District of Columbia,' approved February 28, 1901," be, and the same is hereby, amended as follows:

Strike out the last clause of paragraph 2 and insert in lieu thereof the following: "All original appointments of privates shall be made to class 1, and promotions shall be made from class 1 to class 2 in order of appointment to the force after three years' service as privates in class 1, and from class 2 to class 3 after two years' service as privates of class 2, in all cases where the conduct and intelligent attention to duty of any private shall justify such promotion."

Strike out paragraph 3 and insert in lieu thereof the following:

"PAR. 3. The said Metropolitan police force shall consist of 1 major and superintendent, who shall continue to be invested with such powers and charged with such duties as is provided by existing law; and also of 1 assistant superintendent with the rank of inspector; 4 surgeons for the police and fire departments; 3 inspectors; 11 captains; 18 lieutenants, 1 of whom shall be harbor master; and such number of sergeants, privates of class 3, privates of class 2, privates of class 1, mounted inspectors, captains, lieutenants, sergeants and privates, and such others as said commissioners may deem necessary within the appropriations made by Congress: *Provided*, That the inspectors shall perform such duties as may be prescribed by the Commissioners of the District of Columbia; that the captains shall command police precincts and perform such duty or duties in connection therewith as the laws and regulations of the said commissioners may prescribe: *Provided further*, That the said Metropolitan police force shall continue as at present constituted until the offices created hereby are filled and promotions are made by said commissioners as provided in this act."

Strike out paragraph 8 and insert in lieu thereof the following:

"PAR. 8. The salaries of the officers and members of the Metropolitan police of the District of Columbia, herein provided, shall commence with the fiscal year beginning July 1, 1916, and shall continue thereafter annually, unless changed by Congress, as follows: The major and superintendent shall receive an annual salary of $4,000; the assistant superintendent shall receive an annual salary of $2,500; inspectors shall each receive an annual salary of $2,000; police surgeons shall each receive an annual salary of $720; captains shall each receive an annual salary of $2,000; lieutenants shall each receive an annual salary of $1,600; sergeants shall each receive an annual salary of $1,400; privates of class 3 shall each receive an annual salary of $1,200; privates of class 2 shall each receive an annual salary of $1,080; privates of class 1 shall each receive an annual salary of $900; members of said police force who may be mounted shall each receive an extra compensation of $300 per annum; and members of said force who may be mounted on bicycles shall each receive an extra compensation of $50 per annum."

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

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to add, at the end of the bill, the following proviso:

Provided, That all contracts heretofore made between the beneficiaries under this act and pension attorneys and claim agents are hereby declared null and void.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New Hampshire.

Mr. THOMAS. Mr. President, I should like to inquire of the Senator from New Hampshire what condition his amendment is designed to cover? I do not perceive anything about the bill which indicates the necessity for any such contracts, and I am really a little curious in regard to the matter.

Mr. GALLINGER. Mr. President, the bill increases the salaries of the members of the Metropolitan police force. I have knowledge that on former occasions when salaries have been increased in this district certain enterprising claim agents and attorneys have had an interest in the matter and have profited to some extent because of the legislation. I have no knowledge at all as to the present case.

Mr. THOMAS. I think the amendment is very desirable in this case.

Mr. GALLINGER. If the Senator knew what I know, he would think it desirable.

Mr. SMITH of Georgia. Mr. President, I wish to ask the Senator from New Hampshire a question. Does this bill place the police officers at crossings upon the same basis as other policemen?

Mr. GALLINGER. I will say to the Senator that, not being a member of the committee, I can not speak authoritatively, but I think it does not do so. I believe, however, that officers at crossings should have the same salary as paid to the ordinary policeman.

Mr. SMITH of Georgia. I have understood that there is a discrimination between the crossing policemen and other policemen, and it occurred to me that the policeman who stands at a crossing in the center of the city has harder work to perform than the ordinary policeman, and really ought to be a selected man. It is a most dangerous and important place.

Mr. GALLINGER. There is this to be said about the crossing policemen. They are paid by the railroad companies. They are under the jurisdiction of the chief of police, but they are not properly members of the Metropolitan police force. I think on a former occasion I endeavored to remedy that by making them members of the Metropolitan police force and giving them all the rights and privileges of members of that force, but I failed in my effort to accomplish that. I will say to the Senator, however, that there is the distinction, to which I have referred, that the crossing policemen are paid by the street railroad companies and not from the Federal Treasury.

Mr. SMITH of Georgia. The District collects from the railroads and pays them I presume. The District does not make the railroads themselves carry the crossing policemen on their pay rolls, does it?

Mr. GALLINGER. I confess I do not know what the modus operandi is.

Mr. HUGHES. Mr. President, I will say that I understand the railroad companies pay the crossing policemen direct.

Mr. GALLINGER. I will say to the Senator from Georgia that I think to bring about the result desired will require additional legislation of Congress; but beyond a question the crossing policemen should have all the rights, privileges, and emoluments that go to any other class of policemen in this city.

Mr. SMITH of Georgia. That is true; and they ought to be entitled to promotion. Certainly as good men are required for that position as any other position on the police force.

Mr. GALLINGER. It will require some additional legislation to bring that about.

Mr. SMITH of Georgia. They are selected, I understand, by the commissioners and appointed by the chief of police.

Mr. GALLINGER. They undoubtedly undergo an examination, and they are appointed by the chief of police.

Mr. BRANDEGEE and Mr. TOWNSEND addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BRANDEGEE. Mr. President, will the Senator from New Hampshire be kind enough to let me ask him a question? I do not know what the bill is to which he has offered the amendment, and I came in the Chamber just as the amendment was being read; but, as I understand the amendment, it seeks to declare invalid a contract, and I was wondering, inasmuch as the Constitution says that Congress shall pass no law impairing the obligations of a contract, whether or not the amendment violated that provision of the Constitution.

Mr. GALLINGER. The amendment is in the form which has been used in a great many similar bills, I will say to the Senator. Perhaps we could say that "all agreements."

Mr. BRANDEGEE. An agreement is a contract, I will say to the Senator.

Mr. GALLINGER. Yes.

Mr. BRANDEGEE. I do not wish to interfere in the matter at all, but as read the amendment, it seemed to me, would probably be unconstitutional.

Mr. GALLINGER. The Senator understands that the contracts referred to are contingent contracts.

Mr. BRANDEGEE. I can see readily that such a provision could apply to the future, to prevent such contracts being made; but if there is now an existing valid contract, I do not think that Congress can declare it void. However, I do not wish to interfere with the bill, because if the provision is unconstitutional it will not have any effect.

Mr. TOWNSEND. Mr. President, I had in mind what the Senator from Connecticut [Mr. BRANDEGEE] has said. It seems to me that if the Senator from New Hampshire desires to accomplish this purpose it can be done by stating that no part of the money shall be paid for such a purpose. That might possibly avoid the objection which has been raised. It seems, however, very clear to me that such an amendment will be unconstitutional if a valid contract exists. I do not believe that Congress can make a legal contract void.

Mr. GALLINGER. This matter is peculiar in this respect—of course, I can not argue it from the legal point of view, but such contracts are made upon a contingency. They are contingent agreements with certain men whose salaries are increased by legislation that the attorneys or claim agents shall get a percentage, pretending that they have been the means of securing the legislation. Whether or not that is a contract under the terms of the Constitution I do not know.

Mr. TOWNSEND. Mr. President, I am in sympathy with the object the Senator desires to accomplish; but I can not believe that that can be done if there is such a contract in existence, but it seems to me that we might say that "no part of the appropriation made shall be applied to such a purpose."

Mr. GALLINGER. I wrote it in that form first, but on turning to the CONGRESSIONAL RECORD I found two recent instances where the phraseology which I employ has been used in other bills. However, if the matter may be passed over for a moment, I will draft the amendment in the other form.

The PRESIDING OFFICER. Does the Senator from New Hampshire withdraw his amendment?

Mr. GALLINGER. I withdraw the amendment, and ask that the bill may go over for a few moments until I can draft the amendment.

Mr. BRANDEGEE subsequently said: Mr. President, the Senator from Texas [Mr. CULBERSON] has called my attention to the fact that section 10 of Article I of the Constitution provides that—

No State shall * * * pass any * * * ex post facto law, or law impairing the obligation of contracts.

I think that is what I had in mind, probably. I think I am mistaken in what I said about the amendment of the Senator from New Hampshire. It did seem to me, and does seem to me still, that Congress ought not to have the power to pass a law declaring a valid contract to be void; but I have had no time to look it up, or to see whether there is any constitutional amendment which would prohibit it. I think, however, I was clearly wrong in what I stated, and I had in mind what the Senator from Texas has called to my attention.

Mr. GALLINGER. Mr. President, I will again offer the amendment; and I will make the suggestion that even if this should be found to be an unconstitutional act it will have served, to a large extent, the purpose I have in view. There have been things done here in this direction that ought to be corrected, and possibly a notice served upon certain parties will accomplish the result quite as well as legislation. I think we would better add

this amendment to the bill—the amendment I submitted a moment ago.

The PRESIDING OFFICER. Does the Senator from New Hampshire offer the amendment that he previously offered?

Mr. GALLINGER. I do.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

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

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

CLAIMS OF MASSACHUSETTS.

The bill (S. 3346) conferring jurisdiction on the Court of Claims to adjudicate the claims of the State of Massachusetts was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 2, line 3, after the words "Treasury Department," to strike out:

And in making said adjudication the court is hereby directed to apply the provisions of the act of Congress approved July 27, 1861 (12 Stat., 276), and the joint resolution of Congress approved March 6, 1862 (12 Stat., 615), as interpreted and applied by the Supreme Court of the United States in the claim of the State of New York (160 U. S., 590), which legislation so interpreted is hereby extended to include the aforesaid claims. And the proofs in support of said claims now filed by the State with the accounting officers are hereby declared to be sufficient to authorize the court to make said adjudication under the provisions of said act and joint resolution.

And insert:

The evidence of the amount of said expenditures and of the computations of premium made by the accounting officers of the Treasury, on file in the Treasury Department, may be considered by the court, so as to relieve the State of the necessity of duplicating the same.

So as to make the bill read:

Be it enacted, etc., That the Court of Claims is hereby given jurisdiction to adjudicate the claims of the State of Massachusetts for money paid as premium for gold with which it paid the interest and principal on money borrowed and used to equip its troops for the service of the United States during the Civil War and for interest and premium paid for gold wherewith it paid such interest on money borrowed and expended during said war in protecting the harbors and fortifying the coast, which claims for interest and premium were disallowed by the accounting officers of the Treasury Department. The evidence of the amount of said expenditures and of the computations of premium made by the accounting officers of the Treasury, on file in the Treasury Department, may be considered by the court, so as to relieve the State of the necessity of duplicating the same.

Mr. SMITH of Georgia. Mr. President, I wish that some Senator would give a brief explanation of that bill.

Mr. LODGE. Mr. President, the bill is to allow the State of Massachusetts to go before the Court of Claims to recover for money paid as premium for gold with which it paid the interest and principal on money which it borrowed to equip troops during the Civil War. The State of Massachusetts paid all its debts during the Civil War and all the interest in gold. There have been some similar cases in connection with one or two other States.

Mr. SMITH of Georgia. I understand what it is now.

Mr. OVERMAN. Does this bill provide that the Court of Claims shall proceed to judgment or merely find the facts? This claim has been before the Committee on Claims a dozen times. It came before the committee while I was a member of that committee—and I served on that committee seven or eight years—but I do not think we have ever allowed a claim to go through within my recollection providing that the Court of Claims shall proceed to judgment. Ordinarily we merely allow the court to find the facts and certify the facts to Congress, and then the claim is paid by appropriation in one of the appropriation bills.

Mr. LODGE. Certainly this matter will have to come before Congress for an appropriation.

Mr. OVERMAN. That is what I wanted to understand. It does not authorize the Court of Claims to proceed to judgment.

Mr. LODGE. I understand that after the Court of Claims acts the matter will have to come here and be paid like every other judgment of the Court of Claims.

Mr. OVERMAN. That is what I want to understand.

Mr. LODGE. I do not think it is different in that respect from any other bill of this kind.

Mr. OVERMAN. Of course, Mr. President, judgments have to be paid; but I understand that these cases usually go to the Court of Claims to find the facts; then the facts come up here before Congress, and then the Court of Claims recommends the bill for passage.

Mr. LODGE. Certainly; it is exactly the same——

Mr. OVERMAN. And this takes the same course as others.

Mr. LODGE. It takes the same course as all other claims.

Mr. TOWNSEND. No; I do not understand that it does take the same course as others. If you permit this bill to pass, you submit this matter to the Court of Claims for a judgment there, which would be a judgment in favor of the State of Massachusetts.

Mr. OVERMAN. That is what I asked.

Mr. TOWNSEND. Of course we will have to appropriate the money to pay it, the same——

Mr. OVERMAN. I will not object to it if that is the form of the bill. If it proceeds to judgment, then I would object to it.

Mr. CLAPP. Let us have it read.

Mr. OVERMAN. I ask to have the bill read again.

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). The Secretary will read the bill again.

The Secretary again read the bill.

Mr. OVERMAN. I want to ask the Senator from Massachusetts if he will not strike out the word "adjudicate," and say that it is referred to the Court of Claims "to find all questions of law and fact, and report to Congress." That is the way they usually read, instead of saying "adjudicate."

Mr. LODGE. I supposed this bill was in the usual form.

Mr. OVERMAN. No; they are referred to the Court of Claims to find the questions of law and fact and report to Congress.

Mr. LODGE. Mr. President, I am perfectly willing to make that change if the Senator is going to object unless it is made. Of course in that event I have no choice except to accept it; but similar claims have been paid to other States.

Mr. OVERMAN. I understand that. They passed through our committee.

Mr. LODGE. Yes.

Mr. OVERMAN. I understand all about this claim, because it has been before the committee time and again. Some of them have been referred to the Court of Claims to find the facts and the law and report to Congress. They make reports here every year, as the Senator knows, upon these cases, and we pass upon them.

Mr. LODGE. Very well, Mr. President.

Mr. OVERMAN. I move to strike out the word "adjudicate" and have it read "referred to the Court of Claims to find the law and facts and report to Congress."

Mr. OLIVER. Mr. President, I should like to ask the Senator from Massachusetts a question.

The PRESIDING OFFICER. Let the Secretary state the amendment.

Mr. OLIVER. First, I should like to ask the Senator from Massachusetts if this is not an exactly parallel case to the case that was decided by the Supreme Court with regard to the State of New York?

Mr. LODGE. Precisely the same.

Mr. OLIVER. I do not think it ought to go before the Court of Claims. This question was before the Committee on Claims when I was a member of it, and I think the Committee on Claims ought to report a bill making an appropriation to pay this debt.

Mr. OVERMAN. The committee has never done that, Mr. President. We have had it up there every year.

Mr. LODGE. Of course, Mr. President, it is a just debt. Of that I have no doubt whatever; but the United States Congress, particularly, will never pay any attention to whether or not a debt is a just debt. The only way to get it paid is to try to get a judgment from a court.

Mr. OVERMAN. As I recollect, the Government has paid Massachusetts the principal of every cent she paid out. This, as I understand, is a question of the premium she had to pay for gold in getting this money.

Mr. LODGE. That has been decided.

Mr. OVERMAN. I know it has in a Pennsylvania case; but I think the Court of Claims ought to find the facts and the law in this case and report back.

Mr. LODGE. There is not any question about the facts. It ought to be paid, as a matter of fact, as the Senator from Pennsylvania [Mr. OLIVER] says, by appropriation; but, of course, I have no choice, if the Senator from North Carolina is going to object, except to take the amendment. It simply delays it still further.

The PRESIDING OFFICER. Does the Senator propose the amendment?

Mr. OVERMAN. I do; but in order that the Senator may have the bill passed I will say that I do not propose to delay it. It will not delay it at all. If you got a judgment, it would

have to come here and be appropriated for. There really will be no delay in it.

Mr. CLAPP. Mr. President, I think possibly I can straighten this out. There are cases where it is difficult to ascertain the amount, and we send such cases to the Court of Claims to report a finding of fact. Where there is no question of the amount, and the claim is a just one, we very often send it there for a judgment, and I should think in a case of this kind it ought to be for a judgment.

Mr. LODGE. Let me say to the Senator from Minnesota that there is no question about the amount.

Mr. CLAPP. No.

Mr. LODGE. It is provided in the bill by the amendment that the State shall not have to duplicate the returns or figures of the Treasury Department. We accept the figures of the Treasury Department itself.

Mr. CLAPP. Yes. I say I do not see the necessity of sending it there for a mere finding of fact.

Mr. LODGE. There are no facts to find. Those are admitted.

Mr. CLAPP. We ought to send it there for a judgment.

Mr. OVERMAN. I do not know whether it is exactly the same case as the Pennsylvania case or not. I do know, however, that the Committee on Claims time and time again refused to pass it. I do not know why. Let us have the facts from the court.

Mr. LODGE. The Committee on Claims has refused to pass a good many just claims.

Mr. OVERMAN. Why, certainly; I agree to that.

Mr. OLIVER. I would say that some years ago, when I was a member of that committee, I investigated this case, which was referred to me as a subcommittee, and I reported to the committee in favor of it.

Mr. OVERMAN. Will the Senator yield?

Mr. OLIVER. Certainly.

Mr. OVERMAN. But the full committee did not report it.

Mr. OLIVER. At that time the full committee was dominated by the late Senator from New Jersey and a lot of others who would not report anything.

Mr. OVERMAN. It may be a meritorious case; I do not know.

Mr. LODGE. I think it is meritorious. Other States have received the same.

The PRESIDING OFFICER. Does the Senator from North Carolina propose an amendment?

Mr. OVERMAN. I do.

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. On page 1, line 4, it is proposed to strike out the word "adjudicate" and insert "to find the law and facts."

Mr. LODGE. Of course I hope that amendment will not be adopted. I do not think there are any facts to find. If the Senator is going to object, however, I have no choice except to accept it.

Mr. SMITH of Georgia. Mr. President, is there a provision in this bill carrying interest?

Mr. LODGE. No; it is the premium on the interest.

Mr. SMITH of Georgia. The premium on it?

Mr. LODGE. On the interest paid by the State.

Mr. SMITH of Georgia. There is no provision for interest on the amount due?

Mr. LODGE. Oh, no; there is no provision whatever for interest on the amount.

Mr. THOMAS. Mr. President, I think the word "adjudicate" covers everything that could be covered by the amendment offered by the Senator from North Carolina. The requirement that the court shall adjudicate the claim involves the necessity of inquiring into it, or else there can be no adjudication.

Mr. OVERMAN. It may be construed that they are to render judgment. I have proposed the language of all these bills where Congress has required the matter to go to the Court of Claims to find the law and the facts and then report to Congress; and Congress takes the law and facts as found by the court and determines whether it will appropriate to pay the judgment.

Mr. THOMAS. I can not conceive how a court can adjudicate any controversy before it without inquiring into it and then passing upon it. Its conclusion, either favorable or adverse, presupposes an inquiry as to the facts as well as the law.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from North Carolina.

The amendment was rejected.

Mr. HUGHES. I shall object to the bill, if that is done.

The PRESIDING OFFICER. The Senator from New Jersey objects to the further consideration of the bill. Under the rule, it will be passed over.

GRAVES OF CONFEDERATE SOLDIERS AND SAILORS.

The bill (S. 5044) to continue in effect the provisions of the act of March 9, 1906, was announced as next in order.

Mr. CHAMBERLAIN. Mr. President, I ask that that bill may be indefinitely postponed, because a House bill having the same object in view was passed by the Senate some days ago.

The PRESIDING OFFICER. Without objection, the bill will be indefinitely postponed.

BILL PASSED OVER.

The bill (S. 3012) for the relief of Elizabeth T. Wells was announced as next in order.

Mr. SMOOT. Let that bill go over.

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). The bill will be passed over.

GEORGE T. HAMILTON.

The bill (S. 28) for the relief of George T. Hamilton was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on line 5, to strike out "$5,000" and insert "$1,000," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $1,000 to George T. Hamilton, as full compensation for wounds received at the hands of soldiers of the United States in the year 1863.

The amendment was agreed to.

Mr. SMOOT. Mr. President, I have looked for the report on that bill, but I do not see it. It is a long time since that accident happened, and I should like to see some of the evidence.

Mr. SAULSBURY. Mr. President, I may say that the report is No. 297, but I can give the Senator and the Senate the facts in this case, and I desire to do so.

In 1863 a young lad 16 years old was standing at the door of his mother's house near Stanton, Del. A trainload of United States troops was being sent southward——

Mr. SMOOT. Mr. President, I remember the bill very well upon the statement the Senator has just made, and I have no objection to its consideration.

Mr. SAULSBURY. Mr. President, as I have started I should like to continue the statement, because I wish to offer an amendment to the bill increasing the amount, and I hope the Senate will agree to it. This is a case that I think resembles some of the horrors with which we have been familiar in the European war, and it is a case that I know about personally, as far as one can after this length of time, knowing one of the witnesses who testified, and having visited this man.

As I was saying, in 1863 a 16-year-old boy was standing at the door of his mother's house near Stanton, Del. A trainload of United States troops had stopped on a siding there as it was passing south. One of the soldiers, never identified, shot this boy through both legs, so affecting the nerves of one that for 53 years that man has suffered from running sores in that leg, unable to work except now and then temporarily; and it is one of the tragedies of which you find so many in the simple annals of the poor.

Mr. President, if I represented this man in a court of justice, with a defendant whom I could sue for this claim, I should expect to get almost the highest punitive damages ever awarded in a damage case. For 53 years this man has suffered from those injuries, inflicted by a soldier of the United States who very possibly is to-day drawing a pension, and has done so for many years.

I desire to offer an amendment increasing the amount which the committee allowed. They cut down the amount named in the bill which I offered, $5,000, to $1,000, saying that there was no real legal liability and $1,000 was simply an amount which they had agreed upon; but the acting chairman of the committee told me he would not object and would be very glad if I could obtain an increase in that amount from the Senate.

Mr. SMITH of Georgia. Mr. President, is this a $1,000 pension, to be paid to him annually?

Mr. SAULSBURY. No; it is a lump sum of $1,000 which the committee recommend.

Mr. LODGE. Mr. President, I should like to ask the Senator a question.

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

Mr. SAULSBURY. Surely.

Mr. LODGE. The Senator has stated that the boy was 16 years old in 1863.

Mr. SAULSBURY. In 1863; yes.

Mr. LODGE. It is stated here by the Committee on Claims that he is now 53 years of age.

Mr. SAULSBURY. The Senator will observe that that is an old report on this case, which was made to the Senate a great many years ago.

Mr. SMOOT. In the Fifty-sixth Congress, I believe.

Mr. LODGE. Oh, I see; it is an old report.

Mr. SAULSBURY. Yes. The man is now 69 years old, Mr. President, from the record.

Mr. TOWNSEND. Mr. President——

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

Mr. SAULSBURY. Surely.

Mr. TOWNSEND. Do I understand that this man has been pensioned by the Government for this?

Mr. SAULSBURY. He never has had one cent from the Government during this whole time, and has suffered for 53 years.

I may say that I personally know one of the physicians whose affidavit is shown by this report, and he is one of the finest country doctors that anyone can well imagine. He is one of those men who simply go about doing good and charity, and he has attended this man. I have talked with him. I have seen this man myself. I think it is one of those pitiful cases where the Government could very well afford to pay the man a pension, and I should be glad to have them do it. If he should live longer than it takes to consume this money, I shall try to get the Congress to make an appropriation again; but I move, Mr. President, that in line 6, as amended, the $1,000 be changed to $2,000, and I give notice that I shall ask for more if he lives longer than this amount lasts.

The PRESIDING OFFICER. Is there objection to reconsidering the vote by which the former amendment was agreed to?

Mr. SAULSBURY. I will propose the amendment when the bill comes in the Senate from the Committee of the Whole.

The PRESIDING OFFICER. Are there further amendments to be proposed as in Committee of the Whole? If not, the bill will be reported to the Senate.

The bill was reported to the Senate as amended.

Mr. SAULSBURY. Now I offer my amendment.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On line 6 it is proposed to strike out "$1,000" and in lieu thereof to insert "$2,000."

The amendment was agreed to.

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

JOHN Q. A. BRETT.

The bill (S. 2544) to authorize the President of the United States to appoint John Q. A. Brett captain in the Quartermaster Corps of the Army, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs, with an amendment, in line 6, after the words "grade of," to strike out the words "captain in the Quartermaster Corps" and insert "first lieutenant," so as to make the bill read:

Be it enacted, etc., That the President of the United States, in his discretion, be, and he is hereby, authorized to appoint John Q. A. Brett, pay clerk, Quartermaster Corps, United States Army, to the grade of first lieutenant, United States Army.

The amendment was agreed to.

Mr. SMITH of Georgia. Mr. President, I should like to know why it is proposed to take this action?

Mr. LODGE. Mr. President, if the Senator will allow me, I will give the reason for it. It is stated in a letter of the former Secretary of War, Mr. Garrison:

I regard the case of Pay Clerk Brett as an exceptional one, and believe that he is entitled to special consideration for the unusually arduous and intelligent work which he has performed. His unusually exact knowledge not only of the Quartermaster Corps but of the other bureaus of the War Department as well is personally known to me by reason of extremely important official work extending over several months which he has done under my immediate direction.

Before this work was completed, and when his absence would probably have made it impossible of completion, his medical officers ordered him into the hospital. Realizing the serious situation that his absence would create, and entirely from a sense of devotion to duty, he continued at this harassing night-and-day work until it was finished, although to the serious prejudice of his health.

Pay Clerk Brett is a highly educated, well-bred gentleman. I doubt if there are half a dozen officers in the Army as well versed in all the details of the Quartermaster Corps.

Then there are letters here of a similar purport from Gen. Bliss, Col. Huggins, and other officers under whom he served, and Gen. Aleshire. His health is very much impaired. He has been in the service a long time as pay clerk.

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

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

The title was amended so as to read: "A bill to authorize the President of the United States to appoint John Q. A. Brett a first lieutenant in the United States Army."

KATE CANNIFF.

The bill (S. 798) for the relief of Kate Canniff was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, in line 5, after the words "sum of," to strike out "$5,000" and insert "$1,345," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Kate Canniff the sum of $1,345, out of any money in the Treasury not otherwise appropriated, in full compensation for the death of her husband, James Canniff, who received injuries April 15, 1901, while in the service of the United State on the lighthouse tender *Haze*, and as a result of which he died on October 20, 1909.

The amendment was agreed to.

Mr. SMITH of Georgia. Mr. President, I think we ought to have an oral explanation of the bill from whoever is responsible for it.

Mr. WALSH. Mr. President, I am the author of the bill, and I shall be very glad to explain it.

The husband of the beneficiary of the bill was employed in the Lighthouse Service of the Government, operating in the harbor of Detroit, Mich. While in that service he was caught by a chain and thrown overboard and his leg crushed so that it had to be amputated twice. He suffered for a long time from these injuries, but recovered sufficiently so that eventually he was appointed a watchman and discharged some duties of that character for a while. He eventually died, in 1909, as his family claims as the result of the injury; that is to say, not directly, but that his general health was so impaired and his vitality so undermined that he succumbed to the illness from which he eventually died, and the bill was framed upon the basis of recovery for his death.

The matter was referred to the Department of Commerce for a report, and the report from them is found in the record. They are not able to trace any direct causal connection between the injury which he thus sustained in the service and his death; but they set out in the report that a large amount of expense was incurred by him for medical attendance and loss of time and that sort of thing during the time he was injured, and they recommend that payment be made to him of that amount—$1,345. The claim is a very just one.

I might say that I am interested in the matter because of some family connections of the lady with people in my State.

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

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

BILL PASSED OVER.

The bill (S. 2530) for the relief of the Buffalo River Zinc Mining Co. was announced as next in order.

Mr. SMOOT. Let that bill go over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

BRIDGE ACROSS SALT FORK OF ARKANSAS RIVER, OKLA.

The bill (S. 3423) to provide for the construction of a bridge across the Salt Fork of the Arkansas River near White Eagle Agency, in the Ponca Indian Reservation, Okla., was considered as in Committee of the Whole. It appropriates, out of any money in the Treasury not otherwise appropriated, the sum of $6,000, or so much thereof as may be necessary, to be expended under the direction of the Secretary of the Interior, for the purpose of paying one-third of the cost of the construction of a bridge across the Salt Fork of the Arkansas River, between sections 3 and 10, township 24 north, range 2 east, Indian meridian, near White Eagle Agency, in the Ponca Indian Reservation, Okla., provided that no part of the money appropriated shall be expended until the Secretary of the Interior shall have obtained from the proper authorities of Kay County and Noble County, in Oklahoma, satisfactory guaranties of the payment by said counties of at least two-thirds of the cost of such bridge, and that the proper authorities of the said counties assume full responsibility for and will at all times maintain and repair said bridge and the approaches thereto.

Mr. THOMAS. Mr. President, may I inquire from the Senator who introduced the bill and reported it why this $6,000 should be appropriated from the general funds instead of from the Indian funds?

Mr. OWEN. Mr. President, I will say to the Senator that adjacent to this point a number of different Indian tribes have been located, and the land is nontaxable. The white people who own lands in the vicinity appealed to the Interior Department with regard to it, showing that these Indian lands, which were scattered and not paying taxes, would be benefited in this proportion, and for that reason the Secretary thought it

was fair that the Government should make provision for the payment of one-third of the amount.

Mr. THOMAS. I notice that the bill refers to the White Eagle Agency in the Ponca Indian Reservation. The impression I had in my mind was that this was a bridge connecting the Indian reservation with the territory on the other side of the river.

Mr. OWEN. No; it runs across the Salt Fork and connects a lot of territory which has land belonging to white people, but also has Indian allotments which are nontaxable, and this is intended to meet the Indian proportion of it.

Mr. THOMAS. I should think that would be a proper State charge, or a proper charge against the Indian funds.

Mr. OWEN. The United States made this land nontaxable in the State of Oklahoma.

Mr. SMOOT. I will ask the Senator if the Indians who will be benefited by the building of this bridge have a credit in the Treasury of the United States?

Mr. OWEN. These allotments belong to members of the tribe. Whether these individuals have any available funds or not, I do not know; but the Secretary of the Interior in his letter of February 17 stated that he thought it was fair that this should be done.

Mr. SMOOT. I see that the Secretary of the Interior on February 12, 1916, says that considerable Indian land in these counties is not subject to taxation, and this appropriation is asked for by the county authorities because of this condition. He further says that he is submitting the facts in the case, leaving the question of the propriety of making the appropriation to the determination of Congress.

It seems to me that if this is wholly to benefit the Indians, and the lands are not taxable, the amount which should be paid by the Government ought to be charged to the Indian account, if they have one here.

Mr. OWEN. The apportionment is against the individual allottees who have the lands in contiguous territory. They are at different distances from the bridge. The Secretary in this paragraph of his letter says:

> I have to state that all the information at my command indicates that it is only fair that the Government should assist the counties in the construction of the proposed bridge.

Mr. WALSH. The idea suggested by the question propounded by the Senator from Colorado has not been developed at all.

Mr. OWEN. The only question involved in the question of the Senator from Colorado was, Why should not the tribal funds provide this? The answer is that the benefits are going to individual allottees, according to their respective distances from the bridge.

Mr. WALSH. But that is always the case with a bridge on or adjacent to a reservation. Those nearest the bridge, in all probability, derive the greatest amount of benefit from it.

Mr. OWEN. That is true.

Mr. WALSH. Yet in all our operations of government we take a territory reasonably adjacent and subject it to the charge.

Mr. OWEN. I should have no objection if charged to the Ponca Tribe, to the individuals who have special benefit from it, of course, those in proximity to the bridge; but in the Ponca lands there have been various apportionments, these allotments have been made, and United States citizens are now paying taxes upon them.

Mr. WALSH. I speak of this because attention has been called to the fact that some of these Oklahoma Indians have enormous revenues. We have frequently endeavored to get the Government to aid in the construction of bridges very largely beneficial to reservations in our State out of Indian moneys and we have not been quite as successful as we hoped to be. It never addressed itself to me as a very proper expenditure of General Government funds to build those bridges, but, of course, if Congress gives approbation to a measure of this kind we shall be compelled to introduce a number of bills for the erection of such structures.

Mr. OWEN. I shall ask leave to amend the bill, in line 4, after the word "Treasury," by striking out "not otherwise appropriated" and inserting "to the credit of the Ponca Tribe of Indians."

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

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

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

BILLS, ETC., PASSED OVER.

The joint resolution (S. J. Res. 114) withholding from allotment the unallotted lands or public domain of the Creek Nation or Tribe of Indians, and providing for the sale thereof, and for other purposes, was announced as next in order.

Mr. SMITH of Georgia. Let that go over.

The PRESIDING OFFICER. The joint resolution will be passed over.

The bill (S. 4253) conferring jurisdiction on the Court of Claims to hear, determine, and render judgment in claims of the Iowa Tribe of Indians against the United States was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will go over.

The bill (S. 4086) to provide for the care and treatment of persons afflicted with leprosy and to prevent the spread of leprosy in the United States was announced as next in order.

Mr. THOMAS. Let the bill go over.

The PRESIDING OFFICER. The bill will go over.

BARKENTINE "MABEL I. MEYERS."

The bill (S. 3270) for the relief of the owners of the barkentine *Mabel I. Meyers* and her master and crew, and for the relief of the owners of cargo of molasses late on board said barkentine, was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with an amendment, on page 2, line 14, to insert "*Provided*, That no award or judgment shall be made for prospective profits," so as to make the bill read:

> *Be it enacted, etc.*, That the claim of the owners of the barkentine *Mabel I. Meyers* and her master and crew, and the claim of the owners of the cargo of molasses late on board said barkentine, in alleged collision with the U. S. S. *Nebraska* about 30 miles southeast of Cape Cod, Mass., on the 30th day of July, 1915, for and on account of the losses alleged to have been suffered in said collision by the owners of said barkentine and by her master and crew, and by the owners of said cargo, may be submitted to the United States Court for the District of Massachusetts, the district nearest to which the collision occurred, under and in compliance with the rules of said court sitting as a court of admiralty. And that the said court shall have jurisdiction to hear and determine the whole controversy and to enter a judgment or decree for the amount of the damages, including interest, sustained by reason of said collision, if any shall be found to be due, either for or against the United States, upon the same principles and measure of liability, with costs, as in like cases in admiralty between private parties, with the same rights of appeal: *Provided*, That no award or judgment shall be made for prospective profits.
>
> SEC. 2. That should damages be found to be due from the United States to the owners or master or crew of said barkentine, or any or either of them, or to the owners of said cargo, or either of them, the amount of the final decree or decrees therefor, including interest and costs, shall be paid out of any money in the United States Treasury not otherwise appropriated: *Provided*, That such suit or suits shall be brought and commenced within four months after the passage of this act.
>
> SEC. 3. That the mode of service of process shall conform to the provisions of the act of March 3, 1887, entitled "An act to provide for the bringing of suits against the United States."

The amendment was agreed to.

Mr. SMITH of Georgia. If there is any Senator here who has charge of the bill or knows about it——

Mr. OWEN. I should like to have an explanation of the bill.

Mr. SMOOT. Let the bill go over.

Mr. SMITH of Georgia. Yes; let it go over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. SMITH of Georgia. I objected a few moments ago to Senate joint resolution 114, withholding from allotment the unallotted lands or public domain of the Creek Nation or Tribe of Indians, and providing for the sale thereof, and for other purposes. I did not know that the joint resolution had been called at that time. I did not mean to object.

Mr. SMOOT. I have not read the joint resolution. Another Senator wants it to go over, and I will have to object on his account.

The PRESIDING OFFICER. The joint resolution will be passed over.

MIKE G. WOMACK.

The bill (S. 3533) for the relief of Mike G. Womack was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with an amendment, in line 6, after the words "sum of," to strike out "$20,000" and insert "$1,000," so as to make the bill read:

> *Be it enacted, etc.*, That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mike G. Womack, the sum of $1,000, in full compensation for injuries received by him on July 28, 1914, while in the performance of his duties as an employee of the United States Government in connection with the construction of roads within the Crater Lake National Park, in the State of Oregon.

Mr. SMITH of Georgia. I think we ought to have a word of explanation of the bill.

Mr. CHAMBERLAIN. The report on the bill is very short. The man was injured in a powder explosion upon a Government road through the carelessness of a coemployee.

The amendment was agreed to.

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

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

VOLUNTEER OFFICERS' RETIRED LIST.

The bill (S. 392) to create in the War Department and the Navy Department, respectively, a roll designated as the "Civil War Volunteer officers' retired list," to authorize placing thereon with retired pay certain surviving officers who served in the Army, Navy, or Marine Corps of the United States in the Civil War, and for other purposes, was announced as next in order.

Mr. SMITH of Georgia. Let that bill go over.

The PRESIDING OFFICER. The bill will go over.

ANATASIA HOGAN.

The bill (H. R. 4881) to reimburse the postmaster at Kegg, Pa., for money and stamps taken by burglars was considered as in Committee of the Whole. It proposes to appropriate $88.27, for the purpose of reimbursing Anatasia Hogan, postmaster at Kegg, Bedford County, Pa., for money and stamps stolen from that office by burglars March 7, 1910, the said Anatasia Hogan having made good the loss to the Post Office Department out of her own funds by payment of the aforementioned sum to an inspector of the said department February 28, 1912.

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

EXPORTATION OF ALCOHOL.

The bill (S. 3304) concerning the exportation of alcohol and other distilled spirits was considered as in Committee of the Whole. It provides that under such regulations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may prescribe, alcohol or other distilled spirits of a proof strength of not less than 180° intended for export free of tax may be drawn from receiving cisterns at any distillery, or from storage tanks in any distillery warehouse, for transfer to tanks or tank cars for exportation from the United States, and all provisions of existing law relating to the exportation of distilled spirits not inconsistent herewith shall apply to spirits removed for export under the provisions of this act.

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

CAPT. DANIEL H. POWERS.

The bill (S. 746) to remove the charge of desertion from the military record of Capt. Daniel H. Powers was considered as in Committee of the Whole. It provides that in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers Capt. Daniel H. Powers, late of the Sixth Regiment Michigan Volunteer Cavalry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of said company and regiment, but other than as above set forth no pay, bounty, pension, or other emolument shall accrue by reason of the passage of this act.

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

LIEUT. COL. EDWARD W. WHITAKER.

The bill (S. 2517) for the relief of Edward W. Whitaker was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, on page 2, line 14, after the word "extent," to insert:

Provided, That on receiving the said retired pay under this act he shall relinquish all his right and claim to pension from the United States after the date of the passage of this act, and any payment made to him covering a period subsequent to the passage of this act shall be deducted from the amount due him on the first payment under this act.

So as to make the bill read:

Be it enacted, etc., That the President be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, appoint Edward W. Whitaker (late lieutenant colonel First Regiment Connecticut Volunteer Cavalry, and brevet brigadier general, United States Volunteers, who enlisted as a private April 15, 1861, in Company A, First Regiment Volunteer Infantry, on President Lincoln's first call for volunteers, and served in the field during the war from Bull Run to Appomattox, receiving promotion through every grade to lieutenant colonel for gallantry in action on recommendations of his commanding officers and then specially brevetted brigadier general of United States Volunteers over many senior officers for skill and gallantry displayed in the three last and decisive battles that ended the war, he having participated in 82 engagements, and being so disabled in the last that he declined to accept an appointment issued to him as captain in the Seventh Regiment United States Cavalry, on which he could have been retired as lieutenant colonel, the rank held when disabled) a lieutenant colonel of Cavalry in the Army of the United States; and, when so appointed, he shall be placed upon the retired list of the Army, unlimited, with the pay and emoluments of a retired officer of that grade, the retired list being thereby increased in number to that extent: *Provided*, That on receiving the said retired pay under this act he shall relinquish all his right and claim to pension from the United States after the date of the passage of this act, and any payment made to him covering a period subsequent to the passage of this act shall be deducted from the amount due him on the first payment under this act.

The amendment was agreed to.

Mr. CLARK of Wyoming. What is the historical reference there that we are enacting into law?

Mr. BRANDEGEE rose.

The PRESIDING OFFICER. The Senator from Connecticut can undoubtedly explain it.

Mr. BRANDEGEE. It is a bill that I introduced and it comes from the Committee on Military Affairs. Why the committee included in the bill for passage the historical reference I do not know, and I have no objection to that part being stricken out.

Mr. CLARK of Wyoming. I move that that part be stricken out because it savors more of a vote of thanks by Congress than anything else. Of course it served to explain the legal status but I move to strike out, beginning with the words "who enlisted as a private" in line 7 on page 1, down to and including the word "disabled" in line 10, page 2.

Mr. BRANDEGEE. Before the motion is put, Mr. President, as the part of the bill to which the Senator from Wyoming has alluded is printed, I wish to make a very brief statement about the case. I have been here in the two Houses of Congress for 14 years now, and I have introduced a great many pension bills during that time, as, of course, other Senators have done. In all my experience this is the most deserving and the most remarkable case I have ever had.

I hold in my hand the record of this soldier, which I secured from the office of the Secretary of the Senate. It is certified to by The Adjutant General of the Army. This soldier enlisted as soon as the war broke out. He came from my own county in Connecticut. He was about 18 years old, I believe, at the time; I do not remember exactly; he was under 20 anyway. He participated in 82 engagements. He fought during the entire war from the first Battle of Bull Run, and was the first man within the lines of the enemy at the surrender at Appomatox. He has been awarded the medal of honor by the President of the United States.

I have here all the official papers from the War Department, the indorsement of his old commanders, Gens. Wilson, Grant, and Sheridan. He served under Custer. He repeatedly penetrated the enemy's lines bearing dispatches, at the head of a company of Cavalry, and carried the most important dispatches during the war. I am going to read just one testimonial by Gen. James M. Wilson, late major general of Volunteers, which will show the kind of service this man rendered.

STOCKFORD, WILMINGTON, DEL.,
February 27, 1895.

JAMES R. DURHAM, Esq.,
Washington, D. C.

DEAR SIR: Absence from home has prevented an earlier acknowledgment of your favor of February 24.

I note with regret that my letter in regard to Gen. E. W. Whitaker's distinguished services in cutting his way through from Reams Station to headquarters, near Petersburg, with dispatches for Gen. Meade has been mislaid or lost, and my regret is all the keener as I find I failed to keep a copy of the letter in question.

I now beg to replace it by what follows:

E. W. Whitaker, then a captain of the First Connecticut Cavalry, served on my staff as an aid-de-camp while I was commanding the Third Division, Cavalry Corps, Army of the Potomac, and at all times and upon many occasions showed himself to be a very able and conspicuously gallant officer, but he rendered peculiarly valuable and courageous service in carrying dispatches through the enemy's lines from me to Gen. Meade.

As the officials records will show, the command, after destroying the railroads between Petersburg and the Roanoke River and inflicting great injury upon the Confederate cause, had got back to the immediate vicinity of Reams Station, where it found itself confronted by a strong force of rebel cavalry and infantry. On arriving on the field in the early morning a reconnoissance of the enemy's lines convinced me that we should have to cut and run for it unless Gen. Meade should speedily send a relieving force to open the road for us, but inasmuch as Gen. Meade could have no means of knowing the perils which surrounded us it was necessary for me to open communication with him. Headquarters were not over 5 miles away, but a strong force of veteran Confederate Infantry lay straight across the way, and was supported by Fitzhugh Lee's cavalry. Their position was a strong one, and the oldest cavalrymen regarded it as impregnable for our jaded force. Upon indicating my desire to get information through to Gen. Meade, Capt. Whitaker volunteered to take it and his offer of services was accepted. A single troop of Cavalry was selected to escort him, and as soon as the necessary dispatch could be written he set out upon his perilous mission, and within an hour he had cut his way through the Confederate lines and delivered his dispatch at Army headquarters. The details of his exploit will be found in the official records, but no one except himself and those who saw him ride so gallantly into and through the rebel lines can promptly appreciate the dangers he ran or the value of the services rendered by him. It is true that Gen. Meade did not succeed in getting any part of his force to Reams Station till after noon and after we had retired, but that was no fault of Capt. Whitaker's. He did his whole duty with rare skill, dash, and courage,

and I trust may be rewarded by the medal of honor and the proper acknowledgment of his distinguished services upon that occasion.

Yours, very respectfully,

JAMES H. WILSON,
Late Major General Volunteers.

Mr. President, this soldier was repeatedly mentioned in reports for conspicuous gallantry on the field of action; he was wounded; and if ever a soldier is entitled to this small congressional recognition this man is.

Mr. CLARK of Wyoming. Mr. President, certainly in making a motion to amend by striking out the words in parentheses I had no desire or thought of reflecting on the gallantry of this very gallant officer, but it seems to me the record contained in the bill ought not to be enacted into the body of the law. The record is contained in the department and it is a historical record. The Senator from Connecticut has been here a great many years and I have been here perhaps an equal number of years. I think probably this is the only instance where an historical record of this sort has been sought to be embodied in a law. Therefore I make my motion to strike out.

Mr. BRANDEGEE. As I stated to the Senator, I have no objection to his amendment. On the contrary, I rather feel grateful to him for having made it, as it gives me opportunity to insert in the RECORD some of the things that ought to be said about this gentleman.

Mr. MYERS. Mr. President, I served upon the subcommittee of the Committee on Military Affairs that considered this bill, and it was the opinion of the subcommittee, after thoroughly investigating the bill and the circumstances attendant upon it, that this is a very worthy, meritorious, and deserving case of a very brave and gallant soldier who had not been treated right and had not been properly recognized nor sufficiently rewarded by his country. The subcommittee was so deeply impressed with the soldier's service and the merits of the bill that the subcommittee thought it fit and proper to indorse the gracious little tribute to his worthy and gallant services to his country which is found in the bill in the recital of the soldier's deeds. The subcommittee felt that if everyone knew the circumstances as well as the subcommittee did, no one would object to this little tribute to this old soldier's worth and merit. I feel that it but feebly makes amends for the poor treatment which he has received at the hands of his Government and that no one understanding it would object to it, nor to the passage of the bill.

Therefore the subcommittee very heartily recommended for passage the bill as it appears before the Senate to-day, and I believe the full committee likewise was unanimous in favor of it. It is tardy justice in small measure to a gallant old soldier, and I trust the bill may pass just as recommended by the committee.

The amendment was agreed to.

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

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

Mr. BRANDEGEE. I ask permission to insert as a part of my remarks the record of this soldier.

The VICE PRESIDENT. Without objection, it will be so ordered.

The matter referred to is as follows:

CASE OF EDWARD W. WHITAKER, LATE CORPORAL, COMPANY A, FIRST REGIMENT CONNECTICUT INFANTRY VOLUNTEERS; FIRST LIEUTENANT, COMPANY C, AND CAPTAIN COMPANY D, SECOND NEW YORK CAVALRY VOLUNTEERS; CAPTAIN COMPANY E AND LIEUTENANT COLONEL FIRST CONNECTICUT CAVALRY VOLUNTEERS; AND BREVET BRIGADIER GENERAL, UNITED STATES VOLUNTEERS.

Reports in the case of this officer have been furnished to Congress by this department on dates and in connection with measures as follows: June 29, 1906, to the chairman Committee on Military Affairs, House of Representatives, in connection with House bill No. 20388, Fifty-ninth Congress, first session, proposing to appoint Gen. Whitaker as captain, United States Army, and place him on the retired list; January 27, 1908, to the chairman Committee on Military Affairs, United States Senate, in connection with Senate bill No. 4193, Sixtieth Congress, first session, of the same import as the measure referred to, and in connection with this measure supplementary data were furnished on February 12, 1908, to the same committee; January 16, 1911, to the chairman Committee on Military Affairs, House of Representatives, in connection with House bill No. 6608, Sixty-first Congress, first session, of the same import, with the recommendation by this department that the bill do not receive favorable consideration; February 26, 1912, to the chairman Committee on Military Affairs, House of Representatives, in connection with House bill No. 18540, Sixty-second Congress, second session, proposing to appoint him as lieutenant colonel of Cavalry, United States Army, and place him on the retired list; May 13, 1912, to the chairman Committee on Military Affairs, United States Senate, in connection with Senate bill No. 6274, Sixty-second Congress, second session, of the same import; and February 6, 1913, to Hon. J. L. Bristow, for use in connection with Senate resolution No. 348, Sixty-second Congress, second session, proposing to authorize and direct the Secretary of War to furnish the Senate with a full and detailed statement of his military history, with the recommendation by this department that the resolution be not adopted.

Although the reports referred to hereinbefore set forth the information ordinarily furnished in connection with proposed legislation of this character, yet Gen. Whitaker has been dissatisfied with those reports, because they do not furnish all the details of his military service, and he has repeatedly importuned this department to supply Congress with a full and detailed statement of his military career. The Secretary of War has finally directed that a full report be furnished in the case, setting forth every record found regarding the military services of the officer. Such a report, based upon the official records in the War Department, is set forth hereinafter, and this report includes every item that has been found in those records relative to the military services of this officer.

Edward W. Whitaker was enrolled April 19, 1861, at Hartford, Conn., and was mustered into the military service of the United States April 22, 1861, as a corporal of Company A, First Connecticut Infantry Volunteers, to serve three months, his age at the time being stated on the records as 20 years. It appears that he served faithfully as a member of the organization until July 31, 1861, when he was mustered out and honorably discharged from service with the company, at New Haven, Conn., as a corporal.

The said Whitaker was again enrolled August 21, 1861, at Hartford, Conn., and was mustered into service, August 29, 1861, at Camp Lyon, N. Y., as a sergeant of Capt. Thornett's company, Harris's Light Cavalry, which was also known as Company D, Second New York Cavalry Volunteers, to serve three years. It appears that he was present for duty with the company as a sergeant until January 10, 1862, when he was promoted to be quartermaster sergeant thereof in a regimental order bearing that date. He was accounted for on the rolls of the company as quartermaster sergeant thereafter until August 14, 1862, when, upon the recommendation of the captain in command of the company, he was promoted to be first (or orderly) sergeant thereof. He performed duty as such until September 24, 1862, when he was detailed as sergeant major of the regiment, and while so serving an order was issued from the headquarters of the organization, on November 16, 1862, in which it was announced that he was thereby appointed regimental sergeant major, to date from September 24, 1862. By reason of this appointment, he was transferred from Company D to the noncommissioned staff of the regiment, and it appears that he served therewith from September 24 to November 16, 1862, to take effect from which last-named date he was mustered out as regimental sergeant major, near Belle Plain, Va., to enable him to accept promotion.

On January 10, 1863, the commanding officer of the Second New York Cavalry Volunteers addressed a communication to the adjutant general of the State of New York, forwarding for the consideration of the governor of that State a recommendation that Whitaker be promoted to be second lieutenant, vice another officer who was promoted to a higher grade November 16, 1862. The recommendation made by the regimental commander was favorably considered, and on January 22, 1863, a commission was issued by the governor, in which it was recited that Whitaker was thereby appointed to be a second lieutenant in the Second New York Cavalry Volunteers, to rank as such from November 16, 1862.

On February 10, 1863, Whitaker received a leave of absence, and it appears that he remained absent from the regiment thereafter until on or about February 27, 1863, when he was mustered into service as second lieutenant of Company C, same regiment, entries appearing upon the muster-in roll purporting to show that the muster in was to date from November 16, 1862. He was accounted for as present for duty with Company C on February 28, 1863; as officer of the guard March 2, 1863, and as officer of the day March 13, 1863. Shortly thereafter he was detailed as acting adjutant of the regiment and signed orders as such from March 26 to April 12, 1863.

On April 9, 1863, the commanding officer of the regiment addressed a communication to the adjutant general of the State of New York, in which he recommended that Whitaker be promoted to be first lieutenant of Company C, Second New York Cavalry, vice another officer promoted to a higher grade on March 16, 1863. The recommendation was considered favorably and he was duly appointed by the governor of New York as of that grade, to rank as such from March 16, 1863. He was not formally mustered into service as first lieutenant until September 10, 1863, when he was so mustered in to date from June 11, 1863. It appears, however, that he actually performed the duties of a first lieutenant from March 16, 1863, and upon application for recognition as first lieutenant from that date, under the provisions of the act of Congress approved June 3, 1884, and the acts amendatory thereof, he was and is recognized by the War Department as having been in the military service of the United States as first lieutenant from March 17, 1863, the earliest date on which a vacancy existed for him as first lieutenant in the organization mentioned.

It appears from the records that the officer was performing the duties of first lieutenant with Company C, or was acting as adjutant of the regiment, thereafter until on or about June 13, 1863, when he was detailed as aid-de-camp on the staff of Brig. Gen. J. Kilpatrick, who was then in command of the Second Brigade, Second Division, Cavalry Corps. While so serving he made application, in a letter dated at Aldie, Va., June 18, 1863, for permission to take home to Connecticut the bodies of his brother and one other officer, killed in an engagement on the preceding day. The application was approved and forwarded through military channels, but nothing has been found of record to show specifically whether the leave asked for was granted.

The officer was accounted for on the company records dated June 30, 1863, and for the month of July, 1863, as absent, aid-de-camp to Gen. Kilpatrick. On July 30, 1863, he was admitted to the Seminary General Hospital at Georgetown, D. C., suffering with intermittent fever, and the records of the hospital indicate that he remained in that institution and was under treatment continuously thereafter, for the disease mentioned, until August 31, 1863, when he was pronounced fit for duty and ordered to rejoin the command to which he belonged.

In a report dated August 10, 1863, relative to the part taken by the Third Division in the Maryland and Pennsylvania campaign (the full text of which report is printed in the Official Records of the Union and Confederate Armies, Series I, Vol. XXVII, pp. 991–996), Gen. Kilpatrick, then in command of the division, mentioned Whitaker, in referring to an engagement of July 6, 1863, near Williamsport, Md., as follows:

"* * * I can not pass over this engagement without mentioning a few among the many individual cases of gallantry that came under my own observation: * * * The officers of my regular staff, * * * Lieut. Whitaker * * *, all did their duty in this engagement, as they have in all others, like brave and gallant gentlemen."

On August 16, 1863, an order was issued, a pertinent extract of which is as follows:

[General Order No. 7.]

HEADQUARTERS THIRD DIVISION, CAVALRY CORPS,
Hartwood Church, Va., August 16, 1863.

The following-named officers are hereby announced as the staff of the brigadier general commanding division. They will be obeyed and re-

spected accordingly: * * * Lieut. E. W. Whitaker, Second New York Cavalry, aid-de-camp * * *.

By command of Brig. Gen. J. Kilpatrick.

L. G. ESTES, *A. A. A. G.*

On records of the Third Division, Cavalry Corps, Army of the Potomac, for the months of August and September, 1863, Whitaker was accounted for as an aid-de-camp on the staff of the officer in command of the division, Gen. Kilpatrick.

In a report dated October 26, 1863, printed in the Official Records of the Union and Confederate Armies, Series I, Volume XXIX, Part I, Brig. Gen. Henry Prince mentioned Whitaker three different times as the representative of Gen. Kilpatrick, and again in a report printed on pages 328–329 of the same volume he was referred to as having furnished information to the commanding officer of the One hundred and twentieth Regiment, New York State Volunteers.

On October 29, 1863, Whitaker was detailed as judge advocate in an order, a pertinent extract of which is as follows:

[General Orders, No. 24.]

HEADQUARTERS THIRD DIVISION, CAVALRY CORPS,
October 29, 1863.

* * * Lieut. E. W. Whitaker, A. D. C. to Brig. Gen. Kilpatrick, is hereby detailed as judge advocate, general court-martial, convened by General Orders, No. 22, Headquarters, Third Cavalry Division, October 28, 1863.

By command of Brig. Gen. Kilpatrick.

L. G. ESTES, *A. A. Genl.*

In a report of Brig. Gen. H E. Davies, jr., dated November 18, 1863, the full text of which is printed on pages 656 and 657 of the volume last mentioned hereinbefore, Whitaker was referred to as follows:

"Last evening I received instructions from Gen. Custer to detail from this command an escort to accompany Lieut. Whitaker and another officer in a reconnoissance to be made this morning at daylight to Elys Ford. In pursuance of this an order was sent Capt. Kingsland to furnish Lieut. Whitaker with 60 men for that purpose. Capt. Kingsland had also been previously instructed at daylight this morning to move his main reserve camp nearer to Stevensburg, leaving 50 men at the position he was holding. Lieut. Whitaker reached the headquarters of the regiment before daylight, and reveille was sounded and the whole command aroused. Lieut. Whitaker and an orderly from my headquarters who accompanied him both concur in saying that the horses in the camp were all saddled and bridled. * * *

"The party in charge of Lieut. Whitaker, which I have mentioned, had proceeded nearly 2 miles on the road to Germanna Ford, when they heard the firing and countermarched. On nearing the camp of the regiment they encountered what all concur in stating was a regiment of cavalry drawn up in a field on the right of the road, which charged them. The men retreated into the woods on the left of the road and skirmished for some time, but were obliged to fall back. The majority of them succeeded in reaching their regiment."

The officer was accounted for on November 3 and 30, 1863, as aid-de-camp on the staff of the officer in command of the Third Division, Cavalry Corps, Army of the Potomac, Gen. Kilpatrick, and on December 1, 1863, reported to The Adjutant General of the Army, as follows:

HEADQUARTERS THIRD DIVISION, CAVALRY CORPS,
ARMY OF POTOMAC,
Stevensburg, Va., December 1, 1863.

ADJUTANT GENERAL, UNITED STATES ARMY.

GENERAL: I have the honor to report, pursuant to General Order No. 244, current series, A. G. O., 1863, that I am an aid-de-camp on personal staff of Brig. Gen. Kilpatrick by virtue of General Order No. 7 these headquarters August 16, 1863, and am at present performing the duties of the office in the field. I am, General,

Very respectfully, your obedient servant,

E. W. WHITAKER,
First Lieutenant, Second New York Volunteer Cavalry,
Aid-de-Camp.

On December 27, 1863, Whitaker applied for leave of absence in a letter of which the following is a copy:

HEADQUARTERS THIRD DIVISION, CAVALRY CORPS,
ARMY OF POTOMAC,
Stevensburg, Va., December 27, 1863.

Capt. E. B. PARSONS,
Assistant Adjutant General.

CAPTAIN: I have the honor to apply for a leave of absence for 35 days to accompany my company of veteran Volunteers to Connecticut. I hereby declare my intention and willingness to serve for the new term of three years. Furloughs accompany this for three-fourths of my company, which reenlisted and were mustered previous to the 21st instant. I am, Captain,

Very respectfully, your obedient servant,

E. W. WHITAKER,
First Lieutenant Company C, Second New York Cavalry,
Aid-de-Camp.

The application was forwarded by Gen. Kilpatrick, approved, and the leave asked for was granted in an order dated December 29, 1863. On December 31, 1863, he was reported as absent on leave under the terms of that order, and on a record of the command to which he belonged, dated January 31, 1864, his name is borne without entry as to his presence or absence.

On February 23, 1864, an order was issued as follows:

[Special Orders, No. 12.]

HEADQUARTERS THIRD DIVISION, CAVALRY CORPS,
February 23, 1864.

1. Lieut. E. W. Whitaker, aid-de-camp, is hereby announced as A. A. A. G. of this division during the absence of Capt. L. G. Estes, A. A. G.

By command of Brig. Gen. Kilpatrick.

L. G. ESTES,
Capt. and A. A. G.

From February 24 to April 1, 1864, Whitaker signed orders issued from the headquarters of the Third Division, Cavalry Corps, Army of the Potomac, "By command of Brig. Gen. Kilpatrick."

In a report of Brig. Gen. Henry E. Davies, jr., relative to the part taken by the First Brigade, Third Division Cavalry Corps, in a raid to Richmond, dated April 4, 1864, and printed on pages 190–194, Volume XXXIII, of the publication referred to, Whitaker was referred to in connection with military operations on March 1, 1864, as follows:

"* * * I then moved toward Richmond, passing Ashland station about a mile to my left and crossing the Richmond & Fredericksburg Railroad some 2 miles below Ashland. At this point the telegraph and railroad were destroyed and a party sent, in charge of Lieut. Whitaker, aid-de-camp on the staff of the general commanding division, to destroy a bridge on the line of the road, which object I believe was accomplished. * * *"

In a letter dated March 11, 1864, printed on page 242, same volume, Whitaker was mentioned as follows:

HEADQUARTERS CAVALRY EXPEDITION,
March 11, 1864.

BRIG. GEN. WISTAR,
Commanding Expedition.

GENERAL: Col. Onderdonk and Lieut. Whitaker, of my staff, have returned. Lieut. Whitaker reports having met some 15 of the enemy at King and Queen Courthouse yesterday. He drove them from the town and destroyed a large amount of government stores, consisting of grain and arms stored at the place. A company of rebel infantry was found stationed opposite Fraziers Ferry. At 2 p. m. Lieut. Whitaker joined Col. Onderdonk, who had been sent to attack the enemy at Carlton's store. The enemy, some 1,200 strong, was found encamped just beyond. The enemy was driven from his camp, his camp destroyed, several of the enemy killed and wounded, and 12 taken prisoners. Col. Onderdonk pursued the enemy until dark, when orders reached him to return.

* * * * * * *

Very respectfully,

J. KILPATRICK, *Brigadier General.*

Whitaker reported under date of April 10, 1864, as follows:

BEALETON, *April 10, 1864.*

Brig. Gen. KILPATRICK,
Commanding Third Division Cavalry:

Have reached here all right. Lost some men in crossing Mountain Run. Capt. Judson was at this point to-day for forage; had no news from Morrisville. The command from Second Division has just passed—6.15 p. m.

E. W. WHITAKER.
Lieutenant, Aid-de-Camp.

Whitaker was afterwards detailed as aid-de-camp on the staff of Brig. Gen. Wilson, in command of the Third Division, Cavalry Corps, and on April 24, 1864, signed an order by command of that officer.

On April 25, 1864, the adjutant general of Connecticut addressed The Adjutant General of the Army by letter, of which the following is a copy:

GENERAL HEADQUARTERS, STATE OF CONNECTICUT,
ADJUTANT GENERAL'S OFFICE,
Hartford, April 25, 1864.

Brig. Gen. L. THOMAS,
Adjutant General, Washington, D. C.

GENERAL: By direction of his excellency the governor I have the honor to request that First Lieut. Edward W. Whitaker, Second New York Cavalry, aid-de-camp to Gen. Kilpatrick, may be discharged, in order to enable him to accept a commisison as captain in the First Connecticut Cavalry.

Very respectfully, your obedient servant,

H. J. MORSE, *Adjutant General.*

Thereupon an order was issued as follows:

[Special Orders, No. 162.]

WAR DEPARTMENT,
ADJUTANT GENERAL'S OFFICE,
Washington, April 29, 1864.

[Extract.]

* * * * * * *

3. At the request of the governor of Connecticut First Lieut. E. C. Whitaker, Company C, Second New York Cavalry, is hereby honorably discharged the service of the United States, to enable him to accept a commission in the First Connecticut Cavalry.

* * * * * * *

By order of the Secretary of War.

W. A. NICHOLS,
Assistant Adjutant General.

Apparently before receiving notice of his discharge in the order of April 29, 1864, Whitaker tendered his resignation in a letter, of which the following is a copy:

HEADQUARTERS THIRD DIVISION, CAVALRY CORPS,
May 1, 1864.

Lieut. Col. C. KINGSBURY, Jr.,
Assistant Adjutant General.

COLONEL: I have the honor to herewith tender my resignation as first lieutenant Company C, Second New York Cavalry, to enable me to accept promotion as captain in First Connecticut Cavalry.

I am, Colonel, very respectfully, your obedient servant,

E. W. WHITAKER,
First Lieutenant Company C, Second New York Cavalry.

The resignation of the officer was accepted in Special Orders, No. 123, paragraph 7, issued from the headquarters of the Cavalry Corps on May 2, 1864, a copy of which is as follows:

[Special Orders, No. 123.]

HEADQUARTERS CAVALRY CORPS,
ARMY OF THE POTOMAC,
May 2, 1864.

[Extract.]

* * * * * * *

7. First Lieut. E. W. Whitaker, Second New York Cavalry, having tendered his resignation, is hereby discharged the service, to enable him to accept commission as captain in First Connecticut Cavalry, his discharge to date April 30, 1864.

* * * * * * *

By command of Maj. Gen. Sheridan.

C. KINGSBURY,, Jr.,
Assistant Adjutant General.

After the close of the war, with a view to fix the date of discharge of the officer as a member of this organization, an order was issued as follows:

[Special Orders, No. 198.]

HEADQUARTERS OF THE ARMY,
ADJUTANT GENERAL'S OFFICE,
Washington, August 19, 1868.

[Extract.]

* * * * * * *

9. By direction of the Secretary of War so much of Special Orders, No. 162, paragraph 3, April 29, 1864, from this office, as relates to First Lieut. E. C. Whitaker, Second New York Cavalry, is hereby amended to read "First Lieut. E. W. Whitaker."

10. By direction of the Secretary of War so much of Special Orders, No. 123, paragraph 7, May 2, 1864, from Headquarters Cavalry Corps, Army of the Potomac, as discharged First Lieut. E. W. Whitaker, Second New York Cavalry, to date April 30, 1864, to enable him to accept a commission in First Connecticut Cavalry, is hereby revoked, he having been previously discharged for the same reasons by Special Orders, No. 162, paragraph 3, April 29, 1864, from this office, amended by Special Orders, No. 198, paragraph 9, August 19, 1868, from this office.

* * * * * * *

By command of Gen. Grant.

E. D. TOWNSEND,
Assistant Adjutant General.

In the meantime, the colonel commanding the Second Regiment New York Cavalry Volunteers, in a letter dated March 29, 1864, addressed to the adjutant general of New York, recommended certain promotions in the regiment, among them being a recommendation that Whitaker be commissioned as a captain in the regiment, referring to him in terms as follows:

"* * * The above-named commissioned and noncommissioned officers are all well deserving their promotion, and none of them more than Lieut. Whitaker, who is one of the ablest and most trustworthy officers of this command; and I would most respectfully request that the above recommendations be confirmed."

Whitaker was duly appointed by the governor of New York as a captain in the Second New York Cavalry, in a commission issued April 29, 1864, to rank as such from January 30, 1864, which commission, it will be observed, was issued on the date of his first discharge order as a member of that organization. He was not mustered into service as of that grade and organization in the Civil War, but under the provisions of the act of Congress approved June 3, 1884, and the acts amendatory thereof, he was, and is, recognized by the War Department as having been in the military service of the United States in the grade of captain of Company D of the regiment from January 30, 1864, and as having been discharged from service as such instead of as first lieutenant, the grade set forth in his discharge order.

It is stated on the records of the Second New York Cavalry that the officer was 20 years of age at the date of his enlistment; that he was born in Killingly, Conn., and was by occupation a teacher; that he was 6 feet high; and that he had light complexion, blue eyes, and light-brown hair.

The said Whitaker was duly appointed by the Governer of Connecticut to be a captain in the First Regiment Connecticut Cavalry Volunteers, to rank as such from April 23 or 25, 1864, and the receipt of the commission, as such, as indicated by a certificate, of which the following is a copy:

HEADQUARTERS THIRD DIVISION CAVALRY CORPS,
ARMY OF THE POTOMAC,
OFFICE AID-DE-CAMP OF MUSTERS,
May 2, 1864.

I certify on honor that E. W. Whitaker, first lieutenant Company C, Second Regiment New York Cavalry, received May 1 from the governor of Connecticut a commission as captain in the First Regiment Connecticut Cavalry, bearing date April 25, and can be mustered in to date, May 1, 1864.

JACOB BRISTOL,
First Lieutenant, Fifth Michigan Cavalry,
Aid-de-Camp of Musters, Third Division Cavalry Corps,
Army of the Potomac.

Whitaker was mustered into service as captain in the First Connecticut Cavalry Volunteers May 3, 1864, at Stevensburg, Va., to serve three years, and entries appearing upon the individual muster-in roll, as such, show that he entered upon the performance of duty as captain on May 3, 1864, the date of the muster. He was assigned to Company E of the regiment, and on the records of the company he was accounted for as on detached service from May 3, 1864 (the date of his muster in as captain), as acting aid-de-camp on the staff of Gen. Wilson, then in command of the Third Division, Cavalry Corps, Army of the Potomac. On a record of the latter command for the month of May, 1864, Whitaker was accounted for as an acting aid-de-camp on the staff of the general commanding; in a communication dated June 2, 1864, he was referred to as such; and in a report dated July 4, 1864, relative to the part taken by the Cavalry Division in the expedition to destroy the Richmond & Danville Railroad, Brig. Gen. Kautz stated that during the night of June 23, 1864, "Capt. Whitaker, of Gen. Wilson's staff, reached me and reported the enemy in between our commands opposing his advance."

In a report relative to the part taken by troops under his command in an expedition against the South Side and Danville Railroads, dated July 3, 1864, and printed on pages 625–630, series I, volume 40, part 1, of the publication mentioned hereinbefore, Gen. Wilson referred to Whitaker as follows:

"* * * The First Brigade was held on the road to Hungarytown in order that when Kautz's position became known exactly I might have choice of roads and the certainty of forming a junction with him. Capt. Whitaker, of my staff, was detached, with a squadron, to communicate with him. He carried orders for Kautz to join by the road from the railroad junction to Lewiston, in case he found it necessary to leave the railroad.

* * * * * * *

"The advance reached Wylliesburg by daylight on the morning of the 26th and halted. * * * Early the next morning the march was resumed, the column crossing the Meherrin at Saffold's Bridge and going thence east to Great Creek, on the Boydton Plank Road. From this place it moved to Poplar Mountain, in Greensville County, crossing the Nottoway at the Double Bridges, near the mouth of Hardwood Creek. I arrived there about noon on the 28th, where I learned that the enemy had a small force of infantry at Stony Creek Depot, on the Weldon road, and two small detachments of cavalry which had been cut off from Lee's division when we marched southward. The most diligent inquiry from the negroes and captured pickets gave no information of any other force. This, together with the fact that the road from Double Bridges to Prince George Courthouse passes two miles to the westward of Stony Creek Depot, induced me to take that route, and accordingly the advance was pushed forward with the utmost rapidity, with orders to drive in the reserve picket at the crossing of the road just mentioned and the one from Stony Creek Depot to Dinwiddie Court House and clear the road for the main column. This order was handsomely executed under the directions of Capt. Whitaker, of my staff, and state of affairs found to be nearly as represented. * * * In the meantime, anticipating difficulty of a serious nature, I endeavored to open communication with the infantry in front of Petersburg, and finally detached Capt. E. W. Whitaker, First Connecticut Cavalry, of my staff, with about 40 men of the veteran Third New York Cavalry. I have since learned he succeeded in reaching Army Headquarters about 10 a. m. On his way he gallantly rode through the enemy's cavalry and infantry columns in motion, escaping with 20 men. * * * The greatest credit is due to officers and men for their endurance, sleepless exertion, and gallantry. * * * My own staff, particularly Capt. Whitaker, First Connecticut Volunteers; * * * did their duty with great intelligence and unceasing industry."

With regard to military operations on June 24–29, 1864, Gen. Wilson in a report dated February 18, 1865 (published on pp. 620–625, same volume), referred to Whitaker as follows:

"* * * Just before daylight of the 24th, having heard of Kautz's success at Burkeville through Capt. Whitaker, of my staff, whom I sent to communicate with him, I withdrew from the position near Nottoway Court House and by a rapid march through Hungarytown struck the Danville Railroad near Meherrin Station. * * * I determined, therefore, to lose no time, but push on with rapidity to that place, drive the pickets back to the Stony Creek Depot, and under cover of darkness march the whole command as rapidly as possible toward Prince George Court House The advance guard, under the direction of Capt. Whitaker, of my staff, found the picket posted, as I expected, at the church, and by a spirited dash drove it toward the depot. This success had scarcely been reported before the enemy received reinforcements, and in turn drove back the advance guard to the head of the column. * * *

At 7 a. m., June 29, Gen. Kautz's advance arrived in the neighborhood of that place, but instead of finding it in the possession of the infantry of the Army of the Potomac found Hoke's division of rebel infantry strongly posted. He attacked them at one, but after capturing about 60 prisoners was compelled to withdraw his troops. By 9 a. m. the entire command was united. Having remained with McIntosh throughout the night, I did not arrive until about 8 a. m. I had previously sent Capt. Whitaker, of my staff, forward with instructions to make his way with the utmost rapidity to Gen. Meade's headquarters. * * * I confidently hoped that either the firing of our artillery or the message of Capt. Whitaker would bring troops to our assistance * * *."

Whitaker was also mentioned in other reports, pertinent extracts of which are as follows:

HEADQUARTERS ARMY OF THE POTOMAC,
June 29, 1864—10.40 a. m.

Maj. Gen. MEADE,
Commanding Army of the Potomac,
at Gen. Burnside's Headquarters:

Capt. Whitaker, of Gen. Wilson's staff, reached here some 15 or 20 minutes ago. * * * Capt. Whitaker thinks that Wilson succeeded in following the trains and that his whole force is in the vicinity of Reams's Station and that the whole force of the enemy's cavalry have probably concentrated there. Will you send an infantry force there?

A. A. HUMPHREYS,
Major General and Chief of Staff.

—

HEADQUARTERS ARMY OF THE POTOMAC,
June 29, 1864—(Sent 11.30 a. m.)

Maj. Gen. MEADE,
Commanding Army of the Potomac,
at Gen. Burnside's Headquarters:

I should have added in my dispatch that Capt. Whitaker informs me that seeing an opening in the dust of the enemy's columns moving along a road near Reams's Station he forced his way through it, losing half his escort, 40 in number.

A. A. HUMPHREYS,
Major General and Chief of Staff.

(Reports printed in Official Records of the Union and Confederate Armies, Series I, vol. XL, pt. II, p. 493.)

—

HEADQUARTERS ARMY OF THE POTOMAC,
June 29, 1864—1.40 p. m.

Maj. Gen. WRIGHT,
Commanding Sixth Corps:

Your dispatch received. The commanding general wishes you to follow your division with your whole corps as promptly as possible, leaving your pickets as they are posted. Capt. Whitaker, of Gen. Wilson's staff, who reported this morning, states that the cavalry that followed Wilson and opposed him on the Meherrin were commanded by W. H. F. Lee, and were composed of Chambliss's, formerly Lee's; Barringer's, formerly Gordon's; and Dearing's brigades; that besides this command another was concentrated at the crossing of Stony Creek (10 miles north of Reams's Station), which had been two days collecting from Petersburg, according to the statement of the people of the country. They took a prisoner from Rosser's brigade.

A. A. HUMPHREYS,
Major General and Chief of Staff.

(Report printed, p. 507, same volume.)

—

CITY POINT, *July 1, 1864—2 p. m.*
(Received 8.20 a. m.—2d.)

I have just seen Gen. Kautz and have obtained from him a clearer idea of the disaster to Wilson's Cavalry. It seems Wilson had been led to believe by a dispatch from Gen. Meade that our lines had extended around to the Appomattox, or at least across the Weldon Railroad. He was, accordingly, confident of finding our pickets at Reams's Station or near there. After he crossed the Sappony, on what is called

the stage road, he was attacked by Hampton's Cavalry; fought them Tuesday afternoon and night between that stream and Stony Creek, relying all the while on aid from the Army of the Potomac, which he supposed to be in hearing of his cannon. One of his aides, Capt. Whitaker, also cut his way through with a company and reported the case at Gen. Meade's, but succor could not be got up in season. * * *

C. A. DANA.

Hon. E. M. STANTON, *Washington.*

(Report printed, Part I, same volume, p. 29.)

—

HEADQUARTERS SIXTH ARMY CORPS,
June 30, 1864—11.30 a. m.

Maj. Gen. HUMPHREYS:

* * * * * * *

Capt. Whitaker, who is out with the Cavalry on the Dinwiddie Road, reports that at least four guns were carried off by the enemy, and prisoners claim to have seen seven on the way to Petersburg. Capt. W. can find no guns, but has discovered three or four limbers, which I have sent for. * * *

H. G. WRIGHT,
Major General, Commanding.

(Report printed, Part II, same volume, p. 526.)

—

HEADQUARTERS CAVALRY DIVISION,
Camp near Jones Neck, Va., July 4, 1864.

CAPTAIN: I have the honor herewith to submit my report of the operations of the division under my command in the expedition to destroy the Richmond & Danville Railroad. * * * During the night Capt. Whitaker, of Gen. Wilson's staff, reached me and reported the enemy in between our commands, opposing his advance. * * * Capt. Whitaker, of Gen Wilson's staff, volunteered to go through the enemy's lines with a company of Cavalry, and other scouts were started to go into our lines. * * *

Very respectfully, your obedient servant,

AUGUST V. KAUTZ,
Brigadier General of Volunteers, Chief of Cavalry.

Capt. L. SIEBERT,
Assistant Adjutant General, Third Division, Cavalry Corps.

(Report printed, Part I, same volume, pp. 730–733.)

Copies of reports made by Whitaker on June 29 and 30, 1864, are as follows:

REAMS' PUMP, PETERSBURG & WELDON RAILROAD,
June 29, 1864—8.25 p. m.

[Gen. A. A. HUMPHREYS,
Chief of Staff.]

GENERAL: Gen. Wright's advance is now here and not engaged anywhere. The enemy's infantry are out 1 mile on the Dinwiddie Courthouse Road, reported to be one brigade strong, the other brigade that was here having gone toward Petersburg from here. All the enemy's cavalry have gone after Gen. Wilson, who, I believe, has been obliged to retire a long way, as I have heard a gun very distant west. I can not devise any way to find Gen. W[ilson]. Gen. Wright has a few Cavalry, but by night I can not take them through. Would respectfully beg that professional scouts be sent to communicate with him and his pursuers engaged in rear early. Knowing the exhausted and encumbered condition of his command and the force about him, I have the greatest anxiety for his safety.

I beg pardon for this irregularity, and am,

Very respectfully, your obedient servant,

E. W. WHITAKER,
Captain and Aid-de-Camp.

(Printed, Part 11, same volume, pp. 508–509.)

—

REAMS STATION, *June 30, 1864—12.30 p. m.*

Maj. Gen. HUMPHREYS,
Chief of Staff, Army of the Potomac.

GENERAL: In a reconnoissance toward Dinwiddie Courthouse, I have just learned that a train of 200 empty wagons passed the courthouse at 9 this a. m. going from Petersburg to Stony Creek after forage, "guarded by North Carolina Infantry, eight men to a wagon, with front and rear guard." The enemy's infantry have all moved toward Petersburg. Their cavalry have followed the road to left and south of Dinwiddie Courthouse, in which direction Gen. Wilson went. I have taken charge of the Cavalry with Gen. Wright, at his request, and am covering all roads on his front and flanks. Should you have no further orders for me, shall I not remain here, do and learn all I can, and report through or to Gen. Wright? My escort I left at your headquarters, being worn out; if now rested, they could be valuable with me. I am, General,

Very respectfully, your most humble and obedient servant,

E. W. WHITAKER,
Captain and Acting Aid-de-Camp.

(Printed, same volume, p. 526.)

On a record of the Third Division, Cavalry Corps, Army of the Potomac, for the month of June, 1864, Whitaker was reported as acting aid-de-camp on the staff of the commanding general, and on July 4, 1864, report was made to the Adjutant General of the Army, a pertinent extract of which is as follows:

HEADQUARTERS, THIRD DIVISION, CAVALRY CORPS,
July 4, 1864.

Brig. Gen. L. THOMAS,
Adjutant General, United States Army,
Washington, D. C.

GENERAL: In pursuance of General Order No. 244, War Department, series of 1863, I have the honor to report the following-named officers on duty with me as aids-de-camp:

* * * * * * *

Capt. E. W. Whitaker, First Connecticut Cavalry.

* * * * * * *

I have the honor to be, General,

Very respectfully, your obedient servant,

J. H. WILSON,
Brigadier General Commanding Division.

On July 9, 1864, an order was issued as follows:

[Special Orders, No. 53.]

HEADQUARTERS ARMIES OF THE UNITED STATES,
City Point, Va., July 9, 1864.

1. Capt. E. W. Whitaker, of the Third Division, Cavalry Corps, Army of the Potomac, will proceed to Washington, D. C., and report to Brig. Gen. Casey, president of the Examining Board for Officers of United States Colored Troops, for examination.

* * * * * * *

By command of Lieut. Gen. Grant.

E. S. PARKER,
Assistant Adjutant General.

On the same day Hon. C. A. Dana, then Assistant Secretary of War, telegraphed to the War Department as follows:

FROM GRANT'S HEADQUARTERS, *July 9, 1864.*

Col. J. A. HARDIE:

Capt. Whitaker, of Wilson's staff, goes up to Washington, under orders from Gen. Grant, that he may present himself for examination before Casey's board; he wants to be a colonel of a black regiment, and from my own observation of him and the testimony of his officers he would make a first-rate one. If colonels are wanted for Burbridge's regiments in Kentucky, I would recommend him; you will oblige me by giving the necessary order for his examination or by speaking to the Secretary about him.

C. A. DANA.

It appears that Whitaker proceeded to Washington, D. C., and on July 11, 1864, an order was issued in his case as follows:

HEADQUARTERS DEPARTMENT OF WASHINGTON,
Twenty-second Army Corps, July 11, 1864.

* * * * * * *

Whitaker, Capt. E. W., First Connecticut Cavalry.

* * * * * * *

To the above, sir:

The major general commanding directs that you report for duty without delay to Col. William Gamble, Camp Stoneman.

Very respectfully, your most obedient servant,

C. H. RAYMOND,
Assistant Adjutant General.

Copies of communications relating to duties performed by Whitaker on July 13–16, 1864, ar. as follows:

HEADQUARTERS CAVALRY DIVISION,
DEPARTMENT OF WASHINGTON,
Camp Stoneman, July 13, 1864.

Respectfully referred to Maj. Gen. Doubleday, in reference to communication just received.

In compliance with within order, 100 mounted men are about to march from here to Col. Lowell.

This takes every available mounted man in my command, save the 100 under Capt. Whitaker on picket in front of Forts Mahon and Meigs, whom I would respectfully ask to have relieved to enable me to comply with Gen. Augur's orders.

W. GAMBLE,
Colonel, Commanding Cavalry Division.

—

HEADQUARTERS CAVALRY DIVISION,
DEPARTMENT OF WASHINGTON, D. C.,
Camp Stoneman, July 14, 1864.

Lieut. Col. B. B. G. STONE,
Acting Aid-de-Camp and Chief of Staff.

COLONEL: Since the receipt of Gen. Doubleday's communication of this morning, saying that Capt. Whitaker and command had disappeared from in front of Forts Mahon and Meigs, the bearer of this has brought a dispatch from the captain asking for forage and rations. The orderly says that Capt. Whitaker is where he has been all the time, and that his line has not been changed. If you will send him duplicate of the orders sent by the orderly, who could not find him, this man will deliver them direct to the captain. Let him report here and I will supply him forage and rations.

I remain, very respectfully,

W. GAMBLE,
Colonel, Commanding Cavalry Division.

—

HEADQUARTERS CAVALRY DIVISION,
Camp Stoneman, 11 a. m.—July 14, 1864.

Respectfully forwarded.

I know nothing of the whereabouts of Capt. Whitaker and his men. When last heard from, was in front of Forts Mahon and Meigs.

W. GAMBLE,
Colonel, Commanding Cavalry Division.

—

HEADQUARTERS CAVALRY DIVISION,
DEPARTMENT OF WASHINGTON, D. C.,
Camp Stoneman, July 15, 1864.

Lieut. Col. J. H. TAYLOR,
Chief of Staff, Assistant Adjutant General.

COLONEL: Capt. Whitaker, First Connecticut Cavalry, having returned with 100 mounted men sent out on the line of the Baltimore & Ohio Railroad by orders of Gen. Halleck, will proceed with the above men to Washington City this morning and report for orders to department headquarters.

The above are all the mounted men in this camp able to do mounted duty, except orderlies.

Very respectfully, your obedient servant,

W. GAMBLE,
Colonel, Commanding Cavalry Division.

On July 16, 1864, Whitaker asked to be relieved from the duty on which he was then engaged, in a letter of which the following is a copy:

HEADQUARTERS CAVALRY DIVISION,
DEFENSES OF WASHINGTON, D. C.,
Camp Stoneman, July 16, 1864.

Hon. CHARLES H. DANA,
Assistant Secretary of War:

Having served four days commanding 100 mounted men in the defense of the Capital, and learning that the emergency which demanded

my services is passed, I would be pleased to be released from duty and allowed to act in obedience to orders from Lieut. Gen. Grant, dated July 11.

I am, with great respect,

Your most humble and obedient servant,

E. W. WHITAKER,
Captain and Acting Aid-de-Camp to Gen. J. H. Wilson,
Third Division, Cavalry Corps, Army of the Potomac.

The letter was referred to The Adjutant General of the Army, by indorsement, as follows:

WAR DEPARTMENT, *July 16, 1864.*

Respectfully referred to The Adjutant General.

The officer will be relieved from the temporary service alluded to, to the end that he may be at liberty to attend his examination before the board for examination of applicants for commissions in the colored troops.

By order.

JAS. A. HARDIE,
Colonel, Inspector General.

On July 18, 1864, an order was issued in the case of this officer as follows:

[Special Orders, No. 175.]

HEADQUARTERS CAVALRY DIVISION,
DEPARTMENT OF WASHINGTON,
Camp Stoneman, D. C., July 18, 1864.

* * * * * * *

3. The following-named officers are hereby relieved from duty in this camp and ordered to report to their respective regiments in the Army of Potomac for duty, viz:

* * * * * * *

Capt. E. W. Whitaker, First Connecticut Cavalry.

The Quartermaster Department will furnish the necessary transportation.

* * * * * * *

By order of Col. William Gamble.

L. L. RAMEY,
Captain and Acting Assistant Adjutant General.

But on July 19, 1864, an order was issued from the War Department, as follows:

[Special Orders, No. 242.]

WAR DEPARTMENT,
ADJUTANT GENERAL'S OFFICE,
Washington, July 19, 1864.

[Extract.]

* * * * * * *

13. Capt. E. W. Whitaker, acting aid-de-camp to Brig. Gen. Wilson, commanding Third Division, Cavalry Corps, Army of the Potomac, is hereby relieved from temporary duty within the defenses of Washington, to enable him to appear for examination before the board for the examination of applicants for commissions in the United States colored troops, in obedience to orders from Lieut. Gen. Grant.

* * * * * * *

By order of the Secretary of War.

E. D. TOWNSEND,
Assistant Adjutant General.

A memorandum on file, apparently in the handwriting of Hon. C. A. Dana, but not signed, reads as follows:

WAR DEPARTMENT,
Washington City, July 19, 1864.

Will Maj. Foster oblige Mr. Dana by giving Capt. Whitaker any information he may require respecting the examination for commissions in the colored regiments?

About the same time permission was granted as follows:

WAR DEPARTMENT,
ADJUTANT GENERAL'S OFFICE,
Washington, D. C., ——, 186—.

SIR: Under authority of the Secretary of War, you are hereby permitted to appear for examination before the board now sitting at No. 212 F Street, Washington, D. C., of which Maj. Gen. Silas Casey is president.

The Government makes no allowance on account of traveling or other expenses in consequence of this permission.

Very respectfully, your obedient servant,

C. W. FOSTER,
Assistant Adjutant General.

To Capt. EDWARD W. WHITAKER,
First Connecticut Cavalry.

Under date of July 20, 1864, recommendation for a leave of absence in the case of this officer was made in a communication of which the following is a copy:

BOARD OF EXAMINERS,
No. 212 F Street, Washington, July 20, 1864.

I recommend that Capt. E. W. Whitaker Third Division, Cavalry Corps, be granted leave of absence for 20 days to enable him to attend the Free Military School at Philadelphia for applicants for command of colored troops.

SILAS CASEY,
Major General, President Board.

The recommendation was approved, by order of the Secretary of War, and an order issued on July 20, 1864, as follows:

[Special Orders, No. 243.]

WAR DEPARTMENT,
ADJUTANT GENERAL'S OFFICE,
Washington, July 20, 1864.

[Extract.]

* * * * * * *

56. Leave of absence for 20 days is hereby granted Capt. E. W. Whitaker, First Connecticut Cavalry, to enable him to attend the Free Military School at Philadelphia.

* * * * * * *

By order of the Secretary of War.

E. D. TOWNSEND,
Assistant Adjutant General.

The next record found relating to the officer is an order of which the following is a copy:

[General Orders, No. 36.]

HEADQUARTERS THIRD DIVISION CAVALRY CORPS,
July 21, 1864.

1. The following-named officers are announced as composing the staff of the brigadier general commanding:

* * * * * * *

Capt. E. W. Whitaker, First Connecticut Cavalry, aid-de-camp.

* * * * * * *

They will be obeyed and respected accordingly.

By command of Brig. Gen. Wilson.

L. SIEBERT,
Assistant Adjutant General.

In a report dated February 18, 1865, and printed on pages 516–20, Volume VLIII, Part I, of the publication mentioned hereinbefore, relative to the part taken by the Third Division in the Shenandoah Valley campaign, Gen. Wilson referred to Whitaker as follows:

* * * * * * *

"In closing this report I have the honor to commend the zeal, gallantry, and soldierly conduct of both officers and men of the division throughout the entire period they remained under my command. * * * To * * * Capt. E. W. Whitaker, First Connecticut Cavalry, always prompt and gallant in the discharge of their duties, I am greatly indebted for the valuable assistance they have rendered me * * *."

From a report of Gen. Wilson, dated August 16, 1864, it appears that on the morning of that day Whitaker was directed to proceed to the headquarters of the Middle Military Division, then at or near Winchester, Va.

On August 20, 1864, an order was issued as follows:

[Special Orders, No. 78.]

HEADQUARTERS THIRD DIVISION CAVALRY CORPS,
August 20, 1864.

* * * * * * *

II. In accordance with instructions from the brigadier general commanding Cavalry forces of the Middle Military Department, Capt. E. W. Whitaker, First Connecticut Cavalry, A. A. D. C., is hereby detailed to collect and return to their regiments all the detached men of this division serving with this army. He will report without delay to Brig. Gen. Torbert for detailed instructions.

By command of Brig. Gen. Wilson.

L. SIEBERT,
Acting Adjutant General.

On August 21, 1864, another order was issued, as follows:

[Special Orders, No. 11.]

HEADQUARTERS MIDDLE MILITARY DIVISION,
Charlestown, Va., August 21, 1864.

* * * * * * *

2. Capt. E. W. Whitaker, First Connecticut Cavalry and A. A. D. C. to Brig. Gen. Wilson, will proceed to Washington, D. C., for the purpose of collecting and conducting to their regiments men of the Third Cavalry Division, on detached duty in this command, returning to his proper station with the least practicable delay. One enlisted man can accompany him as orderly. The Quartermaster's Department will furnish the necessary transportation, to include two horses.

* * * * * * *

By command of Maj. Gen. Sheridan.

E. B. PARSONS,
Assistant Adjutant General.

Several letters, dated August 12, 1864, from officers of various commands, in which requests were made that certain men then on detached duty be returned to their regiments, were received at the headquarters of the Middle Military Division on August 23, 1864, and were returned to the writers on August 24, 1864, with indorsements as follows:

"Capt. Whitaker, of Gen. Wilson's staff, has been ordered to collect all detachments and forward them to their regiments."

With reference to the duties of Whitaker at this time, a communication, of which the following is a copy, is pertinent:

HEADQUARTERS THIRD DIVISION CAVALRY CORPS,
August 27, 1864.

Brig. Gen. MCINTOSH,
Commanding First Brigade.

GENERAL: The following extract from a letter from Capt. Whitaker, acting aid-de-camp, is furnished you for your guidance:

"WASHINGTON, *August 24, 1864.*

"Gen. Augur offered me all facilities in his power, with which I now only need a complete list, giving full names and whereabouts of every man in the forts and hospitals about this city. I obtained papers containing this list, but the same was in the form of applications for their return formally through Army headquarters, which were thus retained awaiting indorsements when I left."

The general desires you to have these lists made out as soon as possible and forward them. He also desires you to detail a commissioned officer to take charge of the guard stationed at the pike near the bridge, to examine papers of commissioned officers, and to order back all those without authority.

I am, General, very respectfully, your obedient servant,

L. SIEBERT,
Assistant Adjutant General.

A record of the Third Cavalry Division, Middle Military Division, dated August 31, 1864, near Berryville, Va., accounts for Whitaker as acting aid-de-camp on the staff of the general commanding, and he was so accounted for on a record of the same command, dated September 30, 1864, then stationed at Bridgewater, Va., but on the latter record he was also accounted for as "absent on duty at Camp Stoneman."

On October 1, 1864, an order was issued as follows:

[Special Orders, No. 45.]

HEADQUARTERS MIDDLE MILITARY DIVISION,
Harrisonburg, Va., October 1, 1864.

1. The following-named officers of his staff will accompany Brig. Gen. Wilson to the Military Division of the Mississippi for duty:

* * * * * * *

Capt. E. W. Whitaker, First Connecticut Volunteer Cavalry.

* * * * * * *

By command of Maj. Gen. Sheridan.

C. KINGSBURY, Jr.,
Assistant Adjutant General.

In a communication dated October 28, 1864, Brig. Gen. Kilpatrick casually mentioned Whitaker as the bearer of reports showing the condition of the former's command.

In the meantime Whitaker was appointed by the governor of Connecticut to be a major in the First Connecticut Cavalry Volunteers, the commission reciting that he was to rank as such from September 14, 1864. He remained absent from the regiment in performance of duty as aid-de-camp on the staff of Gen. Wilson until relieved in an order of which the following is a copy:

[Special Orders, No. 7.]

HEADQUARTERS CAVALRY CORPS,
MILITARY DIVISION OF THE MISSISSIPPI,
Nashville, Tenn., November 6, 1864.

[Extract.]

* * * * * * *

X. Capt. E. W. Whitaker, First Connecticut Cavalry, having been promoted to the grade of major is, at his own request, detached from the staff of the major general commanding and will rejoin his regiment in the Shenandoah Valley.

The distinguished zeal, activity, and ability which Maj. Whitaker has displayed upon every occasion entitles him to the thanks and commendation of the major general commanding.

* * * * * * *

By command of Bvt. Maj. Gen. Wilson.

E. B. BEAUMONT,
Captain and Acting Assistant Adjutant General.

On November 7, 1864, Whitaker addressed a communication to superior authority, as follows:

HEADQUARTERS CAVALRY CORPS, M. D. M.,
November 7, 1864.

Capt. L. SEIBERT,
Assistant Adjutant General.

CAPTAIN: I have the honor to make application for muster out as captain, Company E, First Connecticut Cavalry, and a special muster in as major, to date October 1, 1864, by virtue of receipt of commission as major in First Connecticut Cavalry, and being taken away when in act of reporting for duty by provisions of Special Order No. 45, Headquarters Middle Military Division, dated October 1, 1864. I am, captain,

Very respectfully, your obedient servant,

E. W. WHITAKER,
Captain Company E, First Connecticut Volunteer Cavalry,
Acting Assistant Division Commander.

An indorsement appears upon the foregoing communication, as follows:

HEADQUARTERS CAVALRY CORPS, M. D. M.,
Nashville, November 7, 1864.

The statement of Maj. Whitaker herein is correct. He should be mustered to date from October 1.

J. H. WILSON,
Brevet Major General.

On November 17, 1864, Whitaker addressed the Assistant Secretary of War as follows:

WAR DEPARTMENT,
Washington, D. C., November 17, 1864—2.30 p. m.

Hon. CHARLES A. DANA,
Assistant Secretary of War.

DEAR SIR: I am en route to rejoin and assume command of my regiment in "Valley." Left Gen. Wilson at Nashville, Tenn. In consideration of the fact that my accompanying him West prevented my muster in in the grade of major under the usual muster regulations, he kindly advised me to apply to you for a special order, for which I make application in the inclosed communication bearing the general's indorsement. Permit me to note there is nothing complicated or any strife in this, as the vacancy has been long open, the regiment strong enough, etc. I am at present the only major in the regiment. I simply desire my muster to date when I should have reported if not for obeying an order of same date transferring me West. Perhaps the commissary of musters (it being more simple) could be ordered to muster me in for said date, providing other circumstances in the case admit.

Hoping you will pardon me for this intrusion on your valuable time,

I shall ever remain your most humble and obedient servant,

E. W. WHITAKER,
Major, First Connecticut Cavalry.

An indorsement appears upon the foregoing communication, as follows:

"Referred to Maj. Gen. Torbert, commanding Cavalry Corps, Middle Military Division, to direct the muster in of Maj. Whitaker, according to his request.

"By order of the Secretary of War.

"C. A. DANA,
"Assistant Secretary of War.

"WAR DEPARTMENT, *November 18, 1864.*"

Whitaker joined the First Connecticut Cavalry Volunteers; entered upon duty as major thereof on November 22, 1864, and in a report of the commanding officer of the regiment dated December 9, 1864, and printed on pages 535–6, Volume XLIII, Part I, Series I, of the publication already mentioned, he was referred to as follows:

HEADQUARTERS FIRST CONNECTICUT CAVALRY,
December 9, 1864.

CAPTAIN: In obedience to orders from the colonel commanding the brigade, I have the honor to submit the following report of the operations of the First Connecticut Cavalry since the 18th of October, 1864:

* * * * * * *

On the 13th the regiment went with the division on a reconnoissance toward Cedar Creek, returned the same day, and continued in camp till the 17th, when Capt. Morehouse was ordered to make a reconnoissance to Middletown. Finding no enemy, he returned to camp and remained till the 21st instant. He then started for Remount Camp, Pleasant Valley, Md., having in his charge the unserviceable horses of the brigade. He camped near Martinsburg that night and reached the camp on the 22d instant. Here Maj. Whitaker assumed command of the regiment, and worked diligently for the next three days in providing the men with such articles as they required.

* * * * * * *

Very truly, your obedient servant,

BRAYTON IVES,
Lieutenant Colonel Commanding Regiment.

On November 25, 1864, Whitaker telegraphed the Assistant Secretary of War, as follows:

HEADQUARTERS FIRST CONNECTICUT CAVALRY,
PLEASANT VALLEY, MD.,
November 25, 1864.

Hon. C. A. DANA,
Assistant Secretary:

Please inform by telegraph—Yes—if my muster was order to date October 1, 1864.

E. W. WHITAKER,
Major Comanding Regiment.

A letter was addressed to Whitaker on November 26, 1864, as follows:

WAR DEPARTMENT,
THE ADJUTANT GENERAL'S OFFICE,
Washington, D. C., November 26, 1864.

Capt. E. W. WHITAKER,
First Connecticut Cavalry.

SIR: I am directed to inform you that upon application to the proper commissary of musters he will muster you into service as major, First Connecticut Cavalry, to date October 1, 1864, provided the following conditions be complied with:

First. You will satisfy the commissary of musters that you were in receipt of your commission at the date from which muster is requested.

Second. You will furnish him with a copy of Special Orders No. 45, Headquarters M. M. D., under which you were detached from your regiment, and show clearly that it was not from negligence or delay on your part that you failed to be mustered at that time.

Third. This muster must not in any way conflict with the provisions of General Orders No. 182, series of 1863, from this office.

If the muster be made in accordance herewith, the commissary of musters will file a copy of this communication and your replies hereto with the muster-in rolls.

I am, very respectfully, your obedient servant,

THOMAS M. VINCENT,
Assistant Adjutant General.

In connection with the foregoing, Whitaker wrote a letter on December 3, 1864, as follows:

HEADQUARTERS FIRST CONNECTICUT CAVALRY,
FIRST BRIGADE, THIRD CAVALRY, DIVISION M. M. D.,
December 3, 1864.

Capt. BARNHARD,
Assistant Commissary of Musters.

CAPTAIN: I have the honor, in compliance with requirements of communication from The Adjutant General's office, dated November 26, 1864, of which a copy is herewith appended, to state that I received my appointment before October 1, 1864, by mail via Washington, D. C., where I was serving on detached duty under the provisions of Special Orders, No. 11, Ex. 2, from Headquarters Mid. Mil. Div.

Having completed the duties assigned me in Washington, I was en route to rejoin my command in the "Valley," October 1, 1864, and was within a few miles of my regiment when met by Gen. Wilson bearing Special Orders, No. 45, from Headquarters M. M. D., dated October 1, 1864, of which a copy is appended.

I certify that I made every effort to get mustered, but could not be granted time to go to mustering officer, as I was not given even time to dismount at the front which I had reached by a four days' march and compelled to return at once en route west in obedience to inclosed orders.

I am, Captain, very respectfully, your obedient servant,

E. W. WHITAKER,
Captain First Connecticut Cavalry.

The records of the First Connecticut Cavalry Volunteers account for Whitaker as captain of Company E thereof until December 5, 1864, when he was mustered out of service as such, to date from September 30, 1864, to enable him to avail himself of promotion; and on the same day, December 5, 1864, he was mustered into service as a major of the regiment, at Kernstown, Va., to date from October 1, 1864. However, under the provisions of the act of Congress approved June 3, 1884, and the acts amendatory thereof, he was, and is, recognized by the War Department as having been in the military service of the United States as a major of the First Connecticut Cavalry Volunteers, to take effect from September 14, 1864.

On December 8, 1864, Whitaker was detailed for duty in an order, as follows:

[General Orders, No. 43—Extract.]

HEADQUARTERS THIRD CAVALRY DIVISION,
December 8, 1864.

1. A general court-martial is hereby appointed to meet * * * on the 10th day of December, 1864 * * *. Detailed for the court

* * * * * * *

Maj. E. W. Whitaker, First Connecticut Cavalry.

* * * * * * *

By command of Bvt. Maj. Gen. Custer.

L. SIEBERT,
Assistant Adjutant General.

It appears that Whitaker continued on court-martial duty until relieved in an order, as follows:

[General Orders, No. 6—Extract.]

HEADQUARTERS THIRD CAVALRY DIVISION,
January 17, 1865.

1. Maj. E. W. Whitaker, First Connecticut Cavalry, is relieved from duty as a member of a general court-martial, of which Lieut. Col. M. B. Birdseye, Second New York Cavalry, is president, held at Winchester,

Va., and convened by General Orders, No. 43, of December 8, 1864, from these headquarters.

* * * * * * *

By command of Col. A. C. M. Pennington, commanding division.

L. SIEBERT,
Assistant Adjutant General.

In the meantime Whitaker was appointed by the governor of Connecticut to be lieutenant colonel of the regiment to rank as such from January 11, 1865. He was mustered out of service as major to date from January 16, 1865, to enable him to accept promotion, and on January 17, 1865, he was mustered into service as lieutenant colonel of the same regiment, at Winchester, Va.

Copies of communications dated January 27, 1865, relating to this officer, are as follows:

HEADQUARTERS THIRD CAVALRY DIVISION,
January 27, 1865.

Col. A. M. RANDOL,
Commanding First Brigade.

COLONEL: In compliance with orders from the acting chief of Cavalry, you will detail from each of your regiments 50 good men with the proper complement of officers, armed with sabers and revolvers only, to be ready with three days' rations and the usual amount of forage to march at 7 o'clock a. m. to-morrow from brigade headquarters under command of Lieut. Col. E. W. Whitaker, First Connecticut Cavalry, who has already been notified from these headquarters. The horses will be selected with a view to their being fit for travel, rough shod, etc., and the men will be warmly clad.

By command of Col. Pennington, commanding division.

L. SIEBERT,
Assistant Adjutant General.

—

HEADQUARTERS THIRD CAVALRY DIVISION,
January 27, 1865.

Col. A. M. RANDOL,
Commanding First Brigade.

COLONEL: Pursuant to instructions from the acting chief of Cavalry, you will detail a major from your brigade to take command of the 200 men, to start out to-morrow morning, in place of Lieut. Col. E. W. Whitaker, First Connecticut Cavalry. You will instruct the major to report immediately for orders at headquarters Cavalry M. M. Division and will please send his name up to these headquarters.

By command of Col. Pennington, commanding division.

L. SIEBERT,
Assistant Adjutant General.

He signed a record as lieutenant colonel commanding the First Connecticut Cavalry Volunteers, near Winchester, Va., January 31, 1865; served as field officer's court on February 2, 1865; and on February 3, 1865, was detailed on duty indicated by communications as follows:

HEADQUARTERS THIRD CAVALRY DIVISION,
February 3, 1865.

COLONEL: In accordance with orders from the chief of cavalry, you will detail from your command 100 men, with the proper complement of commissioned and noncommissioned officers, to be in readiness to march with a detachment of 200 men from the Second Brigade at an early hour to-morrow morning.

The horses selected will be well shod and in a good condition to travel.

The men will take three days' rations and the usual amount of forage, and will be armed with pistols and sabers only.

Lieut. Col. E. W. Whitaker, First Connecticut Cavalry, will take command of the entire party. You will direct him to report in person at once to the chief of cavalry for instructions.

The place of rendezvous and the hour of march will be designated hereafter.

By command of Col. W. Wells, commanding division.

L. SIEBERT,
Assistant Adjutant General.

Col. A. M. RANDOL,
Commanding First Brigade.

—

HEADQUARTERS FIRST BRIGADE, THIRD CAVALRY DIVISION,
February 3, 1865.

COMMANDING OFFICER,
First Connecticut Cavalry:

The detail for special service from your regiment will report at these headquarters at 6 a. m., precisely, to-morrow the 4th instant.

You will please direct Lieut. Col. Whitaker to report at the above hour to take command of the detail.

Surg. G. A. Hurlbut will accompany the expedition.

By command of Col. A. M. Randol, commanding brigade.

JOHN J. PIKE,
Lieutenant and Acting Assistant Adjutant General.

—

HEADQUARTERS THIRD CAVALRY DIVISION,
February 3, 1865.

Col. JOHN J. COPPINGER,
Commanding Second Brigade.

COLONEL: The colonel commanding division directs that the 200 men ordered from your command to start out to-morrow morning with Lieut. Col. E. W. Whitaker, First Connecticut Cavalry, report at 6 o'clock, precisely, in front of First Brigade headquarters, where Col. Whitaker will take command of them.

* * * * * * *

Very respectfully, etc.,

L. SIEBERT,
Assistant Adjutant General.

In his report of the Shenandoah Valley campaign, dated February 3, 1866, and printed on pages 40–57 of the volume last mentioned hereinbefore, Gen. Sheridan mentioned Whitaker in terms as follows:

* * * * * * *

"On the 5th of February Harry Gilmor, who appeared to be the last link between Maryland and the Confederacy, and whose person I desired in order that this link might be severed, was made prisoner near Moorefield, his capture being very skillfully made by Col. (error, major and my guide only) Young, my chief of scouts, and a party under Lieut. Col. Whitaker, First Connecticut Cavalry, sent to support him. Gilmor and Mosby carried on the same style of warfare, running trains off railways, robbing the passengers, etc."

* * * * * * *

Again, Whitaker was mentioned in connection with the same incident, as follows:

WINCHESTER, VA., *February 6, 1865.*
(Received 1.50 p. m.)

Maj. Gen. H. W. HALLECK,
Chief of Staff:

A small party, under command of Lieut. Col. Whitaker, sent out by Gen. Merritt to break up Harry Gilmor's band, at a point south of Moorefield, was quite successful. Maj. Young, of my staff and chief of scouts, captured Harry Gilmor and (did not bring him in) brought him in.

P. H. SHERIDAN,
Major General, Commanding.

Whitaker made a report of the affair as follows:

CAMP OF FIRST CONNECTICUT CAVALRY,
NEAR WINCHESTER, VA.,
February 8, 1865.

MAJOR: I have the honor to report that, pursuant to instructions from general commanding corps, I collected my command for special duty, armed with sabers and pistols, and numbering 300, all from the Third Division Cavalry, at headquarters First Brigade, at 6 a. m., the 4th instant, and moved out on the Moorefield Pike for our destination. After halting three-quarters of an hour for feed and coffee at Wardensville, organized the detachments into a regiment, and having a short drill resumed the march at a rapid gait, striking the enemy's scouts, which Maj. Young quickly drove off the pike toward Harper's; column moving fast as possible, intending to surprise the enemy's camp by moonlight, but at 12.30 at night when we had reached a covered point within 4 miles of Moorefield, the sky clouded up, which induced me to halt for rest and feed until 4 a. m. the 5th instant. In the meantime Maj. Young, who had been a short distance in my advance, was to send his scouts into town and ascertain the exact location of Gilmor's camp, which I had decided to strike at daylight. On moving out at 4 a. m., Capt. Hamilton, Eighth New York Cavalry, reported to me the loss of two men by desertion during the halt; the men being recent recruits from rebel States, I deemed it a more unfortunate event than the next fact which was reported by Maj. Young, i. e., his scouts had not been able to learn the exact whereabouts of Gilmor or his camp. Reaching the outskirts of Moorefield before light during a heavy snow squall, I halted to await news from Maj. Young, who entered town with all of his party in search of information. I here became anxious about the loss of time and moved on, sending word to the major that he should go on down the South Fork till I found the enemy. I left a detachment from the Second Ohio Cavalry to search the town for soldiers, and moved at once across the stream and turned to the left down the South Fork, Maj. Young taking the advance, when, as it had become light enough, I discovered several of the enemy mounted and rapidly moving across the fields and hills on our right flank, taking the same direction as my column.

On communicating the fact to the scouts a lively race set in, I following with my column in hopes of reaching their camp before the alarm, which it would appear had not before been given. The houses on the banks of the fork were being hastily searched by the scouts, when the large number of horses in the stable next the road to Mr. Randolph's house, 3 miles from Moorefield, excited much suspicion; and as Maj. Young asked the colored woman sternly, "What soldiers were in the houses?" she at once replied, "Maj. Gilmor is upstairs." Maj. Young immediately surrounded the house and seized the major and his cousin Gilmor, late from Baltimore, both in bed. On my learning that our prize had been found I halted column and prepared to resist the attack of the enemy collecting on the bluff over the house and river and on my right flank and rear. Finding the position untenable and deeming it impossible to get more of Gilmor's band from their skillfully selected position, we made haste in getting out, before which Maj. Gilmor had been brought to me and placed at the head of the column; and as his men were firing into us, he shouted encouragement to them, feeling, as he afterwards said, confident of release. On the return march I placed Lieut. Brown, First Connecticut Cavalry, with 38 men who had been doing good service on the Petersburg Road, in the rear, he having 15 Spencers for that use, with which he successfully checked each dash of the enemy. I took the Romney Pike by advice of Maj. Young, who took the advance, and turned over to me at different points on the route 12 men captured about houses. The enemy last troubled my column as we were feeding at a point 35 miles from Moorefield and 8 from Romney. Though night had come on I did not think it wise to halt with prisoners, but resumed the march in passing Hanging Rock Gap and reached Big Capon Bridge after midnight, when we halted for rest until daylight, the 6th instant, on the forenoon of which I reached Winchester with prisoners, having ridden near 140 miles in a little over 48 hours, over a mountainous country, across swollen streams filled with floating ice, and within the enemy's lines, fully accomplishing the object of the expedition without the loss of a man.

I can not commend too highly the zeal and hearty cooperation evinced by Maj. Young, commanding Gen. Sheridan's scouts, who accompanied me. To his personal gallantry is due the successful "bearding of the lion in his den."

To the officers commanding the detachments from the Second Ohio, Eighth New York, First New Hampshire, Twenty-second New York, and First Connecticut Cavalry Regiments, I desire to express my thanks for prompt obedience to orders and strict attention to the care of their commands, on which I confidently relied in anticipation of a better test than was offered. To Surg. G. A. Hurlbut, First Connecticut Cavalry, who accompanied me with ambulance, attendants, etc., I owe much for valuable assistance rendered outside of his duties. He safely brought in two sick men and one accidentally wounded, who were unable to ride.

Respectfully submitted.

E. W. WHITAKER,
Lieutenant Colonel First Connecticut Cavalry,
Commanding Expedition.

Maj. WILLIAM RUSSELL, Jr.,
Assistant Adjutant General.

Whitaker was recommended for special duty in a letter, as follows:

HEADQUARTERS THIRD CAVALRY DIVISION,
February 11, 1865.

Maj. WILLIAM RUSSELL, Jr.,
Assistant Adjutant General, Cavalry M. M. Division.

MAJOR: In accordance from instructions from the Chief of Cavalry just received, I have the honor to recommend Lieut. Col. E. W. Whit-

aker, First Connecticut Cavalry, to the position of division inspector, in place of Maj. E. M. Pope, ordered on recruiting service.

Very respectfully, etc.,

G. A. CUSTER,
Brevet Major General Commanding.

On the same day an order was issued as follows:

[Orders.]

HEADQUARTERS THIRD CAVALRY DIVISION,
February 11, 1865.

Division field officer of the day, February 12, 1865: Lieut. Col. E. W. Whitaker, First Connecticut Cavalry, to report at 10 o'clock a. m.

By command of Bvt. Maj. Gen. Custer.

L. SIEBERT,
Assistant Adjutant General.

The officer was detailed for special duty in an order as follows:

[Special Orders No. 145.]

HEADQUARTERS CAVALRY, MIDDLE MILITARY DIVISION,
February 12, 1865.

1. Lieut. Col. E. W. Whitaker, First Connecticut Cavalry, is hereby detailed as assistant adjutant inspector general, Third Cavalry Division, vice Lieut. Col. E. M. Pope, detailed on recruiting service. Lieut. Col. Whitaker will report in person without delay to Bvt. Maj. Gen. Custer, commanding.

By command of Bvt. Maj. Gen. Merritt.

WM. RUSSELL, Jr.,
Assistant Adjutant General.

On February 13, 1865, a regimental order was issued in the name of this officer, as lieutenant colonel commanding First Connecticut Cavalry, and he signed orders issued on February 16, 18, 19, and 23, 1865, from the headquarters of the Third Cavalry Division, as lieutenant colonel of the First Connecticut Cavalry Volunteers and acting assistant inspector general.

In a communication dated February 21, 1865, Whitaker was mentioned as follows:

HEADQUARTERS THIRD DIVISION CAVALRY,
February 21, 1865.

Col. PENNINGTON,
Commanding First Brigade:

Gen. Crook, Gen. Keiley, and other officers were captured last night by about 60 men belonging to McNeill's command. The force were hurrying toward Romney. The chief of cavalry directs that a force be sent immediately from this division to intercept them, if possible. Have 300 of your best mounted men get ready at once, with two days' rations and one of forage. I would suggest that the men be selected from the different regiments. Do not detail an officer of higher rank than major to accompany the expedition, as Lieut. Col. Whitaker will go in command. Have the men rendezvous at your headquarters.

Very respectfully, etc.,

G. A. CUSTER,
Brevet Major General, Commanding.

The result of the attempt to recapture the general officers is set forth in a report as follows:

HEADQUARTERS THIRD DIVISION CAVALRY,
MIDDLE MILITARY DIVISION,
February 23, 1865.

CAPTAIN: I have the honor to report that pursuant to instructions from general commanding division to recapture general officers taken by enemy at Cumberland, Md., early the 21st instant, I moved at 9 a. m. that day, with 340 men, for Moorefield, Va., which point I reached at 1.30 p. m. the 22d instant, and there learned that the enemy, with important prisoners, had crossed the Moorefield and Winchester pike 2 miles from town at about 1 p. m. the 21st instant, and that a party of Federal cavalry from New Creek were in the town immediately after but had returned. I at once sent an officer to communicate with the latter force—the camp fires could be seen about 5 miles out of Moorefield—and then returned to the trail of the enemy, which I carefully examined and found to have been made by about 50 mounted men in crossing my route, apparently in haste, obliquely, and from northwest to southeast, from a wooded path on my right down a steep declivity into woods on my left. Here obtaining conclusive proof that the trail was made at or about 1 p. m. the previous day, giving the enemy over 12 hours in my advance, I decided to not pursue, my horses having been badly jaded in breaking a foot of snow over the mountains and in consideration of the prospects of not overtaking the enemy till he had reached assistance in the valley. The citizens stated he had discovered the near approach of the New Creek Cavalry. The prospect of rain induced me to return rapidly campward, via the Back Creek road.

The officer whom I sent to communicate with the New Creek Cavalry soon rejoined me, with verbal statement from Col. Greenfield, Twenty-second Pennsylvania Cavalry, to the effect that his advance, 400 men, under a major, had seen the enemy with prisoners between 1 and 2 p. m. the day previous moving off from the Romney and Moorefield pike, with such an accession to their numbers as to make an attack on them hazardous; therefore he had not attacked them, but desired to cooperate with me if I was about to pursue. I had moved out too far to return a reply, and still continued march, with occasional annoyances from bushwhackers in rear, to Cacapon bridge, where bivouacked last night, arriving in camp at noon to-day after much trouble in crossing the rapidly swelling streams.

My loss was none except in horses, a few. Four of enemy taken prisoners en route.

I desire to express my thanks to Maj. McClong, Third New Jersey Cavalry, and Lieut. Haswell, Gen. Custer's escort, First Vermont Cavalry, for zealous aid and hearty cooperation in efforts to accomplish the object of the expedition, which I much regret to report a failure.

I am, Captain, very respectfully, your obedient servant,

E. W. WHITAKER,
Lieutenant Colonel First Connecticut Cavalry,
Acting Assistant Inspector General Third Division Cavalry.

Capt. L. SIEBERT,
Assistant Adjutant General

A record of the Third Cavalry Division, Middle Military Division, for the month of February, 1865, accounts for this officer as acting assistant inspector general on the staff of the general commanding.

In a report of Gen. Merritt relative to operations of Cavalry forces, dated May 7, 1865, and printed on pages 484 to 488, part 1, Volume XLVI, same publication as the one referred to hereinbefore, Whitaker was referred to as follows:

* * * * * * *

"March 2, the command arriving at Staunton, a force was detached from the First Division to go to Swoopes Station, where it was reported the enemy had stored supplies of war. This expedition found immense quantities of commissary, quartermaster's, and ordnance stores, which it destroyed. The main column, the Third Division in advance, moved toward Waynesborough, where the enemy was found, strongly posted behind barricades and rifle pits. Gen. Custer, after engaging the enemy's artillery with his own for a short time, moved three regiments, under direction of Col. Whitaker, First Connecticut, to the left flank and rear of the enemy, and routed him, with the loss of but 3 or 4 men to our command, capturing over 1,000 prisoners, the enemy's artillery and wagon train, containing all the wardrobe, papers, etc., of the officers of Early's depleted army. This event opened the roads for unresisted advance on the James River and all the roads and means of supply north of Richmond. All the captures which could not be carried away were destroyed. The prisoners and some few pieces of artillery were ordered back to Winchester, under a mounted guard of about 1,500 mounted and dismounted men. under Col. Thompson, First New Hampshire Cavalry."

* * * * * * *

Gen. Custer, in a report dated March 20, 1865, and printed on pages 501 to 504, same volume, stated as follows:

HEADQUARTERS THIRD CAVALRY DIVISION,
MIDDLE MILITARY DIVISION,
White House, Va., March 20, 1865.

I have the honor to submit the following report of the operations of my command since February 27, 1865. * * * On the 2d we moved to Staunton, where the command was halted for a short interval. In accordance with verbal orders received from the major general commanding the expedition I then marched toward Waynesborough. * * * Our march was necessarily slow. Upon reaching Fishersville, 6 miles from Staunton, our advance struck the enemy's pickets and drove them in the direction of Waynesborough. Upon arriving at the latter point we found the enemy in force, posted behind a formidable line of earthworks. * * * A careful reconnaissance along his entire line convinced me that the enemy had a heavy force of infantry behind his work, while 10 pieces of artillery were in position and completely covered his front. But one point seemed favorable for attack. The enemy's left flank, instead of resting on South River, was thrown well forward, leaving a short gap between his left and the river. The approach to this point could be made under cover of the woods. I directed Lieut. Col. Whitaker, of my staff, to conduct three regiments of Pennington's brigade to our extreme right. Selecting three regiments armed with Spencer carbines, they were moved, dismountd under cover of the woods, to the point previously indicated, where they were held in readiness to charge the enemy's left. * * * With reference to the conduct of the officers and men of my command throughout the entire expedition, both when engaged with the enemy and while on the march, I have nothing but words of the highest praise and commendation to offer. As a special report will be made, making mention of those who are particularly deserving and meritorious, none of the many instances of personal gallantry and merit as displayed on the late expedition, are mentioned in this report.

I am, very respectfully, yours, etc.,

G. A. CUSTER,
Brevet Major General.

Capt. E. M. BAKER,
Acting Assistant Adjutant General,
Cavalry, Middle Military Division.

In a report dated March 19, 1865, and printed on pages 504–508, same volume, the officer is referred to as follows:

HEADQUARTERS FIRST BRIGADE,
THIRD DIVISION, CAVALRY CORPS,
Near White House Landing, Va., March 19, 1865.

CAPTAIN: I have the honor to submit the following report of the operations of my brigade during the recent cavalry expedition from February 27 to present date: * * * The First Connecticut Cavalry, commanded on this occasion by Lieut. Col. E. W. Whitaker, First Connecticut Cavalry, acting assistant inspector general, Third Cavalry Division, sent out a reconnaissance of one squadron toward the enemy from the right of my line, while a battalion of the Second New York moved down the Telegraph Road. The squadron of the First Connecticut, accompanied by Lieut. Col. Whitaker, was ambushed by infantry and cavalry, losing one officer (Lieut. J. W. Clark) killed and two men missing. This reconnaissance ascertained that the enemy were in force, and that they had both infantry and cavalry. * * *

I am, sir, very respectfully, your obedient servant,

A. C. M. PENNINGTON,
Colonel Commanding Brigade.

Capt. L. W. BARNHART,
Acting Assistant Adjutant General,
Third Division, Cavalry Corps.

Whitaker applied for leave of absence in a letter as follows:

HEADQUARTERS THIRD CAVALRY DIVISION,
White House, Va., March 23, 1865.

Lieut. Col. F. H. NEWHALL,
Assistant Adjutant General.

COLONEL: I have the honor to make application for five days' leave of absence to visit Georgetown, D. C., and permission to apply for five days' extension, should it be necessary, and my command unengaged. Reason: The most important private business, which if longer postponed will compel me to leave the service. Have not received the benefit of leave of absence since January, 1864.

I am, Colonel,

Very respectfully, your obedient servant,

E. E. WHITAKER,
Lieutenant Colonel First Connecticut Infantry,
Acting Assistant Inspector General.

The application was returned with indorsement: "Not granted for the present."

A record of the Third Cavalry Division, Middle Military Division, for the month of March, 1865, accounts for Whitaker as acting assistant inspector general on the staff of the general commanding.

On April 16, 1865, Whitaker applied for leave of absence for 15 days. The leave was granted, and on April 19, 1865, an order was issued as follows:

[Special Orders, No. 20.]

HEADQUARTERS THIRD CAVALRY DIVISION,
April 19, 1865.

(Extract.)

* * * * * * *

2. During the temporary absence of Lieut. Col. E. W. Whitaker, First Connecticut Cavalry, acting assistant inspector general, the duties of

that department will be performed by Col. E. M. Pope, Eighth New York Cavalry. He will be obeyed and respected accordingly.

* * * * * * *

By command of Bvt. Maj. Gen. Custer, acting adjutant general.

Gen. Sheridan, in a letter to the Secretary of War dated April 19, 1865, and published on pages 1111–1114 of the volume last mentioned hereinbefore, recommended that certain officers be promoted or brevetted, Whitaker being referred to as follows:

* * * * * * *

"Lieut. Col. E. W. Whitaker, First Connecticut Cavalry [acting], assistant inspector general, Third Cavalry Division, to be brevet brigadier general of Volunteers for gallantry and skill displayed in turning the enemy's left flank at Waynesborough March 2, 1865, and for gallantry and uniform good conduct at the Battles of Five Forks, April 1, and Appomattox Station, April 8, 1865, and throughout the entire campaign."

* * * * * * *

An order was issued on April 21, 1865, as follows:

[General Orders, No. 22.]

HEADQUARTERS THIRD CAVALRY DIVISION,
April 21, 1865.

The brevet major general commanding hereby announces the following staff officers of the division: Lieut. Col. E. W. Whitaker, First Connecticut Cavalry, acting assistant inspector general. * * * They will be obeyed and respected accordingly.

By command of Bvt. Maj. Gen. Custer, Assistant Adjutant General.

On April 28, 1865, the governor of Connecticut addressed a letter to the Secretary of War as follows:

STATE OF CONNECTICUT, EXECUTIVE DEPARTMENT,
Norwich, April 28, 1865.

SIR: I am informed that Lieut. Col. E. W. Whitaker, of the First Connecticut Cavalry, has been strongly recommended by Gens. Sheridan and Custer for promotion to the rank of brevet brigadier general.

I take great pleasure in adding my testimony as to the valor and merits of Col. Whitaker.

I am, with high consideration,
Your obedient servant,
WM. A. BUCKINGHAM,
Governor of Connecticut.

Hon. E. M. STANTON,
Secretary of War.

(NOTE.—No record has been found of the recommendation referred to as having been made by Gen. Custer.)

Hon. L. F. S. Foster, then Senator from the State of Connecticut, addressed the Secretary of War on April 29, 1865, by letter as follows:

NORWICH, CONN., *April 29, 1865.*

SIR: I would respectfully recommend Col. E. W. Whitaker, of the First Connecticut Cavalry, for promotion to the rank of brevet brigadier general. He enlisted as a private in the first regiment raised in this State, served out his three months, reenlisted, and has worked his way to his present position by sheer merit. He is well educated, thoroughly correct in his habits, and of excellent character. As an officer he is bold and dashing without rashness; in a word, an accomplished soldier.

Gens. Sheridan and Custer both recommend him strongly. May I not hope that he will be recommended? With great respect, I am,

Your obedient servant,
L. F. S. FOSTER.

Mr. Secretary STANTON.

On May 19, 1865, Whitaker was appointed brigadier general of Volunteers, by brevet, apparently upon the recommendation of Gen. Sheridan of April 19, 1865, as set forth hereinbefore, and he was notified of the appointment in a letter as follows:

WAR DEPARTMENT,
Washington, May 19, 1865.

SIR: You are hereby informed that the President of the United States has appointed you, for gallantry and uniform good conduct, a brigadier general of Volunteers, by brevet, in the service of the United States, to rank as such from the 13th day of March, 1865. Should the Senate at their next session advise and consent thereto you will be commissioned accordingly.

Immediately on receipt hereof please to communicate to this department, through The Adjutant General's Office, your acceptance or nonacceptance of said appointment, and with your letter of acceptance return to The Adjutant General of the Army the oath herewith inclosed, properly filled up, subscribed and attested, reporting at the same time your age, residence when appointed, and the State in which you were born.

EDWIN M. STANTON,
Secretary of War.

Bvt. Brig. Gen. E. W. WHITAKER,
United States Volunteers (through Maj. Gen. Sheridan).

Upon receipt thereof Whitaker forwarded the usual oath of office and a statement as to his age, birthplace, and residence, with a letter, of which the following is a copy:

HEADQUARTERS THIRD CAVALRY DIVISION,
ARMY OF THE POTOMAC,
May 22, 1865.

Brig. Gen. E. D. TOWNSEND, *Adjutant General.*

GENERAL: I have the honor to acknowledge receipt and acceptance of the appointment of brigadier general of Volunteers, by brevet, under date of May 19, 1865, and to forward herewith the oath of office subscribed and attested together with report giving age, birthplace, etc.

I have the honor, General, to be,
Very respectfully, your obedient servant,
E. W. WHITAKER,
Lieutenant Colonel First Connecticut Cavalry,
Brevet Brigadier General Volunteers.

It appears that in the meantime Whitaker was on duty as Acting Assistant Inspector General on the staff of the general commanding the Third Cavalry Division from April 21, 1865, until the issue of an order as follows:

[General Orders, No. 2.]

HEADQUARTERS CAVALRY CORPS,
DEPARTMENT OF WASHINGTON,
May 25, published May 30, 1865.

The major general comamnding announces the following-named officers as composing his staff:

Bvt. Brig. Gen. E. W. Whitaker, Assistant Inspector General and Chief of Staff.

* * * * * * *

By command of Bvt. Maj. Gen. Davies.

THOS. C. LEBO,
Acting Assistant Adjutant General.

On May 25, 1865, an order was issued as follows:

[Special Orders, No. 33.]

HEADQUARTERS THIRD CAVALRY DIVISION,
May 25, 1865.

Bvt. Maj. M. A. Stone, First Vermont Cavalry, is hereby detailed for duty at these headquarters as acting assistant inspector general of the Third Cavalry Division. He will report to Bvt. Brig. Gen. Whitaker, Acting Assistant Inspector General, Cavalry Corps, to-morrow morning at 8 o'clock a. m. for instructions.

By command of Brig. Gen. Capehart.

H. M. BURLEIGH,
Assistant Adjutant General.

In a letter dated May 30, 1865, Whitaker wrote to Brig. Gen. Wells, commanding the Third Division of Cavalry, making inquiry as to the name of an officer "whom you spoke of to me as one who would make a good staff officer."

A record of the Cavalry Corps, Department of Washington, for the month of May, 1865, dated near Alexandria, Va., June 19, 1865, accounts for this officer as acting assistant inspector general on the staff of the commanding general, with entries showing that he was appointed May 25, 1865, and joined the same day.

On June 11, 1865, the officer received leave of absence in an order as follows:

[Special Orders, No. 18.]

HEADQUARTERS CAVALRY CORPS,
DEPARTMENT OF WASHINGTON,
June 11, 1865.

* * * * * * *

3. Leave of absence is granted to the following-named officers:

Bvt. Brig. Gen. E. W. Whitaker, Assistant Inspector General and Chief of Staff, Cavalry Corps, for five days.

* * * * * * *

(NOTE.—Order not signed, but previous order, dated June 10, 1865, signed by command of Bvt. Maj. Gen. Davies, W. Harper, jr., Major and Acting Assistant Adjutant General.)

A record of the Cavalry Corps, Department of Washington, for the month of June, 1865, dated at Clouds Mill, July 1, 1865, accounts for Whitaker as Assistant Inspector General and Chief of Staff of the general commanding.

On July 11, 1865, Whitaker addressed a communication to superior authority, as follows:

HEADQUARTERS CAVALRY CORPS,
DEPARTMENT OF WASHINGTON,
July 11, 1865.

Col. T. S. BOWERS,
Assistant Adjutant General, United States Army.

COLONEL: I have the honor to apply for assignment to duty with brevet rank in any division, department, or district it may please the Lieutenant General Commanding the Armies of the United States to designate.

Would respectfully beg leave to state that I have served during the whole war in extreme front; that I am taking steps to enter the regular service with recommendations from Gens. Sheridan, Custer, Wilson, Kilpatrick, Davies, Crook, and Kautz; and that the duties of attending the muster out and breaking up of the Cavalry Corps, on which I have been retained by order of Gen. Auger, is nearly complete.

I am, Colonel, very respectfully, your obedient servant,
E. W. WHITAKER,
Brevet Brigadier General, United States Volunteers,
Acting Inspector General and Chief of Staff,
Lieutenant Colonel First Connecticut Cavalry.

The letter of July 11, 1865, was forwarded, recommended, by the commanding officer of the Cavalry Corps, Department of Washington, and was forwarded to the Headquarters of the Army by the department commander without recommendation. Nothing has been found of record to show the action finally taken on the application.

On July 18, 1865, an order was issued, a pertinent extract of which is as follows:

[Special Orders, No. 173.]

HEADQUARTERS, DEPARTMENT OF WASHINGTON,
Washington, D. C., July 18, 1865.

* * * * * * *

7. The Cavalry Corps having been discontinued by the muster out of regiments composing the same, all officers and enlisted men heretofore on detached duty with said corps, unless otherwise ordered, will at once joint their proper regiments.

Under the provisions of General Orders, No. 106, of June 2, 1865, War Department, Adjutant General's Office, all general and General Staff officers heretofore serving with the Cavalry Corps of this department, unless otherwise ordered by higher authority, will proceed to their respective homes, and thence report by letter to The Adjutant General of the Army.

The commanding officer of the Cavalry Corps will report to these headquarters the names and residences of the officers relieved by this order.

By command of Maj. Gen. C. C. Augur.

R. CHANDLER,
Assistant Adjutant General.

Following is a copy of an order relative to this officer issued on July 20, 1865:

[Special Orders, No. 175.]

HEADQUARTERS DEPARTMENT OF WASHINGTON,
TWENTY-SECOND ARMY CORPS,
Washington, D. C., July 20, 1865.

Leave of absence for 10 days is granted to Bvt. Brig. Gen. E. W. Whitaker, of the First Regiment of Connecticut Cavalry, to enable him to proceed to Connecticut on important private business.

At the expiration of this time he will report to the chief mustering officer of his State.

By command of Maj. Gen. Augur.

R. CHANDLER,
Assistant Adjutant General.

Whitaker reported, as directed in the second paragraph of the foregoing order, in a letter, as follows:

ALLYN HOUSE,
Hartford, Conn., July 28, 1865.

Lieut. Col. C. C. GILBERT,
Chief Mustering Officer, State of Connecticut.

COLONEL: I have the honor to report to you, in compliance with a paragraph from a special order No. 175, dated July 20, 1865, from headquarters, Quartermasters Department of Washington, which grants me a leave of absence for 10 days. At the expiration of the 10 days, which is day after to-morrow, the 30th instant, it was expected that the First Connecticut Cavalry would have arrived here for muster out. That regiment is still detained on duty, from which it may be relieved any day.

I would respectfully request orders or instructions at your earliest convenience.

I am, Colonel, very respectfully, your obedient servant,

E. W. WHITAKER,
Brevet Brigadier General,
Lieutenant Colonel First Connecticut Cavalry.

The letter of July 28, 1865, was duly received at the office of the chief mustering officer for Connecticut. Nothing has been found of record to show what action, if any, was taken thereon, but, as recited hereinafter, it appears that Whitaker remained in the State until the arrival there of the First Connecticut Cavalry.

In a letter dated at Ashford, Conn., August 3, 1865, Whitaker reported to the War Department for orders, and on August 19, 1865, he was advised that as his regiment had been mustered out of service he should apply to the chief mustering officer for the State for his discharge papers.

The regiment was mustered out of the military service of the United States August 2, 1865, at Washington, D. C. The muster-out roll of the field and staff accounts for Whitaker at the time as absent from the regiment with leave, but, nevertheless, under the terms of orders then in force, he was honorably discharged from the military service of the United States on that date by reason of the muster out of the regiment, and information furnished by the Treasury Department shows that he was finally paid on the muster-out roll mentioned at New Haven, Conn., August 17, 1865.

On August 22, 1865, an order was issued from the War Department, pertinent extracts from which are as follows:

[General Orders, No. 133.]

WAR DEPARTMENT,
ADJUTANT GENERAL'S OFFICE,
Washington, August 22, 1865.

Appointments by brevet in the Armies of the United States made by the President since the publication of General Orders, No. 97, of May 26, 1865:

* * * * * * *

Volunteer force.

* * * * * * *

To be brigadier generals by brevet.

* * * * * * *

Col. E. W. Whitaker, of the First Connecticut Cavalry, for gallantry and uniform good conduct, to date from March 13, 1865.

* * * * * * *

By order of the Secretary of War:

E. D. TOWNSEND,
Assistant Adjutant General.

The nomination of the officer as brevet brigadier general of Volunteers was presented to the United States Senate for consideration; was confirmed by that body on March 12, 1866, and thereupon the usual commission was issued on April 9, 1866, entries appearing therein showing that the appointment was to date from March 13, 1865, and was granted "for gallantry and uniform good conduct." The commission was sent to the governor of Connecticut May 12, 1866, for delivery to the officer.

Gen. Whitaker alleges that he participated in 82 different engagements of the Civil War, and has submitted to this department a list of such engagements, a few less in number, but it is impossible to ascertain from the records in the department whether or not he participated in all of those engagements, because the official records do not, as a rule, show all the engagements in which an officer or enlisted man participated, and no such complete data have been found of record in the case of this officer. When specifically mentioned in connection with any particular engagement, such mention is, of course, evidence of participation, but as the records pertaining to military services in that war were usually made out monthly or bimonthly and do not show engagements in which individuals took part, the department has no means of obtaining definite information regarding individual participation in engagements, even though the organization took part therein, unless the individual is specifically mentioned in connection therewith, or unless it should happen that the organization engaged in some action on the very date of the monthly or bimonthly record, in which event the presence of a man with the organization on that date would indicate participation. Then the fact that an organization engaged in certain battles, coupled with the additional fact that there is nothing in the records to show that the officer or enlisted man was absent at the time, is also an indication of individual participation, although not conclusive.

Following is a list of engagements submitted to this department by Gen. Whitaker in which he alleges that he took part. Opposite each engagement will be found the letter A, B, C, or D; the letter A indicating that the officer is mentioned specifically as having participated in that engagement; the letter B indicating that, by reason of his stations or duties, he probably participated in that engagement; the letter C indicating that nothing has been found of record in this department showing or tending to show that he was a participant in that engagement; and the letter D indicating that no record has been found in the War Department of any engagement at the time and place mentioned.

First Bull Run, July 21, 1861. (B.)
Action near Spotted Tavern, Virginia, April 17, 1862, and capture of Falmouth. (B.)
First raid Virginia Central Railroad, July 19 (capture of Mosby at Beaver Dam Station, Va.) to 22, 1862. (B.)
Action near Carmel Church, July 22, 1862. (B.)
Second raid on Virginia Central Railroad, July 24, 1862. (D.)
Third raid on Virginia Central Railroad, August 6–7, 1862. (B.)
Cedar Mountain, August 9, 1862. (B.)
Fords of Rapidan, August 18–19, 1862. (B.)
Brandy Station, August 20, 1862. (B.)
Rappahannock Station, August 20 to 23, 1862. (B.)
Thoroughfare Gap, August 27 and 28, 1862. (B.)
Groveton, August 29, 1862. (B.)
Bull Run, August 30, 1862. (B.)
Sudley Church, November 3, 1862. (C.)
White Plains, November 8, 1862. (D.)
Fredericksburg, December 13, 1862. (B.)
Chancellorsville campaign, April 26 to May 6, 1863. (B.)
Stoneman's raid, April 29 to May 7, 1863. (B.)
Louisa Court House, May 2, 1863. (B.)
Fortifications of Richmond, May 4, 1863. (B.)
Ayletts Ferry, May 5, 1863. (B.)
Brandy Station, June 9, 1863. (B.)
Aldie, June 17, 1863. (B.)
Hanover, Pa., June 30, 1863. (B.)
Gettysburg, Pa., July 1 to 3, 1863. (A.)
Monterey, Md., July 4, 1863. (A.)
Williamsport, July 6, 1863. (A.)
Funktown, July 9, 1863. (A.)
Jones Cross Roads, July 10, 1863. (B.)
Falling Waters, July 14, 1863. (B.)
Culpeper Court House and Brandy Station, Va., September 13, 1863. (B.)
Rappahannock River, September 15 and 16, 1863. (B.)
Robertsons River, September 17–24, 1863. (B.)
Whites Ford, at Liberty Mills, September 22, 1863. (B.)
Hazell River, October 7, 1863. (C.)
James City, October 9 and 10, 1863. (A.)
Rappahannock River, October 11 to 15, 1863. (B.)
Buckland Mills, October 19, 1863. (B.)
Mortons Ford, November 15, 1863. (D.)
Raccoon Ford, December 5, 1863. (B.)
Ellis Ford, January 18, 1864. (B.)
Stephenburg, January 19, 1864. (D.)
Raid on Richmond, February 28 to March 4, 1864. (B.)
South Anna River, February 29, 1864. (B.)
Fortifications of Richmond and Ashland, March 1, 1864. (B.)
Old Church at Walkerstown, March 2, 1864. (B.)
Craig's Meeting House, May 5, 1864. (B.)
Todd's Tavern, May 6, 1864. (B.)
Spotsylvania Court House and Wilderness, May 8, 1864. (B.)
Sheridan's Raid to Haxhall's Landing, May 9 to 29, including Beaver Dam Station, May 9 and 10, 1864. (B.)
Yellow Tavern, May 11, 1864. (B.)
Meadow Bridge and Fortifications of Richmond, May 12, 1864. (B.)
Mechums Creek, Hanover Court House, May 31, 1864. (B.)
Ashland, June 1, 1864. (B.)
Hawes Shop, June 2, 1864. (B.)
Old Church, June 10 and 11, 1864. (B.)
Long Bridge, June 12, 1864. (B.)
White Oak Swamp, June 13, 1864. (B.)
St. Mary's Church, June 15, 1864. (B.)
Raid on Danville and Welden Railroad Junction, June 22 to 29, including Nottaway Court House, June 23, 1864. (A.)
Roanoke Station, June 25, 1864. (B.)
Stony Creek, June 28, 1864. (A.)
Reams Station, June 29, 1864. (A.)
Defense at Washington, July 11 to 13, 1864. (A.)
Summit Point, August 21, 1864. (A.)
Charlestown, August 24 and 25, 1864. (A.)
Kearneyville, August 25 and 26, 1864. (A.)
Lacys Springs, December 21, 1864. (B.)
Capture of Harry Gilmor, February 6, 1865. (A.)
Sheridan's Raid from Winchester to Petersburg, February 27 to March 19, including Waynesboro, March 2, and Ashland, March 15, 1865. (A.)
Dinwiddie Court House, March 31, 1865. (B.)
Five Forks, April 1, 1865. (A.)
Deep Creek, April 3, 1865. (B.)
Sailors Creek, April 6, 1865. (B.)
Appomattox Station, April 8, 1865. (A.)
Appomattox Court House, April 9. At head of charge receiving surrender of Lee's Army, 1865. (A.)

On April 4, 1866, Maj. Gen. P. H. Sheridan addressed the Secretary of War as follows:

HEADQUARTERS, MILITARY DIVISION OF THE GULF,
New Orleans, La., April 4, 1866.

To the Hon. E. M. STANTON,
Secretary of War, Washington, D. C.

DEAR SIR: I have the honor to transmit herewith a list of officers of the Regular and Volunteer service whose promotion or appointment in the Regular Army, upon its reorganization, I would suggest and recommend for gallant and meritorious services during the Rebellion.

I am, sir, very respectfully, your obedient servant,

P. H. SHERIDAN,
Major General, United States Army.

Accompanying the letter of April 4, 1866, was a list bearing the name of E. W. Whitaker, with the recommendation that he be appointed captain of Cavalry.

In a letter dated October 13, 1866, Gen. U. S. Grant addressed the Secretary of Was as follows:

HEADQUARTERS ARMIES OF THE UNITED STATES,
Washington, October 13, 1866.

Hon. E. M. STANTON,
Secretary of War.

SIR: I have the honor to forward herewith lists of recommendations for company officers of Infantry and Cavalry.

Very respectfully, your obedient servant,

U. S. GRANT, *General.*

Accompanying the letter of October 13, 1866, was a list bearing the name of E. W. Whitaker, with the recommendation that he be appointed captain of Cavalry.

Again, on October 17, 1866, Gen. Grant addressed the Secretary of War as follows:

HEADQUARTERS ARMIES OF THE UNITED STATES,
Washington, October 17, 1866.

Hon. E. M. STANTON,
Secretary of War.

SIR: In view of the facts that the Seventh Regiment of Cavalry is already nearly full and yet is almost without company officers, that

the men will desert rapidly unless company officers are appointed, and that the regiment is needed at once for service against the Indians, I would urgently recommend that the company officers be appointed without delay. I submit a special list of recommendations for company officers of this regiment herewith.

Very respectfully, your obedient servant,

U. S. GRANT, *General.*

In the list accompanying the letter Whitaker was once more recommended for appointment as captain of cavalry.

The letter of October 17, 1866, was referred to the President by the Secretary of War, on October 18, 1866, and the recommendations made therein were approved by the President on the same day.

Thereupon a notification of appointment was prepared, as follows:

WAR DEPARTMENT,
Washington, October 18, 1866.

SIR: You are hereby informed that the President of the United States has appointed you captain in the Seventh Regiment of Cavalry, in the service of the United States, to rank as such from the 28th day of July, 1866. Should the Senate at their next session advise and consent thereto, you will be commissioned accordingly.

Immediately on receipt hereof please to communicate to this department, through The Adjutant General's Office, your acceptance or nonacceptance of said appointment, and, with your letter of acceptance, return to The Adjutant General of the Army the oath herewith inclosed, properly filled up, subscribed, and attested, reporting at the same time your age, residence when appointed, and the State in which you were born.

You will report for examination to the board convened to meet in this city on the 24th instant, and of which Bvt. Maj. Gen. David Hunter, colonel, United States Army, is president; and so soon as notified by the president of the examining board that you have passed a satisfactory examination you will proceed without delay to join your regiment at Fort Riley, Kans.

EDWIN M. STANTON,
Secretary of War.

Capt. E. W. WHITAKER,
Seventh Regiment United States Cavalry,
Hartford, Conn.

The notice of his appointment was sent addressed to Gen. Whitaker, at Hartford, Conn., November 6, 1866. No response having been received from him, on April 27, 1867, a communication was on that date addressed to the postmaster at Hartford, Conn., by this department, in which a statement was requested showing whether the appointment had been delivered to Gen. Whitaker or remained in the post office uncalled for. In response the postmaster informed this department that Gen. Whitaker was then a resident of Hartford, and with the Connecticut General Life Insurance Co., and that without doubt his letters would be placed in the drawer of that company. It does not appear from the records that he accepted or acknowledged the receipt of the appointment, or that he appeared before the board for examination, or that he declined it in any manner other than the declination that was presumed by his failure to acknowledge the receipt of it.

The matter was presented to the Secretary of War by The Adjutant General of the Army in a communication of which the following is a pertinent extract:

* * * * * * *

"List of full appointments issued prior to December 1, 1866, which have not been accepted, although every endeavor has been made to ascertain the addresses of the appointees. Agreeably to the orders of the Secretary of War, these persons were also notified of their appointment through the press March 8, 1867, and that if not accepted on or before May 20 the appointments would be canceled.

"Name: 7. Whitaker, E. W.

"Appointment: Captain Seventh Cavalry.

"Recommended by: Gen. Grant on Army record; no residence stated.

* * * * * * *

"Respectfully submitted to the Secretary of War with the recommendation that the appointments of the above-named persons be canceled.

"J. C. KELTON,
"*Assistant Adjutant General.*"

The recommendation was approved, as indicated by indorsements appearing on the communication, as follows:

"The recommendation of The Adjutant General is approved and submitted to the President, with the recommendation that the appointments be canceled for want of acceptance in due time, and that other applicants be appointed in their stead.

"EDWIN M. STANTON,
"*Secretary of War.*

"Approved:
"ANDREW JOHNSON."

On June 20, 1867, the appointment of Gen. Whitaker, as set forth in the letter of October 18, 1866, hereinbefore, was canceled.

With regard to the statement in the accompanying bill to the effect that Gen. Whitaker "declined to accept an appointment issued to him as captain in the Seventh Regiment United States Cavalry" because of disability incurred in the last engagement in which he participated, it should be remarked that nothing has been found in the official records of the War Department showing or tending to show that he incurred any disability whatever in the engagement referred to or that he was under treatment for any wound, injury, or disease, other than in the Seminary General Hospital in the months of July and August, 1863, as set forth hereinbefore.

In a letter addressed to President Grant on July 12, 1876, Gen. Whitaker solicited an appointment in the Regular Army. The letter, with accompanying papers, was referred to the Secretary of War for consideration, and it appears from the records that on July 26, 1876, Gen. Whitaker was advised that there was no law under which he could be appointed as requested.

On July 12, 1898, Gen. Whitaker submitted his name to the President for an appointment as additional paymaster of Volunteers, but his application for the appointment desired was not favorably considered, because all vacancies in the Paymaster's Department had been filled.

In the year 1895, application was made for the award of a medal of honor to Gen. Whitaker for gallantry at Reams Station, Va., in June, 1864. In connection with the application documents were submitted of which the following are copies:

STOCKFORD, WILMINGTON, DEL.,
February 27, 1895.

JAS. R. DURHAM, Esq.,
Washington, D. C.

DEAR SIR: Absence from home has prevented an earlier acknowledgment of your favor of February 24.

I note with regret that my letter in regard to Gen. E. W. Whitaker's distinguished services in cutting his way through from Reams Station to headquarters near Petersburg with dispatches for Gen. Meade has been mislaid or lost, and my regret is all the keener as I find I failed to keep a copy of the letter in question.

I now beg to replace it by what follows:

E. W. Whitaker, then a captain of the First Connecticut Cavalry, served on my staff as an aid-de-camp, while I was commanding the Third Division, Cavalry Corps, Army of the Potomac, and at all times and upon many occasions showed himself to be a very able and conspicuously gallant officer, but he rendered peculiarly valuable and courageous service in carry dispatches through the enemy's lines from me to Gen. Meade.

As the official records will show, the command, after destroying the railroads between Petersburg and the Roanoke River and inflicting great injury upon the Confederate cause, had got back to the immediate vicinity of Reams Station, where it found itself confronted by a strong force of rebel cavalry and infantry. On arriving on the field in the early morning, a reconnoissance of the enemy's lines convinced me that we should have to cut and run for it unless Gen. Meade should speedily send a relieving force to open the road for us, but inasmuch as Gen. Meade could have no means of knowing the perils which surrounded us, it was necessary for me to open communication with him. Headquarters were not over 5 miles away, but a strong force of veteran Confederate infantry lay straight across the way and was supported by Fitzhugh Lee's cavalry. Their position was a strong one, and the oldest cavalrymen regarded it as impregnable for our jaded force. Upon indicating my desire to get information through to Gen. Meade, Capt. Whitaker volunteered to take it, and his offer of services was accepted. A single troop of cavalry was selected to escort him, and as soon as the necessary dispatch could be written he set out upon his perilous mission, and within an hour he had cut his way through the Confederate lines and delivered his dispatch at Army headquarters. The details of his exploit will be found in the official records, but no one except himself and those who saw him ride so gallantly into and through the rebel lines can properly appreciate the dangers he ran, or the value of the services rendered by him. It is true that Gen. Meade did not succeed in getting any part of his force to Reams Station till after noon, and after we had retired, but that was no fault of Capt. Whitaker's. He did his whole duty with rare skill, dash, and courage and I trust may be rewarded by the medal of honor and the proper acknowledgment of his distinguished services upon that occasion.

Yours, very respectfully,

JAMES H. WILSON,
Late Major General, Volunteers.

[Special Orders, No. 135.]

GENERAL HEADQUARTERS STATE OF CONNECTICUT,
ADJUTANT GENERAL'S OFFICE,
Hartford, September 15, 1864.

1. Capt. Edward W. Whitaker, of the First Regiment Connecticut Cavalry, is hereby promoted to be major, for meritorious services in cutting through the enemy's lines on the 29th of June, and reporting the perilous condition of Gen. Wilson's cavalry at Reams Station, Va., to Maj. Gen. Meade, with rank from the 14th day of September, 1864, vice Blakeslee promoted.

By order of the Commander in Chief.

HORACE J. MORSE,
Adjutant General.

The application was considered favorably and on March 22, 1898, a medal of honor was awarded to Gen. Whitaker for most distinguished gallantry in action at Reams Station, Va., June 29, 1864, the action taken being based upon a decision of the Secretary of War, as follows:

WAR DEPARTMENT, OFFICE OF THE SECRETARY,
March 22, 1898.

By direction of the President a medal of honor is presented to Gen. Edward W. Whitaker.

At Reams Station, Va., June 29, 1864, this officer, then captain First Connecticut Volunteer Cavalry, in command of a troop, hearing of an expressed wish of the general in command to get information to Gen. Meade through the line of the enemy, volunteered to carry the dispatches. In the most distinguished manner he forced his way through an infantry division of the enemy and delivered the dispatches to Gen. Meade, but lost half his escort in the desperate ride.

R. A. ALGER,
Secretary of War.

Respectfully submitted.

GEO. ANDREWS,
The Adjutant General.

WAR DEPARTMENT,
THE ADJUTANT GENERAL'S OFFICE,
March 10, 1914.

The honorable the SECRETARY OF WAR.

EDWARD STEWART.

The bill (S. 1274) for the relief of Edward Stewart was considered as in Committee of the Whole. It provides that in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, Edward Stewart shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Company C, Second Regiment Michigan Volunteer Infantry, on the 31st day of March, 1863, but no pension shall accrue prior to the passage of this act.

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

IMPORTATION OF OPIUM.

The bill (S. 4764) to amend an act entitled "An act to prohibit the importation and use of opium for other than medicinal purposes," approved January 17, 1914, was considered as in Committee of the Whole.

The bill was reported from the Committee on Finance with an amendment, on page 1, line 3, to strike out the words "section two of" and to strike out from line 7, page 1, to line 13, on page 2, and insert:

That after the 1st day of April, 1909, it shall be unlawful to import into the United States opium in any form or any preparation or derivative thereof: *Provided*, That opium and preparations and derivatives thereof, other than smoking opium or opium prepared for smoking, may be imported for medicinal purposes only, under regulations which the Secretary of the Treasury is hereby authorized to prescribe, and when so imported shall be subject to the duties which are now or may hereafter be imposed by law.

SEC. 2. That if any person shall fraudulently or knowingly import or bring into the United States, or assist in so doing, any opium or any preparation or derivative thereof contrary to law, or shall receive, conceal, buy, sell, or in any manner facilitate the transportation, concealment, or sale of such opium or preparation or derivative thereof after importation, knowing the same to have been imported contrary to law, such opium or preparation or derivative thereof shall be forfeited and shall be destroyed, and the offender shall be fined in any sum not exceeding $5,000 nor less than $500 or by imprisonment for any time not exceeding five years nor less than two years, or both. Whenever, on trial for a violation of this section, the defendant is shown to have, or to have had, possession of such opium or preparation or derivative thereof, such possession shall be deemed sufficient evidence to authorize conviction unless the defendant shall explain the possession to the satisfaction of the jury.

SEC. 3. That on and after July 1, 1913, all smoking opium or opium prepared for smoking found within the United States shall be presumed to have been imported after the 1st day of April, 1909, and the burden of proof shall be on the claimant or the accused to rebut such presumption.

SEC. 4. That any person subject to the jurisdiction of the United States who shall, either as principal or as accessory, receive or have in his possession, or conceal on board of or transport on any foreign or domestic vessel or other water craft or railroad car or other vehicle destined to or bound from the United States or any possession thereof, any smoking opium or opium prepared for smoking, or who, having knowledge of the presence in or on any such vessel, water craft, or vehicle of such article, shall not report the same to the principal officer thereof, shall be subject to the penalty provided in section 2 of this act. Whenever on trial for violation of this section the defendant is shown to have, or to have had, possession of such opium, such possession shall be deemed sufficient evidence to authorize conviction, unless the defendant shall explain the possession to the satisfaction of the jury: *Provided, however*, That any master of a vessel or other water craft, or person in charge of a railroad car or other vehicle, shall not be liable under this section if he shall satisfy the jury that he had no knowledge and used due diligence to prevent the presence of such article in or on such vessel, water craft, car, or other vessel, and any such article shall be forfeited and shall be destroyed.

SEC. 5. That no smoking opium or opium prepared for smoking shall be admitted into the United States, or into any territory under the control or jurisdiction thereof, for transportation to another country, nor shall such opium be transferred or transshipped from one vessel to another vessel within any waters of the United States for immediate exportation or any other purpose.

SEC. 6. That hereafter it shall be unlawful for any person subject to the jurisdiction of the United States to export or cause to be exported from the United States, or from territory under its control or jurisdiction, or from countries in which the United States exercises extraterritorial jurisdiction, any opium or cocaine, or any salt, derivative, or preparation of opium or cocaine, to any other country: *Provided*, That opium or cocaine, and salts, derivatives, or preparations thereof, except smoking opium or opium prepared for smoking, the exportation of which is hereby absolutely prohibited, may be exported to countries regulating their entry under such regulations as are prescribed by such country for the importation thereof into such country, such regulations to be promulgated from time to time by the Secretary of State of the United States.

The Secretary of State shall request all foreign Governments to communicate through the diplomatic channels copies of laws and regulations promulgated in their respective countries which prohibit or regulate the importation of the aforesaid drugs, and when received advise the Secretary of the Treasury and the Secretary of Commerce thereof; whereupon the Secretary of State, the Secretary of the Treasury, and the Secretary of Commerce shall make and publish all proper regulations for carrying the provisions of this section into effect.

SEC. 7. That any person who exports or causes to be exported any of the aforesaid drugs in violation of the preceding section shall be fined in any sum not exceeding $5,000 nor less than $50 or by imprisonment for any time not exceeding two years, or both. And one-half of any fine recovered from any person or persons convicted of an offense under any section of this act may be paid to the person or persons giving information leading to such recovery, and one-half of any bail forfeited and collected in any proceedings brought under this act may be paid to the person or persons giving the information which led to the institution of such proceedings, if so directed by the court exercising jurisdiction in the case: *Provided*, That no payment for giving information shall be made to any officer or employee of the United States.

SEC. 8. That whenever opium or cocaine or any preparations or derivatives thereof shall be found upon any vessel arriving at any port of the United States which is not shown upon the vessel's manifest, as is provided by sections 2806 and 2807 of the Revised Statutes, such vessel shall be liable for the penalty and forfeiture prescribed in section 2809 of the Revised Statutes.

Mr. THOMAS. Mr. President, I am going to ask the Senate to strike out the entire italicized part of the bill and to pass the bill as originally introduced.

My reason for doing that is that the only change in this law is found in the words "exceeding five years nor," on page 3, line 10. It seems to be superfluous to reenact a statute merely for the purpose of inserting therein four words regarding punishment. The bill was reported in this state because the Treasury Department desired it for administrative purposes, it being easier to refer to an entire measure than to a series of laws consisting of the main statute and the amendments. It seems to me that it is not a necessary method of legislation, and that the enactment of the bill as introduced will cover every purpose.

Mr. SMOOT. Mr. President, I thought I had a copy of the report from the Treasury Department in my calendar book on my desk, but I find I have not. I want to ask the Senator from Colorado if he is sure that the change which he has suggested is the only change made in the present law?

Mr. THOMAS. I am very sure of it; but I shall not insist upon the suggestion.

Mr. SMOOT. I know that the amendment suggested by the Senator is of vital importance; but, as I remember, there were some other changes made.

Mr. THOMAS. The Senator will find the other matter which he has in mind in order of business 295.

Mr. SMOOT. I remember Senate bill 3526, which is calendar No. 295, but I have not had time to read it to ascertain whether it covers the matter or not.

Mr. THOMAS. I will say to the Senator that as the subcommittee, of which he and I were members, reported these bills to the Senate, we reported them as one bill, the error being mine. I assumed the two proposed amendments to refer to the same statute; but my attention was afterwards called to the fact that they were different statutes, and so we have now reported two separate bills.

Mr. SMOOT. Mr. President, that may account for it, because I remember when we agreed upon the report we agreed——

Mr. THOMAS. I misled the Senator at the time by my assumption that the two proposed amendments related to the same statute.

Mr. SMOOT. I will say that if the Senator from Colorado has given this matter as careful consideration in this instance as he has done in the past, and as we have done together, I shall not object to the bill being now considered, and that the amendment be disagreed to, as has been suggested by the Senator.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was rejected.

The PRESIDING OFFICER. Without objection, the vote by which the amendment was agreed to on page 1, line 3, will be reconsidered, and the amendment will be disagreed to. The Chair hears none.

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

SALE OF DRUGS.

The bill (S. 3526) to amend an act entitled "An act to provide for the registration of, with collectors of internal revenue, and to impose a special tax upon all persons who produce, import, manufacture, compound, deal in, dispense, sell, distribute, or give away opium or cocoa leaves, their salts, derivatives, or preparations, and for other purposes," was considered as in Committee of the Whole.

The bill had been reported from the Committee on Finance with an amendment to strike out all after the enacting clause and to insert:

That section 1 of an act entitled "An act to provide for the registration of, with collector of internal revenue, and to impose a special tax upon all persons who produce, import, manufacture, compound, deal in, dispense, sell, distribute, or give away opium or cocoa leaves, their salts, derivatives, or preparations, and for other purposes," approved December 17, 1914, be, and is hereby, amended so as to read as follows:

"That on and after the 1st day of March, 1915, every person who produces, imports, manufactures, compounds, deals in, dispenses, sells, distributes, or gives away opium, anhalonium (mescale or muscale buttons, pellote), or cocoa leaves, or any compound, manufacture, salt, derivative, or preparation thereof, shall register with the collector of internal revenue of the district his name or style, place of business, and place or places where such business is to be carried on: *Provided*, That the office, or if none, then the residence of any person shall be considered for the purposes of this act to be his place of business. At the time of such registry and on or before the 1st day of July annually thereafter every person who produces, imports, manufactures, compounds, deals in, dispenses, sells, distributes, or gives away any of the aforesaid drugs shall pay to the said collector a special tax at the rate of $1 per annum: *Provided*, That no employee of any person who produces, imports, manufactures, compounds, deals in, dispenses, sells, distributes, or gives away any of the aforesaid drugs, acting within the scope of his employment, shall be required to register or to pay the special tax provided by this section: *Provided further*, That the person who employs him shall have registered and paid the special tax as required by this section: *Provided further*, That officers of the United States Government who are lawfully engaged in making purchases of the above-named drugs for the various departments of the Army and Navy, the Public Health Service, and for Government hospitals and prisons, and officers of any State government, or of any

county or municipality therein, who are lawfully engaged in making purchases of the above-named drugs for State, county, or municipal hospitals or prisons, and officials of any Territory or insular possession or the District of Columbia or of the United States who are lawfully engaged in making purchases of the above-named drugs for hospitals or prisons therein shall not be required to register and pay the special tax as herein required.

"It shall be unlawful for any person required to register under the terms of this act to produce, import, manufacture, compound, deal in, dispense, sell, distribute, or give away any of the aforesaid drugs without having registered and paid the special tax provided for in this section.

"That the word 'person' as used in this act shall be construed to mean and include a partnership, association, company, or corporation, as well as a natural person; and all provisions of existing law relating to special taxes, so far as applicable, including the provisions of section 3240 of the Revised Statutes of the United States are hereby extended to the special tax herein imposed.

"That the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall make all needful rules and regulations for carrying the provisions of this act into effect."

Mr. THOMPSON. Mr. President, by reference to the report on this bill the Senate will see that there is no change in the existing law, which is section 1 of the Statutes at Large of the United States, volume 38, page 785, passed at the last session, with the exception of the addition of the word "anhalonium," commonly referred to as mescal or muscale buttons, from which is made "peyote," a drug used by the Indians for intoxication and resulting in other injurious effects. That is the only change in the existing law.

I note, however, that in copying the language of the statute "coca," referring to coca leaves, in both the title and in the body of the bill is misspelled. I should like to have that amended, because there is a great difference between "coca" and "cocoa."

Mr. OWEN. Mr. President, I should like to understand the amendment of the statute proposed to be made by this bill. It deals, as I understand, with "peyote."

Mr. THOMPSON. If the Senator pleases, it simply adds the words "anhalonium (mescal or mescale buttons, pellote)," and requires persons selling that drug to register and to pay a tax the same as do those who sell opium and other harmful drugs of similar nature.

Mr. OWEN. It simply proposes that those who sell these drugs shall register?

Mr. THOMPSON. Yes, sir; and it imposes a tax upon them.

Mr. OWEN. But it does not prohibit the use of the drug?

Mr. THOMPSON. It restricts its use to that extent by having the parties who sell it register and pay a small tax to the revenue officer.

Mr. OWEN. And having the sales accounted for?

Mr. THOMPSON. I presume so.

Mr. SMOOT. Mr. President, it is impossible for us to hear what the Senator from Kansas has said.

Mr. THOMPSON. Mr. President, I merely stated that this bill simply amends the existing law on this subject by the addition of the words in italics, as shown by the report—"anhalonium (mescal or mescale buttons, pellote)"—and by requiring those who sell these drugs to register and pay a tax, the same as is required of those selling opium and coca leaves, or any compounds of that character, and to account for the sales.

Mr. SMOOT. Mr. President, when the original law on this subject was being considered in the Senate there were so many amendments offered on the floor of the Senate without due consideration that we virtually destroyed the effect of the law. If the Senator from Kansas does not mind, I should like to have the bill to go over, and then I will see what the effect of his amendment would be.

Mr. CLARK of Wyoming. What is the Senator's amendment?

Mr. SMOOT. I can not now understand what it is.

Mr. THOMPSON. It can not possibly have any effect except that it requires those selling this particular drug to register and to pay a tax for it.

Mr. SMOOT. That is provided for in the amendment.

Mr. OWEN. I feel impelled to ask that this bill go to the calendar under Rule IX.

Mr. THOMPSON. I object to that, Mr. President.

Mr. SMOOT. Under what rule does the Senator from Oklahoma desire the bill placed?

Mr. OWEN. Under Rule IX.

Mr. SMOOT. I do not want it to go under Rule IX. I want to assure the Senator from Oklahoma that this is a bill which should pass. We do not, however, want the bill passed unless we are absolutely sure of accomplishing what the Government desires.

Mr. OWEN. I differ from the Senator from Utah with regard to the advisability of the passage of the bill; I object to its consideration now for that reason; but I have a right to move that it go under Rule IX, because I do not wish the bill to come up in my absence.

Mr. SMOOT. We are under a unanimous consent agreement, considering bills on the calendar to which there is no objection. If there is objection, the bills goes over. After we get through with the consideration of the calendar the Senator can make his motion.

The PRESIDING OFFICER. Does the Senator from Oklahoma object to the consideration of the bill?

Mr. OWEN. I object to its consideration at this time.

The PRESIDING OFFICER. The bill will be passed over.

MANUFACTURE OF NITRATES.

The bill (S. 4971) to authorize the designation and withdrawal of water-power sites, and the construction of water-power and other plants by the United States for the manufacture of nitrates, and for other purposes, was announced as next in order.

Mr. SMOOT. Let that bill go over, Mr. President.

The PRESIDING OFFICER. The bill goes over.

Mr. SMOOT. That bill has been attached to the Army reorganization bill, and I ask unanimous consent that it be placed under Rule IX. It has already been passed.

Mr. SHEPPARD. I desire to say, in the absence of the Senator from South Carolina [Mr. SMITH], who reported the bill, that I object to it going under Rule IX.

Mr. SMOOT. If there is any objection to my request, I will not urge it, but I made the request because, as I have stated, the bill has been put upon the Army reorganization bill.

Mr. WALSH. I wish to say that dispostion would be quite satisfactory, but I do not see the Senator from South Carolina in the Chamber, and in his absence I think that such action ought not to be taken.

Mr. SHAFROTH. This bill was reported from the Committee on Agriculture, and almost word for word it has been put on the Army reorganization bill.

The PRESIDING OFFICER. Being objected to, the bill goes over.

EXTENSION OF PAYMENTS ON LAND ENTRIES.

The bill (H. R. 6057) to amend section 14 of the reclamation extension act, approved August 13, 1914, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Irrigation and Reclamation of Arid Lands with an amendment, on page 2, line 10, after the words "upon the," to strike out "construction charge affecting said lands being increased 1 per centum" and in lieu thereof to insert "applicant's paying an amount equal to 1 per centum of the installment of the construction charge which he would have been required to pay had he accepted this act within the time limit hereinabove fixed," so as to make the bill read:

Be it enacted, etc., That section 14 of an act entitled "An act extending the period of payment under reclamation projects, and for other purposes," approved August 13, 1914, be amended so as to read as follows:

"SEC. 14. That any person whose land or entry has heretofore become subject to the reclamation law, who desires to secure the benefits of the extension of the period of payments provided by this act, shall, within six months after the issuance of the first public notice hereunder affecting his land or entry, notify the Secretary of the Interior, in the manner to be prescribed by said Secretary, of his acceptance of all the terms and conditions of this act, and thereafter his lands or entry shall be subject to all of the provisions of this act: *Provided*, That upon sufficient showing the Secretary of the Interior may, in his discretion, permit notice of acceptance of all the terms and conditions of this act to be filed at any time after the time limit hereinbefore fixed for filing such acceptance shall have expired, conditioned, however, upon the applicant's paying an amount equal to 1 per cent of the installment of the construction charge which he would have been required to pay had he accepted this act within the time limit hereinabove fixed for each 30 days or fraction thereof which may elapse between the expiration of the time limit hereinabove fixed, and the date of filing, or making application to file, acceptance under this proviso and thereafter the lands or entry of any such persons so filing such notice of acceptance shall be subject to all the provisions of this act."

Mr. JONES. Mr. President, I think a mistake was made in reporting that amendment. It does not carry out just what the committee really decided upon. The committee decided to require the applicant who came in under the act after the time had expired to pay 1 per cent of the installment that he would have had to pay if he had complied with the act, instead of paying 1 per cent for every 60 days. In order to carry out that idea we should strike out, after the word "fixed," on page 2, line 14, the words "for each 30 days or fraction thereof which may elapse between the expiration of the time limit hereinabove fixed, and the date of filing, or making application to file, acceptance under this proviso." I move that amendment.

Mr. SMOOT. Mr. President, I call the attention of the Senator from Washington to the fact that the Assistant Secretary

of the Interior suggested that that amendment be incorporated in the bill.

Mr. JONES. I know he did, but that is certainly an error; and I should like to get the matter in conference, at any rate, so as to accomplish just exactly what was intended. The Assistant Secretary of the Interior said that that provision in the bill as it passed the House was too onerous; and that is certainly true; but I think the amendment he has suggested, that the committee really put in, carries out what the House provided.

Mr. SMOOT. The proper way to do that, Mr. President, is to accept the amendment just as it is, and then it will be in conference.

Mr. JONES. No; the part that is not stricken out will not be in conference. I want to strike out in line 14, beginning with the word "for" down to and including the word "proviso" in line 18. Then the whole matter will be in conference. I think that will carry out the idea the Secretary had and the idea the committee had in adopting the amendment. At any rate, it will go to conference.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Washington.

The amendment was agreed to.

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

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

The bill was read the third time and passed.

NONMETALLIC MINERAL LANDS.

The bill (H. R. 406) to authorize exploration for and disposition of coal, phosphate, oil, gas, potassium, or sodium was announced as next in order.

Mr. OVERMAN. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. WALSH. Mr. President, that is a very proper disposition of that bill, as it will take some little time, as a matter of course, for its consideration and passage; but I do not think that it would be possible to overestimate or overstate the importance and the urgency of the bill, which undertakes to deal with valuable lands containing deposits of coal, oil, gas, phosphates, and other similar nonmetallic deposits, most of which are now withdrawn from entry and practically tied up, while money in large quantities is ready to go into the development of these lands.

Mr. HARDWICK. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Georgia?

Mr. WALSH. I do.

Mr. HARDWICK. I merely want to ask the Senator if this measure deals with the different substances mentioned only where they exist on Government land?

Mr. WALSH. That is all.

Mr. OVERMAN. Mr. President, I only objected because I knew the bill would take some time.

Mr. WALSH. I understand that, and I merely desire to say that upon the conclusion of the bill which is now the unfinished business I shall ask the Senate to devote itself to the consideration of this measure.

Mr. SMOOT. Regular order!

The PRESIDING OFFICER. The Chair understands objection is made, and the bill will go over.

SALARIES OF LIGHTHOUSE KEEPERS.

The bill (S. 4426) to regulate the salaries of keepers of lighthouses was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with an amendment, on page 1, line 10, after the word "average," to insert "of $700 per annum," so as to make the bill read:

Be it enacted, etc., That section 4673 of the Revised Statutes of the United States be amended to read as follows:

"SEC. 4673. The Secretary of Commerce is authorized to regulate the salaries of the respective keepers of lighthouses in such manner as he deems just and proper, but the whole sum allowed for such salaries shall not exceed an average of $700 per annum to each keeper; and the authority herein granted to regulate the salaries of keepers of lighthouses shall not be abridged or limited by the provisions of section 7 of the general deficiency appropriation act approved August 26, 1912, as amended by section 4 of the legislative, executive, and judicial appropriation act Approved March 4, 1913.

The amendment was agreed to.

Mr. SMOOT. Mr. President, I should like to ask the Senator reporting the bill if the present law gives the Secretary of Commerce authorization "to regulate the salaries of the respective keepers of lighthouses in such manner as he deems just and proper"?

Mr. CUMMINS. Mr. President, the only change in the law, I will say, as the report shows, is simply increasing the salary from $600 to $700 a year. I think if the Senator will look at the report he will find that the present law is left practically the same, with that exception.

Mr. SMOOT. If it is I have no objection to the consideration of the bill, but I thought it was a rather broad authority to give to the Secretary. I see, however, on reading the bill closer, that there is a limitation upon that authority by placing the salary not to exceed $700.

Mr. CUMMINS. The report shows that the only change is to increase the salary $100 per annum.

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

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

RETIREMENT OF OFFICERS AND EMPLOYEES OF THE LIGHTHOUSE SERVICE.

The bill (S. 4425) to provide for the retirement of officers and employees of the Bureau of Lighthouses and the Lighthouse Service was considered as in Committee of the Whole, and the Secretary read the bill as follows:

Be it enacted, etc., That all officers and employees of the Bureau of Lighthouses and the Lighthouse Service who shall have reached the age of 65 years, after having been 30 years in the active service of the Government, may, at their option, be retired from further performance of duty; and all officers and employees of the Bureau of Lighthouses and the Lighthouse Service who shall have reached the age of 70 years shall be compulsorily retired from further performance of duty: *Provided*, That the annual compensation of persons so retired shall be one-fortieth of the last annual pay received for each year of active service in the Government, not to exceed in any case thirty-fortieths of the last annual pay received: *Provided further*, That such retirement pay shall not include any amount on account of subsistence or other allowances.

Mr. WALSH. Mr. President, I must confess I do not understand the proviso, which reads:

Provided, That the annual compensation of persons so retired shall be one-fortieth of the last annual pay received for each year of active service in the Government, not to exceed in any case thirty-fortieths of the last annual pay received.

It seems to me that the first part of that sentence is quite inconsistent with the last part.

Mr. CLAPP. Mr. President, the measure is one introduced by my colleague [Mr. NELSON], and I note it has been reported by him. If the Senator from Montana feels that it is necessary to have the bill amended, I will ask that it be passed over for a moment until I can send for my colleague.

Mr. WARREN. Let the bill go over.

Mr. CLAPP. I do not ask that it go over, except temporarily.

Mr. CHILTON. Let it be passed over temporarily.

The PRESIDING OFFICER. The bill will be passed over temporarily.

Mr. NELSON subsequently said: Mr. President, during my temporary absence the Senate passed over Order of Business 301, Senate bill 4425. I ask that it may be returned to.

The PRESIDING OFFICER. Without objection, the Senate will return to Senate bill 4425.

Mr. NELSON. I want to say in relation to that bill that it provides for the retirement of superannuated employees of the Lighthouse Service. Some four or five years ago we made provision for the Revenue-Cutter Service, and two years ago we made provision for the Life-Saving Service. This is for the Lighthouse Service, the poorest paid service among all the Government employees. Their average salary has been only $600 a year, in addition to which they have been getting a ration estimated at 30 cents a day.

A good many of these employees have been getting old, and this bill proposes to retire them compulsorily when they are 70 years of age, and they may retire on their own motion at 65, and it gives them simply three-fourths of the pay they were getting at the time they retired. It is a very meritorious bill, and I trust there will be no objection to it.

Mr. WALSH. Mr. President, the passage of the bill was interrupted by a suggestion of myself, made out of no spirit of hostility to the measure at all, because as a boy I knew of the sacrificing services of these very worthy public servants. I will say to the Senator from Minnesota, however, that I directed the attention of the Senate to the language of the proviso, which I was quite unable to comprehend.

Mr. NELSON. It provides that their annual compensation shall be one-fortieth of the salary they are receiving at the time they are retired multiplied by the number of years they have been actually in the service, but in no case is it to exceed thirty-fortieths, or three-quarters, of their full pay. If the Senator will read the full proviso, he will see that it is very fair. It is based on service. That is, if the man is, say, 70 years old and retires, and he has served only one year, he would get only one-fortieth of the salary that he was getting from the

Government that year. If he had served 10 years, he would get ten times that amount. It is multiplied by the years of his service, but with the qualification that in no instance shall it exceed three-fourths of the full pay.

Mr. WALSH. If that is the purpose it certainly is not expressed in the bill.

Mr. NELSON. That is the object of the bill. I want to say to the Senator that it is a bill carefully considered and prepared by the department; and if the Senator will examine the report he will find the reasons for it and an explanation of it in full.

Mr. WALSH. I will say to the Senator that I have examined the report, and that there is apparently no reference in the report to this feature of the bill at all. The purpose suggested is a very worthy one, but it certainly is not expressed in the bill.

Mr. CLARK of Wyoming. I think, upon reflection, the Senator will see that it is properly expressed:

The annual compensation of persons so retired shall be one-fortieth of the last annual pay received for each year of active service in the Government.

One-fortieth of the pay for each year of active service in the Government.

Mr. SUTHERLAND. It should not include the word "last," then——

"That the annual compensation of persons so retired shall be one-fortieth of the *last* annual pay."

Mr. CLARK of Wyoming. That is exactly right. It is one-fortieth of the salary for the last year that he served for each year that he has been in the service.

Mr. NELSON. With the limitation that it must not exceed three-fourths.

Mr. WALSH. I do not want to be understood as opposing this bill at all; but I submit that the language does not at all express the idea, and I regret very much——

Mr. NELSON. It is the language prepared by the department.

Mr. WALSH. I think I could improve on the department's language.

The PRESIDING OFFICER. If there be no amendment to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate without amendment.

Mr. CHILTON. Mr. President, I suggest to the Senator from Minnesota that the difficulty can be obviated if, in line 12, after the word "be," he will insert the words "a sum equal to," so that the proviso will read:

That the annual compensation of persons so retired shall be a sum equal to one-fortieth of the last annual pay received for each year of active service.

Mr. NELSON. I have no objection to that amendment. The effect of it is the same.

Mr. CHILTON. What we mean to do is to provide for taking the pay for one year divided by 40 and then multiplying it by the number of years that he has been in the service.

Mr. SMOOT. That is right.

Mr. CLARK of Wyoming. That is what it says.

Mr. CHILTON. It was not clear to me when I read it.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from West Virginia.

The amendment was agreed to.

Mr. SHAFROTH. I should like to ask the Senator from Minnesota the construction which he places upon the 70-year provision. Is there any requirement that there shall be 30 years of service?

Mr. NELSON. Oh, no. The provision is for compulsory retirement at 70 years, and at 65 they may retire on their own application.

Mr. SHAFROTH. Could a person who was 69 years of age serve one year and retire and get this pension?

Mr. NELSON. No; he could not, unless he was 70 years of age.

Mr. SHAFROTH. Yes; I know.

Mr. NELSON. If he were 70 years of age, he could be compelled to retire, and then he would get only one-fortieth of his salary for that one year.

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

CHICAGO, MILWAUKEE & PUGET SOUND RAILWAY CO.

The bill (S. 3101) authorizing the Secretary of War to extend the lease issued under the act of August 23, 1912, entitled "An act authorizing the Secretary of War to lease to the Chicago, Milwaukee & Puget Sound Railway Co. a tract of land in the Fort Keogh Military Reservation, State of Montana, and for a right of way thereto for the removal of gravel and ballast material" was considered as in Committee of the Whole. It authorizes the Secretary of War, in his discretion, to extend the area covered by the lease issued under the act approved August 23, 1912, entitled "An act authorizing the Secretary of War to lease to the Chicago, Milwaukee & Puget Sound Railway Co. a tract of land in the Fort Keogh Military Reservation, in the State of Montana, and for a right of way for the removal of gravel and ballast material," so as to include 241.67 acres, with necessary rights of way, for a term of 10 years from the approval of this act, in the name of the Chicago, Milwaukee & St. Paul Railway Co. a corporation of the State of Wisconsin (the grantee and successor in interest of the former lessee) for the purposes and under the conditions imposed by the provisions of the act of August 23, 1912.

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

VALIDATION OF PUBLIC-LAND ENTRIES.

The bill (S. 3929) validating certain applications for and entries of public lands, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands, with amendments.

The first amendment was, on page 3, after line 20, to strike out:

Homestead entry, Great Falls, Mont., No. 027,141, made by William Liskey on May 10, 1912, for the north half of the south half, section 9, township 21 north, range 2 west, Montana meridian.

The amendment was agreed to.

The next amendment was, in section 2, page 4, line 23, at the beginning of the line, to strike out the word "scribed as lot 2, northeast quarter of the northeast quarter," and in line 25, after the word "quarter," to strike out "north half of the southwest quarter of the northeast quarter," so as to read:

Homestead application, Roseburg, Oreg., No. 010046, made by William E. Hosford on March 9, 1915, for 90.17 acres of land, described as lot 2, northwest quarter of the northeast quarter, north half of the southwest quarter of the northeast quarter.

The amendment was agreed to.

The next amendment was, on page 6, after line 21, to insert:

Homestead application, Fairbanks, Alaska, No. 0392, filed by George Kolde, on February 24, 1915, for lot 12, section 10; lots 1 and 6, section 15; and the south half of the northwest quarter, section 14, township 1 south, range 1 west, Fairbanks meridian.

The amendment was agreed to.

The next amendment was, on page 7, after line 3, to insert:

Homestead application, Boise, Idaho, No. 012019, filed by Gertrude Kelley Gilbert on January 4, 1912, for the south half of the northwest quarter of section 26, in township 3 north, range 4 west of the Boise meridian.

The amendment was agreed to.

The next amendment was, on page 7, after line 9, to insert:

Allotment application, Glasgow, Mont., No. 014028, filed by Anna Campbell Valentine, for the east half southeast quarter section 7, the northeast quarter northeast quarter section 18, and northwest quarter northwest quarter section 17, township 34 north, range 35 east, Montana principal meridian.

The amendment was agreed to.

The next amendment was, in section 3, page 8, after line 23, to insert:

Homestead entry, Havre, Mont., No. 12299, made by Hubert Schroeder on June 10, 1901, for the south half of the southeast quarter of section 13 and the east half of the northeast quarter of section 24, township 32 north, range 21 east, Montana meridian.

The amendment was agreed to.

The next amendment was, on page 9, after line 5, to insert:

Homestead entry, Pierre, S. Dak., No. 012604, made by Frank Olsen, on May 5, 1910, for the northwest quarter of the southeast quarter of section 32, township 128 north, range 53 west.

The amendment was agreed to.

The next amendment was, on page 9, after line 11, to insert as a new section the following:

SEC. 4. That the entries hereinafter named be, and the same are hereby, validated as though allowed after two and within five years from the opening of the lands to entry under the provisions of the act of Congress approved March 3, 1905, entitled "An act to ratify and amend an agreement with the Indians residing on the Shoshone or Wind River Indian Reservation, in the State of Wyoming, and to make appropriations for carrying the same into effect":

Homestead entry, Lander, Wyo., No. 06826, filed by William E. Duncan, on February 17, 1915, for the south half of the northwest quarter, southwest quarter of the northeast quarter, and northeast quarter of the southwest quarter, section 26, township 8 north, range 3 east, Wind River meridian.

Homestead entry, Lander, Wyo., No. 06907, filed by Ralph E. Kelly, on March 15, 1915, for the west half of the southeast quarter, and southeast quarter of the southwest quarter, section 36, township 8 north, range 3 east, and the northeast quarter of the northwest quarter, section 1, township 7 north, range 3 east, Wind River meridian.

Additional homestead entry, Lander, Wyo., No. 06928, filed by Charles Granger, on March 17, 1915, for the southeast quarter of the northeast quarter, section 5, township 6 north, range 1 east, Wind River meridian.

Homestead entry, Lander, Wyo., No. 07185, filed by Jay K. Smith, on June 18, 1915, for the northeast quarter of the northeast quarter, section 18, north half of the northwest quarter, and the northwest quarter of the northeast quarter, section 17, township 8 north, range 4 east, Wind River meridian.

Homestead entry, Lander, Wyo., No. 07102, filed by Charles A. Clifton, on May 12, 1915, for the southwest quarter of the northeast quarter, and the south half of the northwest quarter, section 20, and the *southeast* quarter of the northeast quarter, section 19, township 6 north, range 4 west, Wind River meridian.

Additional homestead entry, Lander, Wyo., No. 07103, filed by Ralph E. Allen, on May 13, 1915, for the northeast quarter of the southwest quarter, section 30, township 1 north, range 4 east, Wind River meridian.

Homestead entry, Lander, Wyo., No. 07104, filed by John E. Woodson, on May 13, 1915, for lot 4 and the southeast quarter of the southwest quarter, section 30, township 1 north, range 4 east, Wind River meridian.

Homestead entry, Lander, Wyo., No. 07120, filed by Mabelle G. Hays, on May 24, 1915, for the southwest quarter of the southeast quarter, and the south half of the southwest quarter, section 1, and the northeast quarter of the northwest quarter, section 12, township 3 north, range 2 west, Wind River meridian.

Additional homestead entry, Lander, Wyo., No. 07129, filed by Morris M. Alexander, on May 29, 1915, for the northeast quarter of the northeast quarter, section 29, township 5 north, range 4 west, Wind River meridian.

Homestead application, Lander, Wyo., No. 07113, made by Lawrence J. Kirch, on May 15, 1915, for the northwest quarter, section 16, township 2 north, range 4 east, Wind River meridian.

The amendment was agreed to.

The next amendment was, on page 12, after line 13, to insert as a new section the following:

SEC. 5. That the homestead claim of John Kehoe for unsurveyed lands near Tanana, Alaska, for which he recorded a location notice August 5, 1908, be, and the same is hereby, validated.

The amendment was agreed to.

The next amendment was, on page 12, after line 17, to strike out:

Homestead application, Fairbanks, Alaska, No. 0392, filed by George Kolde, on February 24, 1915, for lot 12, section 10, lots 1 and 6, section 15, and the south half of the northwest quarter, section 14, township 1 south, range 1 west, Fairbanks meridian.

The amendment was agreed to.

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

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

CHRISTIAN FREDRICKSON.

The bill (S. 4025) to grant patent to certain lands to Christian Fredrickson was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands with an amendment on page 2, line 1, after the word "filed," to insert "provided he shall have paid the price of 15.17 acres at the rate of $1.25 per acre, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to issue a patent to Christian Fredrickson, of Ray, N. Dak., upon homestead entry No. 01209, made at Williston, N. Dak., on October 27, 1908, for the northwest quarter of the northeast quarter of section 32 in township 157 north, of range 96 west, of the fifth principal meridian, upon which satisfactory proof of compliance with law has been filed, provided he shall have paid the price of 15.17 acres at the rate of $1.25 per acre.

The amendment was agreed to.

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

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

HOMESTEAD ENTRIES IN RECLAMATION PROJECTS.

The bill (H. R. 384) to amend the act of June 23, 1910, entitled "An act providing that entrymen for homesteads within the reclamation projects may assign their entries upon satisfactory proof of residence, improvement, and cultivation for five years, the same as though said entry had been made under the original homestead act," was considered as in Committee of the Whole. It proposes to amend the act of June 23, 1910 (Pub. 243, 36th Stat., p. 592), entitled "An act providing that entrymen for homesteads within reclamation projects may assign their entries upon satisfactory proof of residence, improvement, and cultivation for five years, the same as though said entry had been made under the original homestead act," by adding the following proviso:

Provided, That in the absence of any intervening valid adverse interests any assignment made between June 23, 1910, and January 1, 1913, of land upon which the assignor has submitted satisfactory final proof and the assignee purchased with the belief that the assignment was valid and under the act of June 23, 1910, is hereby confirmed, and the assignee shall be entitled to the land assigned as under the act of June 23, 1910, notwithstanding that said original entry was conformed to farm units and that the part assigned was canceled and eliminated from said entry prior to the date of final proof: *Provided further*, That all entries so assigned shall be subject to the limitations, terms, and conditions of the reclamation act and acts amendatory thereof or supplemental thereto, and all of said assignees whose entries are hereby confirmed shall, as a condition to receiving patent, make the proof heretofore required of assignees.

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

DAUGHTERS OF THE AMERICAN REVOLUTION.

The bill (S. 5172) to exempt from taxation certain property of the Daughters of the American Revolution in Washington, D. C., was considered as in Committee of the Whole. It provides that the property situated in square 173 in the city of Washington, D. C., described as lots 23, 24, 25, 26, 27, and 28, inclusive, occupied by the Daughters of the American Revolution, shall be exempt from and after May 23, 1914, from all taxation so long as the same is so occupied and used, subject to the provisions of section 8 of the act approved March 3, 1877, providing for exemptions of church and school property, and acts amendatory thereof.

The bill was reported to the Senate without amendment.

Mr. SHEPPARD. Mr. President, I ask the author of the bill if it refers to the particular piece of property now in the possession of the Daughters of the American Revolution?

Mr. CLAPP. Yes; it is a piece that they bought adjoining the original purchase. The original purchase was exempted from taxation some time ago, and this will become a part of the site of their building.

Mr. SHEPPARD. It does not refer to any property that may hereafter be acquired?

Mr. CLAPP. Oh, no, no! It describes it specifically.

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

SITE FOR PUBLIC BUILDING, NOGALES, ARIZ.

The bill (S. 5086) amending section 4 of the public-building act approved March 4, 1913, providing for the purchase of a site for a building for post office and customhouse at Nogales, Ariz., was considered as in Committee of the Whole. It proposes to amend so much of section 4 of the public-building act approved March 4, 1913 (37 Stats., 873), as authorizes the acquisition of a site and the erection of a suitable building thereon for the United States customhouse at Nogales, Ariz., at a cost not exceeding $110,000, and so much of section 5 of said act (37 Stats., 877) as authorizes the acquisition of a site for the United States post office and other governmental offices at Nogales, Ariz., at a cost not exceeding $10,000, so as to authorize and direct the Secretary of the Treasury to acquire by purchase, condemnation, or otherwise, one site and to erect thereon one building for the accommodation of the United States post office, customhouse, and other governmental offices in Nogales, Ariz., at a cost not exceeding $120,000, of which limit of cost not exceeding $15,000 shall be expended for such site; and the appropriation of $16,000 made by the act of Congress approved July 29, 1914 (38 Stats., 563), in pursuance of said authorization of March 4, 1913, for a site and building for said customhouse, is made available for the acquisition of the site and the commencement of the erection of the building hereinbefore authorized for said post office and customhouse.

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

PUBLIC BUILDING AT CORVALLIS, OREG.

The bill (S. 4974) to provide for the purchase of a site and the erection of a building thereon at Corvallis, in the State of Oregon, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Buildings and Grounds, with an amendment, on page 2, line 2, to strike out "$100,000" and insert "$70,000," and to strike out all of sections 2, 3, and 4, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, for the use and accommodation of the United States post office, land office, and other Government offices at Corvallis, in the State of Oregon, the cost of said site and building, including said vaults, heating and ventilating apparatus, and approaches, complete, not to exceed the sum of $70,000.

The amendments were agreed to.

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

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

COWLITZ TRIBE OF INDIANS, STATE OF WASHINGTON.

The bill (S. 2458) authorizing the Cowlitz Tribe of Indians residing in the State of Washington to submit claims to the Court of Claims was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. JONES subsequently said: Mr. President, when Senate bill 2458 was reached the Senator from Utah asked that it might go over. It is a bill relating to the Cowlitz Tribe of Indians. I should like to have the RECORD show why the Senator wished to have it go over.

Mr. SMOOT. I will simply say that I have a request from a Member of the House to ask that that bill go over, and stating that he will write me a letter to-day about it. I am perfectly willing to let the Senator see the letter as soon as I receive it.

FEDERAL BUILDING SITE, NEWARK, DEL.

The bill (H. R. 6442) to provide for the exchange of the present Federal building site in Newark Del., was considered as in Committee of the Whole. It authorizes the Secretary of the Treasury, in his discretion, to acquire by exchange for the present Federal building site in Newark, Del., a new site for said building, and to convey the present site to be given in exchange therefor by the usual quitclaim deed. Such new site shall be centrally and conveniently located and of such size that an open space of such width, including streets and alleys, as the Secretary of the Treasury may determine may be maintained about the Federal building when constructed for the protection thereof from fire in adjacent buildings, provided that the United States Government be placed to no additional expense should the aforesaid exchange be consummated.

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

BENJAMIN F. ROBINSON AND JOHN DOWS.

The bill (S. 4810) for the issuance of a patent for certain Government lands to Benjamin F. Robinson and John Dows was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands with an amendment, on page 1, line 9, after the word "application," to strike out "thereof" and insert "therefor," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to cause to be issued to Benjamin F. Robinson and John Dows a patent for lots 8, 9, 10, and 11, in section 22, township 99 north, range 32 west of the fifth principal meridian, Iowa: *Provided*, That within three months after the approval hereof they shall have presented their application therefor and made payment for said tract at the rate of $1.25 per acre: *Provided further*, That nothing herein contained shall have the effect of defeating the rights of any other person or persons which may have attached to the land or to any part thereof.

The amendment was agreed to.

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

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

LANDS IN PORTLAND, OREG.

The bill (H. R. 4746) granting the city of Portland, Oreg., the right to purchase certain lands for public park purposes was considered as in Committee of the Whole. It grants to the city of Portland, Oreg., the right to purchase the northeast quarter and the north half of the northwest quarter of section 18, in township 1 north, of range 6 east, of the Willamette meridian, Oregon, for public park purposes, and a patent for same is authorized to be issued by the proper officers to the said city of Portland, Oreg., upon payment of $1.25 per acre by the said city to the United States, provided that the lands so authorized to be purchased shall be held and used by or for the said grantee for the purposes 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 the act.

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

JACKSON LAKE RESERVOIR, WYO.

The bill (S. 5348) to authorize the exchange of lot 10, section 19, township 45 north, range 114 west, sixth principal meridian, for certain private lands needed in connection with the construction of Jackson Lake Reservoir, Wyo., and for other purposes, was considered as in Committee of the Whole. It provides that upon delivery of deeds conveying to the United States good title to certain lands near the outlet of Jackson Lake, Wyo., needed by the United States in connection with the construction of the Jackson Lake Dam, and sought to be condemned, and more particularly described in the complaint on file in the case of United States against B. D. Sheffield and others, now pending in the district court of the United States in and for the district of Wyoming, then in exchange for such lands so conveyed to the United States lot 10 of section 19, township 45 north, range 114 west, sixth principal meridian, in the State of Wyoming, containing approximately 21.38 acres, as shown on the amended plat of said section 19, approved by the Commissioner of the General Land Office on January 20, 1916, and filed in the United States Land Office, shall be granted and conveyed by the United States to said B. D. Sheffield, his heirs, executors, administrators, or assigns, and upon delivery of satisfactory evidence of title to the said lands to be conveyed to the United States and the delivery of deeds conveying the same to the United States patent to said lot 10 shall be issued to said B. D. Sheffield.

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

PUBLIC BUILDING AT BINGHAM CANYON, UTAH.

The bill (S. 4) to provide for the purchase of a site and the erection of a public building thereon at Bingham Canyon, in the State of Utah, was considered as in Committee of the Whole. It authorizes the Secretary of the Treasury to acquire, by purchase, condemnation, or otherwise, and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of the United States post office and other governmental offices in the city of Bingham Canyon and State of Utah, the cost of said site and building, including said vaults, heating and ventilating apparatus, elevators, and approaches, not to exceed the sum of $75,000.

Mr. SMITH of Georgia. Mr. President, is this a $75,000 building?

Mr. OVERMAN. It is a site and a building.

Mr. SUTHERLAND. What is the inquiry of the Senator?

Mr. SMOOT. We just passed a bill providing for one for Nogales, Ariz., at a cost of $120,000.

Mr. ASHURST. Mr. President, I should like to explain the Arizona bill.

SEVERAL SENATORS. Oh, no!

Mr. OVERMAN. I call for the regular order.

Mr. SUTHERLAND. Does the Senator from Georgia object to the consideration of the bill?

Mr. SMITH of Georgia. I desire to know the size of the business of the place before we pass it.

Mr. SUTHERLAND. Last year the business was something over $12,000; and it is for other governmental offices as well as the post office. It is one of the very important towns in the State of Utah. It is where, among other mines, the Utah Copper Mine is situated—probably one of the biggest copper mines in the world.

Mr. WALSH. Mr. President, I should like to ask the Senator from Utah what is the population of this place?

Mr. SUTHERLAND. The population of Bingham Canyon proper to-day is something over 3,000, but, as the Senator very well understands, coming from a mining State, there are people living all about, receiving mail at Bingham Canyon. There is a rural free delivery in active operation carrying the mails in different directions from the town of Bingham. Tributary to the post office there is a population of several thousand. I can not tell the Senator the exact number.

Mr. WALSH. I am moved to make these inquiries, because I was led to believe that these appropriations for public buildings were all going to be found in an omnibus bill.

Mr. SUTHERLAND. They will, ultimately.

Mr. WALSH. I will ask the Senator from Utah whether that is his understanding about the matter?

Mr. SUTHERLAND. Yes; they will ultimately go into a general omnibus bill. I will say to the Senator that that has always been the practice in the Senate.

The PRESIDING OFFICER. If the Chair may be pardoned, he will say here that the receipts of the post office at this point for the last year—1915—were $12,314.78. If there be no amendment to be proposed, the bill will be reported to the Senate.

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

COAL LANDS, KAYCEE, WYO.

The bill (S. 3986) granting certain coal lands to the town of Kaycee, Wyo., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands with an amendment, to strike out lines 3 to 12, inclusive, on page 1, and the word "conditions," on line 1, page 2, in the following words:

That the following-described coal land, or so much thereof as the town of Kaycee, Wyo., may apply for within six months after the approval of this act, is hereby granted to said town as a source of coal supply for the use of said town and for the use therein of the inhabitants and industries thereof, to wit:

In section 26, the southeast quarter of the northeast quarter, in township 44 north, range 81 east of the sixth principal meridian, containing 160 acres, more or less, upon the following conditions.

And to insert:

That the Secretary of the Interior be, and he is hereby, authorized, empowered, and directed to sell, or to lease, to the town of Kaycee, Wyo., the following-described coal land, to wit, southeast quarter of the northeast quarter, in section 26, township 44 north, range 81 west, sixth principal meridian, as a source of coal supply for the use of said town and for the use therein of the inhabitants and industries thereof, upon the following express conditions:

So as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized, empowered, and directed to sell, or to lease, to the town of Kaycee, Wyo., the following-described coal land, to wit, southeast quarter of the northeast quarter, in section 26, township 44 north, range 81 west, sixth principal meridian, as a source of coal supply for the use of said town and for the use therein of the inhabitants and industries thereof, upon the following express conditions, that is to say: That said town shall, within two years from the approval of this act, open a workable vein of coal upon said land and shall continuously thereafter develop and operate a practical coal mine thereon for the purpose aforesaid; shall not assign or transfer said land or any interest therein; shall comply with such rules and regulations as may from time to time be prescribed by the United States Bureau of Mines and approved by the Secretary of the Interior for safeguarding the health and safety of the employees engaged in mining or handling coal therein; for the prevention of waste of the mineral resources thereof; for securing full reports from the town to the Secretary of the Interior as to the mining and disposal of coal mined in said lands, including construction, maintenance, and operation costs, amounts used for municipal purposes, amounts sold, purchasers, and amounts of receipts from sales: *Provided*, That if the said town shall at any time neglect or fail to perform any of the conditions aforesaid or any part thereof, and shall continue such neglect or failure after reasonable notice by the Secretary of the Interior, the said land hereby granted shall revert free and clear of all incumbrances to the Government of the United States.

The amendment was agreed to.

Mr. WALSH. Mr. President, I should like to ask the Senator from Wyoming whether the town has signified its desire to have the bill enacted, and whether it will avail itself of the opportunity granted it by the act?

Mr. CLARK of Wyoming. Whether or not it has officially signified it, I am unable to say; but it has unofficially done so, and the Senator will observe the amendment which was inserted at the suggestion of the Secretary of the Interior.

Mr. WALSH. Yes; I observe that. If the town is desirous of acquiring this property, Mr. President, I shall be very glad to aid it in securing it. I wanted to say to the Senator, however, that I observe that the discretion given to the Secretary is unlimited. He may sell or lease; he may sell at any price or lease at any price.

Mr. CLARK of Wyoming. Yes. I will say to the Senator that the town of Kaycee is probably 75 or 100 miles from any railroad. It is simply a small inland town. It is a small settlement. This is the only available source of supply that they have. It would not pay anybody to open a mine or to enter the coal lands for this purpose. It is simply to provide a supply for the town for fuel purposes.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the bill will be reported to the Senate.

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

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

LANDS IN DURANGO, COLO.

The bill (H. R. 28) to amend an act entitled "An act granting to the city of Durango, in the State of Colorado, certain lands therein described for water reservoirs," approved March 1, 1907, was considered as in Committee of the Whole.

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

REGULATION OF IMMIGRATION.

The bill (H. R. 10384) to regulate the immigration of aliens to and the residence of aliens in the United States was announced as next in order.

Mr. OVERMAN. In the absence of the Senator from South Carolina [Mr. SMITH] I ask that the bill may go over. Its consideration will take some time.

The PRESIDING OFFICER. The bill will be passed over.

STEAMBOAT-INSPECTION SERVICE.

The bill (H. R. 449) to provide for the appointment of 11 supervising inspectors, Steamboat-Inspection Service, in lieu of 10 was announced as next in order.

Mr. SMOOT. If I remember correctly, this was taken care of in another bill.

Mr. OVERMAN. I think it was. Let it go over.

The PRESIDING OFFICER. The bill will go over.

LANDS IN WYOMING.

The bill (H. R. 177) authorizing the Secretary of the Interior to accept the relinquishment of the State of Wyoming to certain lands heretofore certified to said State, and the State of Wyoming to select other lands in lieu of the lands thus relinquished, was considered as in Committee of the Whole.

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

FORT ASSINNIBOINE MILITARY RESERVATION.

The bill (S. 3646) to amend the act of February 11, 1915 (38 Stat. L., 807), providing for the opening of the Fort Assinniboine Military Reservation, was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands with amendments.

The first amendment was, on page 2, line 2, after the word "east," to insert "and fractional townships 29 north, ranges 14 and 15 east," and in line 5, after the word "approximately," to strike out "thirty thousand nine hundred" and insert "fifty-six thousand and thirty-five," so as to read:

SEC. 10. That fractional townships 28 north, ranges 15 and 16 east, and fractional townships 29 north, ranges 14 and 15 east, Montana principal meridian, within the boundaries of said reservation, embracing a total area of approximately 56,035 acres, are hereby set apart as a permanent reservation for Rocky Boy's Band of Chippewas and such other homeless Indians in the State of Montana as the Secretary of the Interior may see fit to locate thereon, and the said Secretary is authorized, in his discretion, to allot the lands within the reservation hereby created under the provisions of the general allotment act of February 8, 1887 (24 Stats. L., 388), as amended.

The amendment was agreed to.

The next amendment was, on page 2, line 22, after the words "section 26," to strike out "and the northeast quarter northwest quarter, northwest quarter northeast quarter, section 36"; on page 3, line 1, after the words "numbered one," to insert "and embracing an area of approximately 480 acres"; and on line 8, after the words "numbered two," to insert "and embracing an area of approximately 440 acres: *Provided*, That the city of Havre shall pay for said land the sum of $1.25 per acre: *Provided further*, That if the said city of Havre shall at any time hereafter abandon the lands above described and cease to use the same for said purposes, said above-described lands shall revert to the Government of the United States," so as to read:

SEC. 11. That the Secretary of the Interior be, and he is hereby, authorized and directed to patent to the city of Havre, Mont., for reservoir purposes the following-described lands lying within said reservation: The west half southeast quarter, west half section 25, and the southeast quarter northwest quarter, northeast quarter southeast quarter, section 26, township 31 north, range 15 east, Montana principal meridian, comprising reservoir site No. 1 and embracing an area of approximately 480 acres; and the northwest quarter, west half northeast quarter, north half southwest quarter, northwest quarter southeast quarter, section 33; and the southwest quarter southeast quarter, southeast quarter southwest quarter, section 28, township 30 north, range 16 east, Montana principal meridian, comprising reservoir site No. 2, and embracing an area of approximately 440 acres: *Provided*, That the city of Havre shall pay for said land the sum of $1.25 per acre: *Provided further*, That if the said city of Havre shall at any time hereafter abandon the lands above described and cease to use the same for said purposes, said above-described lands shall revert to the Government of the United States.

The amendment was agreed to.

The next amendment was, on page 4, line 21, after the word "the," to strike out "southeast quarter, southwest quarter northeast quarter, east half northeast quarter, southeast quarter northwest quarter, northwest quarter northwest quarter, section 36"; and on page 5, line 6, after the word "meridian," to insert "embracing an area of approximately 8,880 acres," so as to read:

All of section 5; the northeast quarter section 6, township 30 north, range 16 east; and the southwest quarter section 32; the south half northwest quarter, southwest quarter northeast quarter section 31, township 31 north, range 16 east; and the east half southeast quarter section 25; southeast quarter southeast quarter, northwest quarter southeast quarter, northeast quarter northeast quarter, west half northeast quarter, east half northwest quarter, northwest quarter northwest quarter, section 26; south half southwest quarter, south half southeast quarter, section 23, township 31 north, range 15 east, Montana principal meridian," embracing an area of approximately 8,880 acres.

The amendment was agreed to.

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

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

STOCK-RAISING HOMESTEADS.

The bill (H. R. 407) to provide for stock-raising homesteads, and for other purposes, was announced as next in order.

Mr. ASHURST. I have an amendment which I want to offer to the bill.

Mr. SMOOT. I know of a number of amendments that are to be offered to the bill. It will take some time to discuss the measure. For that reason I ask that it may go over.

The PRESIDING OFFICER. The bill will go over.

CRUM RIVER, PA.

The bill (S. 5053) authorizing abutting owners upon Crum River, a navigable stream, where the same empties into the Delaware River, to straighten, widen, and deepen the same, and substituting such straightened course and channel for the present channel thereof, and abandoning and vacating a portion of the present channel, was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with an amendment to strike out all after the enacting clause and to insert:

That Alba B. Johnson and Samuel M. Vauclain and the Baldwin Locomotive Works, abutting property owners upon Crum River, where the same empties into the Delaware River, be, and they are hereby, authorized to change and divert the present course and channel of Crum River and to straighten same, under the direction and supervision of the Secretary of War, so that the channel hereafter shall exist according to the following courses and distances, to wit: Beginning at the point of intersection of the east line of the right of way of the Philadelphia & Reading Railway Co. with the center line of Crum River, south 16° 42′ 13″, east, 154.5 feet thence south 25° 34′, east, 1,500 feet, more or less, to the low-water line in the Delaware River, and that the said river shall be of the width of 50 feet at mean low water on each side of the said center line and that hereafter the said Crum River shall be taken to exist as a navigable stream as so straightened, and the present course and channel of the said river below the point or diversion according to the following courses and distances: Beginning at the point of intersection of the east line of the right of way of the Philadelphia & Reading Railway Co. with the center line of Crum River, south 12° 11′, east 479.2 feet; thence south 23° 21′, east 307.5 feet; thence south 2° 16′, east 331.8 feet; thence south 42° 52′, west 148.7 feet; thence south 79° 4′, west 429.3 feet; thence south 29° 44′, west 200 feet; thence south 28° 5′, east 594 feet, more or less, to the low-water line in the Delaware River, shall be abandoned and vacated when the above-mentioned channel shall have been completed to a depth of 4 feet at mean low water, with a bottom width of 62 feet, and with a width of 100 feet at mean low-water level, and all the right, title, and interest of the United States in and to the land which is in the old channel and bed of said Crum River shall revert to and become the property of Alba B. Johnson, Samuel M. Vauclain, and the Baldwin Locomotive Works, their heirs, assigns, and successors: *Provided*, That the said Alba B. Johnson and Samuel M. Vauclain and the Baldwin Locomotive Works shall construct and maintain at their expense a bridge, satisfactory to the Secretary of Commerce, over the new course of Crum Creek, available for the passage of persons and vehicles for purposes of the United States, said bridge to take the direction of the present right of way of the United States at the place where the same is to be cut by the proposed new course of Crum Creek, and to be maintained so long as title to the property now owned by the United States at the mouth of Crum Creek remains in said United States.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

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

The bill (S. 5244) authorizing the Secretary of Commerce to exchange lands belonging to the United States at the mouth of Crum River, Pa., for other lands adjacent thereto, for the purpose of removing thereto the Schooner Ledge Range Front Light, so that it may be on the range of the channel of the Delaware River, and further authorizing the Secretary of Commerce to remove said range light from its present location to the property acquired by the exchange, was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce, with an amendment to strike out all after the enacting clause and to insert:

That the Secretary of Commerce be, and he is hereby, authorized and directed to grant and convey to Alba B. Johnson and Samuel M. Vauclain all that certain lot or piece or parcel of land granted and conveyed to the United States of America by the president and company of the Philadelphia & Reading Railroad Co. by deed dated December 29, 1879, situated in Tinicum Township, in the county of Delaware and State of Pennsylvania, described according to a recent survey as follows: Beginning at a point in the south side of the entrance gate to the basin (for the storage of canal boats in winter) on the upper side of the mouth of Crum Creek and running thence along the cross bank dividing said basin from the meadow at the mouth of Crum Creek south 4° west 157 feet; thence south 13° 55′ east 100 feet; thence south 26° east 319 feet, more or less, to low-water line in the Delaware River; thence by the low-water line of the Delaware River and Crum Creek to the place of beginning, containing 5 acres, more or less, being part of a certain larger tract or parcel of land which the "president, managers, and company of the Schuylkill Navigation Co.," by a certain indenture dated the 12th day of July, A. D. 1870, recorded, etc., granted, and conveyed unto the Philadelphia & Reading Railroad Co., their successors and assigns, together with the free and uninterrupted use, right, liberty, and privilege of passage in and along a certain roadway 16 feet wide next to the line of Crum Creek and upon the bank extending along and following the course of the said creek from the railroad of the Philadelphia & Wilmington Railroad Co. to the herein-described premises as now in use; for and in consideration of the said Alba B. Johnson and Samuel M. Vauclain granting and conveying to the United States in fee simple the following-described premises and rights of way situated on Crum Creek, after its course shall have been changed, in the county of Delaware, State of Pennsylvania, now belonging to them, to wit: A certain piece or parcel of land whose boundaries shall form a parallelogram containing 1 acre, more or less, with 200 feet frontage on the east side of the new course of Crum Creek, Pa., which frontage shall be intersected by the axis or center line of Chester Range, at a point to be approved by the Secretary of Commerce, together with the full and uninterrupted use, right, liberty, and privilege of passage for persons and vehicles over an accessible, direct, and improved right of way 16 feet wide, wholly above high-water mark, from the premises above described to the right of way of the Chester branch of the Philadelphia & Reading Railroad Co., the said right of way to be used in common and wholly maintained by the said Alba B. Johnson and Samuel M. Vauclain, their heirs, executors, administrators, and assigns, and kept in passable condition at all times; also a suitable and sufficient right of way for beams of light on the Chester Range Line over all the property on said range line between the proposed permanent front and rear lights of Chester Range, and to the southward and westward of said front light: *Provided*, That the Attorney General shall first examine the title of said Alba B Johnson and Samuel M. Vauclain to premises to be conveyed to the United States as aforesaid and shall furnish his written opinion in favor of the validity thereof: *Provided further*, That the said Alba B. Johnson and Samuel M. Vauclain, within such reasonable time after the passage of this act as may be determined by the Secretary of Commerce, shall deed to the United States the premises herein described to be conveyed by them: *And provided further*, That the conveyance of the herein-described lot or parcel of land now owned by the United States of America shall not be made and the title thereto shall not pass to the said Alba B. Johnson and Samuel M. Vauclain until the following shall have been done by said persons without expense to the United States and to the satisfaction of the Secretary of Commerce: First, erect a bulkhead of permanent construction on the easterly side of the new course of Crum Creek along the entire frontage of the premises to be conveyed to the United States of America, which shall consist of a timber pile foundation supporting a timber platform and a gravity section concrete retaining wall of the same construction as approved by the United States Engineer office and now being erected on the southwest side of the mouth of Crum Creek; second, fill the entire plot of land to be conveyed to the United States with sand, earth, or other suitable material to an elevation of 12 feet above mean low water; third, dredge a channel from the premises to be conveyed to the United States to the main channel of the Delaware River having a depth of not less than 6 feet at mean low water; fourth, construct and make available for the purposes of the United States the improved right of way for the passage of persons and vehicles provided for herein: *And provided further*, That the conveyance shall not be made by the United States and title shall not pass from the United States until the permanent tower and dwelling proposed to be built by it on the land to be conveyed to it shall be ready for occupancy, nor until all valuable lighthouse property is removed by the United States from the site to be conveyed by it: *And provided further*, That the existing lights now in use shall continue, without interference by said Alba B. Johnson and Samuel M. Vauclain, until the establishment by the United States of permanent lights on Chester Range.

SEC. 2. That the said Alba B. Johnson and Samuel M. Vauclain, upon the passage of this act, and after the rendition by the Attorney General of his opinion in favor of the validity of the title to be conveyed to the United States and the conveyance to the United States of such title, shall have the right to proceed with improvements upon the tract to be conveyed by the United States, except upon such portions as are actually required for lighthouse purposes, under conditions to be prescribed by the Secretary of Commerce.

SEC. 3. That all expenses incurred by the United States in making the exchange of property herein authorized, including the cost of such abstracts, official certifications, and evidences of title as the Attorney General may deem necessary, and all expenses incurred in removing such lighthouse property on the present site as may be advantageous to the interests of the Government shall be payable from the appropriation "General expenses, Lighthouse Service," for the fiscal years in which such expenses are incurred.

The amendment was agreed to.

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

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

The title was amended so as to read: "A bill authorizing the Secretary of Commerce to exchange the land now occupied by the Schooner Ledge Range Front Light Station at the mouth of Crum Creek, Pa., for other lands adjacent thereto which are intersected by the axis of the Chester Range Line of the Delaware River, and authorizing the Secretary of Commerce to remove said Schooner Ledge Range Front Light Station after certain conditions have been complied with."

JAMES F. COLE.

The bill (S. 739) to remove the charge of desertion from the military record of James F. Cole was announced as next in order.

Mr. OVERMAN. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. SMITH of Michigan. Is there objection to the consideration of the bill?

Mr. OVERMAN. Yes; when 50 years after the war it is proposed to remove the charge of desertion against him. I do not know anything about the man, but——

Mr. SMITH of Michigan. It is never too late to do justice. Let me have the Senator's attention for a moment, if he will withhold his objection.

Mr. OVERMAN. I will withhold it.

Mr. SMITH of Michigan. This soldier, Mr. President, served honorably and was wounded, and the bullet is still in his body. This technical desertion has really no validity in fact. It ought not to appear on the record. It is a very worthy case. I happen to know something about it personally.

Mr. OVERMAN. I have not had time to read the report. Will the Senator let the bill go over?

Mr. SMITH of Michigan. I am very glad to have it go over. I should like also to have the Senator look at the next bill on

the calendar, the bill (S. 743) to remove the charge of desertion from the military record of Moses Chauncey.

Mr. OVERMAN. I will look at both. I see this bill is not recommended by the department, or rather the recommendation is against it, I think. I want to look at the merits of the case.

Mr. SMITH of Michigan. If the Senator will go through with the report, that is all I ask him to do.

The PRESIDING OFFICER. Senate bill 739 and the next bill, the bill (S. 743) to remove the charge of desertion from the military record of Moses Chauncey, will go over.

OLLALA SLOUGH, OREG.

The bill (S. 1697) to declare Ollala Slough, in Lincoln County, Oreg., nonnavigable, was considered as in Committee of the Whole. It declares that all of that portion of Ollala Slough in Lincoln County, Oreg., above a point where a line that is 120 rods south and running east and west and parallel with the section line between sections 8 and 17 in township 11 south, rage 10 west of the Willamette meridian, crosses said stream to be a nonnavigable stream.

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

PUBLIC BUILDING AT GEORGETOWN, DEL.

The bill (S. 5503) to provide for the purchase of a site for the erection of a Federal building at Georgetown, Del., was announced as next in order.

Mr. POMERENE. I ask that the bill may go over.

The PRESIDING OFFICER. It will be passed over.

MAIL CONTRACTORS.

The bill (S. 331) for the relief of mail contractors was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. It will go over.

PENSIONS AND INCREASE OF PENSIONS.

The bill (H. R. 12194) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments.

The first amendment of the Committee on Pensions was, on page 2, after line 4, to strike out:

The name of Adolf Hartmann, late of Troop A, Fifth Regiment United States Cavalry, War with Spain, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 2, after line 14, to strike out:

The name of Martin W. Ryan, late of Company D, Seventeenth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

Mr. POMERENE. I ask that that committee amendment be disagreed to, and I wish to make a very brief statement with respect to it.

Martin W. Ryan enlisted during the Spanish-American War. He served from June 20 to October 26, 1898. He reenlisted December 12, 1898, and served in the Philippines until he was honorably discharged December 11, 1901. He served over three years. There were two enlistments, and evidently he underwent two examinations by physicians. His services were accepted, the country had the benefit of them for three years and more, and it seems that some examiner reported that a disease of the stomach which he had began prior to the time of his service. It was not so severe that he was not on two occasions accepted, the country had the benefit of his services, and now because the disease had an origin antedating his service, as this examiner now claims, he is to be deprived of the benefit of a pension.

There was a good deal of testimony in this case, and I want to read very briefly from the report of the House committee. I wish to call the attention of the Senate especially to the following:

With the bill the petitioner files an affidavit in which he states that he is in part unable to earn a living, because of disease of stomach (indigestion and dyspepsia), and that he owns no property.

His allegations as to physical and financial condition are sustained by the testimony of lay witnesses.

A physician testifies that the soldier suffers most severely from disease of digestive organs—can not eat any solid food and usually vomits almost any food that he does eat—and is thereby rendered unable to perform manual labor.

From the evidence submitted in this case it is believed by your committee that a pension of $12 per month to this soldier is fully justified, and it is so recommended.

His claim was allowed in the House, but when the bill came to the Senate the Senate committee felt called upon to reject the claim because his difficulty had an origin antedating the date of his two enlistments. It may be that that is within the letter of the law, but I submit there is no pension granted in this bill which is more deserving than this particular case. Evidently he is in a very much worse condition than he was at the time he enlisted.

I have two other affidavits which have been sent to me, which just arrived within the last hour. I do not like to take the time of the Senate to read them, but I hope the chairman of the committee may see fit to recede from the position of the committee and let this claim be restored.

Mr. JOHNSON of Maine. Mr. President, the Senator from Ohio, of course, understands that in the matter of the claims for pensions of the survivors of the Spanish-American War the rules established are entirely different from those in the case of survivors of the Civil War. The survivors of the Spanish-American War are required to prove that they suffered from disability contracted in the service and in line of duty. The committee of the Senate having this case under consideration found in the long hospital report of this soldier that there was no record of any treatment for dyspepsia or indigestion, although he had quite a long record, as set out on page 9 of the report, extending from June 26, 1899, to July 9, 1901. But this report also shows that the field examiner, who made the examination of this soldier, found that he had suffered from indigestion and dyspepsia prior to his first enlistment. That was not only found to be the case but the pensioner himself admitted it to be true. That appears in the report on page 9, where it reads:

However, the claim was sent to the field for special examination, by which means it was ascertained from good and credible witnesses that the soldier had suffered from the said indigestion and dyspepsia prior to his enlistment, the first time in 1898. He himself admitted this to be true. The claim was therefore rejected.

The Committee on Pensions felt that the claimant did not bring himself within the rule, and for that reason we reported adversely upon his application for pension.

Mr. POMERENE. Mr. President, may I ask the chairman of the committee whether the committee received any statement from this claimant in reply to what was stated by the field examiner?

Mr. JOHNSON of Maine. We did not, I will say to the Senator.

Mr. POMERENE. I have here a statement, as I have stated, which has come to me within the hour, the soldier's own letter; and I will take the time of the Senate to read it, because I feel that a very great injustice is being done in this case.

Mr. SMITH of Georgia. If the Senator will allow me, I am going to object to the consideration of this entire bill.

Mr. OVERMAN. Regular order!

Mr. SMITH of Georgia. This bill embraces Spanish-American War pensions. I have objected to all such bills, for I want to take part in their consideration and discussion.

The PRESIDING OFFICER. Objection being made, the bill will go over.

BILL PASSED OVER.

The bill (S. 1308) to amend an act entitled "An act to establish circuit courts of appeals and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes," approved March 3, 1911, was announced as next in order.

Mr. OVERMAN. Let that bill go over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

PHILIP H. HEBERER.

The bill (H. R. 7239) for the relief of Philip H. Heberer was considered as in Committee of the Whole. It proposes to pay to Philip H. Heberer $634 for injuries sustained while employed as a lineman in the United States telegraph corps near Valdez, Alaska, in June, 1914.

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

HEIRS OF PATRICK J. FITZGERALD.

The bill (H. R. 2235) for the relief of the widow and heirs at law of Patrick J. Fitzgerald, deceased, was considered as in Committee of the Whole. It proposes to pay to the widow and heirs at law of Patrick J. Fitzgerald, deceased, $2,000, in full compensation for his death, on January 3, 1907, caused by injuries received on December 31, 1906, while employed as a chain maker, fourth class, in the navy yard of the United States at Boston, Mass.

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

SIMON M. PRESTON.

The bill (S. 1288) for the relief of Simon M. Preston was considered as in Committee of the Whole. It proposes to pay to Simon M. Preston, of Seattle, Wash., $5,838.36, that being the amount of the defalcation of D. C. Kearns, a deputy collector under Simon M. Preston, who was collector of internal revenue for the first election district of Mississippi from the 1st of June, 1869, to the 22d of May, 1873, which sum was repaid to the United States Government by Simon M. Preston, and its collection by him from D. C. Kearns having been hindered and prevented by the pardon of D. C. Kearns by the President of the United States and the remission of the fine equivalent to said sum.

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

JAMES W. CROSS.

The bill (S. 4807) for the relief of James W. Cross was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 1, line 6, after the name "James W. Cross," to strike out "$660" and to insert "$892," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to James W. Cross, $892, as full compensation to said James W. Cross for personal injuries received as a result of an accident October 26, 1914, without negligence on his part, while he was engaged in the performance of his duties as a laborer at the State, War, and Navy Department Building.

Mr. WADSWORTH. Mr. President, I desire to call attention to a comparatively unimportant mistake in the printing of that bill as proposed to be amended. The amount named in the amendment should be $92 instead of $892, and I move that amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. OLIVER. Mr. President, I must confess when I saw this bill I thought a streak of liberality must have struck the Committee on Claims. I have never known it to do anything of this kind before.

Mr. SMOOT. We have a different Claims Committee now, I remind the Senator.

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

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

ALFRED SJOSTROM.

The bill (S. 1056) for the relief of Alfred Sjostrom was considered as in Committee of the Whole. The bill had been reported from the Committee on Claims with an amendment, in line 6, after the words "sum of," to strike out "$5,000" and to insert "$720," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Alfred Sjostrom the sum of $720 for injuries sustained by him while in the performance of his duties as an employee of the Government at Battle Mountain Sanitarium, Hot Springs, S. Dak., on December 3, 1910, in an accident, in which he lost all the fingers of his right hand.

The amendment was agreed to.

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

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

VICTOR A. ERMERINS.

The bill (S. 4581) for the relief of Victor A. Ermerins, was considered as in Committee of the Whole. It proposes to pay to Victor A. Ermerins, of San Francisco, Cal., $1,465.05 for the loss of his furniture, clothing, and personal effects, which, while stationed at Puerto Mexico, State of Vera Cruz, Mexico, in the discharge of his official duties as inspector of the United States customs service and acting American consular agent, he was compelled to abandon.

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

COAST GUARD STATION ON COAST OF LOUISIANA.

The bill (S. 4085) to establish a Coast Guard station on the coast of Louisiana, in the vicinity of Barataria Bay, was considered as in Committee on the Whole. The bill had been reported from the Committee on Commerce with an amendment, in line 6, after the words "point as," to strike out "the Captain Commandant of the Coast Guard may recommend," and to insert "he may deem best," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to establish a Coast Guard station on the coast of Louisiana in the vicinity of Barataria Bay, at such point as he may deem best, and the station shall be manned during the entire year.

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

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

PENSIONS AND INCREASE OF PENSIONS.

The bill (H. R. 12843) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Pensions with amendments.

The first amendment of the Committee on Pensions was on page 4, line 6, before the words "per month" to strike out "$30" and insert "$20" so as to make the clause read:

The name of Mary Ballinger, widow of John Ballinger, late of Company G, First Regiment Missouri State Militia Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The next amendment was, on page 7, after line 10, to strike out:

The name of Sarah E. Stroup, widow of Uriah Stroup, late of Company H, Sixty-ninth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 7, line 24, before the words "per month," to strike out "$40" and insert "$30," so as to make the clause read:

The name of George L. Eyestone, late of Company E, Forty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 10, line 2, before the words "per month," to strike out "$24" and insert "$20," so as to make the clause read:

The name of Ruth J. McCann, widow of Thomas K. McCann, late captain and assistant quartermaster, United States Volunteers, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 11, line 18, before the words "per month," to strike out "$50" and insert "$30," so as to make the clause read:

The name of Nelson L. Gravlin, late of Company E, Sixty-second Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 13, line 2, before the words "per month," to strike out "$24" and insert "$25," so as to make the clause read:

The name of Martha A. Thompson, widow of Justin G. Thompson, late surgeon, Seventy-seventh Regiment New York Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 13, after line 19, to strike out:

The name of Inez M. Craig, widow of Jacob A. Craig, late of Company F, Fifty-fifth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 13, after line 23, to strike out:

The name of William A. Pullen, late of Company G, Fourth Regiment Provisional Enrolled Missouri Militia, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 14, after line 10, to strike out:

The name of Simon V. Fritcher, alias Simon Fritcher, late of Company C, Fiftieth Regiment New York Engineers, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 17, line 9, after the word "Cavalry," to insert "and lieutenant colonel Third Regiment United States Cavalry," so as to make the clause read:

The name of Ida C. Wilcox, widow of John A. Wilcox, late captain, Fourth Regiment, United States Cavalry, and lieutenant colonel Third Regiment United States Cavalry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 19, after line 12, to strike out:

The name of George W. Comer, alias George W. Pierce, late of Company B, First Regiment Tennessee Volunteer Cavalry, and Company A, One hundred and seventy-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, at the top of page 21, to strike out:

The name of Mandana C. Thorp, widow of Thomas J. Thorp, late of Company E, Eighty-fifth Regiment, and lieutenant colonel One hundred and thirtieth Regiment, New York Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 21, line 17, before the words "per month," to strike out "$24" and insert "$25," so as to make the clause read:

The name of Eliza Smith, widow of Clinton D. Smith, late of Company C, Eighty-fourth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 22, line 1, before the words "per month," to strike out "$50" and insert "$40," so as to make the clause read:

The name of Meredith Fletcher, late of Company F, Fourteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 23, line 13, before the words "per month," to strike out "$30" and insert "$25," so as to make the clause read:

The name of Mary E. Jolly, widow of John H. Jolly, late major, Eighty-ninth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 25, after line 10, to strike out:

The name of Ella J. Brewster, former widow of John Brewster, late of Company B, Eighty-first Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 25, line 21, before the words "per month," to strike out "$40" and insert "$30," so as to make the clause read:

The name of Peter H. Baker, late of Company E, One hundred and eighty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 26, line 10, before the words "per month," to strike out "$24" and insert "$25," so as to make the clause read:

The name of Martha J. Todd, widow of Robert N. Todd, late surgeon, Twenty-sixth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 26, line 13, before the words "per month," to strike out "$50" and insert "$40," so as to make the clause read:

The name of Samuel Patterson, late of Company B, First Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

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

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

The bill was read the third time and passed.

BILLS PASSED OVER.

The bill (H. R. 8234) to prevent interstate commerce in the products of child labor, and for other purposes, was announced as next in order.

Mr. SMOOT. That bill will take too long to discuss before adjournment to-day, and therefore I ask that it go over.

Mr. SMITH of Georgia. Does the Senator not think we can finish that in a half an hour?

Mr. SMOOT. I do not.

Mr. OVERMAN. I hardly think we could finish it in 30 days.

The PRESIDING OFFICER. Objection being made, the bill will go over.

The bill (S. 4866) to carry out the findings of the Court of Claims in the case of the Commercial Pacific Cable Co. was announced as next in order.

Mr. SMITH of Georgia. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

D. A. BARBOUR AND ANDREW P. GLADDEN.

The bill (S. 4368) for the relief of D. A. Barbour and Andrew P. Gladden was considered as in Committee of the Whole. It proposes to pay to D. A. Barbour and Andrew P. Gladden, copartners, of Clarksburg, W. Va., $758, due Barbour & Gladden for material furnished by them in the performance of a certain contract between that firm and the Quartermaster of the United States Army for repairing barracks and constructing bathhouse and closets at Fort Monroe, Va., in compliance with the findings of the Court of Claims reported to Congress February 26, 1907.

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

CLAIMS UNDER NAVY DEPARTMENT.

The bill (H. R. 6651) providing for the payment for certain services arising under the Navy Department was announced as next in order.

Mr. SMOOT. Mr. President, I see the Senator who reported the bill is not in the Chamber at the present moment, but I should like to inquire from some Senator who is familiar with the matter why this class of claims is reported at this time in a separate bill? In the past they have always come in on an appropriation bill upon recommendation from the Navy Department, and I can not see why these claims should be picked out from all the others and a special bill reported in their favor. For that reason I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

REFERENCE OF CLAIMS TO COURT OF CLAIMS.

The Senate proceeded to consider the resolution (S. Res. 41) reported from the Committee on Claims on the 20th instant, which was read, as follows:

Resolved, That Senate bill No. 1414, providing for the adjudication by the Court of Claims of the claims of Hardt, Von Vernuth & Co.; F. A. Straus & Co.; Albert Eckstein; Barthels Manufacturing Co.; Dieckerhoff, Raffloer & Co.; Dieckerhoff, Raffloer & Co. (a corporation); G. Hirsch's Sons; Ludwig Littauer; Moeller & Littauer; Naday & Fleischer; William Jonas & Co.; Charles E. Hertlein; G. Robison & Co.; G. Robison, jr.; Paul Puttmann; Imperial Braid Co.; F. B. Vandegrift & Co.; and G. Robison & Son, together with all papers accompanying said bill, be, and is hereby, referred to the Court of Claims to find the facts relating to their claims for refund of import duties paid by them upon artificial silk in excess of the legal duties imposed by law upon artificial silk during the years 1901 to 1909, inclusive, and also to find the conclusions of law and equity applicable to the facts.

Mr. OVERMAN. Mr. President, I desire to say that the resolution merely asks for a finding of facts in connection with the claims referred to. I say that to show that I am entirely consistent. I do not ask in the resolution for any adjudication of these claims, but, as will be observed from the resolution itself, it merely asks for a finding of facts in these cases; that is all.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was agreed to.

LESTER A. ROCKWELL.

The bill (S. 1362) for the relief of Lester A. Rockwell was announced as next in order.

Mr. SMOOT. I see there is no report from the department accompanying that bill, and therefore I ask that it go over.

The PRESIDING OFFICER. The bill will be passed over.

HEIRS OF MYRA CLARKE GAINES.

The bill (S. 3294) to appropriate a sum of money to pay Rhoda Menz, W. W. Christmas, and James M. Christmas, heirs of Myra Clarke Gaines, for certain lands in Louisiana, was announced as next in order.

Mr. GRONNA. I ask that that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

JOHN W. CUPP.

The bill (S. 147) for the relief of John W. Cupp was considered as in Committee of the Whole. It proposes to pay to John W. Cupp, late postmaster at Galion, Ohio, $229.48, to reimburse him for the payment of that sum, which, as postmaster, he had deposited as funds of the post office at Galion, Ohio, in the Galion National Bank, and which funds were lost by reason of the insolvency and failure of the bank.

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

CLAIM OF KENTUCKY.

The bill (S. 2543) for the relief of the State of Kentucky was announced as next in order.

Mr. OVERMAN. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

ARTEMUS W. PENTZ.

The bill (S. 1429) for the relief of Artemus W. Pentz was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 1, line 6, after the name "Artemus W. Pentz," to strike out "$15,000" and to insert "$2,000," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Artemus W. Pentz, $2,000, as full compensation to said Artemus W. Pentz for the loss of left foot, dislocation of right arm at elbow, laceration of chin, and other bodily injuries, which resulted in partial paralysis, which occurred as the result of an accident January 5, 1914, without negligence on his part, while he was engaged in the performance of his duties as conductor of a dirt train on the Panama Canal excavation.

Mr. OLIVER. Mr. President, I move to amend the amendment proposed by the committee in this case by inserting "$4,000," instead of "$2,000." This is a case where a man in the performance of his duty in connection with work on the Panama Canal was injured by turning a hand brake, which was found to be defective, on a car belonging to the United States. As a result of that the car ran over him, he lost a foot, and is practically paralyzed, as the committee states. The committee states that there was an entire absence of anything in the way of negligence on his part, and it seems to me that for a man who has received such an injury, $2,000 is entirely inadequate. I think that we ought to be, if not liberal, at least just, to the men who meet with accidents of this kind in the service of their country.

Mr. SMOOT. Mr. President, does the Senator know what was the annual compensation or wage of this man?

Mr. OLIVER. I do not know. The committee report does not state that.

Mr. SMOOT. Mr. President, there is a general law granting employees of the Government engaged on the Panama Canal one year's salary in case of injury. Most of the claims of that nature are based upon the annual salary of the employee, and it seems to me that the amount proposed by the Senator from Pennsylvania would be even more than he was receiving as a wage.

Mr. OLIVER. I have no doubt it would be; but this is an extraordinary case. I will read the conclusion of the committee report. The committee says:

The committee believes that the extent of claimant's injuries, which have left him with one foot and partially paralyzed and wholly unfit to follow his accustomed occupation of railroading, entitle him to further compensation.

Then it recommends the payment of $2,000. I think, Mr. President, that $2,000 is not enough under the circumstances.

Mr. SMOOT. The Government does not pay at any time what the courts would allow.

Mr. OLIVER. I do not care as to that; I am talking in behalf not of what the Government does, but of what the Government ought to do, and I think it ought to do better in this case than the committee reports, and I therefore make the motion to amend.

Mr. SHAFROTH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Colorado?

Mr. OLIVER. I yield.

Mr. SHAFROTH. It seems to me that we ought not to amend this bill when the Senator who reported the bill is not present and the chairman of the committee is not present. If the Senator insists upon any modification of the report, I shall feel compelled to object.

The PRESIDING OFFICER. Does the Senator ask that the bill go over?

Mr. SHAFROTH. Yes; that it go over if the amendment is insisted upon.

Mr. OLIVER. Mr. President, I hope the Senator will not have it go over. I should like to have my amendment put to a vote, and if the Senate does not favor it, it can vote it down.

Mr. SHAFROTH. There is nobody here to take the other side. No one here knows the reasons which induced the committee to make the recommendation which they did.

Mr. OLIVER. The Senate can vote down my amendment, but I certainly have a right to offer it.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Pennsylvania to the amendment reported by the committee.

Mr. SHAFROTH. I insist that the bill go over until some Senator is here who knows something about the bill.

Mr. OLIVER. I hope the Senator will not compel me to withdraw my amendment.

The PRESIDING OFFICER. Objection having been made, the bill will go over.

Mr. SHAFROTH subsequently said: Mr. President, a little while ago I made an objection to the request of the Senator from Pennsylvania [Mr. OLIVER]. He has since explained the matter to me, and I withdraw my objection to the consideration of the bill, although I am opposed to its passage.

The PRESIDING OFFICER. Without objection, the Senate, as in Committee of the Whole, will resume the consideration of Senate bill 1429.

The Secretary will state the amendment to the amendment of the committee proposed by the Senator from Pennsylvania.

The SECRETARY. In line 6, page 1, it is proposed to strike out the committee amendment inserting "$2,000" and to insert "$4,000."

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment. [Putting the question.] The Chair is in doubt.

Mr. SMITH of Georgia. Mr. President, how much is the increase?

The PRESIDING OFFICER. Two thousand dollars.

Mr. SMITH of Georgia. What was the extent of the injury?

The PRESIDING OFFICER. A limb paralyzed, a foot cut off, and sundry other dilapidations.

Mr. SMITH of Georgia. Mr. President, we have not approved of an increase to that extent to-day.

Mr. GRONNA. Mr. President, I simply want to state that this is a deserving case. I am a member of the Committee on Claims. We did treat this case different from others. There are thousands of cases before the committee now. We can not, under the law, allow any more than $2,000, and I therefore trust that the Senate will vote down the amendment offered by the Senator from Pennsylvania.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Pennsylvania.

The amendment was rejected.

The PRESIDING OFFICER. The question recurs on the amendment reported by the committee to strike out "$15,000" and insert "$2,000."

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

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

BILLS PASSED OVER.

The bill (S. 5672) for the relief of sundry building and loan associations, was announced as next in order.

Mr. OLIVER. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 4060) to limit the effect of the regulation of interstate commerce between the States in goods, wares, and merchandise wholly or in part manufactured, mined, or produced by convict labor, or in any prison or reformatory, was announced as next in order.

Mr. OLIVER. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

GOOD ROADS.

Mr. BANKHEAD. Mr. President, I inquire if the calendar has been completed?

The PRESIDING OFFICER. The Senate has completed the consideration of the calendar.

Mr. BANKHEAD. Mr. President, eight years ago to-day I addressed the Senate on the subject of national aid, in cooperation with the States and counties, in building post roads. During the time that has elapsed since the delivery of that speech I have grown more firm in the conviction that I was right at that time.

In order that I may economize time, and not take the time of the Senate during the future consideration of this bill to deliver a speech, I ask unanimous consent of the Senate to print in the RECORD the speech just as I delivered it eight years ago to-day; and I should like to have it printed in the ordinary type in which the RECORD is printed; that is, in brevier. I send to the desk two copies of the speech, for the convenience of the printer.

The PRESIDING OFFICER. Without objection, the request of the Senator from Alabama will be granted.

The matter referred to is as follows:

"Mr. BANKHEAD. Mr. President, the question that I am about to discuss is not a new one. The speedy delivery of the mails and the transportation and distribution of production has claimed the attention of our most enlightened and constructive statesmen since the organization of the Government. The transportation and distribution of products is of more importance than production itself. It is the surplus which we sell

that makes us richer, adds to the bank accounts, and cancels the mortgage. What the producer consumes at home adds nothing to our wealth. It is that which he sells and transports to the market that makes him rich. If the cost of transportation to the producer is equal to the difference between the cost of production and the selling price there is no profit. Indeed, he is poorer, because his land is being exhausted, his team and his wagon wearing out, the deposits of his mine are being removed, his timber is being consumed, and his manufacturing plant is undergoing wear and tear, all without net results. In all classes of agriculture and in all lines of manufacturing and trade economy of transportation is an important item in the amount of profit. There are three methods for the transportation of commerce—the railroads, waterways, and the common highways or dirt roads. I need not discuss the first method. It has been the subject of extensive discussion, legislation, and judicial construction, with which we are all familiar. Transportation by water has been liberally provided for by Congress. The dirt roads, over which 90 per cent of the internal commerce of the country must be moved first or last, have been sadly neglected.

"The time has arrived when Congress must meet the great question of national road improvement fairly and squarely and give it that thoughtful and serious consideration which it deserves. The farmers are being aroused, and already the National Grange, with a membership of more than a million farmers, is calling upon us for action in this matter. Another great organization, the Farmers' Educational and Cooperative Union of America, is urging legislation in the same direction. Mr. President, the hordes of southern Europe and the menace of alien races may cast their sinister shadows over our great cities, but, sir, that great, silent, patient element of our population, the American farmer, is American through and through. The very citadel of American liberty and its most cherished traditions are guarded by the farmers, who are 91 per cent native born and constitute more than one-third of our population.

"These men have contributed to the wealth of the United States to an extent which staggers the imagination. The corn crop of 1907 alone was worth $1,350,000,000; the hay crop was worth $660,000,000; the cotton crop was worth $675,000,000; and the wheat crop was worth over $500,000,000. Mr. President, it will be observed that either one of these great agricultural crops has produced more actual wealth in one year than the combined output of all the gold and silver mines in the world and $100,000,000 more. The grand total of all crops for 1907 was nearly seven and one-half billion dollars, and it is estimated that the farmers of this country have created during the last nine years $53,000,000,000 worth of wealth. The value of agricultural crops exported in 1906 was $969,457,306, or 56½ per cent of the total exports, and but for the export of agricultural products the balance of trade would have been against the United States by $523,127,533. When the machinations of Wall Street, the dangerous practices of high finance, and the injustice of our tariff system bring upon us the woes of financial stringency, industrial depression, and hard times, we must realize that the tillers of the soil form the real basis of our wealth, and that to the creation of real wealth we should lend our aid.

"But it is not only the rural population that demands aid from the Government in the upbuilding of our public roads. The numerous resolutions of the boards of trade, chambers of commerce, associations of manufacturers, and the open advocacy of many of our great railroad companies indicate clearly that it only needs an organization of all these forces to bring about the united and effective efforts of city and country. Modern inventive genius is responsible for a new factor in the problem of transportation, which must be reckoned with in legislating for public roads. The automobile industry has now reached $110,000,000 per annum, and the makers and users of automobiles will soon find a plane upon which they can mutually press forward with the farmer in his efforts to obtain better roads. The time will come, during the lifetime of Senators who do me the honor to listen, when the traction engine and the automobile will be utilized on the improved dirt road in hauling to the market farm and forest products at a minimum cost, supplying the place of millions of horses and mules now employed in transportation.

"Mr. President, it is sufficient to call attention to resolutions passed by the legislatures of Maine, Tennessee, Minnesota, Missouri, Nebraska, Alabama, New York, and other States, with reference to national aid, to show how widespread is the sentiment among our State legislatures upon this subject. When all these powers and factors unite their efforts there will be such an era of internal improvement, of home building, of home beautifying, of wealth creation, that the waste places will be filled, squalid huts will give place to beautiful homes, the desert will blossom as the rose, and all the shocks and crashes of frenzied finance will fall harmless from the bulwarks of our splendid prosperity.

"The objection is made that such legislation would be unconstitutional. Fortunately, for our guidance, the question of national aid is not a new one. We have the precedent of national-aid legislation by Congress while the founders of our Government lived to know and approve of it. The first appropriation made was in 1806, when $30,000 was set aside for the purpose of commencing work on the famous old Cumberland Road. These appropriations then continued, with but little interruption, until May 25, 1838, when the last appropriation of $150,000 was made, which made the total amount expended on road construction during this period about $7,000,000.

"On March 14, 1818, the House of Representatives passed the following resolution:

"*Resolved*, That Congress has power under the Constitution to appropriate money for the construction of post-roads, military and other roads, and of canals, and for the improvement of waterways.

"Mr. President, what was the attitude of the leading statesmen in the early days of the Republic? Thomas Jefferson said, in a letter to Mr. Lieper, in 1808:

"Give us peace till our revenues are liberated from debt, and then, if war be necessary, it can be carried on without a new tax or loan, and during peace we may checker our whole country with canals, roads, etc. This is the object to which all our endeavors should be directed.

"James Madison, in a message to Congress, said:

"I particularly invite the attention of Congress to the expediency of exercising their existing powers, and, where necessary, of resorting to the prescribed mode of enlarging them, in order to effectuate a comprehensive system of roads and canals, such as will have the effect of drawing more closely together every part of our country, by promoting intercourse and improvements and by increasing the share of every part in the common stock of national prosperity.

"Henry Clay advocated the building of national roads in a speech made in Congress in 1818, in which he said:

"Of all the modes in which a Government can employ its surplus revenue, none is more permanently beneficial than that of internal improvement. Fixed to the soil, it becomes a durable part of the land itself, diffusing comfort and activity and animation on all sides. The first direct effect is on the agricultural community, into whose pockets comes the difference in the expense of transportation between good and bad ways. Thus if the price of transporting a barrel of flour by the erection of the Cumberland turnpike should be lessened $2, the producer of the article would receive that $2 more now than formerly.

"Daniel Webster, speaking in the United States Senate in 1830, used the following language:

"Under this view of things I thought it necessary to settle, at least for myself, some definite notions with respect to the powers of the Government in regard to internal affairs, and I arrived at the conclusion that Government had power to accomplish sundry objects or aid in their accomplishment, which are now commonly spoken of as internal improvement.

"While it is true that Presidents Madison, Jackson, and Monroe vetoed acts of Congress relating to public roads, it is beyond dispute that the veto of President Monroe was due to a provision giving to the General Government the right of eminent domain and of general superintendence, and this is practically true of the other veto message. President Jackson held that the right of appropriation was not limited by the specified powers of the Constitution. In his veto message he said:

"I have not been able to consider these declarations in any other point of view than as a concession that the rights of the appropriation are not limited by the power to carry into effect the measure for which the money is asked, as was formerly contended.

"On May 4, 1822, President Monroe, in a veto message to Congress, used the following language:

"That in whatever sense the term established is applied to post offices it must be applied in the same sense to post roads.

"John C. Calhoun was a staunch advocate of the doctrine of State rights and believed in a strict construction of the Constitution, but he was equally as pronounced in his belief that the Federal Government should take a hand in building and improving our common highways, rivers, and canals. In 1817 he introduced a bill in Congress to provide a fund for the construction of roads and canals, and in support of this bill he spoke in part as follows:

"Let it not be said that internal improvements may be wholly left to the enterprise of the State and of individuals. I know that much may justly be expected to be done by them, but in a country so new and so extensive as ours there is room enough for all the General and State Governments and individuals to exert their resources. Many of the improvements contemplated are on too great a scale for the resources of States or of individuals and many of such a nature that the rival jealousy of the State, if left alone, might prevent. They require the resources and general superintendence of the Government to effect and complete them.

"But there are higher and more powerful considerations why Congress should take charge of this subject. If we were only to consider the pecuniary advantages of a good system of roads and canals, it might indeed admit of some doubt whether they ought not to be left alone

wholly to individual exertion, but when we come to consider how intimately the strength and political prosperity of the Republic are connected with this subject we find the most urgent reasons why we should apply our resources to them. Good roads and canals, judiciously laid out, are the proper remedy. Let us, then, bind the Republic together with a perfect system of roads and canals.

"While Secretary of War in 1819 Mr. Calhoun made a report to the House of Representatives on roads and canals, in which he said:

"No object of the kind is more important, and there is none to which State or individual capacity is more inadequate. It must be perfected by the General Government or not perfected at all.

"It is not necessary for the exercise of a power by the Federal Government that it should be expressly granted in the Federal Constitution, or that it should be 'clearly and directly traceable to some one of the specified powers' granted. Any number of powers granted, or all of them, may be combined and considered together, and any power necessary to carry out the general purposes of any or all of the power specified will be considered granted by implication, and as an incidental means of executing the powers specifically granted. (Pennsylvania *v.* Wheeling Bridge Co., 18 How. (U. S.), 421.)

"The Constitution, Article I, section 8, clause 1, provides in part that—

"The Congress shall have power to lay and collect taxes, duties, imports, and excises to pay the debts and provide for the common defense and general welfare of the United States.

"An appropriation of money for the improvement of the public roads of the country would certainly be for the general welfare of the United States, and it would seem that the Congress is clothed with ample authority under this clause of the Constitution to appropriate money for that purpose.

"In addition to this, Congress has a stronger and more specific warrant for making this appropriation under the authority conferred by the Constitution 'to establish post offices and post roads.' Cooley, in his book on constitutional law, says:

"Every road within a State, including railroads, canals, turnpikes, and navigable streams, existing or created within a State, becomes a post road whenever, by the action of the Post Office Department, provision is made for the transportation of the mails upon or over it.

"This provision of the Constitution is growing every year in practical importance and in its relation to the public roads, owing to the extension of the Rural Delivery Service.

"On August 1, 1882, President Arthur vetoed a bill making an appropriation for rivers and harbors; but the commercial interests of the country, through organizations of boards of trade, chambers of commerce, and other business associations, had brought such pressure to bear upon Congress that sentiment was developed in favor of reviving appropriations for rivers and harbors, and this bill was promptly passed over the President's veto.

"From that time on Executive favor and all constitutional argument seem to have yielded in favor of appropriations for river and harbor improvements; but by a sort of passive acquiescence it seems to have gone against public roads and highways, and yet the arguments accompanying each of the veto messages, from President Monroe to President Arthur, admitted that the principle of appropriating money for roads and rivers and harbors was the same, and the same arguments were urged against each. If, then, appropriations for improving our rivers and harbors, involving the same principle as appropriations for improving our roads, is constitutional, why will not an appropriation for roads be constitutional? What valid constitutional objection is there to the one which does not lie against the other?

"Post roads and public highways are highways of commerce, as much so as are railroads or rivers and harbors. They are the small arteries of our commercial body, which extend out into the country and gather up and bring to the market, railroad station, and wharf the great volume of the raw products of the country, which are the real constituent elements of our commerce. They are equally indispensable to our commercial growth and welfare, and are equally deserving of the fostering care of our Government.

"It is argued by many that the question of road improvement should be left entirely to the people of the States. It is argued that Federal aid savors too much of paternalism, and therefore the General Government should leave it alone; but this objection is irrational and without foundation. It is not proposed to appropriate money out of the National Treasury to aid the people in their private business. It proposes to appropriate public funds for a public purpose, which is not paternalism. Before any State can secure its share, or any portion of its share, of the money appropriated under the Federal-aid proposition, it must first show an equivalent amount of self-help and invite the cooperation of the Government. This will be a direct stimulus to the States to put forth their very best efforts. Federal aid, therefore, instead of stifling and causing a relaxation of the efforts of the people of the States, places a premium upon their efforts.

"If the Government should undertake to furnish us, without cost or individual effort, the necessaries of life, that would be paternalism. If we were asking the Federal Government to prescribe our daily bread, or to provide us raiment to clothe our bodies, that would be paternalism pure and simple. Such a function of the Government would be enervating; it would destroy individuality and repress all energy and ambition; but we ask no such fatherly care at the hands of our Government. We only ask that it contribute a portion of the cost of improving our public roads, and, in making this contribution, it will, so far from committing an unwholesome act of generosity, open up new and improved channels to the marts of trade and commerce, stimulate industrial enterprise, inspire every citizen of the rural districts with a brighter hope and a higher ambition, and add a new tie to bind him with increased loyalty and patriotism to his country.

"Congress has been exceedingly generous in its appropriations for Cuba, Porto Rico, and the Philippines. It has spent large sums in these island territories for internal improvements, and much of it has been expended on the construction and improvement of the public roads. These appropriations were made to an alien people who add but a meager contribution to our national revenues, have but little more than humanitarian claim upon our Government, and have shown no thrift, no spirit of progressiveness, and no industrial enterprise or aptitude.

"These appropriations, it would seem, have found a sanction under our Constitution and general public policy. If so, then what valid objection can be interposed to appropriating money for a similar purpose to our own people? Our own people deserve the first consideration at our hands. They have demonstrated to the world their superior thrift, energy, industry, and enterprise. It is from them that we derive our national greatness and our national revenues, and they have a right to expect to be first considered and to receive even-handed justice from our Government of its benevolence and the distribution of its revenues.

"Another reason for national aid is to be found in the fact that nearly all of the great appropriations made by Congress are for projects that do not benefit the rural districts. The shipping interests have had the rivers and harbors improved to expedite their business; the cities have been supplied, at a cost of $300,000,000, with post offices and customhouses; the railroads have received large appropriations, and have made use of the credit of the Government; millions collected from the people have been loaned to the banks without interest, and ironmasters have depended upon the Government to construct great locks and dams for facilitating the assembling of materials at cheap rates for making iron. The tariff laws have been shaped to benefit the manufacturers, but none of them are intended to benefit the great American farmer. Some of our ablest statesmen, and many of those most solicitous of the public welfare, often oppose measures which ultimately prove the greatest boon to the people. On the other hand, it has frequently happened that Congress, in its zeal to extend the blessings of our Government to the greatest number, has given its sanction to projects which savor more or less of futile experimentation. Congress, however, and I might say wisely so, has been slow to stamp its approval upon such legislative projects, but after they have once been inaugurated and have met with popular favor and proved a benefit to the people it has been equally slow to take any step which would cripple their action or retard their development.

"Mr. President, let us now consider the Rural Free Delivery System, which is so intimately connected with roads. What has been the history of this service? The friends of this measure were a long time gaining the ear of Congress, and the question was agitated many years before it received legislative approval. It was regarded by many as an impractical theory, an iridescent dream; so, to give it a trial, Congress in 1897 appropriated the sum of $40,000, only $10,000 of which was used the first year. This appropriation met with such popular favor, and there was such a demand for rural delivery, that it was not only renewed, but increased by 25 per cent in 1898. The appropriation of 1898 was increased by 200 per cent for 1899, and an equal rate of increase has continued for each of the 11 years the service has been in operation. During these 11 years they have increased in the aggregate from $40,000 in 1897 to $34,985,000 in 1907. It is stated in the last annual report of the Fourth Assistant Postmaster General that on June 30, 1907, there were 37,728 rural delivery routes in operation, the average, or standard, route being 24 miles.

"The carriers on the 37,728 routes traveled daily over 901,068 miles of the roads of the country, which is nearly half of the total

mileage of the public roads of the United States. Every road over which these mails go is a United States post road, and, under the Constitution, Congress has authority, and in equity and justice should contribute to their improvement and maintenance. While the extension of this service has been marvelous, it has yet encountered no serious obstacle. It has been confined to communities blessed with good roads. Such communities, however, have been very largely supplied, and the future extension of the service must needs be mostly to communities not having good roads. The Fourth Assistant Postmaster General, in his annual report for June 30, 1907, to which I have already referred, has this to say with reference to the bearing of good roads on rural delivery:

"The maintenance of good roads not only insures an early and more expeditious delivery to the patrons residing on that portion of the route last to be served, and from whom most complaints come, but lessens the liability of irregular or suspended service on any part thereof.

"It was estimated that the carrier who travels a 24-mile route daily, over bad roads, could, with much more ease, travel from 10 to 15 miles additional over good roads. But suppose we take a more restricted estimate and say that the average carrier could travel 6 miles more if we had good roads. This would increase the average or standard route to 30 miles, and would eliminate every fifth carrier now employed, and would also abolish all the crossroads post offices, both of which would be a direct saving to the Government. By increasing the average or standard route to 30 miles, and eliminating every fifth carrier, we would reduce the force of carriers by 7,516, which at their salary of $900 per year would be a direct annual saving of $6,764,400, to say nothing of the abolition of the numerous star routes and local post offices, thereby saving to the Government many more millions. It is necessary for the continued growth of this service that something be done toward improving our roads. We can not permit it to be checkmated in its growth. No service rendered by the Government is dearer to the hearts of the whole American people than the free-delivery mail service in our cities and in the rural districts. Our people want this service continued and extended. We want to see rural delivery reach its highest degree of efficiency, so as to add to the charms of our country life. We want it so improved and extended that it will reach out into the remotest corners of our country.

"The Government sends its mails over 925,248 miles of dirt roads every day in the week. The Rural Delivery Service would extend over 2,000,000 miles if the roads were improved. As pointed out in the recent report of the Fourth Assistant Postmaster General, its efficiency and perfection depends upon the system of roads over which the carrier is required to go. No class of men in the Government service performs more arduous duties and are more poorly paid. They are required to drive their team and wagon over miserably poor, muddy, and oftentimes almost impassable roads, through all kinds of inclement weather, they are required to furnish their own team and equipment and to make an average of 24 miles daily, for which they are paid only $900 a year. An investigation made by the Post Office Department, about 18 months ago, shows a moderate estimate of the original cost of horses and vehicles to be about $275, and that an average cost of maintaining an outfit was about $250, making the average annual cost of a carrier's outfit from $300 to $350. They carry with them a traveling fourth-class post office, so to speak; they sell stamps, register letters and packages, receive money orders, and, in a measure, perform all the duties of a postmaster. I believe when we come to increase the salaries of Government employees, these should be among the first to receive our consideration. Why should they not be as well paid as the city carrier, who goes over paved streets, and is not required to supply any team or vehicle? I have introduced an amendment to the pending Post Office bill, increasing their salary to $1,000 per year, with 30 days' leave of absence, which I think should pass.

"Mr. President, the Government has been generous in its donations to railroads in and through many States. There have been patented to the railroads 44,464,719 acres of public lands. Grants to railroads of a much larger number of acres have been forfeited. The Government has in this way aided in the construction of 14,930 miles of railroads, and the bonds of railroads, amounting to $64,623,512, have been guaranteed, both principal and interest.

"The Government has from time to time donated for wagon roads 2,014,084 acres of public lands; for canals, 4,500,724 acres, and for river improvement 1,980,593 acres; in all, 53,055,121 acres. The Government has, in cooperation with the States on the lower Mississippi River, appropriated $16,500,000 to aid in the construction of levees and to prevent overflows and the destruction of life and property. No well-informed person would say that the building of levees on the Mississippi River is to improve navigation.

"I do not want any Senator to suppose for one moment that I do not heartily approve all these appropriations. They have my full sanction. I believe they were wise and prompted by the most enlightened and constructive statesmanship.

"These benefits, to a degree, have been local in their application. What I am insisting upon is a continuation of this wise and beneficial legislation in such a way as to extend its benefits to all the people in every section of our country.

"Mr President, upon the rural population has fallen the entire cost and responsibility of constructing and maintaining our public roads. It is only to a limited extent, and locally, that there has been legislation which at the present day in any way shifts this burden, and it still rests upon the people of the rural districts. This is inequitable, undemocratic, and in direct violation of the express principles upon which we boast our Government was founded.

"No country has good roads, except where the general government has shared in the cost and responsibility of creating and maintaining them. All the countries of Europe which have improved roads have a national system whereby the national government shares in the cost and assists in the supervision of building and maintaining them.

"Our present system of road administration is largely modeled after that abandoned by other progressive nations more than a century ago. In England road administration began, like our present system, with the smallest unit of government, which originated by an act of Parliament in 1555 and provided for the election of a road surveyor for each parish and for the working of the roads by compulsory labor. The parish was found to be too small as an administrative unit. A history of highways, appearing in the Edinburgh Review, January–April, 1864, contains this statement:

"From the days of Elizabeth the inconveniences resulting from the maintenance of highways by single parishes have been constantly apparent, and accordingly successive governments, without distinction of politics, made the attempt to combine parishes into highway districts and to transfer the superintendence of their roads to boards employing the services of professional engineers.

"The decided trend of road administration in England has continued away from localization. Subject to the formation of road districts, it was provided that one-half of the expense of maintaining the roads should be borne by the county, and, finally, in 1882, Parliament provided that one-fifth of the expense of the county authorities should be refunded by a parliamentary grant. This is also true in its essentials of the development of road administration in the other nations of Europe, but with us we have continued in vogue a system of penurious localization.

"We can not escape responsibility for our miserable highways by contending that our Government is young and that we have not been a Nation long enough to make the comparison with the nations of the Old World possible, because road building did not begin in France until the great Napoleon inaugurated the system of national highways, which is to-day giving France the most superb roads in all the world. England struggled with roads almost impassable until the latter part of the eighteenth century, when the teaching of Macadam, Tresauguet, and Telford began to be effective, and we may say that the present road system of England is attributable to the direct aid granted by Parliament. The advocates of national aid can have no stronger testimony in support of this policy than the following statement made by Commercial Agent Loomis, of St. Etienne, in 1891:

"The roads of France are now practically all built, and they are substantial monuments to Napoleonic foresight and shrewdness. The work of the engineers in the department of public works in France to-day is not to build new roads, except in rare instances, but to keep those already constructed in a state of high efficiency. There have been no important new roads opened in France for a dozen years, and the country is so traversed with excellent roadways that no more lines of communication are likely to be exploited save in the case of military necessity. The wagon roads of France, always passable and reaching all centers of population, no matter how small, are the chief competitors of the railways, as means of communication by water are not numerous.

"The road system of France has been of far greater value to the country as a means of raising the value of lands and of putting the small peasant proprietors in easy communication with their markets than have the railways. It is the opinion of well-informed Frenchmen who have made a practical study of economic problems that the superb roads of France have been one of the most steady and potent contributions to the material development and marvelous financial elasticity of the country. The far-reaching and splendidly maintained road system has distinctly favored the success of the small landed proprietors, and in their prosperity and the ensuing distribution of wealth lies the key to the secret of the wonderful financial vitality and solid prosperity of the French nation.

"Our national wealth for 1907 was placed at $116,000,000,000, while that of France was placed at $42,000,000,000; yet we have improved only 150,000 miles of our public roads, while France has improved 340,554 miles.

"Is this condition of our public roads an enviable reputation for this great country? After laying claim to superiority over all other nations along almost all other lines of development should we be content to drop to the bottom of the list in road improvement? Can we, at the peril of our commercial interests, afford it? Can we, at the sacrifice of the general well-being and comfort of the great body of our rural population, tolerate it?

"Some of the opponents of this proposition would lead us to believe that the macadamizing of all the 2,151,000 miles of roads in the United States would bankrupt the Government. It would be just as absurd to macadamize all the roads in the United States as it would be to build a railroad or dig a canal through every man's farm. It is well known among highway engineers that a horse can, for a short time, exert about four times his average tractive force without injury. By reason of this fact a team of horses can draw for 2 or 3 miles as much on a common earth road as they can draw all day on good macadam, gravel, or sand-clay roads.

"It should be apparent to any rational being that this 2,000,000 miles of public road would be classified according to the traffic and the requirements in each section of country, and only the main arteries of travel would require so expensive a form of construction as broken-stone macadam. It would be entirely feasible and proper to improve many thousand miles with gravel, many more thousand miles by a mixture of sand and clay, and probably more than one-half of this great total would be adequate if maintained as first-class earth roads. So that it is absurd to figure on the cost of improving our public roads at $5,000 per mile for the entire mileage, or at $4,000, or even at $2,000.

"The burden of inadequate transportation facilities falls not alone upon the farmer, but upon the consumer. If it costs 25 cents per ton per mile to haul the products of the farm to the railroad station the consumer must pay this additional cost without increasing the farmer's profits one penny, and the farmer must pay the increased price for the finished product which he obtains from the cities, because the same facts hold good both going and coming. Some years ago corn was burned as fuel in the Mississippi Valley because it would not bear the cost of transportation, since the margin was insufficient. The railroads lost the freight and the markets the product.

"It may be argued that if the advantages to follow road improvement are so great, the States should take action and levy sufficient taxes to improve them. Some of our States have already passed road laws, providing for a road-tax levy on their taxable property. Such laws, however, are necessarily confined to the wealthier States, whose taxable property is sufficient to raise the large sum from a small levy. All of our States are not able to levy such a tax. For instance, a tax of 1 mill, levied by the State of Pennsylvania, would raise more money than a tax of 100 mills levied by the State of Nevada. So it is not from a lack of interest in good roads, nor from a want of progressiveness, that all of our States have not passed highway laws, but it is because the taxable property of most States is so small that to raise a sufficient amount of money for practical results would require an exorbitant rate of taxation.

"Furthermore, to undertake by State taxation to raise all the money necessary to build and improve our roads will continue the burden upon those upon whom it has so long rested. The State revenues are raised by direct taxation, and the levy is upon visible property. The farmer's property is all visible, and, therefore, never escapes taxation; while a large per cent of the property of the people of the cities is represented by stocks and bonds, is easily removable from place to place, or concealed, and is rarely ever subjected to taxation. The farmers have thus always been forced to bear a disproportionate share of the burden of taxation, which is an injustice which should be relieved against.

"Mr. President, of all the civilized countries on earth this country has the poorest roads. In all else that is progressive it stands first. In material wealth, in varied resources, in the products of agriculture, in the making of iron and steel, in the number of miles of railroad, in the wealth and opulence of its cities, we stand first, and yet the farmers, who largely contribute to this wealth and greatness, have had less done for them than any other class of our people. Good roads are avenues of progress, the best proof of intelligence; they aid the social and religious advancement of the people; they increase the value of products; they save time, labor, and money; they are the initial sources of commerce, which swell in great streams and flow everywhere, distributing the products of our fields, forests, and factories. The highways are the common property of the country; their benefits are shared by all, and they are needed by all; they benefit all, and all should contribute to them. What fair-minded man will say that the people who live on the public roads should be required to build and keep them in repair for the use of the general public? They could not if they were willing. The burden is more than they could bear. No Government on earth has ever enjoyed good roads where compulsory labor is relied on to build and maintain them.

"The effects of good roads reach everybody. Both city and country share in their benefits. In justice and equity, therefore, everybody should contribute to the cost of their construction and maintenance, but an equal distribution of this cost can not be secured under State laws and methods of taxation. Our national revenues are raised largely from duties, paid on consumption, and are thus more equally distributed among the people. Hence, an appropriation of money from the Federal Treasury to build and improve our roads would force every consumer to bear a proportion of the cost. It is not asked that the Government bear the whole cost, but only a part of it; and this is the only method whereby we may hope to secure a national system of improved roads, with an equitable distribution of their cost among those sharing in their benefits and blessings.

"What are the savings to be effected by good roads? Investigations conducted by the United States Office of Public Roads and by various State commissions have established that the average cost of hauling over wagon roads in this country is 25 cents per ton per mile, and that the average haul is over 8 miles. The cost of hauling in Europe has, in many cases, been reduced to as low as 7 cents per ton per mile, and it has been established that good roads will reduce the cost to the farmers to as low as 10 cents per mile in this country. This means a reduction by half of the annual cost of transportation to the farmers. It is only necessary to consider the fact that the immense tonnage of farm products is hauled over the common roads to the railroad stations to realize what a tremendous saving is possible when we reduce the cost of transportation even 12½ cents per ton per mile. The importance of this saving is all the more evident when we compare the cost of hauling on wagon roads with the cost of rail and water transportation.

"In 1906 the average freight rate by rail was a little over seven one-thousandths of a cent per ton per mile. For the same year the mean ocean freight rate on wheat, corn, and rye from New York to Liverpool, a distance of 3,100 miles, was a little more than $1 per ton, or three ten-thousandths of a cent per ton per mile. Thus we see that railroad and water transportation rates have been continually reduced, until they have reached a marvelously low figure, while the cost of transportation over our common roads has remained practically unchanged for more than a generation, and will continue so until we can inaugurate some national system of improving our roads.

"This duty devolves upon our National Government. It has abundant surplus in the Treasury to accomplish this purpose, and how better could this surplus be used? It has money, and can afford it; while the States and the people have not the money, and can not afford it. Why allow our national revenues to lie idle in the banks when they might be stimulating our internal improvement and giving employment to thousands of the unemployed?

"Mr. President, the amendment I have offered does not increase the amount of the appropriation made in the Post Office bill. It merely proposes to divert from the sum appropriated for the Rural Delivery Service the small amount of $500,000, to be used as provided in the amendment. I do not undertake to lay down any rule, or prescribe any of the details by which the money may be expended. It is proposed to leave that to the cooperation of the post-office and agricultural authorities. They were selected in order to have the benefit of the experiments that have been made by the good-roads divisions of the Agricultural Department and the experience and knowledge of the rural delivery division in the Post Office Department. The methods and means of putting into operation the Rural Delivery Service was left to the Postmaster General, and so were the means of putting into effect and operation the irrigation system left to the Interior Department.

"This appropriation seeks to ascertain a practical demonstration of the effect of road improvement in the Rural Delivery Service in cooperation with the States and counties, and the benefits and advantages to the service by reason of the improvement. I do not believe any effort as to details in the execution of this plan could be prescribed by law.

"A number of States, under their constitutions, are not permitted to make appropriations for road construction and maintenance. The State of Alabama is in this situation; but the last legislature, realizing the great importance of public roads and the inadequacy of present methods to improve and maintain them, submitted an amendment to the constitution authorizing

appropriations for road construction, which will doubtless be adopted by the people at the polls in November. In that event Alabama will at once be able to contribute its share, in cooperation with the National Government, along the lines of the amendment I have submitted to the pending Post Office bill, in the improvement of the roads in every county in that State. The State of Kentucky will vote this year on a similar amendment to their constitution, and perhaps there are other States where the constitution does not permit the use of public funds for internal improvement.

"No government owes more to its people than does ours. No people in the world are more loyal, more patriotic, or more devoted to their government than our people. In time of war they have successfully defended it against every foe, and in time of peace their efforts at industrial advancement and intellectual attainment have reared a commercial empire which excels all competitors, and a civilization which is unsurpassed.

"These virtues merit substantial recognition from the Government. Our people should receive governmental assistance in their struggles, as far as the legitimate functions of government will permit. No more urgent and acceptable aid can be extended than a liberal appropriation for improving our roads. This would prove a benefit to our cities and a blessing to our rural districts. Many modern improvements have contributed to the amelioration of the hardships of farm life, but much remains yet to be done. Good roads will add more than any other one thing. Give our farmers good roads, and with the telephone and rural delivery bringing him in easy contact with the outside world, and with his daily intercourse with nature, he will prove the most prosperous and contented and patriotic citizen on the American continent.

"Mr. President, I am making a plea for the farmers, not because they are better than any other class of our people, but because they are as good. They do not ask for special favors, but demand a square deal and fair treatment.

"The distinguished Senator from Maine [Mr. Hale], chairman of the Naval Committee and an active and influential member of the Appropriations Committee, declared a few days ago in this Chamber that 70 per cent of the appropriations made at this session of Congress were in preparation for war or reparation of past wars. A most startling statement when we consider that the United States is at peace with all the world and no strained relations exist between this and any nation on the globe.

"I ask the Senate to pause long enough to consider the importance of agriculture and its wealth-producing power, and compare the appropriations made by this Congress in aid of agriculture with those made in preparation for and reparation of war. The appropriations for war amount to the round sum of $400,000,000, while for agriculture we grudgingly appropriate about $10,000,000. One is designed to kill and maim, make widows and orphans, and fill the land with sorrow and mourning; the other is to feed the hungry and clothe the naked, bring joy and happiness to our people, the building of peaceful homes, and the encouragement of patriotism and love of country.

"The toiling millions engaged in agriculture last year produced more than $7,000,000,000 worth of products; they fed and clothed 90,000,000 people at home and shipped abroad $1,000,000,000 worth of the products of their labor, or 56½ per cent of the total exports of the country. These farmers, for whose benefit and encouragement Congress will this year appropriate only $10,000,000, as against $400,000,000 for purposes I have just mentioned, are not receiving the consideration they deserve.

"The internal commerce of the country last year was about $20,000,000,000, nearly all of which must first and last be hauled over the dirt roads at an average cost of 25 cents per ton per mile, or more than 30 times the cost of transportation by rail, the average rail haul being less than 7 mills per ton per mile.

"In order to show the immense burden imposed by the dirt roads, I have selected five of the leading staple farm products to prove my contention—wheat, corn, cotton, hay, and tobacco.

Corn crop, 1905–6.

Total tonnage marketed	19, 083, 000
Average weight of load ... pounds	2, 696
Total number of loads hauled	14, 156, 528
Average length of haul ... miles	7. 4
Average cost of hauling per ton per mile ... cents	.19
Total cost of marketing crop by wagon	$26, 830, 698
Average cost over hard roads per ton per mile ... cents	.10
Saving due to hard roads	$12, 709, 278

"The railroads charged for hauling 100 pounds of corn from St. Louis to New Orleans, a distance of 647 miles, 16 cents. To haul 100 pounds of corn over the Missouri dirt roads a distance of 8.8 miles costs the farmer 10 cents.

Wheat crop, 1905–6.

Total tonnage marketed	12, 123, 000
Average weight of load ... pounds	3, 323
Total number of loads hauled	7, 296, 418
Average length of haul ... miles	9. 4
Average cost of hauling per ton per mile ... cents	.19
Total cost of marketing crop by wagon	$21, 651, 678
Average cost over hard roads per ton per mile ... cents	.10
Saving due to hard roads	$10, 256, 058

"The railroad charge for 100 pounds of wheat from Chicago to Buffalo, a distance of 525 miles, is 12 cents. To haul 100 pounds of wheat a distance of 5 7/10 miles over the dirt roads of Illinois costs the farmer 7 cents.

Cotton crop, 1905–6.

Total tonnage marketed	2, 530, 000
Average weight of load ... pounds	1, 702
Total number of loads hauled	2, 973, 560
Average length of haul ... miles	11. 8
Average cost of hauling per ton per mile ... cents	.27
Total cost of marketing crop by wagon	$8, 062, 173
Average cost over hard roads per ton per mile ... cents	.10
Saving due to hard roads	$5, 076, 183

"To send a bale of cotton by rail from Birmingham, Ala., to Norfolk, Va., a distance of 763 miles, costs $2.55. To haul a bale of cotton a distance of 11 miles over the dirt roads of Mississippi costs 95 cents. If the railroad haul cost as much per mile as the dirt road, the cost of sending a bale of cotton from Birmingham to Norfolk would amount to $88.32, or about twice its value at the average price. It costs 18 cents per hundred pounds to haul cotton seed a distance of 13 miles on a dirt road in Alabama, or one-third of its market value.

"The rail haul for tobacco from Durham, N. C., to Richmond, Va., a distance of 161 miles, is 25 cents per hundred pounds. It costs 20 cents to haul a hundred pounds of tobacco over the dirt roads of Virginia for a distance of 11½ miles.

"The average farm price of hay December 1, 1905, was $8.52, and the value of an average load in the United States at that time was $11.87. The cost of hauling the load to market was $2.33, or one-fifth of its value.

"The gross earnings of the railroads in 1906 were $2,082,482,406 and the operating expenses were $1,532,163,153. The ratio of operating expenses to earnings was 62½ per cent. Against these earnings was charged for interest, rents, betterments, taxes, and miscellaneous items the sum of $590,386,554 and for dividends $229,406,598, leaving a surplus of $100,000,000. These large sums collected from the public were returned to the people for labor and material, and the money is now in the channels of trade and commerce. It is estimated that the annual cost of hauling over the dirt roads exceeds the total gross income of the railroads. What has become of this enormous sum? It has not gone for material or labor and has paid no dividends. It is merely a tax collected by the roads, none of which can ever be returned to those who paid it. It is a contribution to the miserable roads over which the commerce of the country is carried.

"The cotton crop in Alabama last year was 1,200,000 bales, and the cost of delivering it to market was 95 cents per bale, or a total cost of $1,140,000. This was $540,000 more than the cost would have been over hard roads. Bad roads in Alabama, therefore, wrung from the pockets of the farmers in that State in one year on one article alone $540,000, every cent of which was an absolute loss. It is worse than loss, for they paid it in time and wear and tear of their wagons and teams.

"Mr. President, I ask permission of the Senate to insert in the RECORD an illustration, showing the benefit of good roads in Montgomery County, Ala.

"The PRESIDING OFFICER (Mr. Bacon in the chair). Without objection, permission is granted.

"The illustration is as follows:

[Illustration omitted.]

"Mr. BANKHEAD. If I have established my contention that the Constitution does not prohibit but expressly authorizes Congress to appropriate money in aid of road construction; if I have shown that there is no invasion of the rights of the States and that the scarecrow of paternalism does not anywhere show its face, the only questions remaining to be settled are: Is it good governmental policy? Is it a good investment, and will it yield a return to the people sufficient to justify the outlay? Will it materially reduce the cost of transporting the vast internal commerce of the country? Will it increase the profit of the producer and also benefit the consumer? If the expenditure will result in a saving directly to this large number of our citizens, and, indirectly, to all our people, and they are willing for the Government to make the expenditure, why not now begin this long-delayed but beneficial legislation?

"It is not the rural population alone that would be benefited; if so, it would be in the interest of a class, and this I could not approve. Those in the city are equally interested, and will en-

joy equal benefits and results. The merchant exchanges his goods and wares for farm products, either by barter and purchase or sale. If the farmer can deliver his products at a reduced cost to himself, his profits are larger, he is enabled to buy more goods, and carries home with him more of the luxuries and necessities of life, and adds to the happiness and contentment of the family.

"Mr. President, the educational side of the question is sufficient to control my action, if no other interests were involved. A system of efficient public schools can never be maintained until the roads in the rural districts are improved, until the disgraceful cabin, now used as a schoolhouse, gives place to a more imposing structure, located in centers of population, over which waves the flag of our country, inspiring confidence and patriotism. A wide-awake, progressive school in every township, in a comfortable building, and provided with the necessary libraries, apparatus, and equipment, would do more than any other one thing to inspire confidence and respect in the hearts of our young American manhood and womanhood, and it then could be said of America, as was once said of Rome, 'All roads lead to the schoolhouse.' This Republic must depend for its future greatness upon an intelligent and home-loving people. The religious and social life of our people is largely influenced by the conditions where they reside.

"Good roads are the most potential and successful immigrating agents in this country. The most desirable farmers and the best wives and helpmeets are the young men and the young women raised on the farms. Under existing conditions they are continually drifting to the towns and cities. They are progressive and social in their nature, and will not remain on the farm unless they can have those benefits and pleasures that association and companionship afford. The loneliness of the country home, away from neighbors and friends, where the schools and the churches are poorly maintained, where the farmer and his wife and children are denied the advantages of educational and religious training, are the principal causes for the removal of large numbers of our people from the country to the towns and cities. The farmer is seeking better advantages for his family, and unless the country can be made to supply, in some measure, these benefits, there will continue to be a congestion of population in the cities.

"We send a commission to Europe to investigate the question of immigration, and many States maintain immigration bureaus in order to secure desirable farm and industrial labor. The question is often asked by the intelligent and thrifty immigrant, Have you good roads? The most desirable immigrant comes from a country where he is accustomed to good roads, and if he is located where the roads are almost impassable for a great part of the year, he will remain no longer than to make and harvest the first crop.

"One of the problems in connection with the transportation system of the country, and one which has in many ways been the subject of discussion, is the congestion of traffic and the inability of the railroads, during certain periods of the year, to move promptly the products of the farm, factory, and mine. Great inconvenience, and oftentimes enormous losses, are sustained both by the producer and the consumer because of the inability of the railroads to deliver freight to its destination at times when it was most needed and commands the best prices. The railroads have not been able to expand and enlarge their carrying facilities in proportion to the increase in production. At certain periods they do not have sufficient locomotives and cars to meet the demands of commerce, while at other periods thousands of cars and locomotives, representing an investment of millions of dollars, stand idle. During the harvest season, and before the rain, snow, and freezes come which render the roads in many sections of the country impassable and useless, the farmer is compelled to rush his products to market, which results in an overflow, depreciates prices, and severely taxes the capacity of the railroads.

"It has been urged as a probable means of relief the improvement of the waterways of the country, which would, in a large measure, assist the railroads in moving articles ready for transportation, in addition to many other benefits, but it would not avoid the congestion. It would only assist in relieving it. An improved road system, permeating the country districts, would remove the principal cause, would enable the farmer and small producer to place his products on the market at such times when the price is commensurate with their value, or when most convenient to him, and his time could not be better employed. The American farmer is more prosperous to-day than at any time in his history and in a better position to dictate the price at which he will sell the products of his labor by withholding it from the markets. If the internal commerce of the country could be delivered to the railroad stations at any time during the year, and as the market required, the railroads could properly handle the entire freight of the country. If farm products must be delivered within a limited time, owing to the condition of the roads, the market is congested, the railroads are overtaxed, prices fall, the producer's profit is greatly reduced, and the consumer is greatly inconvenienced.

"The result of road improvement, wherever tried, has been largely to increase the value of farm land, for the homeseeker prefers to locate where improved roads provide their many advantages. Indeed, I have been assured that lands have even doubled and quadrupled in value along and adjacent to improved dirt roads.

"We hear a great deal being said about the destruction of our timber supply. Mr. President, I do not hesitate to say that, in my opinion, there is sufficient timber, composed of small tracts, belonging to farmers and other landowners, in this country to-day, and which is now considered worthless, because of its distance from the railroad, that could be placed on the market were the roads sufficiently improved, that would supply the timber demand in the United States for 75 years, the value of which alone would improve the dirt roads of this country.

"Mr. President, in closing I wish to touch upon a question which I consider of vital importance. It is a question not so much of dollars and cents, not of constitutionality, but one which affects our morality, our character as individuals and as a Nation, and the stability of our free institutions. Year after year the human tide flows from the country to the city, and the day may come when the words of the poet may apply to this Republic:

"Ill fares the land, to hastening ills a prey,
Where wealth accumulates, and men decay.

"Do not let us have great mobs of the unemployed, combining the scum of Europe with the misled boys from our American farms, so long as there are millions of acres of land waiting to be tilled and homes waiting to be built. Good roads will make farm life attractive; they will bring the isolated dweller closer to his neighbor, and I feel confident they will check the movement of our rural population to the great cities."

EXECUTIVE SESSION.

Mr. BANKHEAD. Mr. President, there are quite a number of appointments on the Executive Calendar which ought to be referred, and it will take just a minute to do that. Therefore, in order to get these appointments before the proper committees, 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 five minutes spent in executive session the doors were opened, and (at 5 o'clock and 50 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, April 25, 1916, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 24, 1916.

PROMOTIONS IN THE NAVY.

Ensign Alfred T. Clay to be a lieutenant (junior grade) in the Navy from the 7th day of March, 1915.

Ensign Jay K. Esler to be a lieutenant (junior grade) in the Navy from the 7th day of March, 1915.

Ensign Eugene P. A. Simpson to be a lieutenant (junior grade) in the Navy from the 8th day of June, 1915.

Ensign Herbert G. Gates, jr., to be a lieutenant (junior grade) in the Navy from the 8th day of June, 1915.

Ensign Alexander W. Loder to be a lieutenant (junior grade) in the Navy from the 8th day of June, 1915.

Assistant Naval Constructor Robert B. Hilliard to be a naval constructor in the Navy from the 24th day of March, 1916.

Assistant Naval Constructor Lee S. Border to be a naval constructor in the Navy from the 24th day of March, 1916.

Gunner Alvin E. Skinner to be a chief gunner in the Navy from the 21st day of December, 1915.

POSTMASTERS.

ARIZONA.

L. L. Ferrall to be postmaster at Grand Canyon, Ariz., in place of Louisa Ferrall. Incumbent's commission expired April 20, 1916.

W. B. Kelly to be postmaster at Clifton, Ariz., in place of E. J. Lehmann. Incumbent's commission expired April 11, 1916.

CALIFORNIA.

Ardella F. Brown to be postmaster at Walnut Grove, Cal., in place of Ardella F. Brown. Incumbent's commission expired February 8, 1916.

Virginia Mason to be postmaster at Suisun City, Cal., in place of Warren A. Woods. Incumbent's commission expired March 8, 1916.

H. E. Meyers to be postmaster at Yuba City, Cal., in place of Harry E. Meyers. Incumbent's commission expires May 20, 1916.

ILLINOIS.

Thomas W. Daly to be postmaster at Witt, Ill., in place of William Folkerts, removed.

Charles J. Paar to be postmaster at Warsaw, Ill., in place of Milton T. Hunt. Incumbent's commission expired February 13, 1916.

Jessie J. Wesse, to be postmaster at Dolton, Ill. Office became presidential April 1, 1916.

Dixon C. Williams to be postmaster at Chicago, Ill., in place of D. A. Campbell. Incumbent's commission expired January 15, 1916.

INDIANA.

Alden H. Baker to be postmaster at Westfield, Ind., in place of Charles Smith. Incumbent's commission expires May 10, 1916.

George P. DeHoff to be postmaster at Winona Lake, Ind., in place of John O. Motto. Incumbent's commission expires May 23, 1916.

Simeon L. Frost to be postmaster at Orleans, Ind., in place of William R. Elrod. Incumbent's commission expires May 23, 1916.

William F. Wake to be postmaster at Roanoke, Ind., in place of Preston B. Settlemyre. Incumbent's commission expires May 10, 1916.

Daniel A. Riley to be postmaster at Greentown, Ind., in place of Francis H. Manring. Incumbent's commission expires May 10, 1916.

KANSAS.

George W. Long to be postmaster at Galena, Kans., in place of George W. Rains. Incumbent's commission expires May 23, 1916.

MAINE.

Theresa L. Higgins to be postmaster at Woodland, Me., in place of Vesta P. Carle. Incumbent's commission expires May 17, 1916.

Silas T. Lawry to be postmaster at Fairfield, Me., in place of H. K. Purinton. Incumbent's commission expired April 5, 1916.

MARYLAND.

G. W. Etchison to be postmaster at Gaithersburg, Md., in place of Richard H. Miles. Incumbent's commission expired April 3, 1916.

MICHIGAN.

H. A. Cole to be postmaster at Paw Paw, Mich., in place of Frank N. Wakeman. Incumbent's commission expires May 23, 1916.

Joseph M. Dodge to be postmaster at Cass City, Mich., in place of John C. Corkins. Incumbent's commission expires May 24, 1916.

William B. Howlett to be postmaster at Jonesville, Mich., in place of David L. Powers. Incumbent's commission expires May 15, 1916.

MINNESOTA.

A. M. Loberg to be postmaster at Cokato, Minn., in place of Seth J. Swanson. Incumbent's commission expired December 21, 1915.

MISSISSIPPI.

Jefferson D. Fogg to be postmaster at Hernando, Miss., in place of Alfred B. Clifton. Incumbent's commission expired April 17, 1916.

MISSOURI.

J. Kelly Joiner to be postmaster at Richmond, Mo., in place of Mary E. Black. Incumbent's commission expires May 8, 1916.

NEBRASKA.

J. R. Cooper to be postmaster at Holdrege, Nebr., in place of Gust Abrahamson. Incumbent's commission expires May 17, 1916.

NEW JERSEY.

Oliver R. Kugler to be postmaster at Frenchtown, N. J., in place of James E. Sherman. Incumbent's commission expired June 8, 1915.

NEW YORK.

Michael Daly to be postmaster at Rye, N. Y., in place of A. M. Harriett. Incumbent's commission expires May 8, 1916.

Frank M. Evans to be postmaster at Fredonia, N. Y., in place of W. E. Clark. Incumbent's commission expired April 17, 1916.

J. Frank Lackey to be postmaster at Tannersville, N. Y., in place of Charles Voss. Incumbent's commission expired April 17, 1916.

B. F. Lent to be postmaster at Ithaca, N. Y., in place of James Lynch, deceased.

Robert A. Lundy to be postmaster at Ray Brook, N. Y., in place of Robert A. Lundy. Office became presidential October 1, 1914.

Paul E. McManus to be postmaster at Hartsdale, N. Y., in place of W. H. Secord. Incumbent's commission expired March 13, 1916.

James McNamara to be postmaster at Ravena, N. Y., in place of Arthur Hartt, removed.

Garrett D. Roche to be postmaster at Perry, N. Y., in place of J. E. Cole. Incumbent's commission expires May 8, 1916.

George Sinnott to be postmaster at Tarrytown, N. Y., in place of J. M. Requa. Incumbent's commission expired February 21, 1916.

Robert F. Wagner to be postmaster at New York, N. Y., in place of E. M. Morgan. Incumbent's commission expired December 14, 1915.

Fred G. Worden to be postmaster at Lake George, N. Y., in place of F. F. Hawley. Incumbent's commission expired April 3, 1916.

Llewellyn W. Yawger to be postmaster at Union Springs, N. Y., in place of G. S. Fordyce. Incumbent's commission expires May 24, 1916.

PENNSYLVANIA.

Otis S. Quinby to be postmaster at Springboro, Pa., in place of Bert L. Venen. Incumbent's commission expires May 20, 1916.

TENNESSEE.

John M. Jones to be postmaster at Newport, Tenn., in place of O. L. Hicks. Incumbent's commission expired April 23, 1916.

WEST VIRGINIA.

J. H. Long to be postmaster at Huntington, W. Va., in place of Jerry W. Dingess, resigned.

Stanhope McClelland Scott to be postmaster at Terra Alta, W. Va., in place of Buckner F. Scott, deceased.

WISCONSIN.

Dennis F. Blewett to be postmaster at Fond du Lac, Wis., in place of George Watson. Incumbent's commission expires May 10, 1916.

Joseph Le Fevre to be postmaster at Pulaski, Wis. Office became presidential January 1, 1916.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 24, 1916.

POSTMASTERS.

COLORADO.

Anna C. Vaughan, Castle Rock.

IDAHO.

O. P. Jensen, Shelley.

INDIANA.

Grover C. Luther, Clay City.

IOWA.

T. V. Barnard, Schaller.

KANSAS.

Irma J. Collopy, Turon.

MAINE.

Wilbur F. Goodwin, Kennebunk Port.
Gertrude S. Henneberry, Fort Fairfield.

MICHIGAN.

E. S. Dyckman, South Haven.
Miles L. Hadsall, Birch Run.
George H. Roblyer, Fennville.

MONTANA.

Clara D. McDonel, Philipsburg.

NEBRASKA.

W. G. Lawrence, St. Edward.

NEVADA.

M. A. Macfarlane, Winnemucca.
Sam Tidball, Ruth.

NEW HAMPSHIRE.

Archie M. Swett, Antrim.

SOUTH CAROLINA.

Clinton G. Rowland, Central.
W. B. Wright, jr., Shelton.

SOUTH DAKOTA.

J. E. Burns, Timber Lake.

WYOMING.

Thomas B. Scott, Greybull.

HOUSE OF REPRESENTATIVES.

MONDAY, *April 24, 1916.*

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

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

We bless Thee, our Father in heaven, that though there are wide differences of opinion among men upon questions of theology there is great unanimity of opinion upon pure religion and questions of ethics, since long before the ten great commandments were written on the tables of stone they were written in the hearts of men, so that, above the value of all that is temporal, a premium is set upon honesty, integrity, sobriety, virtue, and nobility of soul. There is nothing stronger than faith, purer than virtue, warmer than love, nor more enduring than hope; and we pray that these may live and grow until pure and undefiled religion shall be shed abroad in every heart. In the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of Saturday, April 22, 1916, was read and approved.

INCREASE OF MILITARY ESTABLISHMENT.

Mr. HAY. Mr. Speaker, I ask unanimous consent to discharge the Committee on Military Affairs from the further consideration of the bill (H. R. 12766) to increase the efficiency of the Military Establishment of the United States, disagree to the Senate amendment, and ask for a conference.

The SPEAKER. The gentleman from Virginia [Mr. HAY] asks unanimous consent to discharge the Committee on Military Affairs from the further consideration of House bill 12766, disagree to the Senate amendment, and ask for a conference. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, I want to have a vote on two or three propositions in the Senate amendment, and if the gentleman is willing I will be very glad to confer with him during the day and see if I can arrange with him to that end, or have him, if he will, confer with the gentleman from California [Mr. KAHN].

Mr. HAY. I will ask the gentleman how, under the parliamentary situation, he can select out any particular part of the Senate amendment and get a separate vote on it? It comes here all as one amendment.

Mr. MANN. It does not seem to me that there is any difficulty at all about it, I will say to the gentleman. I will be very glad to go over it with him during the day if we can make an arrangement.

Mr. HAY. Let the gentleman object.

Mr. MANN. I am perfectly willing to object.

Mr. HAY. If the gentleman can point out to me, under the parliamentary situation, how we can get at a vote on any particular provision on this Senate amendment, I would be very glad to know it now.

Mr. MANN. I think I know six different ways of doing it.

The SPEAKER. Does the gentleman object?

Mr. MANN. Yes; I object.

The SPEAKER. The gentleman from Illinois objects.

JUVENILE COURT, DISTRICT OF COLUMBIA.

Mr. JOHNSON of Kentucky. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 8348—the juvenile court bill.

The motion was agreed to.

The SPEAKER. The gentleman from Missouri [Mr. DICKINSON] will take the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 8348, the juvenile court bill, with Mr. DICKINSON in the chair.

The CHAIRMAN. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 8348) to amend an act entitled "An act to create a juvenile court in and for the District of Columbia," and for other purposes.

The CHAIRMAN. The Clerk will proceed with the reading of the bill for amendment.

The Clerk read as follows:

SEC. 35. That the court shall have power to devise and use a seal, to devise and publish rules and regulate the procedure for cases coming within the provisions of this act, and for the conduct of all probation and other officers of the court, and such rules shall be enforced and construed beneficially for the remedial purposes embraced herein. The court may devise and cause to be printed for public use forms of process and other papers and reports connected with the cases coming within the provisions of this act.

Mr. GARD. Mr. Chairman, when the bill was last under consideration an amendment was proposed, I think, to section 33, which amendment was pending at the time of the recess in the consideration of this particular bill. At that time it was thought that the amendment should be perfected, and it has been perfected, and the amendment has now been taken up by the gentleman from Massachusetts [Mr. TINKHAM], who has charge of the bill, from the Committee on the District of Columbia, and will be offered with the consent of the House, I understand, at the close of section 31. I have seen the amendment, I will say, and it seems to be a better amendment than the one I proposed, and therefore I will ask that when the gentleman from Massachusetts comes he will have the privilege of returning to section 31.

Mr. MANN. He is here.

Mr. GARD. Then I will ask that we may return to section 31 for the purpose of offering an amendment relative to the jury system in connection with this pending bill.

The CHAIRMAN. The gentleman has an amendment pending to section 31.

Mr. GARD. It is suggested, Mr. Chairman, that we now go ahead with the reading of the bill, and we will procure the amendment and have it incorporated later.

The CHAIRMAN. Very well. Without objection, that will be done.

There was no objection.

Mr. WALSH. I would like to ask the gentleman, who says we will go ahead with the reading of the bill, if the amendment suggested by the gentleman from Massachusetts [Mr. TINKHAM], if adopted, would not debar further amendments to the section?

Mr. GARD. I think not.

Mr. WALSH. I am inclined to think it would.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. IGOE having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 12027) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. JOHNSON of Maine, Mr. HUGHES, and Mr. SMOOT as the conferees on the part of the Senate.

The message also announced that the Senate had receded from its amendment to the bill (H. R. 11471) to amend paragraphs 177 and 178 of an act entitled "An act to reduce tariff duties and to provide revenue for the Government, and for other purposes," approved October 3, 1913, relating to the duty on sugar, molasses, and other articles, disagreed to by the House of Representatives.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 4256. An act to amend section 5146 of the Revised Statutes of the United States so as to permit national banks located near the boundary line of adjoining States, subject to the discretion of the Comptroller of the Currency, to select only a majority, instead of three-fourths, of their directors from residents of the State in which they are respectively located.

JUVENILE COURT, DISTRICT OF COLUMBIA.

The committee resumed its session.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 39. That the accounts of the clerk of the said court shall be rendered quarterly and shall be transmitted to the Attorney General, examined under his direction, and referred to and settled by the Auditor for the State and Other Departments as in the case of accounts of clerks of United States district courts.

The salaries of the judge, clerk, and other officers of the court specially provided for shall be paid by the disbursing clerk of the Department of Justice from funds advanced by the Secretary of the Treasury from an appropriation for that purpose.

The compensation of jurors, rental of quarters for the court and its officers, and the incidental and miscellaneous expenses thereof, as well as the board of children in institutions to which the court may commit them, shall be paid from the same appropriations and in the same manner as the same or similar expenses for the Supreme Court of the

District of Columbia are now paid, and the authorization of such expenses and the examination and settlement of the accounts therefor shall be controlled by the statutes and regulations in force at the time regarding the same or similar expenses of the Supreme Court of the District of Columbia: *Provided, however*, That all expenses of the juvenile court and its officers for the fiscal year 1917 shall be paid by the United States marshal for the District of Columbia from the appropriations for those purposes made in the act providing for the expenses of the District of Columbia for the fiscal year 1917, and the Secretary of the Treasury is hereby authorized to advance, upon requisition of the Attorney General, funds from such appropriations to the United States marshal for payments in accordance with this proviso.

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

The CHAIRMAN. The gentleman from Missouri moves to strike out the last word.

Mr. BORLAND. Mr. Chairman, I have been very much interested in the success of this bill. I have not heretofore had anything to say upon its terms and provisions, because it has been so thoroughly discussed and so splendidly presented by the gentlemen who have been instrumental on the committee in getting up the terms of the bill.

I want to compliment the committee upon the drafting of this bill and the splendid provisions it contains. It is a long step in advance for the city of Washington and the District of Columbia. It seemed to me when I was serving on the District Committee—during the brief time I served on that committee was under the Republican régime, and I was a minority member—that there was much that could be done toward modernizing the conditions in the District of Columbia. With other members of the minority I tried to get some progressive legislation adopted. Unfortunately, there was a time in the history of that committee when all of its time was taken up with property rights of property owners in the District of Columbia, street openings, and improvements of that kind, which benefited some particular section of the city and some group of property owners. I am glad to say that a complete change has come over the attitude of the committee legislation toward the District of Columbia. They are really legislating now, under the present conditions, as if the District were composed of human beings, citizens with rights, children, and other problems that a great municipality has. I am glad to see that the dollar element in legislation for the District is dropping below the human element, and that the human element is being put above the dollar element.

Thus for the first time we have begun to legislate for the District along lines of real progressive human improvement. Now, we have had for many years, why I do not know——

Mr. CAMPBELL. Will the gentleman yield?

Mr. BORLAND. I yield to the gentleman from Kansas.

Mr. CAMPBELL. Long before the gentleman from Missouri came to Congress we legislated for progressive human measures in the House of Representatives. We passed laws preventing children from working in shops and factories, and that became a model for legislation throughout the country. We passed a model law for fire escapes, requiring all buildings that had human beings in them in the nighttime to be provided with suitable fire escapes, and much other legislation of a similar kind, so that the gentleman's statement is not well measured.

Mr. BORLAND. I am going to give the gentleman credit—because he chanced to serve on the committee at the same time I did—with being an earnest advocate of the fire-escape law. I do not know of any other progressive legislation that occurred at that session, but I am going to give him credit for that.

Mr. CAMPBELL. That law was passed before the gentleman became a member of the Committee on the District of Columbia.

Mr. BORLAND. The gentleman recollects that the only fight we had on that subject in that committee was to keep the fire-escape law from being repealed at the demand of the big property owners of the District of Columbia.

Mr. CAMPBELL. But the enactment of the fire-escape law came before the committee of which I was chairman——

Mr. BORLAND. I am giving the gentleman credit for that; but the gentleman probably recalls that the gentleman from Kentucky [Mr. JOHNSON], the gentleman from Tennessee [Mr. SIMS], and myself fought all night here for two nights on the 3d and 4th of March, 1911, to keep the fire-escape law from being repealed.

Mr. CAMPBELL. I remember that very well.

Mr. BORLAND. But we are now legislating for the children, and are putting the District of Columbia on a modern plane in the treatment of its children. During all the time that the gentleman from Kansas [Mr. CAMPBELL] speaks of, a conviction in the Juvenile Court of the District of Columbia was a criminal conviction, and branded the child as a criminal, and destroyed the political, social, and civil rights of that child. Now, for the first time that brand is taken off the children, and they are being treated as delinquents, as wards of the State rather than as criminals. There was then no distinction between the neglected child and the vicious child. They were all herded together under the same law that branded them as criminals, and a conviction in that court made them criminals in the eye of the law.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BORLAND. Mr. Chairman, I ask for three minutes more. I have been interrupted.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to proceed for three minutes. Is there objection?

There was no objection.

Mr. FESS. Will the gentleman yield for a question?

Mr. BORLAND. I yield to the gentleman from Ohio.

Mr. FESS. The juvenile court procedure is rather an innovation, anyway, is it not, all over the country?

Mr. BORLAND. Yes; the gentleman is right. The juvenile courts are a product of modern thought and modern conditions. They treat the child not as a criminal but as one who has not yet a fair chance in life, and that is the attitude in which the child ought to be treated. Heretofore our legislation with regard to juvenile offenders has been such as to confirm their criminality, such as to make them a constant menace and liability upon the State, and in later years we had them to deal with as criminals. We had to provide at the expense of the taxpayers jails, police officers, and courts to take care of criminals, who in many cases had been manufactured by society itself. Now, society is undertaking to remove the cause, and is giving the delinquent child an opportunity in life, one of the best things that democracy can do for its citizens—giving them an equal chance in life. When a man has reached years of discretion, hold him responsible for discharging his duties of citizenship. I hope this bill will pass. I hope it will put the Juvenile Court of the District of Columbia on the plane of the juvenile courts of all the other great, progressive cities of the United States. I think it is a long step in advance in legislation for the District of Columbia, and when we can get away from legislating purely for the opening of streets and alleys and the improvement of private real estate in the District of Columbia, and can legislate for the great citizenship of the District of Columbia, American citizens living in the Capital of the Nation, then we have made a long step in advance in legislating for our National Capital. [Applause.]

Mr. STAFFORD. Mr. Chairman, I move to strike out the last two words. I regret exceedingly that a Member on the other side of the aisle has cast reflections on this committee after five years of control by his party by saying that this is the first time in its history that any progressive legislation for human welfare has been reported by that committee to this House. I want to compliment the gentlemen who, not only while he was a member of the committee but since then, has been greatly concerned to give all consideration to questions relating to property so far as District matters are concerned. Why, even those of us who have short memories can remember his activity on the question of assessments for street improvements, and also to compel the citizens employed in the departments here to work not only eight hours but to work longer than eight hours by cutting down 10 per cent of the Government's employees. At this late day he has seen a new light, and he wishes to pass humane measures, and in that way he casts a reflection upon a committee that has been doing good service by reporting bills here limiting the hours of women's employment and other measures of like humane purpose. I am glad that at last he has taken a change of heart and has publicly confessed that his position in the past, which only concerned property rights——

Mr. BORLAND. I am glad to welcome the gentleman as a recruit. He does not have to welcome me.

Mr. STAFFORD. I do not yield to the gentleman. I am glad he has made his confession of bad faith in the past, and that he sees a new light. [Laughter.]

But I rose, Mr. Chairman, to ask the gentleman having this bill in charge whether any provision has been made for compelling delinquent parents, when these children are taken over by institutions, to reimburse the District for the money expended by it for the sustenance of these delinquent children? In this item you compel the District and National Government to pay for the board of these delinquent children. I can conceive of many instances where parents are in a position to support the child and have been delinquent, more or less, in making proper provision in their home. I have not been able to discover any provision where you compel the parents, in case they are able, to reimburse the Government for the expenses entailed in the care of these wards.

Mr. TINKHAM. There is such a provision in this bill.

Mr. STAFFORD. It may have escaped my attention. I was reading the latter half of it and did not see any provision covering that point, but if the gentleman from Massachusetts says there is I will accept that, and the gentleman can direct my attention to it later on. It just came to my mind whether the committee had taken that matter under consideration.

Mr. TINKHAM. Mr. Chairman, I believe section 22 provides for that feature which the gentleman from Wisconsin speaks of. Section 22, line 19, says:

The court may, upon petition of any person interested and after service of an order to show cause upon the parent or parents or other person having the duty under the law to support said child, and a hearing, adjudge that the expense of caring for said child by said Board of Children's Guardians, or other custodial agency or institution, or such part thereof as may be fixed by the court, shall be paid by the person or persons bound by law to support said child, in which event such person or persons shall be liable to pay to the Board of Children's Guardians, or other custodial agency or institution, and in such manner as the court may direct, the money so adjudged to be payable by him or them; and willful failure to pay said sum may be punished as a contempt of court.

Mr. STAFFORD. That section, I think, covers the point that I had in mind.

Mr. TINKHAM. It seems to me that it is complete.

Mr. TOWNER. Mr. Chairman, I desire to oppose the pro forma amendment for the purpose of saying a few words in regard to this juvenile court bill. It is not a subject of very great satisfaction to us who inherit Anglo-Saxon law to remember that it was only but yesterday that the child was considered on an equality with regard both to his responsibility and punishment with adults under the law. It is only but a little while ago, as history goes, that a child convicted of petty larceny was executed under the English law. Consequently it is a subject of congratulation that the belated moral sense of the great Anglo-Saxon people everywhere is demanding separate consideration for the child because of any delinquency or violation of the code laid down by man as his written law.

Now, it certainly ought to be within the desire of every Member of this House to further the consideration and the passage of such beneficent legislation as is here proposed. I am not altogether in favor of all the provisions of this juvenile court act. I will say, as a whole, it is a most beneficent and admirable piece of legislation. I congratulate the author of the bill on introducing it and the chairman of the committee on reporting it. I sincerely hope that if there are no material changes, or at least no vital changes, that will injuriously affect the efficacy of the bill, it will receive consideration and be passed by this House. [Applause.]

Mr. GARD. Mr. Chairman, I ask unanimous consent to return to section 31 of the bill for the purpose of perfecting the clause which was pending when the bill was last under consideration.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to return to section 31 of the bill. Is there objection?

There was no objection.

Mr. GARD. Mr. Chairman, when the bill was last under consideration an amendment offered by me was pending to section 33, which amendment I now desire to withdraw, and also to amend section 31 by adding the following language, which I will send to the Clerk's desk.

The Clerk read as follows:

Amend section 31 by adding at the end thereof the following: "Persons charged under this section shall be entitled to a jury trial on demand therefor, or the judge upon his own motion may call a jury."

Mr. TINKHAM. Mr. Chairman, the committee will accept that amendment.

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

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

The Clerk read as follows:

SEC. 41. That all fines, penalties, costs, forfeitures, and other money judgments imposed or taxed by said court shall be paid to the clerk thereof, to be covered into the Treasury, one-half to the credit of the United States and one-half to the credit of the District of Columbia, and the juvenile court may issue execution in default of payment thereof: *Provided*, That this section shall not apply to cases arising under the act of March 23, 1906, referred to in the succeeding section of this act.

Mr. WALSH. Mr. Chairman, I move to strike out the last word. I would like to ask the members of the committee or the chairman how the fees or money judgments are divided at the present time and whether this makes any change.

Mr. TINKHAM. Mr. Chairman, in reply to the honorable Representative from Massachusetts, I will say that it is our understanding that there is no change made in the way the money received by the court is divided.

The Clerk read as follows:

SEC. 42. That said juvenile court shall have original and exclusive jurisdiction of all cases arising under the act entitled "An act to provide for the care of dependent children in the District of Columbia and to create a Board of Children's Guardians," approved July 26, 1892, and all acts amendatory thereof. So much of section 2 of said act aforesaid as provides for the appointment and removal of said board by the judges of the police court and the judge holding the criminal court of the District is hereby amended so that said section 2, as amended, shall read as follows: "That the members of the Board of Children's Guardians shall be appointed by the judge of the juvenile court: *Provided*, That there shall always be at least three representatives of each sex upon the board. All appointments to the said board, except such as shall be made for the remainder of unexpired terms, shall be for the term of three years. The judge of the juvenile court may remove for cause any member of the board: *Provided*, That such member shall be given an opportunity to be heard in his own defense. The members of said Board of Children's Guardians in office at the time this act becomes effective shall continue in office for the respective terms for which such persons shall have been appointed, unless sooner removed as herein provided. Said juvenile court shall have concurrent jurisdiction with the Supreme Court of the District of Columbia in all cases involving children arising under the act entitled 'An act making it a misdemeanor in the District of Columbia to abandon or willfully neglect to provide for the support and maintenance by any person of his wife or of his or her minor children in destitute and necessitous circumstances,' approved March 23, 1906. The court may, in its discretion, order payments under this act to be made through the Metropolitan police of the District of Columbia, who shall make daily returns to the clerk of said court of all such receipts; and it shall be the duty of the clerk, within 48 hours after the receipt thereof, to disburse, by check, all moneys collected under said act to the parties entitled; and said juvenile court shall continue to have and exercise the jurisdiction conferred upon it by the act entitled 'An act to provide for the support and maintenance of bastards in the District of Columbia,' approved June 18, 1912. Nothing in this act shall be construed to modify, abridge, or appeal any portion of the acts establishing the National Training School for Boys and the National Training School for Girls, or any act supplementing said acts or amendatory thereof, except as provided in section 20 hereof."

Mr. HOWARD. Mr. Chairman, there is one proposition in this section that strikes me with some degree of doubt as to whether it ought to be in there, and that is the provision that refers to the wife. It seems that under the provisions of this bill, whether the wife of a neglectful husband has children or not, she can come into the juvenile court and get redress. I do not think the wife ought to bring into the juvenile court, that is created for the purpose of being the guardian and protector of children of the District, who has differences with her husband, if she has no children that were dependent on the father for support. I think it would give a good deal of leeway to the court to determine what in other jurisdictions would be alimony proceedings, and so forth. I think it is perfectly proper where the wife has children for the mother to be looked after by the juvenile court, but where she is childless it gives a good many women power to go into the juvenile court without a full and free hearing and exact unreasonable sums from the husband through the instrumentality of this juvenile court. I do not know what the committee's reason may be, but it occurred to me that the wife herself ought to go to the proper court and keep the juvenile court free from adults only.

Mr. TINKHAM. Mr. Chairman, in reply to the honorable gentleman from Georgia, I would state that his theory is absolutely correct and is followed and worked into this act in the language found at the bottom of page 26, as follows:

Said juvenile court shall have concurrent jurisdiction with the Supreme Court of the District of Columbia in all cases involving children arising under the act entitled "An act making it a misdemeanor in the District of Columbia to abandon or willfully neglect to provide for the support and maintenance by any person of his wife or of his or her minor children in destitute and necessitous circumstances," approved March 23, 1906.

An act passed March 23, 1906, devolved upon the juvenile court the jurisdiction over cases of nonsupport where no children were involved, and also cases of nonsupport where children were involved. The language of this bill does exactly what the honorable Representative from Georgia desires, namely, it devolves upon the juvenile court only the consideration of cases of nonsupport where there are children involved. Where a child is not involved the bill by its very words, which I have read, leaves the disposition of the case to the Supreme Court of the District of Columbia, as the words at the bottom of page 26 say that the juvenile court shall only have jurisdiction in cases involving children.

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

Mr. TINKHAM. Yes.

Mr. GARD. I desire to ask the gentleman if at the present time the Juvenile Court of the District of Columbia does take up cases involving the nonsupport of a wife, there being no children the issue of the marriage?

Mr. TINKHAM. Mr. Chairman, it does.

Mr. GARD. Is it intended now by this bill to take such jurisdiction away from the juvenile court?

Mr. TINKHAM. Where there is no child that is the intention.

The Clerk read as follows:

SEC. 43. That prosecutions in adult cases shall be on information by the corporation counsel of the District of Columbia.

Mr. TRIBBLE. Mr. Chairman, I move to strike out the last word. I desire to ask the gentleman in charge of the bill what is the purpose of making a different form of prosecution in section 43? In this section you place in the hands of the corporation counsel of the District of Columbia the authority upon his own motion to charge a person with a crime and bring such person into court. We have grand juries in this country for the purpose of making criminal investigations in felony cases. When misdemeanors are not presented to the grand jury, there is always required a sworn affidavit of the prosecution to bring a man into court. In this bill you propose to bring charges in court simply upon the operation of the corporation counsel without authority from any person except himself. He is authorized to charge crime upon information not sworn or in writing.

Mr. TINKHAM. Mr. Chairman, in reply to the question of the honorable Representative from Georgia [Mr. TRIBBLE] I desire to say that he will find in the beginning of the bill that no process can be started before this juvenile court without a petition which is sworn to.

Mr. TRIBBLE. That section applies to children; but the rule is changed in section 43, where you exclude all those previous provisions of the bill and you simply authorize the corporation counsel upon his own motion to arrest any person, without a warrant, affidavit, or anything.

Mr. TINKHAM. There is no authorization, it seems to me, in section 43 which allows of anything more than the prosecution in the court after the individual has been brought there—the adult—by due process of law, under some law which brings him properly before that court.

Mr. TRIBBLE. Let us read that provision—

That prosecutions in adult cases shall be on information of the corporation counsel of the District of Columbia.

That is just as plain as language can make it. It could not be any plainer. These prosecutions shall be upon the information of whom? Upon the action of the corporation counsel alone; and he is not even required to disclose the information that prompted his action.

Mr. TINKHAM. Mr. Chairman, as I understand it, anyone to-day can apply to a court of minor jurisdiction making a complaint and ask for a warrant. If the court issues the warrant, the warrant goes into the hands of the officer, and the person is arrested and brought before the court, and there is prosecuted by the private individual.

Mr. TRIBBLE. Yes; and that is exactly what I stated; that is what I contend for now, but section 43, I have just read, nullifies the existing law and provides for criminal prosecutions by action of corporation counsel.

Mr. TINKHAM. It seems to me that this is more modern and better in protecting the rights of the individual citizen, by not giving the right to anyone or everyone to go in and make a complaint, but providing that that person must and shall go, if he has a complaint, to the corporation counsel, a public officer, and unless the public officer approves the complaint shall not be filed or information made to the court. It seems to me that that is a protection rather than opening the doors wider.

Mr. TRIBBLE. The gentleman certainly never has been a prosecuting counsel. As a matter of fact, whenever you require a prosecutor to sign his name to an affidavit and swear that another man has committed a crime, in half of the cases they refuse to do it. The gentleman knows that all kinds of charges are made before grand juries by anonymous communications. Prosecutors bring information to the grand jury room by sticking a notice under the doors and various ways, except by going to the front themselves and signing their name to the proposed indictment. If the juries notice this information an investigation is held. But this bill proposes that the district corporation counsel upon his own motion shall proceed to prosecute a man and put him in jail if he sees fit to without anyone swearing or stating under oath that he has violated the law. I can not support this bill. There are several serious objections to this bill, and I am here to aid in exposing them and defeat the bill, if possible.

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

Mr. TRIBBLE. Yes.

Mr. TOWNER. If the gentleman will look at section 31 he will see that these prosecutions against adults—and this section which he refers to only refers to prosecutions against adults——

Mr. TRIBBLE. Yes; all of these prosecutions except this class that is enumerated in section 43.

Mr. TOWNER. This provision in section 31 says that whenever in the course of any proceeding it shall appear to the court that the adult, the parent, or the guardian is guilty of some violation of the law he may order a prosecution. The section to which the gentleman refers, and with which he finds fault, only provides who shall have charge of that prosecution. I see no difficulty such as the gentleman suggests.

Mr. TRIBBLE. Why use the word "information" if the gentleman's contention is right? It is provided here that the prosecution in adult cases shall be on the information of the corporation counsel. Why use that word, if there is to be an affidavit? The language is plain.

Mr. TOWNER. I will state to the gentleman that that is for the reason that no person is ever placed on trial under our law except upon definite statement of a charge.

Mr. TRIBBLE. That is true, and that is what I am contending for now.

Mr. TOWNER. If in the course of the proceeding it shall be found that this person ought to be prosecuted, then it is made the duty of the corporation counsel to file the information specifying the child and put the adult on trial.

Mr. TRIBBLE. The gentleman states the law correctly.

Mr. TOWNER. The gentleman's idea and objection, it seems to me, are entirely imaginary.

Mr. TRIBBLE. And the gentleman from Massachusetts states the law correctly.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TRIBBLE. Mr. Chairman, I ask unanimous consent that I may proceed for three minutes.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to proceed for three minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. TRIBBLE. Why, gentlemen, that language is just as plain as can be. There is nothing to do under this statute, except the corporation counsel of the District simply calls on you or me to answer in a court for any crime he may see fit to charge us with.

Mr. TINKHAM. Mr. Chairman, I do not see why the honorable Representative from Georgia should object to a public official making a complaint rather than a private individual, when the disposition of the merits of the complaint must be made before a court, an open court, a court with a jury.

Mr. TRIBBLE. I object to it because I refuse to allow any man to charge another with a crime without disclosing his identity. When a citizen is charged with crime and called upon to give bond, go to jail, and stand trial in the court, there should be a record in writing showing the authority of prosecuting counsel. Mr. Chairman, this bill provides trial of all children under 17 years of age and the manner of placing them in institutions of corrections. No provision is made for separating the white children from the negro children. Provision is made for the appointment of officials, both men and women, and yet no regulation is provided to prevent white girls or boys from being turned over to a negro official. The judge of the court and his officials have too much authority in disposing of children who are so unfortunate as to not have parents capable of protecting them. The judge of the court appoints his board and removes the members at will. If the board refuses to do his bidding, they may be discharged. Furthermore, Mr. Chairman, this juvenile court is given exclusive jurisdiction of all class of criminals under the age of 17 years. Murder, arson, and rape may be charged, and yet the courts are forbidden to take charge of the criminal without direction of the juvenile judge. The murderer or rapist under 17 years may be sent to the institution for correction on the action of the juvenile judge. I am not willing to make a place of refuges for hardened criminals in the same institution with helpless little girls.

Mr. Chairman, this court will deal with numberless little girls and boys of tender years, helpless, motherless, fatherless, and orphans. I have carefully studied the authority granted to officials in this bill. I am afraid the helpless will not be protected and the guilty go unpunished. Therefore I oppose the bill.

Mr. GARD. Mr. Chairman, I am inclined to think there is some merit in the contention advanced by the gentleman from Georgia [Mr. TRIBBLE], and therefore I desire to offer the following amendment: In section 43 I move to strike out the language contained therein and substitute the following language:

That all prosecutions shall be conducted by the corporation counsel of the District of Columbia.

I will say that is for this reason, Mr. Chairman——

The CHAIRMAN. Will the gentleman send his amendment to the desk?

Mr. GARD. I will repeat it.

In line 21, page 27, as a substitute for section 43, I offer the following language:

That all prosecutions shall be conducted by the corporation counsel of the District of Columbia.

Mr. JOHNSON of Kentucky. Or one of his assistants.

Mr. GARD. It is suggested "or by one of his assistants," but I think the words "corporation counsel" will cover.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, on page 27, after "43" lines 21 and 22, by striking out lines 21, 22, and 23 and inserting: "That all prosecutions shall be conducted by the corporation counsel of the District of Columbia."

Mr. GARD. Mr. Chairman, the reason for my offering this amendment——

Mr. TOWNER. Will the gentleman yield?

Mr. GARD. Will the gentleman kindly allow me to state my reason and then I will yield?

Mr. TOWNER. I thought the gentleman omitted to state in adult cases.

Mr. GARD. No; I did not. Section 10 of this act provides that no child shall be brought into the Juvenile Court of the District of Columbia unless there be filed a verified petition stating the facts that bring such child within its provisions. Now, section 31 of the same act provides that once a child having been in the court, having been properly brought into court, that the court itself has plenary jurisdiction and included within the jurisdiction and proper order is any person who has contributed in any way to the delinquency of the child. Now, it would seem to me that the entire language of section 43 might possibly be construed as being another and additional and uncalled-for means of bringing an adult person into the juvenile court.

I think the proper intention of the bill is to have the prosecution of any and all cases in the juvenile court conducted by the corporation counsel of the District. It is surely not the intent of the framers of the bill or any juvenile court bill to have conduct of the prosecutions. The corporation counsel is to stand in the relation of a friend to the child and to the court and to conduct entirely in an unprejudiced and unbiased and nonpartisan way the cases, always in the interest of the child and always in the interest of the administration of justice.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. GARD. I do.

Mr. GREEN of Iowa. I would like to ask the gentleman whether he thinks that the general provisions of the law and the provisions of section 31 would make it unnecessary to provide in this section anything in reference to the manner in which the prosecution should be begun? The gentleman left out of his amendment, I understand, the words "on information."

Mr. GARD. Yes; I left out the words concerning "adult cases" and "on information."

Mr. GREEN of Iowa. Does the gentleman think that is unnecessary?

Mr. GARD. It seems to me that when the adult is brought into court he should have the same procedure against him that the child has; that there should be filed a verified petition against him. I do not know the case should be thrown so widely open as to permit the corporation counsel upon mere information to file in the juvenile court some sort of paper and have a man brought in without any process, but I do think it is the intention of the bill to have the corporation counsel appear in all necessary prosecutions in the case.

I think the situation is covered by the language of sections 10 and 31.

Mr. TINKHAM. Mr. Chairman——

Mr. GREEN of Iowa. Will the gentleman from Ohio yield further?

Mr. GARD. Yes.

Mr. GREEN of Iowa. If I understand the gentleman correctly as to his intention, I do not think his amendment is at all sufficient. There is no other provision in the bill for commencing a prosecution against adults by petition, if I remember the provisions of the bill correctly, and his amendment would simply leave the whole matter in the air as to how the prosecution should be commenced.

Mr. GARD. I do not desire to do that.

The CHAIRMAN. The time of the gentleman from Ohio [Mr. GARD] has expired.

Mr. TINKHAM. Mr. Chairman, the honorable Representative from Ohio [Mr. GARD], I think, has for a moment forgotten the language of this bill in previous sections, and its intention and purpose principle. He will realize as soon as I have spoken that there are no prosecutions of children under this act; that the very purpose of this enactment is that there shall be no prosecutions; that the criminal law shall not be worked against the child, nor even its language used. I will say that this section was put in simply that there might be a method, as has been well indicated by the honorable Representative from Iowa [Mr. GREEN], for beginning actions allowed by the bill, such as bastardy, nonsupport, and contribution to delinquency against adults. Unless there was a provision as to how these adult cases should begin and proceed, how they should be brought in to the machinery of the court by such language as is contained in section 43—and it is the prosecution of the adult, the child can not be prosecuted under this act—there would be no adequate method for their pursuit. I therefore hope that section 43 will not be amended, but will stand as recommended by the committee.

Mr. EMERSON. I think something should be added in there, as has been suggested by the gentleman from Georgia [Mr. TRIBBLE] and others, requiring the filing of an affidavit by somebody who makes the complaint.

Mr. TRIBBLE. What about the words "sworn information" in there?

Mr. TINKHAM. Mr. Chairman, if an amendment is offered by the honorable Representative from Georgia [Mr. TRIBBLE] to effect the purpose he has indicated, I shall not object for the committee.

Mr. TRIBBLE. I offer that amendment.

Mr. TOWNER. Will the gentleman allow me a moment? Let me call the attention of the gentleman having charge of the bill, and the gentleman offering this amendment, to this fact, that there can be no prosecution against an adult except upon order of court, and therefore an affidavit is unnecessary. It would be perfectly ridiculous to require an affidavit.

Section 31 provides:

That whenever in the course of any proceeding instituted under this act it shall appear to the court that a parent, guardian, or person having the custody, control, or supervision of any child coming within the provision of this act.

And then subsequently it says the court shall have plenary jurisdiction in such matters, and shall cause such parent, guardian, or other person, as the case may be, to be brought before it, upon either a summons or a warrant for such order in the premises as the court may see fit to make.

And then this subsequent provision, section 43, is put in justly, as I think, and properly, as I think; that the charge of the prosecution shall be made against this adult by the corporation counsel and shall be made on information.

Now, what else do gentlemen want? No prosecution can be made under any circumstances against any adult except upon order of the court as disclosed in the proceedings against the juvenile. Gentlemen, if amendments like this are adopted, you will destroy the efficacy of this bill.

Mr. EMERSON. Will the gentleman yield?

Mr. TOWNER. Certainly.

Mr. EMERSON. Does not section 31 refer to cases wherein in the examination of a child for the commission of some crime it developed that some adult was brought into it? Is not that the case?

Mr. TOWNER. Yes; I will say to the gentleman from Ohio, and I call his attention to the fact that no adult can be prosecuted except in that manner and under the provisions of section 31. In other words, he can not be prosecuted except upon order of the court. No information can be filed under any circumstances, and no punishment can be inflicted under any circumstances except upon the order of the court.

Mr. JOHNSON of Kentucky. Mr. Chairman, I think the gentleman from Iowa [Mr. TOWNER] is exactly right about this proposition. This language occurs in every bill that comes in regarding offenses committed in the District of Columbia. Every bill that comes here contains a provision that these prosecutions shall be upon the information of the corporation counsel of the District of Columbia or upon the information of the United States attorney for the District of Columbia. In other words, this language determines jurisdiction between those two courts. If it were unusual language it might bear more scrutiny, but this language is used in every bill that comes before this House in reference to criminal prosecution.

Mr. EMERSON. Is it true, I would like to ask the gentleman from Kentucky, as the gentleman from Iowa states, that there can be no prosecution against adults under this law except on motion of the court? I understood he made that statement.

Mr. JOHNSON of Kentucky. I agree with the statement made by the gentleman.

Mr. TOWNER. Certainly.

Mr. EMERSON. Why is this section 43?

Mr. TOWNER. This is only necessary because it ought to specify some person to conduct the prosecution, and in justice to the defendant it ought to give him notice of what the specific charge is.

Mr. EMERSON. Will the gentleman yield?

Mr. TOWNER. Yes.

Mr. EMERSON. But it does not say that. Section 43 says that prosecutions in adult cases shall be made on information.

Mr. TOWNER. And section 31 says that the only prosecution against adult cases and the only place where there is any

penalty to be inflicted is in these cases as specified in the section as arising upon the hearings and order of the court.

Mr. GARD. Will the gentleman yield?

Mr. TOWNER. Certainly.

Mr. GARD. Does not the gentleman think——

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, may we have the amendment read again?

Mr. GARD. I will ask unanimous consent to be recognized for three minutes, Mr. Chairman.

The CHAIRMAN. Without objection, the amendment will again be reported.

The amendment was again read.

The CHAIRMAN. The gentleman from Ohio [Mr. GARD] asks unanimous consent to proceed for three minutes. Is there objection?

There was no objection.

Mr. GARD. Mr. Chairman, the question I desired to ask was whether or not the gentleman from Iowa [Mr. TOWNER] thought the words "on information" applied to the manner of beginning a proceeding against an adult charged with the violation of any part of this law, or whether it was just the means of setting in motion the conduct of a case by the district attorney as the prosecuting officer.

Mr. TOWNER. No. I will say to the gentleman if he will read carefully the language of section 31 he must see that this prosecution must be ordered against the adult by the court. That is the only way an adult can be brought into court.

Mr. GARD. I am frank to say that if that is the purpose of it, I concede that the argument of the gentleman is good.

Mr. HOWARD. Mr. Chairman, I ask unanimous consent to proceed for two minutes, in which to ask the gentleman from Iowa a question.

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

There was no objection.

Mr. HOWARD. Does not the gentleman from Iowa [Mr. TOWNER] think there is quite a conflict between section 43 and section 31 as they stand now?

Mr. TOWNER. I will say to the gentleman, no. If the two sections are taken in connection—and they must be, because they refer to each other—section 43 provides that in prosecutions against adults the information shall be filed by the corporation counsel. Now, the only place in the whole bill where any kind of penalty is stated as against adults is in section 31.

Mr. HOWARD. I see that.

Mr. TOWNER. And the only place where there is any penalty or punishment inflicted is under section 31, so that it is proper, as the gentleman will understand, when the court determines that prosecution shall be made against an adult for violation of this section 31 that the statute should provide who shall conduct the prosecution, and it is certainly right and proper that it should state that it be done by information which shall specify the particular charge.

Mr. GARD. I desire, Mr. Chairman, to withdraw the amendment proposed by me.

The CHAIRMAN (Mr. RAKER). The gentleman from Ohio [Mr. GARD] asks unanimous consent to withdraw his amendment. Is there objection?

There was no objection.

Mr. TOWNER. So that there can be no opposition in the terms.

Mr. HOWARD. Does not the gentleman think that from the language of section 31 the sole language in section 43 would be that "prosecutions in adult cases shall be conducted by the corporation counsel of the District of Columbia"? Would not that accomplish the same purpose that the gentleman wants to accomplish by this provision, and there would be no confusion?

Mr. TOWNER. I do not see any objection, but I do not think it would strengthen it.

Mr. HOWARD. I think it would eliminate all doubt.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield?

Mr. HOWARD. Yes.

Mr. GREEN of Iowa. I think the gentleman is overlooking the fact that no adult can be fined or punished or sent to jail unless there is a written charge against him of some kind, and this simply provides for the written charge.

Mr. HOWARD. Why do you want in here the language that "all prosecutions in adult cases shall be on information by the corporation counsel of the District of Columbia," when the gentleman knows——

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

Mr. HOWARD. Mr. Chairman, I ask unanimous consent to proceed for one minute longer.

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

There was no objection.

Mr. HOWARD. The word "information" is used in about 35 States of this Union as the modus operandi of getting the case to the grand jury in the different courts of the country. Why do you use it if you do not mean it in the accepted sense?

Mr. GREEN of Iowa. The word "information" is used simply as applying to a minor charge or misdemeanor.

Mr. HOWARD. Not in court procedure. "Information" in court procedure means that upon which a prosecution is predicated in nine cases out of ten. It is so in the State of Texas and in a dozen of other States that I might mention. They use the word "information" instead of the word "indictment" or "warrant." It is the initial step to put into operation the prosecution.

Now, Mr. Chairman, I move to amend section 43 by striking out the word "information," so that said section when amended will read as follows:

That prosecutions in adult cases shall be conducted by the corporation counsel of the District of Columbia.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Georgia [Mr. HOWARD].

The Clerk read as follows:

Page 27, amend section 43, as follows: Strike out the words "on information" and insert the word "conducted," so that the section will read: "That prosecutions in adult cases shall be conducted by the corporation counsel of the District of Columbia.

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

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. HOWARD. A division, Mr. Chairman.

The committee divided; and there were—ayes 8, noes 29.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 44. That the judge and other officers holding office at the date of the passage of this act shall continue in office until the terms for which they were appointed shall expire and until their successors are duly appointed and qualified.

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

The CHAIRMAN. The gentleman from Georgia moves to strike out the last word.

Mr. HOWARD. Mr. Chairman, before this bill is completed I would like to ask the chairman of the committee or the gentlemen having charge of this bill this question for my own satisfaction. I think the question I am going to propound to the gentleman will determine to a very large extent whether I shall support this bill or not. Under section 4, I believe it is, of the bill, I notice that the juvenile court has jurisdiction of all classes and conditions of crimes that are committed in the District of Columbia by a child not less than 17 years of age. I want to ask this gentleman whether this section applies or the juvenile court can retain jurisdiction in cases of murder, criminal assault, arson, and the like, if they are committed in the District of Columbia by a child under 17 years of age?

Mr. TINKHAM. Mr. Chairman, in reply I will say it is in the discretion of the court to refer any case of which it gets jurisdiction under section 4 to the grand jury to have proceedings taken in the usual way.

Mr. HOWARD. I want to ask the gentleman one other question. Is it obligatory on the court to transfer cases of that character to the Supreme Court of the District of Columbia?

Mr. TINKHAM. It is merely discretionary, Mr. Chairman.

Mr. HOWARD. If this bill gives the discretion to the juvenile court to retain jurisdiction in cases of this sort over 17-year-old boys or girls, as the case may be, when every other State in the Union holds males and females of this age to the strict accountability of the law in such cases, I shall not vote for this bill. It is with some degree of reluctance that I want to lay before this House a condition that exists in the District of Columbia that, in my judgment, does not exist in any other place of its size in the civilized world.

There is more money per capita spent in the District of Columbia upon the education of all classes of our citizens than there is in any other city in the United States of America. Every available instrumentality is employed in the District of Columbia for the education and the refinement of all classes, white and black alike. They have their training schools, their technological schools, their high schools, their practical colleges here, where young people can get an education way above that

given to those in the most liberal States in the Union, and in this city of 385,000 people, one-third of whom are black and two-thirds of whom are white, 75 per cent of the crime in the District of Columbia is committed by the one-third element of the population.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOWARD. I ask for three minutes more.

Mr. EDWARDS. I ask unanimous consent that my colleague be allowed five minutes.

Mr. MANN. Is this a filibuster?

Mr. HOWARD. I do not know that I will use the time.

The CHAIRMAN. The gentleman from Georgia [Mr. EDWARDS] asks unanimous consent that his colleague be allowed five minutes. Is there objection?

There was no objection.

Mr. HOWARD. A good many gentlemen from some sections of the country are always ready and glad to criticize the section from which I come on the subject of crime, when if you will go to your court records here you will find that 75 per cent of the crimes of all kinds committed in the District of Columbia are committed by one-third of the population, although they are in an environment and they are afforded all the facilities to train this class of our citizens, to advance them in civilization, to teach them to become law-abiding citizens, to teach them to be better and more helpful citizens. In this District, where the Government of the United States with generous hand has dealt with them, we find that the cold records of the courts show that 75 per cent of all crimes, including felonies, are committed by a little less than one-third of the population of this city. Seventy-five per cent of the time of this juvenile court will be consumed in the trial of cases concerning one class of citizens in this District.

Mr. MADDEN. How many classes of citizens have we in the United States?

Mr. HOWARD. Two.

Mr. MADDEN. I thought we had only one.

Mr. HOWARD. In what State?

Mr. MADDEN. In the United States.

Mr. HOWARD. Oh, I mean white and black, if the gentleman wants to know. That is what I am talking about. I am comparing the negro and the white man. Why, take the great Federal prison in Atlanta. The number has been reduced now, thank God, but formerly we got a great number of them sent to that prison from the District of Columbia. At one time all of that class from the District of Columbia were dumped into that one prison. Now they divide them up, and Fort Leavenworth is getting some of them. The negroes of the District reduced the "good-conduct" records in these institutions 25 per cent. And I want to call your attention to the national training school out here on which we expend thousands of dollars annually, and to the girls' training school on which we are spending thousands of dollars annually. You go out there and see who is there.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. HOWARD. In just a minute. I am not jealous of the expenditure of this money. If you can reform them, for God's sake double the sum, but you can not "make a silk purse out of a sow's ear."

Mr. MADDEN. I wanted to ask the gentleman whether he was opposed to the education of American citizens?

Mr. HOWARD. Not at all. I am very heartily in favor of it; but I am opposed to taxing my people in Georgia to give all sorts of hifaluting curleycues in the way of education to a crowd of Washington niggers that is of no benefit to them. That is what I am opposed to.

Mr. TRIBBLE. I should like to say to the gentleman from Georgia that since the war there has been no distinction made between white and black as to the public fund appropriated for the education of the citizens of the State of Georgia.

Mr. HOWARD. Of course not; but I am just bringing this matter home.

Mr. MADDEN. I was not raising any question about Georgia.

Mr. HOWARD. When it comes to exempting a 17-year-old young nigger buck from prosecution for criminal assault in the District of Columbia I will sit here till the ants drag me out before I will vote for such a bill.

Mr. TOWNER. Will the gentleman yield for a question?

Mr. HOWARD. Yes.

Mr. TOWNER. Is it not the policy of the gentleman's own State and of all the better elements of the South that the more you can educate and improve the condition of the black race the better it is for society in general?

Mr. HOWARD. And we are doing it, and 375,000 of them this very minute are in the public schools of Georgia, and 95 per cent of the taxes are borne by the white citizens of that State. [Applause.] I am getting tired——

Mr. TOWNER. I am glad that that is true, and I want the gentleman to help here in the District of Columbia just as much as his own people are helping down in Georgia.

Mr. HOWARD. I am helping here. I get ashamed that I do help to the extent that the money is being wasted in the District of Columbia upon certain lines of education inaugurated by a crowd of fanatics. What you want here, as elsewhere, is to teach negroes and white folks, too, to learn to work their hands as well as their heads.

Mr. MADDEN. What is the per capita expenditure for education in the District?

The CHAIRMAN. The time of the gentleman has expired.

Mr. TOWNER. Mr. Chairman, there is, as it seems to me, no point, no strength of argument in the remarks of the gentleman from Georgia unless it shall be this, that inherently the black man is incapable of improvement and education, and therefore what we do for him is money thrown away. Now, he does not mean that, because his own action, his own conduct, the action of the people of his own State has been directly contrary to that proposition. They understand that if the black man is educated he will make a better citizen than uneducated. They understand that if the black man is sober he will make a better citizen than if he is drunken. They understand that everything that is done to improve the intelligence, elevate the character, Christianize the colored man is just as much an improvement to him as it is to the white man.

If money is wasted in the District of Columbia for any purpose, we ought to see to it that no waste occurs. It is not a legitimate argument to make that because we do expend money for the education and improvement of the colored man in the District of Columbia that that money is thrown away unless you take this absolutely indefensible position that to improve the colored man is not to improve his condition or make him a better member of society.

Mr. HOWARD. Will the gentleman yield?

Mr. TOWNER. Certainly.

Mr. HOWARD. I do not want gentlemen to understand that I meant to convey the impression that I did not believe in education. I want gentlemen to understand that it was the inequality of the distribution of the fund that will be expended under this particular section of the juvenile court that I was speaking of.

Mr. TOWNER. Oh, I think the gentleman knows that this fund will not be drawn on color lines but upon the lines that this bill specifies, namely, the lines of delinquency. It is unfortunate, Mr. Chairman, unfortunately we all know that the colored man has not yet achieved such a high place in civilization as the white man has. We all know the reason for that, and we all ought to sympathize with it; we ought to redouble our efforts in his behalf; we ought to make any sacrifice necessary to secure the accomplishment; that certainly we ought to desire for the elevation of the black man as an American citizen to what we demand as the standard of the best American citizen.

Mr. FESS. Mr. Chairman, I ask unanimous consent for 10 minutes upon this theme.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to address the committee for 10 minutes upon this theme. Is there objection?

There was no objection.

Mr. FESS. Mr. Chairman, I want the time to say something about the possibility of the education of the race about which we have been listening from two eloquent Members.

There happens to be within 7 miles of my home the famous Wilberforce University, an institution that was opened some time before the war, and which attracted a good deal of attention because at that time there was much speculation as to the capacity of the people of this race to be educated.

I am not desirous of saying anything that would indicate that I was speaking for any particular locality, nor that I am speaking for any particular institution, but I do happen to know something about what has been done there and I believe that it is quite typical of what can be done elsewhere.

Aside from the Wilberforce University there are others I have visited, including Howard out here in the Capital, and Hampton, Va. I do not believe that any American citizen, unprejudiced, can find himself in the locality of such institutions mentioned, and especially Tuskegee, for example, without feeling like taking his hat off in honor of the men and women who have done such wonderful work. When I think of the inspiration that must come from the study of a life like that of the late Booker Washington, who earned and deservedly bore the title of "Doctor"—I do not believe anyone who studies that life can

refuse to show a proper appreciation that must be manifested when an opportunity is made possible by the Government to do a great work. I remember distinctly that when Tuskegee Institute was opened there were only two old tumbledown buildings. I happen to know that it is now pretty nearly a university of buildings in itself. When you go there and look into the faces of more than 1,000 young people whose faces are as black as your hat and recall the status of their parents but a generation removed, then, and only then, you will realize what they have accomplished in so short a time. The proper education is suggested by their commencements, which demonstrate as an object lesson the real work of the institution; it is not simply a professional, but rather an industrial education. Its motto is, "Get ready to produce a better article than is yet made, and your place is secure."

When I think of that, it seems to me that the country can not do any better thing than to espouse with encouragement and approbation the education of the right character of these people. We must not increase their embarrassments, but we should multiply their opportunities. I certainly share with what has been said not only by those who have fugitively spoken of what has been accomplished in certain localities and by those who have studied and made reports of the burdens of the people of the Southland in supporting a dual education—a burden growing out of the presence of two races to be educated—I appreciate the burden, and I am one of the Members that want to openly express my gratitude to all sections of the country for what has been done. It is difficult for me to understand the source of racial difference expressed here. I think, however, that we in certain sections are able to appreciate what seems to be—what I would hesitate to call prejudice, and yet that seems, in a sense, to be what it is. Too frequent are the attempts in this body to deride the efforts of the colored race. I have had the opportunity of seeing what can be done in our section for these people in the way of education so well carried on that is being done in institutions like Tuskegee. It will be difficult to comprehend fully the great work done by the Wilberforce University.

In its more than half century of existence it has extended hope and self-helpfulness to thousands of youth of the black race who are now filling every avenue of achievement to the great credit of their race and generation.

I want to again say that I do not think there is any function of this Government that is more warranted, that ought to receive warmer approval than the function of lifting out of the degradation of human chattelhood into the bracing atmosphere of American citizenship a race of people. This can not be done by constant racial heckling. It must be done through the system of education, which enlarges opportunity rather than increases discrimination.

I happen to be the head officer of an institution that was wondrously criticized because it opened its doors to the education of the black as well as the white. This was done as early as 1853, when it required a peculiar courage to do it. One of the traditions that appeals to me of the early beginnings of that epoch was when distinguished citizens came from the Southland, men interested in education, members of my race, and said to the famous Horace Mann, who was then the president of the institution, "You can not secure funds needed for this institution so long as you admit members of both races"; and added that if he wanted to build, it would be necessary to make it exclusive and not to admit the members of the black race.

The tradition says that Mr. Mann stood out in front of the building and listened intently to the utterances of the two distinguished men, from Cincinnati, as I remember it. To them he said, "There is nothing I need so much to-day as funds with which to build this institution, but rather than sacrifice this principle of opening the doors of opportunity to a race that is now excluded from educational privileges I would see those buildings crumble into dust." It will be recalled that this prospect for a race was one of the incentives for the great educator that led him to decline the governorship of Massachusetts to accept the presidency of that institution. That is the institution where our distinguished and much-beloved Gen. SHERWOOD was educated, and he understands the sentiment that prevailed at that time. Last year one of the members of the graduating class was a colored boy. He was universally respected for his manly traits and splendid scholarship. You may criticize me, if you please, but that black boy was admitted into the president's home upon all annual occasions equally and with the same respect that any member of my race was admitted. There was absolutely no discrimination. He was treated as all other members were. He sat at the senior dinner table, and when some one suggested that some may object to it, my own son, the president of the class, replied, "Put Herman by my side; I will see that he is respected." That colored boy graduated last June, and he fills a position to-day in Texas at a salary higher than my own son commands, a member of the same graduating class. I took more pleasure in securing for him through public-spirited people his position than anything else that was accomplished.

I do not believe that any man needs to apologize to any people at any place or at any time for standing for the open door of opportunity to the colored boy and the colored girl. [Applause on the Republican side.] Speaking as an independent Representative on this floor, not because there are colored voters in my district—and there are, of course—but because I believe it is my duty, I want to say that I join in the utterance of every Member, on whatever side he sits, in the recommendation that educational influences shall work continually upon the class that up to a certain time was denied the privileges of education. I shall oppose all discriminations that attempt to hinder any race in its efforts to better itself. [Applause on the Republican side.]

Mr. MADDEN. Mr. Chairman, I move to strike out the last word. I think it should be the duty of every strong man of every race to help every weak man of every race to help himself, and I know no better work that man can do than to furnish means for the education of those who are unfortunate in not having the means to find education for themselves. It will not do to say that one class of our citizenship commits more crime than any other, and therefore that we ought not to educate them. It will not do to say that one class of Americans who are fortunate ought to stand out against another class who are less fortunate. No race in all the history of civilization has given greater evidence of advancement since the day of their freedom than has the colored race. They were totally illiterate the day they were declared free, and to-day there is not to exceed 30 per cent of illiteracy in the race in America. They are engaged in every activity in the land. They are doctors, lawyers, preachers, scientists, physicians, artists, manufacturers, bankers, farmers, and educators. Our duty should be, if they are less virtuous or less law-abiding than others, as you say, to lift them up to that high standard that will make them realize that something is being done for them which is worthy of the plaudits of civilization.

No one knows whether the figures given by the gentleman from Georgia [Mr. HOWARD] are true or not. I do not think he knows. He said 75 per cent of the crimes in the District of Columbia are committed by the black people. A statement like that should not be made unless it is known to be true. All statements of that kind injure the community, injure the race, and our duty here is to upbuild the moral standard of every community in the land, to enact laws that will encourage the negroes to realize that they are human beings, and to surround them with every protection within our power, to make them realize that they have a place in the land of their birth, to give them an equal opportunity in the race for life. This is a struggle for existence for every man who lives, and there ought not to be any handicap placed on the less fortunate of those who live in our midst. Let them start out in the race for life on even terms, and if they can win let them win. If some one else wins, then all glory to the winner. Educate them, treat them decently, give them as much consideration as you would the Filipino, to whom you propose to grant self-government, while at the same time objecting to the exercise of the constitutional rights of the negroes who live within our midst and who were born here. Two hundred and fifty thousand dollars was appropriated by this House to kill coyotes Saturday because they are a menace to the community where the gentleman who presides lives, and yet it would be objected to by you gentlemen from the South if $250,000 were appropriated to educate the black man, who is a citizen of the United States. [Applause on the Republican side.]

Mr. DAVENPORT. Mr. Chairman, I do not think there is a man who lives who is more strongly in favor of educating the races than I am. I am not prejudiced against the negro race, and no man can truthfully say so. Yet I was born and reared in the South until I was almost grown. Since the Civil War closed we have had the negro there, and it was our duty to do the best we could for him, and the greater number of the States began to educate the negro as soon as they did the white, and in doing that I want to say to this committee that we conceded to each State the right to enact laws for separate or joint schools, and to each individual of that State the right to select his own company and to go to school with a negro if he so desired, but in doing so we did not delegate to the individual the right to select for us our company or to compel us to go to school and to be educated with the negro. My State educates the negro, but in doing so we believe, as did Dr. Washington, to whom reference has been made, who often said that it is better to educate him amongst his own race in separate schools.

and to teach him to be useful in his own race. Oklahoma not only has separate schools, but we have the separate coach and waiting room, which we find to be very satisfactory. And I say to-day that you can educate the negro all you please, and you can associate with him all you want to; you can sit at the same table and eat with him as often as you desire, but it is a physical and mental impossibility to raise him to the standard of the white man. The best negro that ever breathed can not be raised to as good a moral standard as the commonest of the common white man, and you can try it all you want. The more you educate him and the more you, a white man, associate with him the less respect he will have for you. [Applause on the Democratic side.] It is not possible to educate him up to the standard of the white race. Mr. Lincoln said, in 1858, that he was of an inferior race and could not be elevated to the standard of the white man, and I borrow that expression, and I say to you, educate the black to be a useful man and useful woman in their own race, and teach them that at the very moment they undertake to bring about social equality with the white race in these United States they are making the mistake of their lives, and when they do they will go on and be a race that will not receive the respect of any nation, but will be looked upon as an unreliable and inferior race. They are a separate race, and must remain so, and the white man or woman who starts out in these United States to teach social equality, to teach that the negro can be elevated and have a right to take his position in society in this country with the white race is not as good as the negro he is seeking to elevate and is misleading, and I say ought to be banished from the United States. [Applause on the Democratic side.]

Mr. HEFLIN. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Alabama.

Mr. HEFLIN. Mr. Chairman, my father owned more slaves than any man in our section of the country. I know that those negroes were treated well by my father and his family and there existed a very warm attachment between the slave and the master. There was a mistaken idea among many people in the North as to the treatment of the slaves by the masters. The slave was property, recognized as such by the Constitution. These slaves were sold to our people by our northern friends at magnificent figures [laughter], and we cared for them and provided for them in every way. The negro's best friend now is the southern white man. We teach him to be industrious and law-abiding, but we do not recognize him as the social equal of the white man. God Almighty made the great white race the superior race. Mr. Lincoln said so in his debate with Douglas in 1858. He said "the white man is superior" and "as long as the negro race and the white race remain together there must be the position of the superior and the inferior. I as much as any man favor the white man occupying the superior place." Mr. Lincoln said that he was opposed to intermarriages between the races. He said that he was opposed to political and social equality between whites and negroes. Did you know that Mr. Lincoln said that? The gentleman from Ohio [Mr. FESS] talks about his boy going to school with a negro boy. Well, every fellow to his taste; that could not and would not happen with us. [Applause.] We believe in educating the negro along practical lines and we believe in educating them in separate schools. You gentlemen mistake the temper of your own white constituents when you believe they favor educating negroes and whites in the same schools. You are going to wake up to this fact sometime when somebody makes a campaign in your district that you ought to have white schools for the whites and separate schools for the blacks. Republicans, Democrats, and Progressives all will favor that idea, and when you gentlemen talk about throwing them together in the same schools, opening wide the doors with negro boys and white boys sitting side by side at the same desk, you do not speak for the rank and file of the white race in your districts. [Applause.] It is not best to mix negro and white children in the same school.

A few of you Republicans over there who want to ride into office on the negro vote misrepresent the feelings of your own race upon this matter in order to get the negro vote. [Applause.] Treat the negro right! Why, they tell a story about a man in Mississippi—a shrewd Illinois Yankee—who went down there to live, and called the negro men "mister" and the negro women "mistress," and at the end of the year he beat them out of everything that they made [laughter]; but the southern white man called the negro man "Rastus" and he called the negro woman "Mandy," and he treated them well, and paid them what he owed them. And these negroes said to him, "We don't like dat white man what comes from way up yonder in Illinois and calling us niggers 'mister' and 'mistress,' and shaking hands around here and then beating us out of de last cent we made during de year. We had rather for you white folks to call us 'Rastus' and 'Mandy' and pay us what you owes us; dat's what we likes." [Applause.] Mr. Chairman, every time the race question is mentioned here the gentleman from Illinois [Mr. MADDEN] rises and rushes to the rescue. He represents a district so dark-hued with buck negroes, and of such "ransome" rank odor that you can see the kinks on it from the Capitol and smell it across the continent. [Laughter and applause.] I understand that marriage between white persons and negroes occurs in the gentleman's district.

Mr. MADDEN. I want to say, if the gentleman will allow me——

Mr. HEFLIN. Is that true?

Mr. MADDEN. There is no negro in my district or in the United States, as far as I know, who is in favor of intermarriage. I am opposed to it and they are opposed to it; and they are opposed to the licentious cohabitation of black women and white men and of black men and white women, as the case may be, and so am I.

Mr. HEFLIN. Mr. Chairman, Jack Johnson, a negro as black as melted midnight, married a white girl in Chicago. Is not that true?

Mr. MADDEN. I do not know.

Mr. HEFLIN. Did not the gentleman vote against the bill here to prevent marriages between whites and blacks in the District of Columbia?

Mr. MADDEN. Yes.

Mr. HEFLIN. I thought the gentleman did. The proof of the pudding is in the chewing of the bag. The RECORD shows how the gentleman stands on this matter.

Mr. MADDEN. Just wait a moment. I voted against a bill that made it a crime for black men and white women to marry. I would vote against it to-day if it were up for consideration.

Mr. HEFLIN. I can not yield further.

Mr. MADDEN. The gentleman asked me a question.

Mr. HEFLIN. And the gentleman has answered it. He can explain it some other time. I voted for that bill to prevent marriage between the races here, and I would vote to prevent it anywhere in the United States. [Applause.]

Mr. JOHNSON of Kentucky. Mr. Chairman, this discussion has nothing to do with the merits of this bill, and I ask unanimous consent that all debate be closed upon this section in five minutes, after the gentleman from Missouri [Mr. RUCKER] has spoken.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent that debate on this paragraph close in five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. RUCKER. Mr. Chairman, I am afraid somebody misunderstands somebody here to-day. For fear that my attitude of silence, if I remain silent, might be misunderstood, I want to add just a few words to what has been said.

Let me say in the very beginning that nobody will question my attitude toward the negro man. I was born in a slave State, reared there until I was old enough to leave home, have associated with negro children, and, like my eloquent friend from Alabama [Mr. HEFLIN], have "sopped from the same skillet" with negro boys, as I expect he has; and let me say in this connection that I expect I hold in as respectful reverence the memory of an old colored woman as any man on this floor, from any section. I was nursed in the arms of a negro "mammy," and I am proud now to stand on the floor of the Congress of the United States and say that that old black woman, acting under the inspiration of a suggestion from my father, was the first subscriber to the fund out of which was erected that splendid monument to President Lincoln out here in Lincoln Park. Her name is inscribed upon it. She nursed my mother, my brothers, and my sister, and she nursed me.

But we who were raised among negroes know more about them than you people do who were not raised among them. Like them? Certainly we like them. Would I help them in every way I can in every noble effort to improve the condition of their race? Of course I will. Educate them? Of course. Vote taxes on the property owners of this country to educate them? Unquestionably. But there is where I stop. Surely, those of you who advocate their sitting in the same schools—boys and girls, white and black—and sitting around the same festal board—white boys and black girls and black boys and white girls—do not contemplate the ultimate goal to which you are drifting. Is there a man in this whole broad land whose face is white who would for one moment tolerate the idea of social equality between his daughter and a negro man, whoever the negro might be? I am in favor of educating the negroes of our country, but I would educate them in separate institutions; I believe it means a degrading and lowering of the standards of civilization and of education and of moral refinement when-

ever you invite the black boy and the white boy and the white girl and the black girl into the same school. It is absurdly harmful.

It is not necessary to fondle and hug the negro in order to be his friend. I *am his friend*, but I know his place. I have but one boy, and I would rather have him grow up in gross ignorance than to enter any school on earth that opens its doors to white and black alike. And when you do it you are doing the negro himself an incalculable harm.

The old-time darky is generally a good citizen; but I tell you, gentlemen, that the negro of the present age—the young negro—speaking broadly, is the most complete upstart and abominable nuisance that God Almighty ever allowed to walk the earth. It is not the old darky, reared among the southern people, but it is the new product that is a menace to civilization and to the happiness of his race. There is only one thing to do, and that is to keep them to themselves. So far as I am concerned, I am unalterably in favor of separate schools. Suggest something for the benefit of the negro, and I will go with my friend from Ohio [Mr. FESS] and my friend from Illinois [Mr. MADDEN], just as far as they will go; but I will not open the door and invite the black and the white into the same school. It would demoralize the white and make bad "niggers" of the black.

Mr. MADDEN. All we have asked is for them to have an equal opportunity before the law.

Mr. RUCKER. I am in favor of giving them an equal opportunity before the law, but not in the household or in the school or in the church or in any social relation.

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

Mr. TINKHAM. Mr. Chairman, I ask unanimous consent that the committee may return to section 18, in order that an amendment, agreed to by the committee, may be submitted by the honorable Representative from Kentucky [Mr. BARKLEY].

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that the committee return to section 18. Is there objection?

Mr. MANN. Reserving the right to object, what is the amendment?

The CHAIRMAN. Without objection, the amendment will be again reported.

The Clerk read as follows:

Amendment offered by Mr. BARKLEY: Page 11, line 12, at the end of the line, insert the following:

"Provided, however, That when such child shall be charged with an offense punishable by death or imprisonment for life it shall be the duty of the juvenile court to refer such case forthwith to the Supreme Court of the District of Columbia for proceedings under the common law governing such cases."

Mr. MANN. Reserving the right to object, how does this change the fact? This juvenile court has no jurisdiction over such cases.

Mr. TINKHAM. The bill as it now lays before the committee gives complete discretion to the judge as to what disposition he shall make of any case which comes before him. The act provides specifically in section 18 that the judge has discretion to refer any case which is of a criminal nature to the Supreme Court of the District of Columbia to be prosecuted in accordance with usual criminal procedure. The amendment just offered makes it obligatory upon the judge to report and certify to the Supreme Court of the District of Columbia, where higher criminal prosecutions are pursued, all cases of children under 17 years of age who have committed an offense punishable by life imprisonment or death. The amendment takes away the discretion of the judge in these cases.

Mr. MANN. Suppose a child 3 years old committed murder.

Mr. TINKHAM. A child 3 years old could not commit murder in contemplation of law.

Mr. MANN. Can not?

Mr. TINKHAM. No.

Mr. MANN. It could not commit murder, but it could commit the act.

Mr. TINKHAM. In contemplation of law, a child under 7 is presumed to have no criminal intent.

Mr. MANN. Supposing a child was 7 years old or 10 years old, and nobody thought the child should be punished for murder. The juvenile court would have no jurisdiction of it at all.

Mr. TINKHAM. Under the proposed amendment, the judge would have no discretion; the case would have to be certified to the Supreme Court of the District of Columbia to be prosecuted in the usual manner.

Mr. MANN. In other words, if a child 8 years old, who possibly was non compos mentis, should commit an act which might be murder, under this amendment the juvenile court could do nothing at all with the child except to turn it over to the supreme court for indictment or failure to indict. It could not do anything at all with the child. Is that the desire of the gentleman?

Mr. TINKHAM. I will say to the honorable Representative from Illinois that I believe the proposed amendment would accomplish just that result. The amendment, however, was not proposed by me, and there is doubt of its soundness as a matter of public policy.

Mr. BARKLEY. Mr. Chairman, if the gentleman will permit me, in the case of an 8-year-old child, under this amendment the juvenile court would have jurisdiction to determine whether or not the child had committed murder, and in case it had committed murder, it would turn the child over to the court having jurisdiction to try that case.

Mr. MANN. Very well; but suppose no one wanted to try the child accused of having committed murder. Then the juvenile court has no jurisdiction whatever.

Mr. BARKLEY. If the child was guilty of murder the juvenile court would have no jurisdiction.

Mr. MANN. The juvenile court could only determine whether a certain act is alleged to have been murder.

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

Mr. MANN. Yes.

Mr. GARD. Is it not true that section 10 of this existing act provides that no petition—and that is the petition that brings the child in—no petition shall charge the child with the commission of any crime or misdemeanor as such? In other words, there is no charge of crime in the juvenile court. Therefore there could be no consideration of crime in the juvenile court. If there is consideration of a crime as a crime, necessarily it must be begun in another jurisdiction.

Mr. MANN. So far as crime is concerned, the juvenile court has no jurisdiction. Under the Constitution, if I recollect rightly, the charge must be made by a grand jury under formal indictment. There is no such process in the juvenile court. Here the child is brought into the juvenile court because the child has killed somebody. Well, if this amendment means anything at all, it means in such a case that the juvenile court must send the case to the grand jury when perhaps no one desires that to be done. But the juvenile court might properly have this child committed to the care of some one where the child would be brought up properly. This amendment would cut that out.

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

Mr. MANN. Certainly.

Mr. HOWARD. Does not the gentleman think it would be entirely cured by fixing the minimum age from 12 to 17 for offenses, and that all children charged with offenses punishable by death between the ages of 12 and 17 should be transferred to the Supreme Court? A common-law rule, as I understand it, limits the age to 9 years.

Mr. MANN. That is not involved in this bill. As I understood the gentleman from Kentucky [Mr. BARKLEY], his idea was that this bill was too stringent against the child. That was the notion that I got the other day. I do not know whether I was correct or not.

Mr. BARKLEY. I made no statement about the bill the other day at all.

Mr. MANN. I thought it was the gentleman from Kentucky. The matter was discussed that way the other day. We had quite a discussion of it.

Mr. BARKLEY. The object I had in view was this: Where the juvenile court brings in children informally, which it always does, more or less—having presided over a juvenile court myself, I know that is true—these children are brought in in an informal way, an investigation is held by the judge of the juvenile court, and if it is determined that the child has committed a crime for which death or life imprisonment would be the punishment, the practice is not to leave it to the judge's discretion; but it is that he should turn it over to the court to make it obligatory on the juvenile court that he should turn it over to the Supreme Court.

Mr. MANN. The gentleman understands that the juvenile court could not punish for such an offense.

Mr. BARKLEY. I understand the juvenile court has no jurisdiction of murder.

Mr. MANN. It can not punish for the offense. Now, does the gentleman believe that there is no conceivable case where a child of tender years may commit some act for which he might be charged with a crime, possibly punishable by death, where no one would contend that the child should be tried at all for the offense?

Mr. BARKLEY. I think that is true, but the investigation of the juvenile court would bring that out.

Mr. MANN. Oh, but under the gentleman's amendment the juvenile court would have no jurisdiction except to transfer the case to the Supreme Court of the District of Columbia for investigation by the grand jury, and the juvenile court itself could do nothing with the child, when very likely that would be the very case where the juvenile court would prove its value.

Mr. BARKLEY. The gentleman knows that, as a matter of law, a child of 8 can not commit murder.

Mr. MANN. I do not know that at all.

Mr. BARKLEY. It is presumed not to be able to commit murder.

Mr. MANN. In some places I think the limit is fixed at 7 years. I do not know what it is in the District of Columbia. A child might be weak-minded. That is a matter of proof. A child might be insane. That is a matter of proof.

Mr. BARKLEY. That would all be developed in the investigation.

Mr. MANN. Oh, no; the juvenile court could not try that question, under the gentleman's amendment.

Mr. BARKLEY. The juvenile court could not try it, of course, but the juvenile court could investigate the circumstances.

Mr. MANN. Not at all. As soon as the offense is presented, where the offense is punishable by death or imprisonment, the juvenile court must send the case to the Supreme Court of the District of Columbia for investigation by the grand jury, and the juvenile court can not do anything with the child.

Mr. BARKLEY. What would be the object in bringing such a child before the juvenile court at all then, if it could make no investigation of the matter?

Mr. MANN. The object would be to bring the child before the juvenile court in order that the juvenile court might take a child that was weak-minded perhaps, and put the child in a school, or in a home somewhere.

Mr. BARKLEY. Of course; but what would be the object in bringing before the court a child who had done something which in an adult would be a capital offense, punishable either by death or imprisonment, unless the juvenile court had the jurisdiction to investigate the circumstances connected with the offense, to determine whether the child was guilty of that offense, and if he found that it was guilty, turn it over to the Supreme Court of the District of Columbia?

Mr. MANN. Of course, the juvenile court can not determine the guilt, where it is a matter of crime.

Mr. TOWNER. Mr. Chairman, reserving the right to object to the request, let me make to gentlemen this suggestion for their consideration: Of course, the act of killing a human being by a child of immature years would be an act of delinquency. That act would make it proper for the juvenile court to consider the case. Now, if you made it compulsory that the juvenile court should turn that child over to the Supreme Court of the District, even if the child was only 8 or 9 years old, when, as the gentleman from Illinois [Mr. MANN] says, of course, he could not by anybody be considered as responsible—if you make it compulsory to turn that case over to the supreme court, then you oust the jurisdiction of the juvenile court entirely.

Mr. BARKLEY. Oh, no.

Mr. TOWNER. And you make it so that if the case is not indictable, if it shall be determined that there shall be no prosecution for murder, then you can not even have the child brought before the juvenile court to be dealt with as a delinquent. Now, is it not better to leave it as it is in the bill, in the discretion of the juvenile court, so that if it is an act of killing of a human being which can not be considered as murder but only an act of delinquency because of immaturity, then the juvenile court can deal with the case as is proper; but if the child is 15 or 16 years old, or very near the age where the question of responsibility would properly enter, then within its discretion the juvenile court may send the case to the Supreme Court of the District of Columbia for its consideration?

Mr. BARKLEY. Under the present language of the bill would we not meet a situation where conflict of jurisdiction would be likely to arise? Because if somebody 16 years old, for instance, has committed an offense for which he ought to be punished by imprisonment for life or for some other long term, the juvenile court would say, "We will not certify this case to the supreme court, but will take charge of it ourselves; we will put the child on probation or in some private or public institution which is not a penal institution." Then the grand jury institutes an original proceeding and indicts that person for the criminal offense. Now, what would be the situation there, where there was a conflict of jurisdiction between the juvenile court and the criminal court of the District of Columbia?

Mr. TOWNER. To suppose a case of that kind is to suppose that your juvenile judge would not act reasonably upon the case.

Mr. BARKLEY. Those cases do arise in the States.

Mr. TOWNER. I know that is very true.

Mr. GARD. Mr. Chairman, I ask for the regular order.

The CHAIRMAN. The regular order is demanded. Is there objection?

Mr. MANN. I object.

The CHAIRMAN. The gentleman from Illinois objects.

Mr. TRIBBLE. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

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

There was no objection.

The Clerk read as follows:

SEC. 46. That this act shall take effect from and after the 1st day of July, 1916, and all provisions of law inconsistent with or repugnant to this act shall be considered inapplicable to the cases arising under this act.

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

Mr. CLARK of Florida. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The Chair will first recognize the gentleman from Massachusetts, a member of the committee.

Mr. TINKHAM. Mr. Chairman, I should not at this time dignify with notice by word or act a most unjustifiable and untruthful attack made upon this bill unless I had been requested so to do by many Members of this body.

This attack has been published in a paper which has a circulation in many States of the Union, and has been, evidently, read by many people who, misled by its untruthful assertions, have communicated with their Representatives requesting them to vote against the bill. This article is as follows:

A BILL WORTHY OF RUSSIA—A BILL THAT WILL ENABLE THE ROMANIZED OFFICIALS TO PUT PROTESTANT CHILDREN IN PAPAL PRISONS—AS UN-AMERICAN, UNJUST IN CHARACTER AND PROVISIONS AS IT IS IN HARMONY WITH OLD WORLD DESPOTISMS AND HIERARCHIES—URGENT DEMAND FOR EVERY PATRIOT TO PROTEST TO HIS CONGRESSMAN WITHOUT A DAY'S DELAY.

WASHINGTON, D. C., *March 31, 1916.*

Juvenile court bill H. R. 13048 enables judge to bring any child before him and to proceed against it secretly in chambers without notice to parent or guardian. The record may be withheld from all but guardian ad litem, appointed by court, and who may be faithless to the child. Court can commit child to any private or sectarian institution and by severe punishment extort support from parent. Neither appeal of habeas corpus releases child, who is denied presumption of innocence and jury trial guaranteed adult criminals.

Immediate protests should be poured into Congressmen from patriotic Americans from every section of the land. Do not delay an hour; write your Congressman, and then quickly circulate petition signed by your friends and neighbors and let it follow your letter.—G. O. Nations.

Judge Gilbert O. Nations wires the above facts and calls for prompt action from all patriotic citizens.

This measure is so thoroughly un-American, unjust, and undemocratic in many features that the good it might do is far overbalanced by the despotic provisions.

It would give Romanized officials opportunities for greatly increasing the number of inmates in papal prisons, known as Houses of the Good Shepherd, without there being any redress from Protestant parents.

The bill has too many features of the star chamber to appeal to true Americans and is far more despotic than democratic in spirit and character.

It should be defeated.

(Cut out the following petition; paste it on a sheet of blank paper and get as many of your friends as possible—adult citizens—to sign the same and mail to your Congressman. If you find that you can secure more signatures than can be placed on the blank sheet, paste a second blank sheet under the first. This is important and should receive your attention.)

PETITION TO CONGRESS.

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

Believing (1) that H. R. 13048 is a thoroughly dangerous bill, depriving the accused child of just rights and even rights accorded to criminals;

(2) That it marks the return of star-chamber methods, which foster despotism and injustice;

(3) That it might easily be used to recruit sectarian institutions in defiance of the religious convictions of parents; and

(4) That the bill is another step in a general movement to substitute reactionary theories and practices of Old World despotisms for the time-honored democratic provisions of our Government; Therefore

We, the undersigned, adult residents of ——— ———, State of ———, earnestly petition your honorable body not to pass the bill (H. R. 13048) entitled "An act to create a juvenile court in the District of Columbia," or any other like measure.

I have stated to you that the accusations are completely false and totally misleading, and I submit to you the following reasons for my assertions:

The first charge that is made in the beginning of the article is that the bill enables a judge to bring a child before him and to proceed against it secretly in chambers without notice to parent or guardian. This charge is false. Section 10 of the bill provides

that no person, including the judge, can summon a child into court without filing a petition. Sections 11 and 12 provide in clear and explicit language that no child shall be summoned before the court without notification to its parent or guardian, except where the petition alleges that some penal law or regulation partaking of the nature of a crime has been violated, and then the child can only be summoned at the discretion of the judge upon the facts presented without notice, which is a power in such cases that all courts have had from time immemorial. Section 15 gives the judge the right to exclude the general public from the room where the case of the child is being heard, but, in accordance with the exact provision of this section, any persons having a direct interest in the case are entitled to be present. Such a provision to exclude the general public from a room where a child's case is being heard is found in the juvenile-court laws of Alabama, Arizona, Delaware, Georgia, Hawaii, Indiana, Iowa, Kansas, Kentucky, Massachusetts, city of Boston (Mass.), Michigan, Mississippi, Montana, New Jersey, New York City, Monroe County (N. Y.), North Carolina, North Dakota, Rhode Island, and Washington. All recent juvenile-court laws passed by enlightened Commonwealths give this protection to the child, its reputation, and its future welfare.

The next charge made is that the record may be withheld from all but the guardians ad litem appointed by the court. This is false. The words of the bill found in section 15, are as follows: * * * and the records of all cases may be withheld from indiscriminate public inspection in the discretion of the court; but such records shall be open to the inspection of such child, his parents, guardians, or his authorized representatives." This provision is not a novel one, as the withholding of a child's record from indiscriminate public inspection is provided for in laws of the States of Georgia, New Jersey, New York City, Monroe County (N. Y.); Oregon, Rhode Island, and Virginia, all recent laws passed by enlightened Commonwealths for what is the true benefit and protection of the child and its future.

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

Mr. JOHNSON of Kentucky. I ask unanimous consent that the gentleman from Massachusetts be permitted to conclude his remarks. He desires to speak only a few minutes.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent that the gentleman from Massachusetts be permitted to conclude his remarks. Is there objection?

There was no objection.

Mr. TINKHAM. The next charge is that the judge can commit a child to any private or sectarian institution. The intent of this statement is to excite in the mind of the reader the thought that the child could and would be placed in surroundings antagonistic to the religious beliefs in which they had been brought up by their parents. This statement is also false, because section 25 provides that any child placed under private guardianship or in a private institution, shall be placed, as far as practicable, with an individual or institution having the same religious belief or practices as that of its parents. It is the law in 44 States of this Union that children may be committed to private institutions in the discretion of the court. Section 22, part A, provides that the Board of Children's Guardians, consisting of nine persons, residents of the District of Columbia, and, consequently public officials, shall visit as often as twice a year all institutions receiving children under the act, and section 22 provides that every child under the jurisdiction of the court shall be subjected to a visitation of a probation officer, or other agent of the court, at the discretion of the judge.

The next charge is that neither appeal nor habeas corpus proceedings lay to release the child from custody. The complete falsity of this statement is found in the clear and explicit language of section 30, which gives full and adequate appeal from all orders and decisions of the court. There are no words in the bill which refer to any proceedings of habeas corpus; a habeas corpus would lay for the release of a child as a matter of constitutional right, which could not be abridged by any act of Congress.

The final charge is made that the child is denied the presumption of innocence and of a jury trial, which is guaranteed criminals. The whole theory of modern juvenile court law is that the child shall not be charged with a crime and thus have its self-respect destroyed, its future blasted, and a criminal record established against it. Any other theory in relation to the correction and restriction of children is barbaric and cruel. The constitutionality of this treatment of children and the abolition of a jury trial has been established by decisions of the supreme courts of Pennsylvania, Illinois, Florida, North Carolina, and Michigan.

Democracy will not brand its children with criminality where none exists, but leaves such methods to despotisms, autocracies, and other agencies of evil.

The publication of this article was made for one of the most evil and reprehensible purposes which can actuate the mind of man, to excite religious prejudice and sectarian antagonism, and I desire publicly to brand and indelibly stamp the publication or circulation of false statements with a purpose to kindle religious prejudice and inflame sectarian or racial antagonisms as being, next to treason, the highest crime which can be committed in the American Republic. [Applause.]

Mr. CLARK of Florida. Mr. Chairman, I desire to offer an amendment.

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

The Clerk read as follows:

Amendment offered by Mr. CLARK of Florida: Add as a new section at the end of the bill the following:

"SEC. 47. That in the administration of this act the white and negro children shall be kept entirely separate, and under no condition shall they be sent to or kept in the same institution, and that no probation officer shall be appointed to deal with or in anywise look after any child of a different race to that of which such probation officer is a member.

Mr. MANN. Mr. Chairman, I make the point of order.

Mr. TINKHAM. Mr. Chairman, I make the point of order that the amendment is not germane.

Mr. CLARK of Florida. It is absolutely germane, Mr. Chairman.

Mr. MANN. I make the point of order that the amendment is not germane to this part of the bill.

Mr. CLARK of Florida. I am offering the amendment as a separate section, as an additional section. It is germane to the matter contained in the bill. It goes to the administration of the bill itself, and there can not be any question as to its being in order at this time.

Mr. MANN. The provision in relation to the probation officers and the services that they perform——

Mr. CLARK of Florida. Mr. Chairman, have I not the floor?

Mr. MANN. I made the point of order and I have the floor, but I am willing to yield to the gentleman.

Mr. CLARK of Florida. No; I will yield to my distinguished friend over there. The gentleman from Massachusetts [Mr. TINKHAM] made the point of order, and I think he is entitled first to the floor.

The CHAIRMAN. The Chair will hear the gentleman from Illinois.

Mr. MANN. Mr. Chairman, I made the point of order as well as the gentleman from Massachusetts. It is well settled that an amendment to a bill must be not only germane to the provisions of the bill but to that portion of the bill to which it is offered. The provisions in the bill in relation to the probation officers are partly in section 7, in relation to service and summons, and section 13 and various other sections in the fore part of the bill. An amendment of this sort would, I think, have been germane to that portion of the bill, and it would have been in order if then offered. But Members are not permitted to wait until certain portions of the bill relating to probation officers and the selection of homes for children have been passed over with no amendment offered, and then at the end of the bill offer an amendment which relates to these sections in the bill which have been passed over in the early part of the bill.

The CHAIRMAN. The gentleman from Illinois concedes that the amendment would be germane to certain portions of the bill?

Mr. MANN. I see no reason why the amendment would not be germane to that portion of the bill which provides as to what shall be done with the children and how they shall be taken in hand by the probation officer. Those provisions of the bill have been passed by, been agreed to by the committee. Now it is proposed at the end of the bill to insert something that has no relation to the provision in the fore part of the bill, but to put it in at the end of the bill, relating to provisions which have been passed over where it would, if it had been offered, have been germane.

The CHAIRMAN. The Chair wishes to ask the gentleman from Illinois a question. The gentleman concedes that it would be germane to a certain part of the bill where these subjects were provided for. What the Chair would like to know is, Is not this a general provision which goes back and takes care of all other provisions of the bill by disposing of the two classes of people because of race?

Mr. MANN. Certainly it is, but I do not think it is in order at this place. That is what it does on its face. It controls and changes the provisions of the bill which have already been

agreed to. That is what it is designed for. Of course, it affects the provisions of the bill that have already been agreed to, and my point is that it should have been offered when these matters were under consideration; that it is too late after the committee has perfected the bill relating to one particular matter in the bill to offer an amendment to that at a subsequent place in the bill, although it happens to be offered as an independent section it does not make any difference, in my opinion.

Mr. HOWARD. Mr. Chairman, the only point made against the amendment is as to its germaneness. The amendment of the gentleman from Florida simply seeks to provide a separate and distinct machinery of two separate and distinct classes of people being dealt with by the juvenile court. In other words, it tends to strengthen the administrative features of the bill. I submit in view of the wording of the amendment that it is germane.

Mr. CLARK of Florida. Mr. Chairman, I can not understand the reasoning which goes to the effect that the amendment offered in the form of a new section would have been in order in another part of the bill and when offered as a new section, undertaking to define the administration of the bill, is not in order.

Now, Mr. Chairman, so far as the probation officers are concerned, the act provides in another part of it for the appointment of probation officers. This amendment at the close of the bill, for one purpose, seeks to declare what kind of probation officers shall be appointed. It seeks to do one other thing, it seeks to declare the manner in which what has gone before shall be administered. I submit that bills have passed here time after time and this question has never been raised before on a proposition of this character.

When the bill is practically completed and a new section is offered describing the manner in which it shall be administered it certainly must be germane; there is no question but that it is absolutely in order.

The CHAIRMAN. Without further comment on the matter, the Chair will overrule the point of order.

Mr. CLARK of Florida. Mr. Chairman, I want to say now with reference to the amendment—and I say it in all good faith—this bill makes no provision at all for the separation of these children with reference to the institutions where they are to be kept and who are to manage them. The gentleman from Massachusetts, a moment ago in his speech vindicating this bill, alluded to the fact that arrangements were made in the bill for the visitorial power of the Board of Children's Guardians in the District of Columbia.

I want to inform this House—and it may be the gentleman does not know it, and perhaps he does—of the fact, as I am informed, that the Board of Children's Guardians in the District of Columbia has a physician, and their physician is a negro woman; that white children who are farmed out in the District under the practice—when they find a child unable to be cared for by its parents they go to some private citizen and say, "We want you to take this child, and we will pay you $12 or $15 a month," or whatever the amount, and he takes charge of the child.

When that little white girl is taken sick the custodian is forced, under the law, to telephone for this negro woman doctor to come and minister to her wants. That is the procedure of the Board of Children's Guardians of the District of Columbia. If this bill passes as it is we are going to behold the spectacle in the Capital City of this Nation of white girls and negro boys being housed in the same reform institution, just as sure as you live. I am not against the negro and I have no desire to raise any race issue, but a white man who has no pride of ancestry and who has no hope for his race and no pride in his race, I have very little respect for. If the races of this country are to get along and live together in peace and harmony under that flag they must be kept separate. There is no other way to do it, and it acts the same in one part of the United States as it does in the other. We are no different in the section from which I come than are the people in the other sections of the country. Gentlemen from the border States, where the negro votes hold the balance of power, may stand upon this floor and for political purposes make speeches such as we frequently hear, but their people at home entertain the same sentiments upon this question that we do, and they will never submit to an admixture of the races. I am appealing now for the adoption of this amendment in order to treat these negro children right and treat them fairly, to take care of them, and take care of them separately from the others, which will have to be done if you want peace in this country as between the two races.

Mr. TINKHAM. Mr. Chairman, I sincerely trust, as a true and sincere believer in the principles of our Constitution and in its assertion of the equality of all men of whatever race or whatever color, that this amendment will not be adopted.

Does the honorable Representative from Florida [Mr. CLARK] think he is upon the soil of Florida and legislating for it? Does he think he is in the South? Does he think he is upon territory the inhabitants of which believe in the proscription and persecution of any race or creed, or upon territory which denies the equality of man because of race or color? Does he not know that he is upon national territory which denies any such difference; upon which there is no such difference? Does he not know such legislation as this House should pass for this territory which belongs to the Nation should represent national ideas; should represent not sectional thought and sectional prejudice but national ideals?

He may legislate in Florida as Florida public opinion may allow, but he can not legislate upon national territory except as national public opinion will permit, at least without a most powerful protest and the strongest contest with all of the real Americans, the true Americans in this House who recognize and believe that an American citizen is entitled to every American right without any inequality or discrimination, whatever his color may be or his creed, whatever his wealth is or his poverty, or whatever his strength is or his weakness.

To a little further develop the principle involved, I assert that upon this national territory, the District of Columbia, which does not belong to Florida any more than it does to Massachusetts, which does not belong to Illinois any more than it does to Oregon, when this House passes legislation for it that legislation should and must be in conformity with national spirit, national principles, and national thought.

If you adopt this proposed amendment and segregate by law the negro and the white, you will upon this national soil recognize differences of race and of color which the Constitution in its spirit and in its words has said should never again be done by the National Government or by national legislation. You will be making law for national territory which is unnecessary, uncalled for, and offensive to a majority, perhaps to at least two-thirds of the States of this Union, to whom belongs this national territory, the District of Columbia. This amendment should be decisively and overwhelmingly defeated. This Congress, in 1916, so many years after the national question involved in this amendment has been decisively and forever settled, should by the defeat of this amendment place the seal forever against any retrocession into medievalism, against any race persecution, and announce to the States of this Union that never again shall a Member of this National House propose by any law to proscribe, needlessly offend, or publicly outrage a race which is as truly American and entitled to every American consideration in law and in treatment under the law as any man who sits upon the floor of this House, or who has ever sat upon the floor of this House, or who ever will sit upon the floor of this House representing a great, free, liberty-loving American constituency.

Mr. TILSON. Mr. Chairman, what the gentleman from Massachusetts [Mr. TINKHAM] has so well said seems to me a sufficient argument why the amendment as a whole should be defeated. An attempt at segregation, such as is here made, should not be permitted to succeed in this House. It is unwise, uncalled for, and as the amendment is written can not be enforced. I call the attention of the committee to the last half of the amendment, which is as follows:

> That no probation officer shall be appointed to deal with or in anywise look after any child of a different race to that of which such probation officer is a member.

If it were definitely settled how many different races make up the population of the District of Columbia, we should then of necessity have a different probation officer for every race, for if we did not no probation officer could handle any children of a particular race unless he were a member of it. What an absurd proposition that would be. Suppose it should be decided just what are the different races of mankind. Representatives of them all probably would be found in this city. If this amendment should prevail, we should be compelled to have one probation officer for the Caucasian race, one for the Mongolian, one for the Negro race, one for the Indian race, one for the Malay race, and one for every other race that could be distinguished. We should have some difficulty in distinguishing what are races and what are branches of races, tribes, and nationalities; and when we had decided those difficult questions, then we should have to appoint a probation officer for each race represented in the District of Columbia. This portion of the amendment is absurd and would be entirely incapable of enforcement.

Mr. MADDEN. Mr. Chairman, if this amendment is adopted, the Congress of the United States will be taking a backward

step, and I believe that the American people are not ready for that sort of action. The enactment of the amendment of the gentleman from Florida [Mr. CLARK], if it could be enforced at all, would require a probation officer for an Irishman, another for an Englishman, another for a Jew, another one for a German, another for a Swede, another for a Yankee, and then would come the question of how you would classify a Yankee, whether he would be classed as black and white or as black or white, for I apprehend that these men who live in the South are Yankees, if anyone can be so classed. They have been there long enough to be called Americans, and if anybody in America can be called Americans these men certainly can be.

It is a humiliating spectacle to witness the Congress of the United States seeking to enact a law to prevent the brand of crime being placed upon a child in the District of Columbia, and in that law at the same time attempting to segregate the races, and saying on the face of the law that no man can be appointed a probation officer except he be of the race with which he is called on to deal. I have always believed that we were Americans acting in the Congress of America for America and Americans, but it does not look like it. It would seem, according to the gentleman from Florida [Mr. CLARK] that we are divided according to races, and the division is sought to be made by those who claim to be Americans speaking for America. Oh, it is a humiliating spectacle to witness! It is an outrage upon the sentiments of the American people to have such an amendment proposed, to say nothing of its being adopted. If we were dealing with the question of what was to be done with the people of Florida, that might be one thing, for they have views that they may have a right to express, perhaps, within the borders of their own State, but I presume to say that we are speaking for all the States of the Union, and not for Florida, and not for the States south of the Mason and Dixon line any more than for those north of the Mason and Dixon line. When we seek, on the floor of this House, to restrict the rights of Americans we go beyond our constitutional privileges. I thought the war of 1861 to 1865 settled the question of what American rights were, but it seems not, for the spirit of secession seems to be just as strong here to-day as it was before the war. They talk about the feeling of amity existing between the people of the States, but every time a question comes before the House, where a question of race can be raised, it is raised on the Democratic side of the House by some Member occupying a place on the floor from the Southern States, where more than half the citizens living in that State are not allowed to exercise their constitutional privileges. The negroes are good enough to count as part of the population which gives you men from the South representation here, but they have no right to speak or vote, and no one here to speak for them——

The CHAIRMAN. The time of the gentleman has expired.

Mr. MADDEN. I hope, however, the time will soon come when the people of America will rise in their might and protest vigorously against any such attitude on your part. [Applause.]

Mr. RAGSDALE. Mr. Chairman, I am especially sorry to hear such utterances from any man on the floor of this House——

Mr. MADDEN. Of course the gentleman is.

Mr. RAGSDALE. Yes; I am. I am ashamed to hear them.

Mr. MADDEN. It does not make any difference whether the gentleman is ashamed or not—nobody cares.

The CHAIRMAN. Gentlemen will not refer to each other personally.

Mr. RAGSDALE. The gentleman from Illinois continued to speak, Mr. Chairman, when the Chair admonished him he was going beyond his time; and now, with the same characteristic method, without asking permission to interrupt me, utterly disregarding me and other southern Members on this floor in their rights, he rises on the floor and, without addressing the Chair, he breaks in at this time. Mr. Chairman, what is it we ask? Is it any innovation here in the District of Columbia? Oh, no, Mr. Chairman. We have a Republican here—one, sir, who is known to be as good a Republican as the gentleman from Illinois or any in this House—who is chairman of this school board. Who was it made him chairman of this school board; was it the Democratic Party? No, Mr. Chairman, the Republican Party made him chairman of the school board, and this board, composed of negroes and whites, has instituted a system in this city that separates the negroes from the whites, and then gentlemen come here and rant about the discrimination against the poor blacks here in the District of Columbia. [Applause.] Oh, Mr. Chairman, that is politics; it is purely politics. It is, of course, for home consumption. [Applause.] It is political; it is an effort to bring the minority back into power, because they know only by such petty politics as these they have any chance for getting back the control of the destinies of this country.

Mr. Chairman, this bill provides merely that there shall be a separation of the whites and the blacks. We provide for the instruction of these children while they are detained. How long will they be detained? Your school board provides for their separation here, sir. Your school board provides they shall be taught in separate schools and provides that they shall be taught by people of their own race. Why should these little children be brought into the schools of detention of the juvenile court and not be segregated, as they are in the other schoolrooms of the District? They are taught in their respective segregated rooms and they are taught by teachers of their own race. Why, now, when they are detained shall those who need teaching the most, who need the greatest amount of instruction, why should they not be segregated? The gentleman from Massachusetts gets up and talks about the Constitution. It is not at all surprising to me that they should arrogate this to themselves as a party, especially when they are put in charge of the bill, the Democrats showing that much courtesy, and this is their return, sir, for putting men who are not of their own kind in charge of this bill. Mr. Chairman, I hope this amendment will pass. I believe, sir, without this amendment this law can not pass. I for one declare that without some restriction of this kind we are not doing right to the taxpayers of the people of South Carolina, who contribute to the support of this national territory, this national ground of which gentlemen speak so much. My people, who are taxed to maintain the schools of this District, have got a right to be heard here, and their opinion to some extent should obtain in its consideration. [Applause.]

Mr. JOHNSON of Kentucky. Mr. Chairman, I ask unanimous consent that all debate on this amendment close in 15 minutes.

Mr. CLARK of Missouri. I would like to have five minutes.

Mr. RAGSDALE. I object, Mr. Chairman.

Mr. JOHNSON of Kentucky. Mr. Chairman, I move that all debate on this section close in 20 minutes.

The CHAIRMAN. The gentleman from Kentucky asks unanimouse consent that all debate on this amendment close in 20 minutes. Is there objection?

Mr. HULBERT. Mr. Chairman, reserving the right to object, I would like to ask the gentleman if he will give me 5 minutes out of that 20?

Mr. STAFFORD. Mr. Chairman, did not the Chair recognize me before the gentleman from Kentucky interposed?

Mr. CLARK of Missouri. I will give the gentleman from New York my five minutes.

The CHAIRMAN. The Chair will state that the Chair recognized the gentleman from Wisconsin first.

Mr. STAFFORD. Mr. Chairman, I regret exceedingly that the color question has been projected into this debate. During my service here I have always refrained in any way from trying to precipitate the color issue so far as the solution of that question concerned the Southern States, but when it comes to determining what should be the policy on the color question in the District of Columbia, then I will not surrender my rights in advocacy of what I believe should be the policy that should be adopted.

I need make no apology to this House or to any constituency that I have gone to school in my younger days with colored persons and have served in college with colored persons. It was a privilege indeed to be associated with such a man as former Assistant United States District Attorney Lewis when he was attending Harvard Law School. He had the ways of a perfect gentleman that made him popular with the student body generally.

But what are you trying to do by this proposed amendment? You are seeking to force by legislation something that is entirely uncalled for. It is not the color of the skin that will determine the criminality of these unfortunates who are assigned to these respective institutions. They will be segregated not according to color, but they will be segregated according to their habits and the delinquency with which they are charged. Can you not leave it to the heads of the institution to determine how this beneficent law shall be administered, rather than by arbitrary legislation prescribe that one with perhaps a little colored blood shall be segregated by himself or shall be refused admission to an institution, unless it is maintained separately and distinctly for that race?

Mr. DAVIS of Texas. Will the gentleman yield?

Mr. STAFFORD. I will.

Mr. DAVIS of Texas. I just wanted to ask the gentleman, if his doctrine is correct, why we have a Chinese and Japanese exclusion act in the United States?

Mr. STAFFORD. Because the Chinese and the Japanese are not native to our soil. The colored people are native and have a right to be here. They were brought here in many instances

against their will. They are our wards. We should not attempt to continue this racial prejudice 50 years after the war. By this legislation you are attempting to revive the old animosity which I had hoped had been long forgotten. Leave it to the administration of the officials of this beneficent law how it shall be carried out. They are not going to mix promiscuously large numbers of persons who are afflicted with loathsome diseases, or criminal taint, or anything of the like with those, either white or colored, charged with minor offenses. What is the purpose of this amendment here unless it is to unduly hamper the officials in the administration of the law, and prevent the delinquents from being assigned to the institutions where they can receive the proper attention that they deserve? Can you not trust the one who has charge of the administration of the law, in charge of the detention home, that he will properly administer the law and not offend the sensibilities of any class? Leave it to him to determine what is right and proper.

Mr. HOWARD. Is the gentleman in favor of the wisdom of the separation of the races in the schools in the city of Washington?

Mr. STAFFORD. In my own community there is no separation, and in northern communities generally with which I am acquainted there is no objection to the work of segregation, and I doubt the need of the separation of the races in the District of Columbia.

Mr. RAGSDALE. Will the gentleman permit a question?

Mr. STAFFORD. I will be glad to do so.

Mr. RAGSDALE. Do you not think that when the representation on the school board is 33⅓ per cent of the negro race, when their taxable property is only 28 per cent, and that representation agrees with the balance of the board, the majority of which is Republican, that they should be segregated, they know what they are trying to do?

Mr. STAFFORD. By this amendment you are taking discretion away from those in control, and enforcing separation which can not be justified. [Applause.]

Mr. CLARK of Florida. Mr. Chairman, I offer this as a substitute for the other amendment and ask unanimous consent to withdraw the other amendment.

The CHAIRMAN. The gentleman from Florida asks unanimous consent to withdraw his former amendment and now offers another amendment in lieu thereof. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the amendment.

The Clerk read as follows:

Amend on page 28 by adding a new section, as follows:

"SEC. 47. That in the administration of this act the white and negro children shall be kept entirely separate, and under no condition shall they be sent to or kept in the same institution, and that no negro probation officers shall be appointed to deal with or in anywise look after any white child, nor shall any white man be appointed as probation officer to deal with or look after any negro child."

Mr. JOHNSON of Kentucky. Mr. Chairman, I ask unanimous consent that all debate on this amendment close in 35 minutes.

The CHAIRMAN. The gentleman from Kentucky [Mr. JOHNSON] asks unanimous consent that all debate on this amendment close in 35 minutes. Is there objection? [After a pause.] The Chair hears none. The gentleman from Florida [Mr. CLARK] is recognized.

Mr. CLARK of Florida. The gentleman from Kentucky [Mr. JOHNSON] has the time, and I have entered into an arrangement with him that I shall wait on him. [Cries of "Vote!" "Vote!"]

Mr. CLARK of Florida. Let us vote, then, Mr. Chairman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. CLARK].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. CLARK of Florida. Division!

The committee divided; and there were—ayes 49, noes 53.

Mr. CLARK of Florida. Tellers, Mr. Chairman.

Tellers were ordered, and Mr. CLARK of Florida and Mr. TINKHAM took their places as tellers.

The committee again divided; and the tellers reported—ayes 58, noes 63.

So the amendment was rejected.

Mr. HOWARD. Mr. Chairman, I offer the following amendment.

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

The Clerk read as follows:

Add as a separate section on page 28:

"That all crimes involving capital punishment or life imprisonment, where the child so charged has attained the age of 12 years, shall be committed to the Supreme Court of the District of Columbia for such action as is prescribed by law: *Provided*, That should no action be taken in the said case the child shall be returned to the juvenile court for such action as may be necessary for the proper care of said child or disposition of said case."

Mr. HOWARD. Mr. Chairman, the object of this amendment was to meet an objection offered by the gentleman from Illinois [Mr. MANN] to the amendment of the gentleman from Kentucky [Mr. BARKLEY]. The old common-law rule, as I understand, as to infancy is 10 years. This bill makes amenable to the Supreme Court of the District of Columbia directly any child that has attained the age of 12 and is between the ages of 12 and 17 that has committed any crime which involves capital punishment or imprisonment in the penitentiary for life.

I can not consistently support this measure unless this provision is added. I think it is an important provision. It gives exclusive jurisdiction to the supreme court in this class of cases where the child has attained the age of 12.

Now, to meet the objection offered by the gentleman from Illinois [Mr. MANN], if this child is committed to the supreme court, being over 12 years of age, and the supreme court, after an investigation of the facts surrounding the commission of the crime, decides that the child is not guilty of a crime which carries with it a punishment equivalent to capital punishment or life imprisonment, the case is retransferred to the juvenile court, for the juvenile court to take such action in the premises as it may deem meet and proper.

Now, it does not take a single, solitary right away from the juvenile court that it should properly exercise. I think the distinguished gentleman from Iowa [Mr. TOWNER], who is a friend of this bill, will agree that this amendment does not work any hardship upon the children. I think the gentleman from Massachusetts [Mr. TINKHAM] in charge of the bill will admit that this amendment ought to go in for the purpose of meeting the objections that have been interposed by several gentlemen on the floor of the House.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Georgia [Mr. HOWARD].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. HOWARD. A division, Mr. Chairman.

The committee divided; and there were—ayes 32, noes 41.

So the amendment was rejected.

Mr. CLARK of Missouri. Mr. Chairman, I move to strike out the paragraph.

The CHAIRMAN. The gentleman from Missouri moves to strike out the paragraph.

Mr. CLARK of Missouri. Mr. Chairman and gentlemen, about the pending bill and amendments I know little and will say nothing. I regret exceedingly that this debate has strayed off into a futile discussion of the race question. You might just as well be discussing the great question as to who hit Billy Patterson, or who fired the Ephesian dome, or how old is Ann, or who was the man in the iron mask as to be discussing this color question. [Laughter.] It is gradually and slowly settling itself, and all the talk Congress can do will not expedite the settlement. At any rate, it has no proper place in the consideration of the pending bill.

The suggestion I want to make is this: You have wasted three mortal hours on a question that is absolutely immaterial; that is, most of the talk was about one that was immaterial. If you gentlemen keep on wasting time in this way, we are going to be in session when the frost comes next fall. As we all want to get away from here, my advice to all, on both sides of the Chamber, is, leave out these superfluous debates. [Applause.] Stick to the business before the House and get away from here. I wish Congress could adjourn to-night. [Applause.] Because as long as we stay here some gentleman with an inflammable temper is liable to precipitate a debate that will ring around the world and will do a wonderful amount of devilment. [Applause.] Of course, there is no danger of most of the Members doing that. But you can never tell what anybody is going to do when he is in a close personal contest in a debate.

You Republicans are just as much interested in getting away from here as the Democrats are, because you have to look after your fences as well as the Democrats have. [Laughter.] You have not the world by the tail with a downhill pull by any means. [Laughter.]

A MEMBER. Pretty nearly. [Laughter.]

Mr. CLARK of Missouri. Oh, no; you have not. Your tail hold will slip. [Laughter.]

Having said that much, I am going to say something about this educational question. I have a perfect right to talk about it. I was born and reared in Kentucky. When a child I played with the negro children as well as with white children. I worked with the negroes. I ate with them sometimes out in the fields by the big springs at harvest time. These

things did not alter our social relations one whit—a fact thoroughly understood by both the Caucasians and the Negroes. I live among them now. There are 5,000 of them in my district that vote, and most of them, unfortunately, vote the Republican ticket [laughter], although in increasing numbers they are accumulating sense enough to vote the Democratic ticket. [Renewed laughter.] There is another reason. Some of the hardest fights that ever I made in court have been, by appointment of a judge, generally to defend some poor, friendless negroes, and I have made just as hard a fight for them as I would have made for the President of the United States, or the Governor of Missouri, or anybody else, and I would do it over again. [Applause.] Many of my southern brethren here have done likewise. If they get into trouble in my town they come to see me when I am at home, and I aid them just as much as I would the white unfortunate. Personally they are friendly to me and mine and we are friendly to them. Another reason why I talk about it is that from the very beginning Missouri has given negro children precisely the same school facilities that she has given her own white children. [Applause.]

I will tell the gentleman from Massachusetts [Mr. TINKHAM] a thing that he does not know. If Missouri were to adopt the Massachusetts qualifications on suffrage, the Vermont qualifications on suffrage, or the Mississippi qualiffcations on suffrage, which Mississippi copied verbatim from Massachusetts and Vermont, it would not disfranchise 10 per cent of the negroes in Missouri. You have to get old ones, who were grown up past school age before they were made free, to find negroes in Missouri who can not read and write, and, as a matter of fact, a good many of them in Missouri and in Kentucky and other border States could read and write before the war.

Now, what is all this hullabaloo about that you have been carrying on here for three hours, when you ought to have passed this bill two hours and a half ago? [Laughter.] It is about a question that is as dead as the men who lived before the flood. This color question is working itself out, and it is got to be worked out, as Mr. Speaker CANNON knows—because he was born down there—it must be worked out by individual communities and States. [Applause.] That is the way it must be worked out; and the trouble is—and I say it with all kindness—that you Northern people do not know half as much about it as we do. [Applause.] That is the truth. Nobody who has any sense, Democrat or Republican, wants to mistreat the negroes. We give them work; we treat them in a kindly way; and what is more important, we pay them full wages. The idea that we maltreat them is absolutely preposterous. We want to give them a fair chance in the race of life, and I have always said that Dr. Booker T. Washington did a great work. His advice to them was to go to work and prepare themselves at what are called vocational-training schools in order to make a living. If I had my way about it, that would be the principal feature in all the schools of America, white as well as black. [Applause.] The Germans have what they call bread-and-butter sciences, and all of us, with a few exceptions, so few that it is not necessary to mention them—your children, my children, and the children of nearly everybody else in this country, black, white, yellow, or red, must spend the most of their lives in learning and in practicing the bread-and-butter sciences. [Applause.] To sum the whole discussion up: We have 11,000,000 negroes in this country. We are tied to them and they are tied to us. Certainly it is best for the country to make the best citizens that it is possible to make of them. Increase their virtue and intelligence and the Republic will be better off. Some of you Republicans made speeches for political effect, and I have a lurking suspicion that some of these Democrats did, too, for local effect. [Laughter.] I leave off where I began by urging you, one and all, without regard to political affiliations, to cease from wasting time in useless and unnecessary debate and go to work and get ready to get away from here at the earliest possible moment consistent with the proper transaction of the public business. [Applause.]

Mr. JOHNSON of Kentucky. Mr. Chairman, I move that the committee do now rise and report the bill and amendments to the House, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. MANN. There is but one amendment.

Mr. JOHNSON of Kentucky. One amendment.

The CHAIRMAN. The gentleman from Kentucky moves that the committee do now rise and report the bill and amendment to the House with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. RAKER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 8348) to amend an act entitled "An act to create a juvenile court in and for the District of Columbia, and for other purposes," and had directed him to report the same back to the House with an amendment in the nature of a substitute, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The SPEAKER. The question is on agreeing to the amendment in the nature of a substitute.

The amendment in the nature of a substitute was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time.

Mr. CLARK of Florida. Mr. Speaker, I move to recommit the bill with instructions.

The SPEAKER. The Clerk will report the motion.

The Clerk read as follows:

Mr. CLARK of Florida moves to recommit the bill (H. R. 8348) to the Committee of the Whole House on the state of the Union with instructions to report the same back instanter with the following amendment: Add to the bill as an additional section the following:

"SEC. 47. That in the administration of this act the white and negro shall be kept entirely separate, and under no condition shall they be sent to or kept in the same institution, and that no negro probation officer shall be appointed to deal with or in anywise look after any white child, nor shall any white man be appointed as probation officer to deal with or look after any negro child.

Mr. JOHNSON of Kentucky. Mr. Speaker, I move the previous question on the bill and amendments to the final passage.

The previous question was ordered.

Mr. RAKER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RAKER. The bill which the House had under consideration was H. R. 8348, and the House simply took the provisions of H. R. 13048 and substituted that as one amendment. Now, the gentleman's motion is to recommit H. R. 13048 instead of H. R. 8348.

Mr. CLARK of Florida. That is true. I ask that that correction be made.

The SPEAKER. The gentleman asks that that correction be made. Without objection, it will be so ordered. The question is on the motion to recommit.

Mr. CLARK of Florida. Mr. Speaker, on that I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 112, nays 197, answered "present" 5, not voting 119, as follows:

YEAS—112.

Abercrombie	Dickinson	Igoe	Saunders
Adamson	Dies	Jacoway	Sears
Aiken	Eagle	Johnson, Ky.	Sells
Alexander	Estopinal	Kincheloe	Shallenberger
Almon	Ferris	Lazaro	Sims
Aswell	Finley	Lee	Slayden
Austin	Flood	Lever	Small
Barkley	Garner	Linthicum	Smith, Tex.
Bell	Garrett	McClintic	Steagall
Black	Goodwin, Ark.	McKellar	Stephens, Miss.
Blackmon	Gray, Ala.	McLemore	Stephens, Nebr.
Britt	Gregg	Martin	Stephens, Tex.
Buchanan, Tex.	Hamlin	Mays	Sumners
Burgess	Hardy	Montague	Taylor, Ark.
Byrnes, S. C.	Harrison	Nicholls, S. C.	Taylor, Colo.
Byrns, Tenn.	Hastings	Oldfield	Thompson
Callaway	Hay	Oliver	Tillman
Candler, Miss.	Heflin	Park	Tribble
Caraway	Helm	Pou	Venable
Carter, Okla.	Hensley	Powers	Vinson
Church	Hilliard	Quin	Walker
Clark, Fla.	Holland	Ragsdale	Watson, Va.
Coady	Hood	Rayburn	Webb
Collier	Howard	Rouse	Whaley
Crisp	Huddleston	Rubey	Wilson, La.
Davenport	Hughes	Rucker	Wingo
Davis, Tex.	Hull, Tenn.	Russell, Mo.	Wise
Dent	Humphreys, Miss.	Sanford	Young, Tex.

NAYS—197.

Allen	Conry	Edmonds	Hadley
Anderson	Cooper, W. Va.	Ellsworth	Hamilton, Mich.
Anthony	Cooper, Wis.	Elston	Hamilton, N. Y.
Ashbrook	Copley	Emerson	Haskell
Bailey	Cox	Esch	Haugen
Barnhart	Crago	Evans	Hawley
Beakes	Cramton	Farr	Hayden
Britten	Curry	Fess	Hayes
Browne	Dale, N. Y.	Foster	Helgesen
Bruckner	Dale, Vt.	Frear	Helvering
Brumbaugh	Danforth	Freeman	Hernandez
Buchanan, Ill.	Dempsey	Fuller	Hicks
Burke	Denison	Gandy	Hill
Butler	Dillon	Gard	Hinds
Campbell	Dixon	Glynn	Hopwood
Cannon	Dooling	Good	Howell
Capstick	Doolittle	Gould	Hulbert
Carew	Doremus	Gray, Ind.	Hull, Iowa
Cary	Dowell	Green, Iowa	Humphrey, Wash.
Charles	Dunn	Greene, Mass.	Husted
Cline	Dyer	Greene, Vt.	Johnson, Wash.
Connelly	Eagan	Griffin	Kahn

Keating	Mann	Ramseyer	Stout
Kelley	Mapes	Randall	Sulloway
Kennedy, Iowa	Matthews	Rauch	Sweet
Kent	Meeker	Reavis	Swift
Kettner	Miller, Minn.	Reilly	Taggart
Key, Ohio	Miller, Pa.	Ricketts	Tavenner
King	Mondell	Roberts, Nev.	Temple
Kinkaid	Moore, Pa.	Rodenberg	Tilson
Konop	Moores, Ind.	Rowland	Timberlake
La Follette	Morgan, Okla.	Schall	Tinkham
Langley	Morrison	Scott, Mich.	Towner
Lehlbach	Moss, Ind.	Scully	Van Dyke
Lenroot	Mott	Sherley	Volstead
Lieb	Neely	Sherwood	Walsh
Littlepage	Nelson	Siegel	Ward
Lloyd	Nichols, Mich.	Sinnott	Wason
London	North	Sloan	Watson, Pa.
Longworth	Oakey	Smith, Idaho	Wheeler
Loud	Olney	Smith, Mich.	Williams, T. S.
McAndrews	Overymyer	Smith, Minn.	Williams, W. E.
McArthur	Paige, Mass.	Smith, N. Y.	Williams, Ohio
McCracken	Parker, N. Y.	Snyder	Wilson, Ill.
McDermott	Peters	Stafford	Wood, Ind.
McFadden	Phelan	Steele, Iowa	Woods, Iowa
McGillicuddy	Platt	Stephens, Cal.	Young, N. Dak.
McKenzie	Pratt	Sterling	
Madden	Rainey	Stiness	
Magee	Raker	Stone	

ANSWERED "PRESENT"—5.

Dill	Fordney	Glass	Miller, Del.
Page, N. C.			

NOT VOTING—119.

Adair	Dupré	Kearns	Patten
Ayres	Edwards	Keister	Porter
Bacharach	Fairchild	Kennedy, R. I.	Price
Barchfeld	Farley	Kiess, Pa.	Riordan
Beales	Fields	Kitchin	Roberts, Mass.
Bennet	Fitzgerald	Kreider	Rogers
Booher	Flynn	Lafean	Rowe
Borland	Focht	Lesher	Russell, Ohio
Browning	Foss	Lewis	Sabath
Burnett	Gallagher	Liebel	Scott, Pa.
Caldwell	Gallivan	Lindbergh	Shackleford
Cantrill	Gardner	Lobeck	Shouse
Carlin	Garland	Loft	Sisson
Carter, Mass.	Gillett	McCulloch	Slemp
Casey	Godwin, N. C.	McKinley	Snell
Chandler, N. Y.	Gordon	McLaughlin	Sparkman
Chiperfield	Graham	Maher	Stedman
Coleman	Gray, N. J.	Moon	Steele, Pa.
Cooper, Ohio	Griest	Mooney	Steenerson
Costello	Guernsey	Morgan, La.	Sutherland
Crosser	Hamill	Morin	Switzer
Cullop	Hart	Moss, W. Va.	Tague
Dallinger	Heaton	Mudd	Talbott
Darrow	Henry	Murray	Thomas
Davis, Minn.	Hollingsworth	Nolan	Treadway
Decker	Houston	Norton	Vare
Dewalt	Hutchinson	Oglesby	Watkins
Doughton	James	O'Shaunessy	Wilson, Fla.
Driscoll	Johnson, S. Dak.	Padgett	Winslow
Drukker	Jones	Parker, N. J.	

So the motion to recommit was rejected.

The following pairs were announced:

Until further notice:

Mr. SABATH with Mr. SELLS.

Mr. PATTEN with Mr. FAIRCHILD.

Mr. JOHNSON of South Dakota with Mr. MILLER of Delaware.

Mr. MOON with Mr. CHIPERFIELD.

Mr. DOUGHTON with Mr. WINSLOW.

Mr. DEWALT with Mr. COLEMAN.

Mr. LANGLEY with Mr. CANTRILL.

Mr. GALLAGHER with Mr. HOLLINGSWORTH.

Mr. DUPRÉ with Mr. FOSS.

Mr. TAGUE with Mr. MCKINLEY.

Mr. THOMAS with Mr. NORTON.

Mr. STEDMAN with Mr. COSTELLO.

Mr. O'SHAUNESSY with Mr. GRAHAM.

Mr. GORDON with Mr. MOONEY.

Mr. MORGAN of Louisiana with Mr. DARROW.

Mr. GRAY of Indiana with Mr. LAFEAN.

Mr. TALBOTT with Mr. SCOTT of Pennsylvania.

Mr. BOOHER with Mr. BENNET.

Mr. SISSON with Mr. FORDNEY.

Mr. DILL with Mr. GARLAND.

Mr. LIEBEL with Mr. VARE.

Mr. LEWIS with Mr. BEALES.

Mr. FITZGERALD with Mr. GILLETT.

Mr. KITCHIN with Mr. BROWNING.

Mr. BORLAND with Mr. TREADWAY.

Mr. BURNETT with Mr. DRUKKER.

Mr. HENRY with Mr. DALLINGER.

Mr. LESHER with Mr. SWITZER.

Mr. FIELDS with Mr. STEENERSON.

Mr. CALDWELL with Mr. ROGERS.

Mr. SHACKLEFORD with Mr. KREIDER.

Mr. CARLIN with Mr. FOCHT.

Mr. JONES with Mr. CHANDLER of New York.

Mr. AYRES with Mr. SNELL.

Mr. WATKINS with Mr. MUDD.

Mr. FARLEY with Mr. RUSSELL of Ohio.

Mr. DRISCOLL with Mr. BACHARACH.

Mr. HART with Mr. CARTER of Massachusetts.

Mr. CULLOP with Mr. GRAY of New Jersey.

Mr. LOBECK with Mr. MCLAUGHLIN.

Mr. WILSON of Florida with Mr. ROBERTS of Massachusetts.

Mr. SHOUSE with Mr. MORIN.

Mr. FLYNN with Mr. JAMES.

Mr. DECKER with Mr. HEATON.

Mr. RIORDAN with Mr. MCCULLOCH.

Mr. LOFT with Mr. PARKER of New Jersey.

Mr. MAHER with Mr. SLEMP.

Mr. GODWIN of North Carolina with Mr. COOPER of Ohio.

Mr. CROSSER with Mr. KENNEDY of Rhode Island.

Mr. GALLIVAN with Mr. KIESS of Pennsylvania.

Mr. HOUSTON with Mr. GUERNSEY.

Mr. OGLESBY with Mr. DAVIS of Minnesota.

Mr. ADAIR with Mr. PORTER.

Mr. MURRAY with Mr. KEARNS.

Mr. PRICE with Mr. HUTCHINSON.

Mr. EDWARDS with Mr. KEISTER.

Mr. HAMILL with Mr. GRIEST.

Mr. CASEY with Mr. LAFEAN.

Ending May 18:

Mr. SPARKMAN with Mr. BARCHFELD.

Mr. FORDNEY. Mr. Speaker, I voted "no." I am paired with the gentleman from Mississippi, Mr. SISSON, and I wish to vote "present."

The name of Mr. FORDNEY was called, and he answered "Present," as above recorded.

Mr. GLASS. Mr. Speaker, I voted "aye," but I want to withdraw my vote and answer "present."

Mr. GLASS's name was called, and he answered "Present," as above recorded.

The SPEAKER announced the vote as above recorded.

The SPEAKER. The question now is on the passage of the bill.

The question was being taken when Mr. TRIBBLE demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 219, nays 87, answered "present" 3, not voting 124, as follows:

YEAS—219.

Alexander	Edmonds	Konop	Rodenberg
Allen	Ellsworth	La Follette	Rouse
Anderson	Elston	Lehlbach	Rowland
Anthony	Esch	Lenroot	Rubey
Ashbrook	Evans	Lieb	Rucker
Austin	Farr	Linthicum	Russell, Mo.
Ayres	Ferris	Lloyd	Sanford
Bailey	Fess	London	Saunders
Barkley	Foster	Longworth	Scott, Mich.
Barnhart	Frear	Loud	Scully
Beakes	Freeman	McAndrews	Shackleford
Britten	Fuller	McArthur	Shallenberger
Browne	Gard	McCracken	Sherwood
Bruckner	Garrett	McDermott	Siegel
Brumbaugh	Glynn	McFadden	Sims
Buchanan, Ill.	Good	McGillicuddy	Sinnott
Burke	Gould	Madden	Slemp
Butler	Gray, Ind.	Magee	Sloan
Campbell	Green, Iowa	Mann	Small
Cannon	Greene, Mass.	Mapes	Smith, Idaho
Capstick	Greene, Vt.	Matthews	Smith, Mich.
Carew	Gregg	Mays	Smith, Minn.
Carter, Okla.	Griffin	Meeker	Smith, N. Y.
Cary	Hadley	Miller, Minn.	Snyder
Casey	Hamilton, Mich.	Miller, Pa.	Stafford
Charles	Hamilton, N.Y.	Mondell	Steele, Iowa
Church	Hamlin	Montague	Stephens, Cal.
Cline	Haskell	Moore, Pa.	Sterling
Coady	Hastings	Moores, Ind.	Stiness
Connelly	Hawley	Morgan, Okla.	Stone
Conry	Hay	Morrison	Stout
Cooper, W. Va.	Hayden	Moss, Ind.	Sulloway
Cooper, Wis.	Heivering	Mott	Sutherland
Copley	Hensley	Neely	Sweet
Cox	Hernandez	Nichols, Mich.	Swift
Crago	Hicks	North	Taggart
Cramton	Hill	Oakey	Tavenner
Curry	Hinds	Oglesby	Taylor, Colo.
Dale, N. Y.	Hopwood	Olney	Temple
Dale, Vt.	Howell	Overmyer	Tilson
Danforth	Hulbert	Paige, Mass.	Timberlake
Davenport	Hull, Iowa	Parker, N. Y.	Tinkham
Dempsey	Humphrey, Wash.	Peters	Towner
Denison	Igoe	Phelan	Van Dyke
Dickinson	Johnson, Ky.	Platt	Volstead
Dill	Johnson, Wash.	Pratt	Walsh
Dillon	Kahn	Rainey	Ward
Dixon	Keating	Raker	Wason
Dooling	Kelley	Ramseyer	Watson, Pa.
Doolittle	Kennedy, Iowa	Randall	Watson, Va.
Doremus	Kent	Rauch	Williams, T. S.
Dowell	Kettner	Reavis	Williams, W. E.
Dunn	Key, Ohio	Reilly	Wilson, Ill.
Dyer	King	Ricketts	Woods, Iowa.
Eagan	Kinkaid	Roberts, Nev.	

NAYS—87.

Abercrombie	Eagle	Jacoway	Smith, Tex.
Adamson	Edwards	Kincheloe	Steagall
Aiken	Emerson	Lazaro	Steenerson
Almon	Estopinal	Lee	Stephens, Miss.
Aswell	Finley	Lever	Stephens, Tex.
Bell	Flood	McClintic	Sumners
Black	Gandy	McKellar	Taylor, Ark.
Blackmon	Garner	McLemore	Thompson
Britt	Goodwin, Ark.	Martin	Tillman
Buchanan, Tex.	Gray, Ala.	Nicholls, S. C.	Tribble
Burgess	Hardy	Oldfield	Venable
Byrnes, S. C.	Harrison	Oliver	Vinson
Byrns, Tenn.	Haugen	Page, N. C.	Walker
Callaway	Heflin	Park	Webb
Candler, Miss.	Helm	Pou	Whaley
Caraway	Hilliard	Powers	Wheeler
Clark, Fla.	Holland	Quin	Williams, Ohio
Collier	Hood	Ragsdale	Wilson, La.
Crisp	Howard	Rayburn	Wingo
Davis, Tex.	Huddleston	Schall	Wise
Dent	Hughes	Sears	Young, Tex.
Dies	Humphreys, Miss.	Slayden	

ANSWERED "PRESENT"—3.

Fordney	Houston	Miller, Del.

NOT VOTING—124.

Adair	Fields	Keister	Parker, N. J.
Bacharach	Fitzgerald	Kennedy, R. I.	Patten
Barchfeld	Flynn	Kiess, Pa.	Porter
Beales	Focht	Kitchin	Price
Bennet	Foss	Kreider	Riordan
Booher	Gallagher	Lafean	Roberts, Mass.
Borland	Gallivan	Langley	Rogers
Browning	Gardner	Lesher	Rowe
Burnett	Garland	Lewis	Russell, Ohio
Caldwell	Gillett	Liebel	Sabath
Cantrill	Glass	Lindbergh	Scott, Pa.
Carlin	Godwin, N. C.	Littlepage	Sells
Carter, Mass.	Gordon	Lobeck	Sherley
Chandler, N. Y.	Graham	Loft	Shouse
Chiperfield	Gray, N. J.	McCulloch	Sisson
Coleman	Griest	McKenzie	Snell
Cooper, Ohio	Guernsey	McKinley	Sparkman
Costello	Hamill	McLaughlin	Stedman
Crosser	Hart	Maher	Steele, Pa.
Cullop	Hayes	Moon	Stephens, Nebr.
Dallinger	Heaton	Mooney	Switzer
Darrow	Helgesen	Morgan, La.	Tague
Davis, Minn.	Henry	Morin	Talbott
Decker	Hollingsworth	Moss, W. Va.	Thomas
Dewalt	Hull, Tenn.	Mudd	Treadway
Doughton	Husted	Murray	Vare
Driscoll	Hutchinson	Nelson	Watkins
Drukker	James	Nolan	Wilson, Fla.
Dupré	Johnson, S. Dak.	Norton	Winslow
Fairchild	Jones	O'Shaunessy	Wood, Ind.
Farley	Kearns	Padgett	Young, N. Dak.

So the bill was passed.

The Clerk announced the following additional pairs:

Until further notice:

Mr. FIELDS with Mr. SNELL.

Mr. STEPHENS of Nebraska with Mr. GARLAND.

Mr. HULL of Tennessee with Mr. LAFEAN.

Mr. SHERLEY with Mr. ROWE.

Mr. GLASS with Mr. MCKENZIE.

Mr. STEELE of Pennsylvania with Mr. Moss of West Virginia.

Mr. MAHER with Mr. HAYES.

Mr. SEARS with Mr. HUSTED.

The result of the vote was announced as above recorded.

On motion of Mr. JOHNSON of Kentucky, a motion to reconsider the vote by which the bill was passed was laid on the table.

COST OF LIVING IN THE DISTRICT OF COLUMBIA.

Mr. JOHNSON of Kentucky. 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 House joint resolution 91, authorizing and directing the Department of Labor to make an inquiry into the cost of living in the District of Columbia and to report thereon to Congress as early as practicable.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED.

The SPEAKER announced his signature to enrolled joint resolutions of the following titles:

S. J. Res. 121. Joint resolution authorizing the appointment of a representative of the United States Government to appear at the celebration of the landing of Sir Francis Drake on the coast of California; and

S. J. Res. 98. Joint resolution to print as a public document the final report and testimony submitted to Congress by the United States Commission on Industrial Relations.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 6241. An act to ratify, approve, and confirm an act amending the franchise granted to H. P. Baldwin, R. A. Wadsworth, J. N. S. Williams, D. C. Lindsay, C. D. Lufkin, James L. Coke, and W. T. Robinson, and now held under assignment to Island Electric Co. (Ltd.), by extending it to include the Makawao district on the island of Maui, Territory of Hawaii; and extending the control of the public utilities commission of the Territory of Hawaii to said franchise and its holder;

H. R. 9909. An act to authorize the Chicago, Milwaukee & St. Paul Railway Co. to construct a bridge across the Missouri River; and

H. R. 11320. An act granting the consent of Congress to the counties of Twin Falls and Minidoka, State of Idaho, to construct a bridge across Snake River.

ENROLLED JOINT RESOLUTION AND BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. LAZARO, 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 enrolled joint resolution and bills:

H. J. Res. 87. Joint resolution authorizing and directing the Secretary of the Treasury to credit the stamp account of Edward B. Craig, as collector of internal revenue for the collection district of Tennessee, in the sum of $2,034.89, being the representative value of certain internal-revenue documentary stamps which were taken from the office of said collector by an act of burglary;

H. R. 4701. An act to establish in the War Department and in the Navy Department, respectively, a roll, designated as "the Army and Navy medal of honor roll," and for other purposes;

H. R. 5835. An act for the relief of James Stanton;

H. R. 7248. An act for the relief of the United States Drainage & Irrigation Co.;

H. R. 7502. An act for the relief of Ellis P. Garton, administrator of the estate of H. B. Garton, deceased;

H. R. 7862. An act for the relief of New England Coal & Coke Co., owner of the American barges *Emilie* and *Cassie*, and Bruusgaard Kiosterud Dampskibsaktieselskab, owner of the Norwegian steamship *Hesperos*; and

H. R. 9803. An act to emancipate from certain disabilities children who have judgments of conviction for crime of record against them in the juvenile court of the District of Columbia.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 4256. An act to amend section 5146 of the Revised Statutes of the United States, so as to permit national banks located near the boundary line of adjoining States, subject to the discretion of the Comptroller of the Currency, to select only a majority, instead of three-fourths, of their directors from residents of the State in which they are respectively located; to the Committee on Banking and Currency; and

S. 606. An act for the relief of James C. Hilton; to the Committee on Claims.

INCREASE OF MILITARY ESTABLISHMENT.

Mr. GARRETT. Mr. Speaker, I present a privileged report from the Committee on Rules, which I send to the desk and ask to have read.

The SPEAKER. That is preferential, and the Clerk will report it.

The Clerk read as follows:

House resolution 215.

The Committee on Rules, to which was referred H. Res. 215, respectfully report the same to the House with the recommendation that it do pass.

Resolved, That upon the adoption of this resolution the Committee on Military Affairs be, and hereby is, discharged from the consideration of H. R. 12766, a bill to increase the efficiency of the Military Establishment of the United States, with the Senate amendments thereto; that the said Senate amendments be, and hereby are, disagreed to by the House and a conference asked by the Senate on the disagreeing votes of the two Houses on the said bill; and the Speaker shall immediately appoint the managers on the part of the House, without intervening motion.

Mr. MANN. Mr. Speaker, I make the point of order that this is not a privileged rule.

The SPEAKER. The Chair will hear the gentleman.

Mr. MANN. Mr. Speaker, the rule provides that the Committee on Rules shall not report any rule or order which shall operate to prevent the motion to recommit being made as provided in paragraph 4 of Rule XVI.

Paragraph 4 of Rule XVI provides:

When a question is under debate, no motion shall be received but to adjourn, lay on the table, for the previous question (which motions shall be decided without debate), to postpone to a day certain, to refer, or to amend or postpone indefinitely.

Further:

After the previous question shall have been ordered on the passage of a bill or joint resolution, one motion to recommit shall be in order, and the Speaker shall give preference in recognition for such purpose to a Member who is opposed to the bill or joint resolution.

There is no distinction between a motion to recommit and a motion to refer, so that paragraph 4 of Rule XVI provides in two places for a motion to refer or a motion to recommit. This matter was before the House on October 9, 1913 (p. 5520 of the RECORD, vol. 50, pt. 6), at which time a rule was reported from the Committee on Rules in reference to the urgent deficiency bill providing:

Resolved, That immediately upon the adoption of this order the bill (H. R. 7898) making appropriations to supply urgent deficiencies in appropriations for the fiscal year 1913, and for other purposes, together with the amendments of the Senate thereto, be taken from the Speaker's table, that the amendments of the Senate thereto be disagreed to in gross, that the conference asked by the Senate be agreed to, and that the Speaker, without intervening motion, appoint managers on the part of the House.

The present rule is drafted, I think, upon that rule in all probability. I made the point of order at that time that that resolution was not privileged. The Speaker finally overruled the point of order and held that the motion was privileged and that there was no right to make the motion to recommit. As far as I can gather, the Speaker based his decision upon these grounds: That the right in the minority to move to recommit would still exist when the conference report was made to the House. That is what the Speaker stated.

The SPEAKER. If the gentleman will permit, the other day when these questions were floating around here in the air, and, being threatened, the Chair took particular pains to investigate that question. And the Chair has no doubt in his mind whatever that you can make a motion to recommit a conference report, and make it with instructions, at that.

That case was where the rule provided that the House should agree to a conference asked for by the Senate, and under the practice of the two bodies the House that has asked for a conference acts last upon the report and the House that agrees to a conference acts first upon the conference report. Therefore, when the Speaker stated at the time this matter was up before that the rights of the minority would still be preserved to make a motion to recommit the conference report, it was based upon that proposition, but the right to move to recommit a conference report does not exist after one of the bodies has acted upon the report and the conferees are discharged, and if this bill comes back to the House with a conference report it will be after the Senate has acted upon the conference report, and if the Senate agrees to the conference report it would be too late to make the motion in the House to recommit the bill to the conference committee, because the conferees on the part of the Senate will have been discharged, and the rules provide that you can not make the motion to recommit a conference report to the conferees after the managers on the part of either the House or the Senate have been discharged.

There is no chance for the minority to make a motion to recommit this bill except at this time, if the conferees agree upon a report, as we have the right to assume that they will, and if the Speaker holds that you can bring in a rule to send a bill to conference by disagreement, cutting out the motion to recommit, then you absolutely destroy the right of the minority to make the motion to recommit. In the argument on that question on October 9, 1913, Mr. SHERLEY, on page 5521, said:

If the Speaker will permit, I should like to suggest another matter. The Senate having asked a conference and the conference being ordered, the matter will have to come to this House before the Senate can act on it, and therefore the condition that the gentleman presents when a motion to recommit would not be in order on a conference report can not arise as to this particular matter.

Mr. Speaker, as I understood at that time, and as I understand from the reading of what took place at that time, the Speaker put his decision upon the proposition that the Senate having asked for a conference, the House agreeing to the conference, the conference report would have to come before the House when the conferees were not yet discharged, and when the motion to recommit the conference report would be in order. But under this rule before the conference report comes to the House the Senate must have acted upon the conference report and it is too late to make a motion to recommit the bill to the conference committee.

Mr. GARRETT. Mr. Speaker, I do not know that I understood fully the argument of the gentleman from Illinois [Mr. MANN]. The situation here is not a complex one nor is it an unusual one. On the 23d of March the House of Representatives passed a bill to increase the efficiency of the Military Establishment of the United States. That bill in the regular course went to the Senate, and it has been acted upon by the Senate, the Senate having adopted two amendments. One is an amendment which strikes out all of the House bill and inserts an entirely new bill. The other amendment amends the title. The Senate action in the regular course has been reported to the House in the usual way, and an effort was made by the chairman of the Committee on Military Affairs to secure, by unanimous consent, a disagreement to the Senate amendments and to ask for a conference. That was objected to by the gentleman from Illinois [Mr. MANN], and under the rules of the House the House bill as it was amended by the Senate went to the Committee on Military Affairs, where it now rests. The resolution which is presented here is in accordance with numerous precedents. It provides for the discharge of that committee, a disagreement to the Senate amendment, and a request for a conference. The motion to recommit, to which the gentleman from Illinois referred, does not apply, nor can it, in my opinion, by any possible construction of the rules be brought to apply to a situation such as that which we have before us now. If this matter can not go to conference in this way, how else can it go to conference? There is only one other way—that is, by unanimous consent—and that has been tried.

Is it possible, Mr. Speaker, that by any sort of construction of any rule of the House this House can be said to have so tied its hands as that it can not ask for a conference upon a bill? The motion to recommit, to which the gentleman refers, applies to an entirely different situation. It is true that the general rules of the House prevent the Committee on Rules from bringing in any special rule which would deprive the minority, whether a partisan minority or a numerical minority, or whatever it might be, of the power to make the motion to recommit, and thereby to make a record of what it desires. The minority had that opportunity and it exercised it when this bill was before the House. That general rule which the gentleman from Illinois read was never intended to apply to a situation such as this. It was intended to apply to a bill up before the House for consideration in the regular way under the general rules of the House. It had its application when this bill was before the House at a previous time. If the Speaker has before him volume 4 of Hinds' Precedents and will turn to paragraph 3246——

The SPEAKER. What is the paragraph?

Mr. GARRETT. The particular paragraph to which I would call his attention at this particular moment is 3246, page 230. There is a resolution which with a change of verbiage so as to make it applicable to this particular bill is in the exact language of the resolution which is now before the House——

Mr. MANN. Will the gentleman yield for a question?

Mr. GARRETT. Certainly.

Mr. MANN. The gentleman knows that was before this rule was adopted preventing the Committee on Rules from reporting a bill closing a motion to recommit.

Mr. GARRETT. It was before the adoption of this particular general rule.

Mr. MANN. At that time, of course, it was in order.

Mr. GARRETT. Yes; and the argument which I am making is that there is nothing in this general rule which was ever intended to change, or which does change in any way, the procedure there had and adopted. The general rule does prevent the Committee on Rules from bringing in a special resolution which would avoid a motion to recommit where a bill is under consideration under the general rules. The so-called preparedness bill is not under consideration now. That bill is in the Committee on Military Affairs. This is a resolution brought in under the general paragraph which gives power to the Committee on Rules to report at any time an order of business.

Mr. MANN. Will the gentleman yield?

Mr. GARRETT. Certainly.

Mr. MANN. Does the gentleman think the Committee on Rules could report a rule, Resolved, that upon the adoption of this rule House bill so-and-so shall be considered as passed, and thereby cut out the motion to recommit?

Mr. GARRETT. Well, that question is not before the House at this time.

Mr. MANN. Well, it looks to me as though it were quite on all fours.

Mr. GARRETT. I do not care to express an opinion on that at this time, but the point is, this bill has been before the House——

The SPEAKER. The Chair would like to call the attention of the gentleman from Tennessee to the last words in this rule:

And the Speaker shall immediately appoint managers on the part of the House, without intervening motion.

And now as near as the Chair can find out that is what the gentleman from Illinois is objecting to. The Chair simply desired to call the attention of the gentleman from Tennessee to the discrepancy or difference between this present rule and this one that is set forth in section 3246 of Hinds' Precedents.

Mr. GARRETT. Then, Mr. Speaker, suppose that expression "without intervening motion" were left out; the gentlemen from Illinois could not then make a motion to recommit. He could make a motion to instruct, but he places his whole argument upon the proposition that the rules provide that you can not prevent a motion to recommit. Even if that language "without intervening motion" were stricken from it neither the gentleman from Illinois nor any other gentleman could make a motion to recommit under the rules.

The SPEAKER. He could not make a motion to recommit now, but if that language were stricken from the rule he could make a motion to recommit the conference report.

Mr. HAY. No; there is no conference report.

Mr. GARRETT. There is no conference report, Mr. Speaker. This is an effort to bring about a conference report.

The SPEAKER. The Chair knows, and it is to be hoped there will be a conference report.

Mr. MANN. Nobody objects to a conference.

The Speaker will remember that this matter came up when the present distinguished occupant of the chair was in the chair, on the Post Office appropriation bill, which came before the House with Senate amendments. On a rule from the committee that did not cut out the motion to recommit, the Speaker held I was in order in offering a motion to recommit. That is the way the parcel post got into the law, one of the greatest reforms that has been accomplished during the days of the Speaker in the chair.

The SPEAKER. The Chair does not wish to interrupt the gentleman, except to call his attention to that one thing.

Mr. GARRETT. Mr. Speaker, I have said all that I really have to say. When the conference report returns here, of course, a motion to recommit that will be a different proposition. The Speaker is not called upon to speculate about what may happen on the adoption of a conference report or what may happen to a conference report when it is brought back. The immediate thing before the Speaker of the House is an effort to bring about a conference. The right to make a motion to recommit, to which the gentleman has referred, does not apply to a conference or to a request for a conference. It may apply to a conference report, but it does not apply to a request for a conference, nor does it apply to a rule providing for a conference. It applies to a bill, of course, and probably may apply to the conference report when it comes back.

The SPEAKER. If the gentleman from Tennessee will permit, the gentleman from Illinois [Mr. MANN] is anticipating and looking forward to what will happen, and that is that a conference report will be brought in here, and under the ordinary practice he would have the right to make a motion to recommit it, but that under the peculiar circumstances under which this one will come back here, if it ever comes, under this rule he would be cut out from that forthwith.

Mr. GARRETT. Mr. Speaker, under this proposed resolution I respectfully submit, if that is the Speaker's understanding—I do not think it is the understanding of the gentleman from Illinois—that he would be prevented from making a motion to recommit by reason of this resolution when the conference report comes back. It was speculating upon a contingency, if I understood the gentleman from Illinois correctly, that he then might be cut out. The gentleman from Illinois did not argue that under this rule, when the conference report was returned, he would be prevented from making a motion to recommit. May I ask the gentleman from Illinois if I am right in my understanding of his argument?

Mr. MANN. That is right. I am always frank with the House on a parliamentary proposition. The effect of the rule would be to prevent a motion to recommit ever being made.

Mr. GARRETT. The gentleman does not speak of the technical effect. He speaks of what might happen.

Mr. MANN. I speak of the technical effect.

Mr. GARRETT. If the gentleman insists that this rule would prevent a motion to recommit upon a conference report when it comes in, I do not agree with the gentleman.

Mr. MANN. I do not think there is any disagreement between us at all. This rule prevents a motion to recommit now, and if this rule be agreed to the House asks for a conference, and when the conference report comes in it must have been acted upon by the Senate first, and it is not in order then to move to recommit.

Mr. GARRETT. Will the gentleman submit to an inquiry?

Mr. MANN. Certainly.

Mr. GARRETT. If the gentleman were permitted now to make a motion to recommit, to where would he move to recommit it? Do I make myself clear?

Mr. MANN. I will answer that when I reach it. [Laughter.] I have the motion prepared.

Mr. GARRETT. The bill is now before the Committee on Military Affairs.

Mr. MANN. But if this rule be adopted, or any other rule, it will not then be before the Committee on Military Affairs, allow me to remind my distinguished friend from Tennessee.

Mr. GARRETT. That is very true. It will be in conference.

Mr. MANN. No; it will not. It will be in the House, and the Committee on Military Affairs discharged. That is the process. I know that the Speaker wants to uphold the rights of the minority in these matters. In the old days, on a motion to recommit, there was a conflict between the majority and the minority as to which should make the motion. After a long contest, lasting over years, on this subject the House in the revision of the rules put the provision in that the motion to recommit would be preserved and given to the minority. Now, of course, if you are going to cut that out by a rule, a technical construction, you can do it by a ruling of the Speaker. If you can send this bill to conference and cut out the motion to recommit, the Committee on Rules could have brought in a rule that the Committee on Military Affairs be discharged from the consideration of the bill H. R. 12766 and that it be considered as passed by the House, and thereby cut out the motion to recommit. The gentleman from Tennessee [Mr. GARRETT] was frank enough not to want to answer that question; and yet, if you can do the one you can do the other. No one desires to prevent this bill from going to conference. All we desire, as far as I know, is to have the House express its opinion upon some of the propositions involved in the Senate amendment.

Mr. GARRETT. Mr. Speaker, of course the gentleman recognizes the fact that, so far as this matter is concerned, there is practically but one amendment. There is an amendment amending the title, of course, but the real amendment is the Senate bill, which was substituted for the House bill.

Mr. MANN. I recognize that fact, and I recognize there are various ways by which you can test the sense of the House upon the subject.

Mr. GARRETT. It would probably require a special rule even to do that.

Mr. MANN. I do not think it would. I have five ways prepared, at least. [Laughter.]

Mr. GARRETT. I wish again to call the attention of the Speaker to the language to which the gentleman referred in his opening remarks. I read:

> After the previous question shall have been ordered on the discharge of a bill or joint resolution, one motion to recommit shall be in order, and the Speaker shall give preference in recognition for such purpose to a Member who is opposed to the bill or joint resolution.

Now, there is another rule which provides that the Committee on Rules may not bring in a special rule which will cut off the power to move to recommit being given to a Member under that general rule. That applies on the passage of a bill or joint resolution. It does not apply to an order of procedure proposed from the Committee on Rules to get a bill into conference.

Mr. LENROOT. Mr. Speaker, I submit that this is an attempt on the part of the Committee on Rules to do by indirection that which it could not do directly.

The gentleman from Tennessee [Mr. GARRETT] asked the Chair in his opening remarks if this bill could not be sent to conference in the way it is proposed in this rule; how could it be sent there, unanimous consent having been objected to? Why, Mr. Speaker, it would have been perfectly easy for the Committee on Rules to have brought into this House a rule providing that it should be in order to move that the Senate amendment to this bill be disagreed to, and that a conference be asked for. Does the gentleman say, if that had been done, it would not have brought the question directly before the House and the right of the minority to recommit would have been preserved? Of course it would, and the only purpose of the Committee on Rules in bringing in this form of rule—an unnecessary form of rule—is to cut out the right of the minority to make the motion to recommit.

Mr. MANN. Mr. Speaker, will the gentleman yield there?

Mr. LENROOT. Yes.

Mr. MANN. The gentleman spoke of bringing this bill before the House by a rule. Under the rules, is it not in order for the gentleman from Virginia [Mr. HAY], by direction of his committee, to report this bill back, and to move that the House go into Committee of the Whole House on the state of the Union, and after five minutes' debate, close all debate?

Mr. HAY. Mr. Speaker, the gentleman knows that this is not a privileged bill, and if the Committee on Military Affairs re-

ported it back, it would go on the calendar, and it could not be called up except on Calendar Wednesday, when the Committee on Military Affairs was called.

Mr. MANN. Yes; the gentleman could get it up on unanimous consent.

Mr. HAY. The gentleman could not get it up by unanimous consent.

Mr. MANN. The gentleman did not try.

Mr. HAY. The gentleman tried, but the gentleman from Illinois [Mr. MANN] objected to it.

Mr. MANN. I was willing for it to go before the House.

Mr. HAY. The gentleman says I can get it into conference. I can not get it into conference except by unanimous consent.

Mr. MANN. The gentleman says he knows he can not get it into conference.

Mr. HAY. As the gentleman has pointed out, he has demonstrated that I can not get it except by unanimous consent.

Mr. LENROOT. There is no question but that the Committee on Rules could have brought in a rule making the motion of the gentleman in order, and then the motion to recommit would not and could not have been cut off by the Committee on Rules.

Mr. HAY. Why did not the gentleman offer that amendment to the rule?

Mr. LENROOT. The gentleman would have if he had not been notified beforehand that any suggestion of the minority would not have any weight in the Committee on Rules. I make that answer, if the gentleman desires to know.

Now, Mr. Speaker, in reference to the discussion which took place upon the rule that has been referred to by the gentleman from Illinois [Mr. MANN], the Chair will observe that that was a running discussion, and the Chair, in finally making the ruling, did not give an opinion upon it, but it must be gathered from the various remarks of the Chair throughout the discussion.

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

The SPEAKER. Does the gentleman from Wisconsin yield to the gentleman from North Carolina?

Mr. LENROOT. I would like to close this statement, and then I will yield to the gentleman. I would like to offer for the Chair's consideration the note in the Manual upon that ruling, giving the understanding of the compiler of the Manual of the Chair's decision. I read from the note under section 725:

Ruled by Speaker CLARK (Oct. 9, 1913, 1st sess., 63d Cong., p. 5522) that a special rule providing that a House bill with Senate amendments shall be taken from Speaker's table, Senate amendments disagreed to, conference agreed to, and that Speaker shall without intervening motion appoint conferees, is not in violation of clause 56 of Rule XI, since the motion to recommit may be made on the conference report.

That was true in respect to the question that was then before the House, but it is not true with reference to this case, for the reason suggested by the gentleman from Illinois.

The SPEAKER. Why not?

Mr. LENROOT. Because in the case that was before the House then, the Senate had asked for a conference, and the Senate would act upon the conference report last. Therefore both sets of conferees would be in existence at the time the motion to recommit would be made. In this case the House asks for the conference, and the Senate will act first, agreeing to the conference report; the Senate conferees will be discharged, and therefore a motion to recommit would not be in order, because there would be no Senate conferees to recommit to.

Mr. HAY. Can not the House vote down the conference report?

Mr. LENROOT. It could vote it down. But it was, on the motion to recommit, which the Speaker and the compiler of the Manual so understood, ruled that the point of order was not well taken, because the right to make the motion to recommit was preserved upon the conference report.

Mr. POU. Awhile ago the gentleman spoke of a notice that he received. I will say to him that he certainly did not receive it from any of the majority members of the Committee on Rules.

Mr. LENROOT. Oh, I am not going into what occurred in that meeting, but I was forced to say what I did by what the gentleman from Virginia said. I could repeat it if necessary, but I shall not do so.

Mr. POU. I do not think the gentleman ought to intimate that something occurred that certainly did not occur.

Mr. LENROOT. I will say this in general language, that the minority members of this committee were given plainly to understand that this rule was to be passed exactly as it stood. I do not say the gentleman or any other member of the committee said so, but we understood that perfectly, and the gentleman understood it also.

Mr. POU. I wish to say that it was purely an inference on the part of the gentleman from Wisconsin, without anything at all being said upon the subject.

Mr. LENROOT. I do not mean to say that any gentleman said, "Now, Mr. CAMPBELL or Mr. LENROOT if you offer any amendments they will be voted down, so it is no use to offer them," but I do say that we gathered such an inference as any Member would gather from things that occurred there.

Mr. GARRETT. Mr. Speaker, let me ask my friend, who is always frank, if he is not confusing the matter of instruction with the matter of recommittal?

Mr. LENROOT. Not at all. This does cut off a motion to instruct as well as a motion to recommit, of course.

Mr. GARRETT. It cuts off a motion to instruct.

Mr. LENROOT. It cuts off both. The motion to instruct, however, is one that the Committee on Rules are not compelled to preserve. They might bring in a rule cutting off that motion, but the Committee on Rules are expressly prohibited from depriving us of the motion to recommit.

Mr. GARRETT. That is on the passage of a bill. This proposition is one to discharge the committee from consideration of a bill in order to get it to conference.

Mr. LENROOT. Yes.

Mr. GARRETT. Now let me ask the gentleman, where would he move to recommit this bill at this particular moment, if there were nothing else in the way?

Mr. LENROOT. I can not make the motion at this moment, because it is in the committee.

Mr. GARRETT. Precisely.

Mr. LENROOT. But I want to call the attention of the Chair to this fact, that while the gentleman from Tennessee [Mr. GARRETT] says this bill is now in committee, and that is correct, when we vote upon this rule as it now stands we not only take the bill out of committee, but consider it upon the floor of the House and send it to conference, by one vote and one motion to discharge the committee, so that the House has the bill before it when it votes on this rule, but is deprived of the motion to recommit.

Mr. SHERLEY. Mr. Speaker, suppose that instead of any rule, an ordinary motion was made to send the bill to conference, and the minority did what it is now really fighting for, that is make a motion to instruct the conferrees, and that motion was not agreed to and the bill went conference, would you be in any different position touching the motion to recommit after it got back from conference, through that method, than you will be under this method?

Mr. LENROOT. After it got to conference?

Mr. SHERLEY. Yes.

Mr. LENROOT. No; there would be no motion to recommit then, but——

Mr. SHERLEY. That is just it.

Mr. LENROOT. But the gentleman will see that the House has the right preserved to it at sometime in the stage of the consideration of this Senate amendment to express its views upon the features of that bill, which this special rule deprives us of, and which right the rules of the House compel you to preserve.

Mr. SHERLEY. Now, what the gentleman really wants is to have the privilege, under a motion to instruct, to bring about what is ordinarily accomplished by a motion to recommit; but while that may be desirable from the standpoint of the gentleman, that has nothing to do with the parliamentary situation. The only limitation on the Committee on Rules is that it shall not deny the motion to recommit. Now, if this bill went to conference by any process, and the Senate had agreed to the conference report, the motion to recommit would not be possible, because part of the conferees would not exist, and you could not recommit to them; so that it would not be the action of the rule sending it to conference that would prevent a motion to recommit, but it would be the action after it had gotten into conference. Now, it may be that by this method we do prevent you from having now the privilege of moving to instruct, but the rules do not say that the Committee on Rules have not the right to do that.

Mr. LENROOT. Mr. Speaker, in reply to the gentleman from Kentucky, he is correct in saying that this rule cuts off the right of the motion to instruct. That is true, but there were two methods by which the minority under the rules of the House had a right to express its views on this bill. One was by a motion to recommit. The other was by a motion to instruct the conferees. We admit that the Committee on Rules have the right to bring in a special rule and cut off the right to instruct the conferees. We deny that they have the right to bring in a special rule that will deprive the minority of the opportunity to express itself by a motion to recommit.

Mr. SHERLEY. But if the gentleman will permit, the rule does not do that. It is the circumstance attending the conference. The gentleman will acknowledge that if this bill should go to conference now and the Senate should act first on the conference report, his motion to recommit, while technically existing, would not actually exist, because there would be no committee of conference to which it could be recommitted. Now, that is the misfortune of the gentleman's position.

Mr. LENROOT. If the gentleman will permit me to ask him a question, I will ask him if it was not for the language of this rule and a motion was made to send this bill to conference, would the gentleman say that the minority would not have the right to make a motion to recommit with instructions?

Mr. SHERLEY. But that is not the proposition.

Mr. LENROOT. That is exactly the proposition.

Mr. SHERLEY. It is not the proposition at all. The proposition simply is this: By this rule we are denying you the right to instruct the conferees.

Mr. LENROOT. And also the right to move to recommit the bill.

Mr. SHERLEY. Oh, we are simply preventing you from instructing the House conferees. Now, the final motion to recommit, which is the only motion that the rules undertake to preserve from action by the Rules Committee, is not affected by what we do. It is affected by the circumstance that, the Senate acting first, the Senate conferees have ceased to exist at the time when the motion to recommit might be made.

Mr. LENROOT. I will ask the gentleman, suppose a motion was made to disagree to the amendments. Will the gentleman say that under the rules of the House paragraph 4 of Rule XVI would not give the minority the right to make a motion to recommit the Senate substitute with instructions?

Mr. SHERLEY. I am not at all prepared to admit that it would.

Mr. LENROOT. Nothing could be plainer.

Mr. SHERLEY. I think a good many things could be plainer than that.

Mr. POU. I should like to ask the gentleman a question. If this bill had gone to conference by unanimous consent this morning, could the gentleman have made a motion to recommit?

Mr. LENROOT. That would have depended entirely upon whether the conference had been asked for by the House or the Senate.

Mr. POU. Under the same circumstances.

Mr. LENROOT. I say no.

The SPEAKER. Suppose this rule was not in existence, and we had the bill before the House with a motion to recommit to the Committee on Military Affairs, what kind of instruction would the gentleman give it in acting on the Senate amendment?

Mr. LENROOT. It could instruct the committee to report the substitute back with any amendment we chose to incorporate in the instruction.

The SPEAKER. With the recommendation that the House agree to it?

Mr. LENROOT. Yes; and then the House could disagree to the substitute as amended or agree to it.

The SPEAKER. Does the gentleman from Virginia wish to be heard?

Mr. SAUNDERS. Yes, briefly. The rule under consideration is not intended to interfere, and does not interfere, with the right to make the motion to recommit provided for in paragraph 4 of Rule XVI. This will be clearly perceived by reference to the language of the paragraph, which provides in terms that the motion shall be in order after the previous question shall have been ordered on the passage of a bill, or joint resolution. Rule XI, subsection 56, provides that the Committee on Rules, shall report no rule which shall operate to prevent the motion to recommit being made, as provided in paragraph 4. The right secured by this paragraph, is the right to make the motion to recommit, not generally, but after the previous question has been ordered on the passage of a bill, or joint resolution. This situation is not presented under the operation of the rule. The bill to which it relates will not be before the House on its passage. The rule proposes to take the bill from the committee, bring it before the House, and send it to the conference. That is the full cycle of its intended operations, the full effect which it is designed to secure. If the rule brought the bill before the House for passage, it could not provide that the previous question should be considered as ordered—and the bill put on its passage—to the exclusion of the right to make the motion to recommit. Such an attempted exclusion of the right to make this motion, under the situation last presented, would be plainly contrary to the intent, and terms of the rule, which is designed to secure this right, whenever the conditions arise to which it is designed to relate. The concluding sentence of Rule XI, subsection 56, imposes a limitation upon the authority of the Committee on Rules. Whenever the state of facts predicated in paragraph 4, of Rule XVI, is created, or comes to pass, a barrier is thereby erected against the authority of the committee to exclude the exercise of the right to make the motion in question, but apart from this particular state of facts, there is no obstacle in the way of the committee. There are various motions including the motion to recommit, which a Member has the right to make under the rules, but all of these rights may be taken away by a rule from the Committee on Rules, provided of course it is adopted. There is no exception or saving in the case of the motion to recommit, save under one set of circumstances, that is, the case of a bill, or joint resolution on its passage, after the previous question has been ordered. The test is easy of application.

The rule proposed creates its own situation. Under its operation the bill is not brought before the House for passage. It is merely in the House, in transit, on its way to the conference committee. No Member has been deprived of the right to make the motion to recommit, for the simple reason that the state of facts has not arisen affording the indefeasible right to make this motion. When the bill comes back from the committee on conference for some final action the right to make this motion to recommit will be an integral part of the motions that will be in order. The rule proposes to do what might be done by a motion to suspend the rules, take the bill from the committee, and send it to conference. This motion, when made in order, would be efficient, if sustained, to accomplish precisely these results, and no point of order would lie against it. The rule proposes to do the same thing. It is in the interest of public business that the Committee on Rules should have the authority to report a rule, accomplishing the result intended, a rule designed to bring the two legislative bodies into agreement without the destruction of any essential right. The Member insisting upon the right to make the motion to recommit, and complaining that he has been deprived of this right, should be required to point out when the state of facts necessary to afford this right, will arise under the operation of this rule, at what stage of this operation will the bill in question be before the House for passage. As soon as the bill goes to conference, the rule will cease to operate, and the proceedings thereafter will be conformable to the general rules of the House. This question should be decided upon what is before this body, not upon the contingencies suggested by the gentleman from Illinois. There is no reason why the motion to recommit should be preserved to any greater extent than is provided for by the very terms of our rules, and in order to effect this saving, it is not necessary to hold that the Committee on Rules is inhibited from reporting a rule which will accomplish the same result that would be effected by the appropriate motion to suspend the rules, the only difference being that the one would require a two-thirds, and the other a majority vote of the House.

Mr. COOPER of Wisconsin. Mr. Speaker, in my judgment this whole controversy turns on whether the word "shall" in Rule XI of the general rules of the House ought in this instance to be interpreted to mean "may." Rule XI reads in this way:

> Nor shall it report any rule or order which shall operate to prevent a motion to recommit.

Strictly speaking, this language might be held to mean that the committee shall report no special rule which shall necessarily operate to prevent a motion to recommit. Now, it is not claimed that this special rule, if adopted, would necessarily prevent the minority from making a motion to recommit, but only that it may or might prevent it, this possibility depending entirely upon what action the Senate might take on the conference report. If the Senate should adopt the report and discharge its conferees, this House would then be deprived of the right to make a motion to recommit, because there would then be no conference committee. Therefore, in order to preserve the right of the minority to make that very important motion, the Speaker ought to interpret the word "shall" as used in the rule to mean "may," as if the rule read:

> Nor shall it report any rule or order which may operate to prevent a motion to recommit.

Such an interpretation is necessary in this instance, in order to do justice to the minority, because of the unusual circumstances under which the special rule is presented. These circumstances are that the House asks for the conference and the Senate will first take a vote on the conference report. If the Senate shall discharge its conferees, it will then be too late for the House minority to make the motion to recommit. The real intent and spirit of Rule XI will have been ignored and the plain right of the minority to make this motion done away with. Therefore, to preserve this right, the word "shall" ought to be construed as "may" as has often been done when similar lan-

guage in statutes has been brought before courts for interpretation.

Mr. GARRETT. Mr. Speaker, after all, the entire argument that is presented in the attempt to sustain the point of order goes into the realm of speculation as to what may happen. I respectfully submit once more to the Speaker that the provision of the rule which insures the right to the motion to recommit applies to a bill or a joint resolution when it is upon its passage in the House. That is the sacred right insured by the general rules of the House, and the Committee on Rules can not bring in a special rule which will prevent it—that is, such a special rule would not be privileged. But it does not apply to such a situation as we have before us now. This House has certain business to do. It can vote up this rule of the committee, or it can vote it down. If it votes it down, then other processes will have to be found in order to secure the conference which is desired. But it is technical—a technicality without a basis—undertaking to take a general rule which applies to the passage of a bill or joint resolution and make it apply to a proposition of taking a bill away from a committee in order to get it to conference. If that should be held to be good, I confess, Mr. Speaker, I do not see just where the end of the embarrassment that will arise to confront the House will come. The rules of this House are supposed to be made, supposed to be construed, with the idea of doing business. They are not supposed to be given technical construction. They are not written in such a technical way as to tie the hands of this House except in certain fixed circumstances that are specifically set forth in the rules themselves. The hands of the House are tied in certain instances because the Committee on Rules, which is the initiating force on procedure in the House, has its hands tied in the matter of bringing in a rule that will prevent a motion to recommit on a bill which is on its passage. But that rule is a limitation specifically and clearly defined and is to be strictly construed. That rule never was intended to tie the House, except as therein fixed. There is nothing in it which even by implication can justify a construction that would so paralyze this House as to prevent it sending a bill to conference in this way.

Mr. LENROOT. Will the gentleman yield?

Mr. GARRETT. I will yield to the gentleman from Wisconsin.

Mr. LENROOT. Mr. Speaker, I want to ask the gentleman whether there would be the slightest difficulty in the Committee on Rules bringing in a motion to disagree to this Senate amendment, sending it to conference, and that upon that the previous question should be considered as ordered?

Mr. GARRETT. Mr. Speaker, I do not know what difficulties might arise on that proposition, but I do know this, that the Committee on Rules in the drafting of this rule has followed the spirit of the rules that have been adopted here again and again for long, long years under all administrations—a plain, simple rule that works quickly and does business. [Laughter on the Republican side.] Oh, that is precisely what rules are for, and they have always been used for that purpose and always will be used for that purpose; and I do know, at least I think I know, that there is absolutely nothing in any of the amendments to the general rules since the time those special rules were brought in that in any way changes the principles that were upheld at that time.

Mr. MANN. Mr. Speaker, the gentleman from Tennessee [Mr. GARRETT] said they were following the practice which had been followed in the House for many years, and that is the trouble with it all. That is what we put this new provision in the rules for, so that the old practice could not be followed any longer. I remember when this question first came before the House on a Senate amendment. It was on the tariff-commission bill. The Senate sent the tariff-commission bill, which had passed the House, back to the House with a Senate amendment about 10 o'clock in the morning of March 4, when the House stood to adjourn at 12 o'clock by operation of law. It might have been a little earlier than 10 o'clock. A filibuster was started on the Democratic side of the House. The Committee on Rules was hastily convened, and brought a rule into the House which disposed of the Senate amendments to the tariff-commission bill, and the gentleman from New York [Mr. FITZGERALD] made the motion to recommit the Senate amendment to the Committee on Ways and Means. Every one knew that if that motion should prevail that ended it. In fact, if the motion was put to a vote that ended it, unless the clock should be turned back so as to extend the life of the House. Mr. Speaker CANNON was in the Chair at the time. He had been charged by the Democrats in the House and throughout the country with being arbitrary and partisan. They charged that he made partisan rulings. He was in favor of having the House agree to the Senate amendments, but when this rule was cited to him he held that under the rules of the House the motion to recommit the House bill with Senate amendments to a committee of the House was in order, although it was not a vote on the final passage of a bill at all. I never have seen in the House in my term of service a more excited membership than sat and stood here that morning. Half the Members nearly were on their feet. It is the only time in the House since I have been here when I thought there was danger of fights and bloodshed. There never was such intensity in the House as on that morning. Both sides of the House were bitter, partisan, determined; and yet the Speaker, preserving his coolness and his fairness, ruled in favor of the Democratic side of the House, because he thought right was on their side. [Applause on the Republican side.]

The SPEAKER. The matter in controversy is the following resolution:

Resolved, That upon the adoption of this resolution the Committee on Military Affairs be, and hereby is, discharged from the consideration of H. R. 12766, a bill to increase the efficiency of the Military Establishment of the United States, with the Senate amendments thereto; that the said Senate amendments be, and hereby are, disagreed to by the House and a conference asked of the Senate on the disagreeing votes of the two Houses on the said bill; and the Speaker shall immediately appoint the managers on the part of the House, without intervening motion.

As the Chair understands it, no one is objecting to any part of this rule except the last three words, "without intervening motion." By reason of those three words the gentleman from Illinois [Mr. MANN] makes the point of order against the rule. Subdivision 4 of Rule XVI provides:

When a question is under debate no motion shall be received but to adjourn, to lay on the table, for the previous question (which motions shall be decided without debate), to postpone to a certain day, to refer, or to amend or postpone indefinitely; * * *.

After the previous question shall have been ordered on the passage of a bill or joint resolution one motion to recommit shall be in order, and the Speaker shall give preference in recognition for such purpose to a Member who is opposed to the bill or resolution.

The gentleman from Illinois [Mr. MANN] claims that the proposed rule deprives Members from the right to move to recommit. He bottoms his contention on Rule XI, section 725, of the Manual, which is as follows:

It shall always be in order to call up for consideration a report from the Committee on Rules, and, pending the consideration thereof, the Speaker may entertain one motion that the House adjourn; but after the result is announced he shall not entertain any other dilatory motion until the said report shall have been fully disposed of. The Committee on Rules shall not report any rule or order which shall provide that business under paragraph 7 of Rule XXIV shall be set aside by a vote of less than two-thirds of the Members present—

That refers to Calendar Wednesday—

nor shall it report any rule or order which shall operate to prevent the motion to recommit being made as provided in paragraph 4 of Rule XVI.

On the 4th of March, 1911, Mr. Speaker CANNON, in ruling on a point of order raised by Mr. Dalzell to a motion of Mr. FITZGERALD to commit the Senate amendments to the bill to create a tariff commission to the Committee on Ways and Means, said:

The Chair has ruled out, and in the opinion of the Chair properly so, all dilatory motions, as was his duty under the rules of the House. There are certain motions, there are certain demands, that can not be held as dilatory. One is a demand for the yeas and nays. The rules of the House govern the House, and the Chair finds a precedent in this case exactly in point, which the Chair believes to be sound in principle. The Chair reads from page 287, volume 5, of Hinds' Precedents:

"The previous question having been ordered on a motion to agree to a Senate amendment to a House bill, a motion to commit is in order. On November 1, 1893, the House was considering the Senate amendments to the bill (H. R. 1) to repeal a part of the act of July 14, 1890, relating to the purchase of silver bullion.

"Mr. Leonidas F. Livingston, of Georgia, submitted the question of order whether, after the previous question should have been ordered on the motion to concur in a Senate amendment, it would be in order to commit the bill and amendment to a committee with instructions.

"The Speaker expressed the opinion that the motion to commit would in such case be in order."

That is the ruling by Mr. Speaker Crisp, and the Chair, therefore, overrules the point of order made by the gentleman from Pennsylvania to the motion to commit the Senate amendments to the Committee on Ways and Means.

The gentleman from Illinois [Mr. MANN] and the gentleman from Wisconsin [Mr. LENROOT] and others contend that this rule, if adopted, cuts out the right of any gentleman to move to recommit the Senate amendment. That is one branch of this discussion. That seems to have been settled by these two decisions.

Jefferson's Manual provides:

And in all cases of conference asked after a vote of disagreement, etc., the conferees of the House asking it are to leave the papers with the conferees of the other; and in one case where they refused to receive them they were left on the table in the conference chamber.

The present occupant of the chair has passed substantially on both of those questions. When the first Underwood tariff bill was in process of passage the Senate conferees were entitled to the papers, which would enable them to pass on the conference report first, but Mr. UNDERWOOD came in here with the papers in his hand and the gentleman from Illinois [Mr. MANN] raised the point that we were not required, or had no right as

far as that is concerned, to pass on the conference report first, because the Senate conferees were entitled to the papers. The Chair interrogated the gentleman from Alabama [Mr. UNDERWOOD] as to how he got possession of the papers. Of course, the Chair did not suspect he had used violence or had purloined them, but he wanted to know how he got them for the purpose of deciding, and the gentleman from Alabama [Mr. UNDERWOOD] stated that the Senate conferees threw the papers down on the table and intimated they did not care what was done with them. So under that set of circumstances the Chair ruled that the House would pass on the conference report first. That has been done on other occasions.

This very question came up here once before, October 9, 1913, but on a different presentation. In that case the House was entitled to pass on this question first and the Senate afterwards, and after a long wrangle the Chair overruled the point of order against the special rule, because the situation was different from what it is now and such that a motion to recommit could be made. The situation now, stated briefly, is as follows: If this rule is adopted the minority can not make a motion to recommit this Senate amendment, with or without instructions, and if the conference report is finally made up, then the Senate, under the practice, not the universal practice but the general practice, passes on it first, and usually when one body agrees to a conference report, or whatever it does to it, the conferees of that body are discharged automatically. In this case under the practice the Senate passes on the conference report first; that leaves the House in a position where we can not make a motion to recommit the conference report because the Senate conferees have been discharged.

Usually these special rules provide that the Speaker shall do thus and so "without an intervening motion, except one motion to recommit."

The rule to recommit was one of the most troublesome that ever pestered the House. The gentleman from Illinois did not state it fully. It was used as a sort of legislative trick frequently. The chairman, or whoever had charge of the bill, simply moved to recommit, because only one motion to recommit is permissible—just like the motion to reconsider—and the Chair would recognize the gentleman in control of the bill, and he would make the pro forma motion to recommit and thereby cut the minority out of making a motion to recommit that had some substance in it. So, finally, after much tribulation the rule was changed so that it makes one motion to recommit in order, and makes it imperative on the Speaker to give first recognition to the minority, if the minority member qualifies. That does not necessarily mean a minority politically in the House. It means a minority as to that particular bill, and it may not be improper to refresh the mind of the House of the ruling this Speaker made in an earlier Congress about recommitment, and that was that he would recognize a Member of the minority who said he was opposed to the bill to make the motion to recommit, and he would recognize Members of the minority—minority Members of the committee having the bill in charge—seriatim, if they qualified; and if they did not qualify, any gentleman who would qualify would be recognized.

The provision of the rule requiring the Speaker to give preference to the minority in recognitions for motions to recommit was placed there after profound deliberation, and is of great importance for the purpose intended. The proposed rule deprives the minority of the privilege and right to move to recommit and is therefore, in the judgment of the Chair, obnoxious to subdivision 4, Rule XVI; also to that subdivision of Rule XI which says: "Nor shall it"—that is, the Committee on Rules—"report any rule which shall operate to prevent the motion to recommit being made as provided in paragraph 4 of Rule XVI."

Now, taking all these things into consideration, the Chair sustains the point of order that the proposed rule is not in order.

Mr. GARRETT. Mr. Speaker, I ask unanimous consent to consider the resolution, adding the words at the end thereof "except one motion to recommit."

The SPEAKER. The gentleman asks unanimous consent to amend the rule by placing the words at the end "except one motion to recommit."

Mr. MANN. Reserving the right to object, why not make an agreement to consider the bill without the rule?

Mr. HAY. To do what?

Mr. MANN. To consider the bill without the rule.

Mr. HAY. To consider the whole Senate amendment?

Mr. MANN. Of course. There could not be any great delay. I am willing to waive the reading of it, so far as that is concerned.

Mr. HAY. I will say to the gentleman I am perfectly willing, as I said before, for the gentleman to move to concur in the Senate amendment or to concur with an amendment to the Senate amendment, which, I take it, are the only two parliamentary motions that can be put. Or, if the gentleman wants to move to instruct the conferees to concur in the Senate amendment he has a right to do that, but I do not think it would be in order to make a motion to instruct the conferees to concur in a part of an amendment, it not being proper to divide it into two parts or three parts or four parts.

Mr. MANN. I will say to the gentleman frankly that some one desires to make a motion either to instruct the conferees directly or indirectly through a motion to recommit and agree to the substance of certain sections in the Senate amendment, one relating to the enlargement of the Army, one relating to the Volunteer Army, and also one relating to the so-called nitrate amendment.

Mr. HAY. Does the gentleman desire to put that all in the same instruction?

Mr. MANN. I suppose it would be all in the same instruction and subject to division.

Mr. HAY. I should be compelled to make a point of order on that, because I do not believe it is competent for the House to instruct the conferees to agree to a part of the Senate amendment and disagree to some other part of it.

Mr. MANN. I am perfectly willing to leave that for the Chair to rule on. So far as I am concerned——

Mr. HAY. More than that, I do not believe the House desires its conferees to be so bound up that it will be impossible for them to confer upon any fair terms with the conferees of the Senate.

Mr. MANN. Such a motion can be made either directly or indirectly through a motion to recommit.

Mr. HAY. I am perfectly willing to consent that the gentleman from Illinois or any other gentleman shall make one motion to recommit, and put it in any shape he pleases provided it is one motion.

The SPEAKER. Is there objection?

Mr. MANN. I shall object to the rule unless——

Mr. HAY. Mr. Speaker, I do not want to take this matter away from the Committee on Rules, but I understood the gentleman from Tennessee [Mr. GARRETT] asked unanimous consent for the present consideration of this rule striking out the words "without intervening motion" and adding "except one motion to recommit."

Mr. GARRETT. Not striking out "without intervening motion."

Mr. HAY. Add the words, at the end of the rule, "except one motion to recommit." Do I understand the gentleman to object to that?

Mr. MANN. I shall object to that. I want, if I can, to have the right to move to instruct.

Mr. HAY. The gentleman now says he wants to move to instruct.

Mr. MANN. And I have never denied that I wanted to move to instruct.

Mr. HAY. You made the point of order on the motion to recommit.

Mr. MANN. I made the only point of order that I could.

Mr. HAY. I do not think it was good, so far as I am concerned. The Chair, however, having ruled that way, I bow very humbly to the decision of the Chair.

Mr. MANN. When the gentleman reaches the chair, which he sometimes will, as Speaker——

Mr. HAY. I have no such anticipation. However, I am much obliged to the gentleman. I anticipate that the present occupant of the chair will occupy it for a long time to come. [Applause on the Democratic side.]

Mr. MANN. We hope he will occupy it as long as any Democrat can. [Applause on the Republican side.]

The SPEAKER. Is there objection?

Mr. MANN. I object.

COST OF LIVING IN THE DISTRICT OF COLUMBIA.

Mr. JOHNSON of Kentucky. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering House joint resolution No. 91.

Mr. LEVER. Mr. Speaker——

AGRICULTURAL APPROPRIATION BILL.

Mr. LEVER rose.

The SPEAKER. For what purpose does the gentleman from South Carolina rise?

Mr. LEVER. To offer a preferential motion. I move that the House resolve itself into Committee of the Whole House on the

state of the Union for the further consideration of the Agricultural appropriation bill (H. R. 12717).

The SPEAKER. The Chair thinks that the motion of the gentleman from South Carolina is a preferential motion.

EXTENSION OF REMARKS.

Mr. BARKLEY. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Kentucky rise?

Mr. BARKLEY. Pending that motion, I wanted to ask unanimous consent to extend my remarks in the RECORD by printing a resolution adopted by a mass meeting of the citizens of Paducah, Ky., indorsing the President's course in regard to Germany.

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

Mr. STAFFORD. Reserving the right to object, Mr. Speaker, I question the propriety at this time, in the critical condition of our foreign affairs, of incorporating resolutions either pro or con on the President's conduct. We are receiving, all of us, resolutions on one side or the other, and I think it is better not to have this incorporated at the present time. It can be presented in the regular way through the basket.

Mr. CLINE. I object, Mr. Speaker.

The SPEAKER. The gentleman from Indiana objects.

Mr. STAFFORD. And I object, Mr. Speaker.

The SPEAKER. And also the gentleman from Wisconsin.

LEAVE OF ABSENCE.

Mr. HOUSTON. Mr. Speaker, I desire to ask that my colleague [Mr. PADGETT] be excused from attendance on the sessions of the House on account of illness.

The SPEAKER. The gentleman from Tennessee [Mr. HOUSTON] asks unanimous consent that his colleague [Mr. PADGETT] be excused from attendance on the sessions of the House on account of illness. Is there objection?

There was no objection.

AGRICULTURAL APPROPRIATION BILL.

Mr. BARNHART rose.

The SPEAKER. For what purpose does the gentleman from Indiana rise?

Mr. BARNHART. I rise to inquire if the gentleman from South Carolina [Mr. LEVER] would be willing to withhold his motion to go into the Committee of the Whole House on the state of the Union until the House might consider three printing bills which have been urged very strongly on the Committee on Printing?

Mr. LEVER. I ask for the regular order, Mr. Speaker. I demand the regular order.

The SPEAKER. The regular order is the motion of the gentleman from South Carolina to go into the Committee of the Whole House on the state of the Union to consider the Agricultural appropriation bill. The question is on agreeing to that motion.

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

Mr. JOHNSON of Kentucky. A division, Mr. Speaker.

The SPEAKER. The gentleman from Kentucky calls for a division.

The House divided; and there were—ayes 124, noes 27.

So the motion was agreed to.

The SPEAKER. The gentleman from Missouri [Mr. HAMLIN] will take the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12717, the Agricultural appropriation bill, with Mr. HAMLIN in the chair.

The CHAIRMAN. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 12717) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1917.

The CHAIRMAN. When the committee rose last Saturday there was pending a motion to amend by striking out the paragraph, an amendment offered by the gentleman from Kansas [Mr. DOOLITTLE].

Mr. LEVER. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and amendments thereto close in 15 minutes.

The CHAIRMAN. The gentleman from South Carolina [Mr. LEVER] asks unanimous consent that debate on this paragraph and amendments thereto close in 15 minutes. Is there objection?

Mr. RAKER. Reserving the right to object, Mr. Chairman, I would like to have two minutes on the migratory-bird paragraph.

Mr. HAUGEN. My colleague from Iowa [Mr. GREEN] wants some time, Mr. Chairman.

Mr. LEVER. Mr. Chairman, I modify my request and ask unanimous consent that all debate on this paragraph and amendments thereto close in 40 minutes.

The CHAIRMAN. The gentleman from South Carolina modifies his requests and asks that all debate on this paragraph and amendments thereto shall close in 40 minutes. Is there objection?

Mr. HUMPHREY of Washington. Reserving the right to object, Mr. Chairman, I shall want five minutes. I suppose I will be taken care of.

Mr. LEVER. I think the gentleman is accounted for. The Chair will take care of the time. Mr. Chairman, I make that request that debate on this paragraph and amendments thereto shall close in 40 minutes, one-half of the time to be controlled by the gentleman from Iowa [Mr. HAUGEN] and one-half by myself.

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

Mr. WM. ELZA WILLIAMS. Mr. Chairman, I shall have to object unless some provision can be made here for giving me five minutes.

Mr. LEVER. I will give the gentleman five minutes of my time. I will not reserve any time for myself.

Mr. WM. ELZA WILLIAMS. I am going to favor the motion of the gentleman from Kansas. I am opposed to the paragraph in the bill.

Mr. HAUGEN. The gentleman from South Carolina says he will give the gentleman five minutes.

Mr. DOOLITTLE. Mr. Chairman, reserving the right to object——

Mr. CULLOP. Reserving the right to object, Mr. Chairman——

Mr. DOOLITTLE. We have requests for a good deal of time on this side, Mr. Chairman, and I suggest that the gentleman from South Carolina put another request for unanimous consent.

The CHAIRMAN. Is there objection?

Mr. CULLOP. Reserving the right to object, Mr. Chairman, I would like to ask the Chair if I can have some time. I am in favor of the motion.

Mr. DOOLITTLE. I shall object to 40 minutes, Mr. Chairman.

Mr. LEVER. Then I ask unanimous consent, Mr. Chairman, that the debate shall close in 50 minutes, one-half to be controlled by the gentleman from Iowa [Mr. HAUGEN] and the other half to be controlled by myself.

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

There was no objection.

Mr. MANN. I wish gentlemen to take notice that the filibuster is not on this side of the House, but on that.

The CHAIRMAN. The gentleman from South Carolina is recognized.

Mr. LEVER. Mr. Chairman, I yield five minutes to the gentleman from Kansas [Mr. DOOLITTLE].

The CHAIRMAN. The gentleman from Kansas [Mr. DOOLITTLE] is recognized for five minutes.

Mr. DOOLITTLE. Mr. Chairman and gentlemen, I have made this motion to strike out this paragraph for the purpose of cutting off the appropriation of $50,000 for the enforcement of the Federal migratory game and bird law.

This law has been declared by the United States district court of Arkansas and by the United States district court of Kansas and the Supreme Court of the State of Kansas to be unconstitutional, and, so far as my information goes, I think it has been declared unconstitutional by every court of record where that point has been raised. The Arkansas case is now pending in the Supreme Court of the United States, and I believe there is not a lawyer on the floor of this House who thinks that the Supreme Court will do anything except sustain the United States district court for the eastern district of Arkansas. The case of United States against Shauver—the Arkansas case I have referred to—is a test case, and its final outcome will govern throughout the country.

Mr. TRIBBLE. Will the gentleman yield right there?

Mr. DOOLITTLE. Yes.

Mr. TRIBBLE. The gentleman is making a pretty broad statement. Now, is it not a fact that the Supreme Court are divided upon that question and that they have asked for a reargument?

Mr. DOOLITTLE. I do not know that they are divided.

Mr. TRIBBLE. Well, it is a fact.

Mr. DOOLITTLE. I do know that the Supreme Court have asked that the case be reargued.

Mr. Chairman, this law has practically wiped out duck hunting in the interior of the country. It has made it so that in Kansas and other Central States duck hunting is a matter of the past, because wild ducks are migratory birds in our section. We have no fall shooting there to speak of, and in the spring, when under the game laws of the State of Kansas we have the right to shoot up until the 16th of April, this law steps in and makes it a crime to shoot ducks or geese after the 1st day of February, before any ducks or geese have come in.

Mr. Chairman, it is an unjust infringement upon the right of the State to control its peculiarly inherent matters. Wild game within the borders of a State belongs to that State and not to the Nation. This is not disputed. In the short time I have I can not go into details, but the stock raisers and feeders of the State of Kansas, as well as the hunters and sportsmen, are opposed to the Federal law. I am going to read a very short communication from a large and intelligent cattleman. His views are extreme but show his feeling against this law. He fears, as other farmers and stockmen have claimed, that these ducks spread the foot-and-mouth disease, hog cholera, and the like. This letter is written by Mr. John A. Edwards, an extensive rancher and cattle raiser of Greenwood County, Kans., and other places in the State. He says:

DEAR MR. DOOLITTLE: I wish you would secure the right for me to kill all the ducks (that is, shoot at them) which light on my ranches. I do not like to have them feed on my kaffir nor wheat, nor in my feed lots, nor to take the chances of them bringing to my herds foot-and-mouth disease or black leg or hog cholera, and other communicable diseases.

It would be no trouble to get a volume of complaint versus the duck. It would be a great advantage to Kansas if they were exterminated.

Hurriedly,

JNO. A. EDWARDS.

ENGLEWOOD, KANS., *March 21, 1915.*

Mr. RAKER. Will the gentleman allow me——

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

Mr. DOOLITTLE. I ask that I may proceed for two minutes.

The CHAIRMAN. The time is in control of the gentleman from South Carolina [Mr. LEVER] and the gentleman from Iowa [Mr. HAUGEN.]

Mr. LEE. I yield to the gentleman two minutes.

Mr. RAKER. The main objection raised by the gentleman's friend is that the ducks and geese carry the foot and mouth disease, and he wants to shoot them because of that fact, and not for eating purposes?

Mr. DOOLITTLE. He wants to keep them from the possibility of spreading disease.

Mr. RAKER. Then your people are not objecting to this law because they want the game as it comes over.

Mr. DOOLITTLE. Yes; we want the right to shoot under the laws of the State of Kansas, and we want the other States to have the same right, which is their legal right. [Applause.]

Mr. Chairman, the game laws of the different States are very strict; in Kansas they are strict enough for any reasonable purpose. I never have been accused of being too much of a State-rights man. I am a pretty strong nationalist, but there are some things that I think the Government should permit the States to legislate on, and this is one of those things which they have the right to legislate upon; that is, the right to control the hunting and killing of wild game within their borders. [Applause.]

Mr. LEVER. I yield three minutes to the gentleman from California [Mr. RAKER].

Mr. RAKER. Mr. Chairman, I am opposed to the motion to strike out this provision. While at the present time some of the rules and regulations may be somewhat stringent and may not apply exactly to each locality or each State as they ought to apply, the same complaint has been made in the States in regard to the State game laws, that the opening and closing of the open season did not apply exactly as they ought to apply. This is only a matter of detail. It can be readily remedied. The law should not be struck down this way. It is not fair. In our State we adopted a constitutional amendment dividing the State into districts, to the end that the open and closed seasons for ducks, geese, quail, and other game birds might be properly subdivided. In this way we get proper protection, while at the same time proper use may be made and had of the game.

We have destroyed the greater part of the wild birds of this country. On Saturday we heard here the statement that there are only a few of the buffalo left. We know from personal experience that most of the deer have been destroyed. Twenty-five years ago we rode over the plains in Nevada and southern Oregon and northern California and saw tens of thousands of antelope that produced meat for the people of this country. They have been ruthlessly slaughtered and destroyed.

The same thing is being done with the ducks and other wild life which should be protected. A reasonable and proper administration of the law for the purpose of protecting this game is a great asset to this country. Each state ought to have a reasonable time in which to get some of the fruits of it. We have now 69 bird reserves covering a great territory of country. We are expending money for the purpose of saving these birds that are valuable and supplying many homes with the meat that otherwise they would not be able to get.

While we have the reserves and while we are protecting the birds we ought not to allow them to be killed indiscriminately if we can avoid it, and at the same time adjust the regulations with the State laws so as to give all the people a fair and proper opportunity. I am satisfied that there is practically no member of the committee or the House who desires to destroy completely the remaining ducks and wild life and other birds provided for in the act to which this appropriation relates, namely, the act of Congress approved March 4, 1913 (37 Stats., 847). We ought to provide for the enforcement of this law until it has been disposed of by the Supreme Court. We should provide the necessary funds to enforce this law. It would be a serious mistake to strike out this provision of the bill. I feel satisfied the motives will be defeated.

[Mr. RAKER had leave to extend his remarks.]

Mr. HAUGEN. Mr. Chairman, I yield five minutes to the gentleman from Illinois [Mr. WM. ELZA WILLIAMS].

Mr. LEE. Mr. Chairman, I yield five minutes to the gentleman from Illinois also.

The CHAIRMAN. The gentleman from Illinois is recognized for 10 minutes.

Mr. WM. ELZA WILLIAMS. Mr. Chairman, I am in favor of this motion to strike out the paragraph which provides an appropriation of $50,000 for the enforcement of the migratory-bird law. A great deal of complaint comes to me from Illinois, and I understand the same complaint arises in Missouri relative to the operation of the rules adopted by the Agricultural Department fixing a closed season and regulating the killing of migratory birds on certain named waterways.

The law itself, believed by many to be unconstitutional—now near judgment in the Supreme Court—is practically harmless, for all the law does is to authorize the Department of Agriculture to adopt rules and regulations for the preservation of wild game. The whole mischief arises in the department which promulgates the rules. I call attention of gentlemen to that portion which applies to my State and to the upper Mississippi River:

On and after January 1, 1915, a closed season shall continue between January 1 and December 31, both dates inclusive, of each year, on all migratory birds passing over or at rest on any of the waters of the main streams of the following navigable rivers, to wit: The Mississippi River between Minneapolis, Minn., and Memphis, Tenn.; the Missouri River between Bismarck, N. Dak., and Nebraska City, Nebr.; and on the killing or capture of any of such birds on or over the shores of any of said rivers, or at any point within the limits aforesaid, from any boat, raft, or other device, floating or otherwise, in or on any of such waters [as amended Oct. 1, 1914].

That is the rule which affects the section of the country I represent. The State of Illinois is 500 miles in a north and south line and follows the course of the Mississippi River, and constitutes the greater portion of that area between Minneapolis and Memphis where the killing of migratory birds is prohibited. South of Memphis the rule does not operate and north of Minneapolis the rule does not operate. So that north of Minneapolis the killing may be indiscriminate and south of Memphis the same. But the rule does operate the entire course of the Mississippi, a distance of 500 miles on the west border of Illinois. Hunters in my State justly complain of the rule which prohibits them from killing game along the river where the birds are accustomed to fly. There was a time a good many years ago, before the operation of drainage laws, when there were lakes and swamps through Illinois, where birds would light to feed and hunters could find them. Since the operation of the drainage law the lakes and swamps have been drained, and there is no water in the State where these birds can come to feed and rest. These birds in their flight between Minneapolis and Memphis are accustomed to follow the course of the Mississippi River. They do not vary from the river any great distance. They follow the course of the river going north in the spring and south in the fall. As a consequence, we in the State of Illinois are prohibited from killing migratory birds at any season of the year, unless by chance we can get a stray bird out on the prairie which has lost its course. We are virtually prohibited from hunting in season or out, while our friends to the south of Memphis are at liberty at any season of the year to hunt and place birds on the market

under the regulation of State laws. That is equally true in the north above Minneapolis and in Canada, where birds migrate for the summer season.

In these sections birds may be hunted at will, but we in the State of Iowa, in the State of Illinois, and in the State of Missouri are prohibited at any season of the year from availing ourselves of these opportunities and privileges. The fault is not in the law. The law does not prohibit it. The law simply authorizes the Department of Agriculture to make rules regulating and fixing seasons, and it is the rule that inflicts a hardship on us of which we complain. We can not in these proceedings here undertake to amend the law itself which delegates this authority to the Department of Agriculture. We can not here by amendment to this bill amend the rule. Our hands are tied. We have no recourse except to repeal the law itself, which no one seems disposed to do.

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

Mr. WM. ELZA WILLIAMS. Yes.

Mr. SISSON. The gentleman has his remedy right here. I agree very heartily with him that this law ought to be repealed. Under the Holman rule he can offer to amend and repeal the law.

Mr. WM. ELZA WILLIAMS. The law may be repealed here, but does the gentleman mean that it may be amended in this appropriation bill?

Mr. SISSON. Yes; in the appropriation bill. That is the only purpose of the Holman rule—to offer an amendment reducing the amount carried in the bill, and the gentleman can introduce an amendment to repeal this, which would reduce the amount carried in the bill.

Mr. WM. ELZA WILLIAMS. Yes; but no one cares to repeal the law. It is the rule of which we complain.

Mr. RUSSELL of Missouri. This is a motion to strike out.

Mr. WM. ELZA WILLIAMS. Yes; and I doubt the power to either repeal or amend the law on the consideration of a motion to strike out the appropriation.

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

Mr. WM. ELZA WILLIAMS. Yes.

Mr. GOOD. What attempt is being made now, in view of these adverse decisions of the courts holding that the law is unconstitutional, to enforce the law in any part of the country?

Mr. WM. ELZA WILLIAMS. I only know it is being enforced.

Mr. HAUGEN. I can state that, if the gentleman will yield.

Mr. WM. ELZA WILLIAMS. Yes.

Mr. HAUGEN. Notwithsanding the fact that the law has been declared to be unconstitutional, it is still being enforced, and people are being held up to the extent of about a hundred dollars. They are hauled into court, and if they plead guilty, of course they are fined $100. That has been done in a number of instances.

Mr. GOOD. Notwithstanding that the law has been held unconstitutional in every court where the question has been tried?

Mr. LENROOT. Oh, no; I understand that one court has held it to be constitutional.

Mr. HAUGEN. I would like to have the gentleman cite me to that decision.

Mr. WM. ELZA WILLIAMS. Mr. Chairman, it is pending in the Supreme Court of the United States, and so long as it is pending there we have no right to assume that it is unconstitutional. There is no final judgment in the case, and, as I understand it, the court has asked for a reargument of the case for reasons with which I am not familiar.

Mr. GOOD. Does the gentleman mean to say that under the rules of the Agricultural Department hunters in Illinois are restricted from hunting ducks, we will say, any place where ducks may be found?

Mr. WM. ELZA WILLIAMS. Virtually, because hunting is prohibited along the Mississippi River, which is the only course ducks pursue in passing Iowa and Illinois. They follow the course of the Mississippi River; there is no water for feeding or lighting purposes elsewhere.

Mr. RAKER. Is it not a fact that under the rules and regulations of the department in Illinois they have the open season for plover, snipe, yellow legs, ducks, geese, and brant from September 2 to December 16?

Mr. WM. ELZA WILLIAMS. Yes; we have in Illinois; but the gentleman must understand my point—that we are prohibited by rule 5 from killing them along the course of the Mississippi River, and there are few ducks migrating from the North to the South except along that stream.

I have carefully examined the briefs in the Shauver case, filed with the clerk of the Supreme Court, and I find that many sportmen's clubs in all parts of the country concern themselves very much in that case and have filed briefs amicus curiæ in support of the law and its strict enforcement under the rules of the Department of Agriculture. Among these clubs are the American Game Protective Association, New York City; the Rocky Mountain Interstate Sportsman's Association, Denver; Marshepaug Forest Club, Connecticut; Shoshone Rod and Game Club, Idaho; the Grand Island Club, Chicago; the Delta Duck Club, New Orleans; Roland Park Bird Club, Maryland; Adirondack League Club, New York; Oswego Rod and Gun Club, New York; Newport Gun and Game Association, Rhode Island; Rod and Gun Club, Rhode Island; Campfire Club of America, New York; Boone and Crocket Club, New York; and many other concerns whose membership consists of men of means and leisure, who are able to spend a season in the South in the winter and in the North in the summer, where the birds may be found in abundance. It is organizations such as these, who wish to preserve the game for their own convenience and sport, that influence the adoption of rules prohibiting the people along the course of migration, who are engaged in their daily vocations and legitimate pursuits, from the killing of birds that they may be preserved for the pleasure and sport of men who are prepared to spend idle seasons North and South. These organizations have both the time and the means at their disposal, and hover about the bureau and secure the adoption of the rules pertaining to the killing of migratory birds, while those against whom the rules so unjustly operate are engaged in attending to their legitimate affairs. I am not hostile to a migratory-bird law, but I do condemn as unjust the rules which have been adopted at the instigation of sportsmen of means and leisure, whose only object and purpose is to conserve the game for their own convenience and use. If there is no other way to defeat the operation of these rules than by defeating the appropriation for their enforcement, then I favor and shall vote for the motion to strike out of the appropriation bill that provision appropriating $50,000 for the enforcement of the law.

I will avail myself of the privilege of inserting here and incorporating in the RECORD a memorial addressed to the Members of the Senate and the House of Representatives on the part of the Interstate Sportsmen's Protective Association, and the officers of the Illinois Sportsmen's League, and others interested in this subject:

To the Members of the honorable United States Senate and House of Representatives, assembled at Washington, D. C.

HONORABLE SIRS: Your petitioners respectfully ask that we be given consideration regarding an injustice being perpetrated against us by the Bureau of Biological Survey, Department of Agriculture, under certain regulations provided for in the migratory-bird law.

We have appealed in vain to that bureau, but are unable to obtain redress affording "equal and exact justice to all, with special privileges to none," which we therefore request your honorable body to accord to us, through the power of Congress.

When this law was enacted, provision was made therein for the very relief which we are now compelled to ask you to insist upon in the name of justice.

Seasons for hunting migratory birds have been so arranged by the Biological Survey officials that hunters residing in the Middle Western States are authorized to hunt magratory game only during such seasons of the year when the migrants are practically absent, and they prohibit us from hunting them during the seasons when they are present in our locality.

The migratory fowl begin passing over our States going southward from their breeding zone in the North according to variable climatic conditions.

The flight begins about September 1 to October 1 and is spread out until the period of our autumn storms, but the dry fall weather affords no attraction, and they do not tarry with us, but continue on to the South.

In the winter months they are farther south.

They begin their return migration to the North in February, and periodically arrive here, and again depart southward, upon alternate warm or cold weather changes of a few days' duration at a time.

This process continues during February and March.

Our ideal period for hunting waterfowl begins February 1 and ends March 31, but at this opportune time we are legally prohibited from hunting.

The season established by the Biological Survey for us to hunt these waterfowl is during our dry fall months, but when our wet season arrives, and likewise the waterfowl, we are denied the hunting privilege.

In the dry fall season the large watercourses afford the main resort for the fowl, but the biological officials prohibit hunting on the upper Mississippi River, above Memphis, Tenn., but at no period do they prohibit hunting upon the Mississippi River by citizens residing farther south.

We have offered positive physical evidence, contained in the dead bodies of the ducks, to prove that they are not even approximating the breeding or nesting period, in February and March, nor do they at any other season breed in this section of the Nation.

Our facts about climatic conditions, topography of the country, and natural habits of the birds are not disputed, and yet we receive no redress.

The biological officials even admit they have made no scientific collection of evidence such as we have done, nor have they accepted our offer to furnish them dead specimens of the fowls killed each week, for their own investigation and information.

The sole reason given us for not correcting these errors is, that should our just claims be recognized, it would probably cause a protest by other sections of the Nation, whose residents, they claim, would object to our proper seasons, though presumably satisfied with what the Biological Survey had decreed for the alleged objectors.

There has been created a so-called "advisory board" for consultation about this subject by the Agricultural Department, though we are aware of no congressional authority for the same.

However, the members of this board are not representative of the various sections of the Nation; in fact 5 of them out of 12 reside in a single eastern city.

This law has prevailed since 1913, during which time three United States district courts have held it to be unconstitutional, and no other court has sustained it. Its constitutionality is now before the United States Supreme Court for final decision.

Large sums of money have been appropriated by Congress for the enforcement of this law, but in numerous instances the Biological Survey has positively refused to prosecute violators.

The law has been flagrantly disregarded, and we offered proof of this statement to those intrusted with its enforcement.

In every instance the issue has been evaded. We have since been informed by one of the administrative officers in the Biological Survey that, pending the decision of the United States Supreme Court upon its constitutionality, no further cases would be received by the Department of Justice for prosecution.

Notwithstanding this statement, notices have been recently circulated in the daily press by the Department of Agriculture which announced that "the law would be vigorously enforced."

Our best citizens had hoped that the law would be enforced and that the unjust season would be corrected. This has not been done.

The unruly element has regaled itself in hunting liberties which are alone denied to the better element through its conscience about law observance.

Their conscience, and not the vigilance of the law officials, is the only restraint produced by this deplorable state of affairs.

We are being deprived of our rights without any compensation on behalf of wild-life conservation.

If the migratory fowl are the property of all of the people of the Nation, the residents of the Middle West are part owners therein and should be accorded their constitutional rights in its use and enjoyment without any excuse or subterfuge being offered.

Article IV, section 11 of the United States Constitution declares: "The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States."

All other means having been denied us, we earnestly petition that no further public funds be appropriated for the enforcement of this migratory-bird law, and that our Senators and Representatives oppose it in every form and manner, even to its repeal.

Investigations into the transactions of the Bureau of Biological Survey will disclose that in connection with the administration of this law there have been many irregularities.

One official who was in immediate charge of framing the aforesaid regulation has so conducted himself that it was deemed necessary to dismiss him from his high position.

Several officers have either been removed or are now under investigation, and one Federal inspector has been indicted for falsifying his expense accounts.

The latter individual while under annual salary and expenses as Federal game inspector also during the same period occupied a position as deputy State game warden in Missouri and received as salary and expenses large sums of money during two years from the Missouri State Game and Fish Commission.

The letters on file in the Biological Survey, and likewise the replies thereto, will disclose correspondence calling attention to this condition over a year ago, but only very recently has it been deemed of sufficient importance to verify the true state of affairs which caused the Federal indictments.

We respectfully submit our plea for such action as your good judgment and regard for justice deems adequate to meet the conditions named herein.

In support of our position, and to show that the residents of Missouri, Illinois, Iowa, Kansas, and Nebraska are not seeking special privileges, nor are they antagonistic to modern methods of wild-life conservation, we with pride call attention to the fact that our State game laws are the most perfect and restrictive legislation of any of the various States.

The Federal regulations also produce such conditions in conflict with our State laws as to sadly deplete our hunting-license revenue, necessary to protect not only our native wild game but also protection of our public fishing waters, as well as the nongame song and insectivorous birds of great value to our agricultural interests.

The Federal law affords no substitute for this material damage.

Most respectfully submitted.

THE INTERSTATE SPORTSMEN'S PROTECTIVE ASSOCIATION,
By Dr. S. H. RAGAN, *President.*
W. L. MOORE, *Secretary-Treasurer.*
(Headquarters, Kansas City, Mo.)

Other signatures and addresses: H. C. Norcross, Carlyle, Ill., president Illinois Sportsmen's League; James Haldous, Alton, Ill., president Madison County Sportsmen's League; F. L. Pfeiffer, Centralia, Marion County Sportsmen's League; Robt. Bethmann, East St. Louis, St. Clair County Sportsmen's League; W. A. Jacobs, president Johnstone City Sportsmen's League; John Loos, president St. Clair County Sportsmen's League, Belleville, Ill.; Jas. N. Browne, president Illinois Sportsmen and Game Protective League, Quincy, Ill.; T. V. Brannan, president Cass and Schuyler Counties Association; W. T. Gordley, secretary Cass and Schuyler Counties Association, Virginia, Ill.; F. I. Trunnell, White Hall, Ill., Greene County.

Mr. HAUGEN. Mr. Chairman, I yield two minutes to the gentleman from Oklahoma [Mr. FERRIS].

[Mr. FERRIS addressed the committee. See Appendix.]

Mr. HAUGEN. Mr. Chairman, I yield one minute to the gentleman from Missouri [Mr. RUSSELL].

Mr. RUSSELL of Missouri. Mr. Chairman, I simply want to state that I am opposed to this migratory-game law and will vote for this amendment. I have never missed an opportunity to vote against it when it has been before this House. I believe that the States ought to control the hunting and the killing of game. It is peculiarly the function of the State governments to control the matter of game protection and not the duty of the Federal Government. The citizens of the States are interested in this subject, and the legislatures of all the States, so far as I am acquainted, have by proper legislation undertaken to protect the game throughout the country, and I have no doubt they will continue to do so.

Mr. SMITH of Minnesota. Will the gentleman yield?

Mr. RUSSELL of Missouri. I regret that I can not; I have only one minute. I have never doubted for a moment that this law is unconstitutional, and that it will be so decided by the Supreme Court of the United States whenever it finally passes upon that question. So far as I am advised, all of the Federal courts of the country that have passed upon it have decided that it is unconstitutional, and I have no doubt that will be the final result in the Supreme Court, but whether it is or not I insist that the States should control this mattter and not the Federal Government.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LEE. Mr. Chairman, I yield three minutes to the gentleman from Georgia [Mr. CRISP].

Mr. CRISP. Mr. Chairman and gentleman of the committee, I rise to oppose this amendment and I hope the amendment to strike out the appropriation will not prevail. Several Federal courts have passed on the constitutionality of this law, and the Arkansas case, the Shauber case, held it unconstitutional. The case was appealed to the Supreme Court of the United States and was argued before the Supreme Court on February 28, and the Supreme Court ordered a reargument, and the case is now awaiting decision. The Congress of the United States passed this act, and in my judgment, while it is on the statute books, until the court of last resort has passed upon it and held it unconstitutional, the presumption is that it is constitutional.

Mr. FERRIS. Will the gentleman yield?

Mr. CRISP. I can not; I have only three minutes. And I think this House should make the appropriation to carry it into effect. Now, I am from a section of the country that believes in State rights, and I believe in State rights as well as any Member of this House, but this migratory-bird law deals with migratory birds, and it is a well-known fact that the game of this country is rapidly becoming extinct on account of pothunters.

Now, one State in an effort to preserve its game may pass the most stringent, the most perfect law for the preservation and protection of the birds and a State adjoining it, from whence the birds are migrating, can have an open law, and in that State they can kill and destroy them, but the citizens of another State that has a good, wholesome game law can get no benefit or privilege of these birds because they are killed out in another State.

Now, I would not for a moment deprive friends in Indiana, Iowa, and Illinois, and other States from the splendid sport of shooting and killing game birds in season. But, as I understand the law, it allows the Department of Agriculture to regulate and fix the rules and regulations for the enforcement of this law, and if the rules and regulations are such as to deprive citizens of those States from the privilege of shooting game, I think the place to go is to the Department of Agriculture and see if they can get that remedied.

Mr. Chairman, the bird law is a wholesome one and should be retained on the statute books and should be executed. It is well known by the farmers that birds are their good friends, for birds destroy millions of worms, bugs, and insects which destroy crops; so, gentlemen of the House, you who have the interest and welfare of the farmers at heart should vote against the amendment of the gentleman from Kansas. I hope the committee will vote down the amendment.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HAUGEN. Mr. Chairman, I yield five minutes to the gentleman from Iowa [Mr. GREEN].

Mr. GREEN of Iowa. Mr. Chairman, I hope this motion to strike out this paragraph will prevail.

I have listened to a discussion on this subject in this House now several times. I never have heard any lawyer contend that this provision was constitutional. I never have heard any reasons given why it ought not to be held constitutional. The only reasons we have ever heard for maintaining this provision in this bill are the same that have been stated by the gentleman from Georgia [Mr. CRISP], namely, that until there was some decision on the subject we ought not to legislate it out as being unconstitutional by the method of cutting off the appropriation. That argument prevailed the last time this question was before the House for consideration. Perhaps it ought to have prevailed then, but since that time we have had decisions by two different Federal district courts, holding that this law under which the authorities are now acting is unconstitutional, and there has not been any doubt about it in the minds of the court. I do not think there is any doubt about it in the mind of one lawyer out of a hundred. I do not care to argue the legal question, because it seems to me so plain and so clear that there is no tenable theory under which this Government could get constitutional jurisdiction over wild game. It has no property in them, and there is no principle under which this law could be sustained.

Mr. RAKER. Will the gentleman yield right there?

Mr. GREEN of Iowa. Yes.

Mr. RAKER. Now, on the statement that the gentleman has made, that the Government has no property in this wild game, how do you answer the question that we have bird preserves owned by the Government, where the birds are protected and reared? Has not the National Government just as much interest in wild game on its lands as the States have in wild game?

Mr. GREEN of Iowa. I am not talking about the jurisdiction of the United States over its game preserves. It has jurisdiction in the same way over the navigable waters and over the banks of the rivers up to the high-water mark, and to that extent, probably, this law is constitutional, but no more.

Mr. WM. ELZA WILLIAMS. Will the gentleman yield?

Mr. GREEN of Iowa. I will.

Mr. WM. ELZA WILLIAMS. I want to illustrate the point in answer to the gentleman. There are no public lands in the State of Illinois or in Iowa, and yet on the theory that the birds will fly across the Mississippi River from Illinois to Iowa, the Government has jurisdiction. That is the theory.

Mr. SMITH of Minnesota. Will the gentleman yield?

Mr. GREEN of Iowa. I am sorry, but I have not the time to yield.

Mr. SMITH of Minnesota. Had you spring shooting in Iowa before this law went into effect?

Mr. GREEN of Iowa. I could not say, but I think we did before this law went into effect. I want to say further as to why this House ought to cut off this appropriation. It is not merely a matter of killing wild game. The deprivation of that right is not so serious that I would care to stand up here and make any contention about it. But it is a fact that among Federal officials there is a disposition to exercise an authority after it has been held unconstitutional by the court.

Mr. REILLY. Is not the policy of the United States Government as to all laws to assume that they are constitutional until declared unconstitutional by the highest court?

Mr. GREEN of Iowa. I am talking about that very policy.

Mr. REILLY. It would look as if you were referring to the policy of this law entirely. That is the general policy of the United States Government.

Mr. GREEN of Iowa. I was going on further to say how this idea is carried on.

Mr. RAKER. Will the gentleman yield further for just one word?

Mr. GREEN of Iowa. I have only five minutes, and I have not got into the matter I wanted particularly to discuss. Now, in the case of the oleomargarine law with reference to the adulterated butter, there are certain parts of those laws that have been held unconstitutional by the courts. Notwithstanding that, the Government officials undertake to go on and impose penalties in the hope that people are unable to contend against them in the Federal courts, using this law as an engine of oppression, and this manner of acting on the part of Federal officials ought to be restrained by this House.

Mr. HAUGEN. I yield to the gentleman from Washington [Mr. HUMPHREY] four minutes.

The CHAIRMAN. The gentleman from Washington is recognized for four minutes.

Mr. HUMPHREY of Washington. Mr. Chairman, I regret that the time has been limited on so important a measure as this. I happen to be one of the Members of the House who belong to that great class known as "sportsmen." I think I know something about this law. The demand for its repeal is simply the old question of human greed and human selfishness that we saw exhibited in regard to the buffalo and which we saw exhibited in regard to the passenger pigeon. Everybody wants to keep on killing until the game is wiped out, without regard to rapid extinction.

My good friend from Illinois [Mr. WM. ELZA WILLIAMS] complains, and complains bitterly, that they do not permit shooting upon certain rivers. Then he tells us his idea of the reason why. He says that the migratory birds must stay on the rivers, because the rivers are their resting grounds. The State of Washington, long before this law was passed, enacted a State law forbidding the shooting of water fowl within 1 mile of either bank of the Columbia River. That is where the birds congregate. We do not want them destroyed. That is why the birds are not permitted to be killed upon the rivers the gentleman from Illinois [Mr. WM. ELZA WILLIAMS] mentions. It is their resting place. The record shows that during the brief time this Federal law has been in existence these migratory birds have been rapidly increasing. As has been said, if you are going to permit one community to shoot out of season during this time of migration, all these birds will be destroyed.

My good friend from Iowa [Mr. GREEN] says he never heard any lawyer say that this law is constitutional. I beg to remind the gentleman of the fact that an able lawyer, once a Member of this House, has written a strong brief on this matter. I refer to Mr. George H. Shiras, 3d. He takes the other side of the case and makes a very strong showing to the effect that the law is constitutional. But there is one thing certain, and that is that whether the law is constitutional or unconstitutional, it has been doing a great deal of good.

You take it in several of the States, they have not attempted to dispute its constitutionality, but have enacted State laws to correspond with it. My good friend from Oklahoma [Mr. FERRIS] says it is very annoying and a great outrage. It is not annoying and it is not an outrage to those who obey it. It is only annoying to those who do not wish to obey the law. They are the only ones who have trouble with it. The law is always annoying to those who wish to disregard it.

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

Mr. HUMPHREY of Washington. Yes.

Mr. DOOLITTLE. Does the State of Washington permit hunting on the Columbia River at any time?

Mr. HUMPHREY of Washington. No; we do not permit shooting within 1 mile of either bank of the Columbia River. Also in Puget Sound there are some islands where shooting is not allowed. That is to permit these birds to have a resting place. On Lake Washington, one of the largest lakes in the State, shooting is entirely prohibited and also within 1 mile of its shores. These birds must follow the watercourses; there they must rest; and if you are going to permit shooting on these rivers, and especially during the migratory season, these birds will soon be destroyed.

Mr. WM. ELZA WILLIAMS. Mr. Chairman, may I interrupt the gentleman there?

Mr. HUMPHREY of Washington. Yes.

Mr. WM. ELZA WILLIAMS. Tell me the reason of a rule that would prohibit the killing of birds between Minneapolis and Memphis and permit the killing indiscriminately above Minneapolis and below Memphis?

Mr. HUMPHREY of Washington. The reason given by the experts is that that is the great migratory path followed by these birds during their flights north and south. That is where they congregate. If you permit the shooting there, they will soon be exterminated.

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

Mr. HUMPHREY of Washington. Yes.

Mr. AYRES. Why does not this law prohibit the robbing of the nests in the feeding grounds?

Mr. HUMPHREY of Washington. The gentleman is very much mistaken if he thinks that the rules and regulations of the department do not in every way possible prohibit that.

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

Mr. LEE. Mr. Chairman, I yield three minutes to the gentleman from Indiana [Mr. CULLOP].

Mr. HAUGEN. Mr. Chairman, may I inquire how much time I have remaining?

The CHAIRMAN. The gentleman from Iowa has consumed 17 minutes.

Mr. CULLOP. Mr. Chairman, I hope the motion of the gentleman from Kansas [Mr. DOOLITTLE] will prevail.

The law has been held to be unconstitutional by the nisi prius courts, for which this appropriation of $50,000 is proposed for the enforcement. An appeal has been taken from the decision of the lower court and it is now pending in the Supreme Court of the United States for final adjudication. Why should we appropriate $50,000 here to enforce a law in which the presumption now under the precedents of this country is that it is unconstitutional? It has been so decided by the lower courts, and that decision is binding until it is reversed by the higher court. Its operation would have been suspended except for the appeal to the Supreme Court of the United States.

Now, what is the condition? The enactment of the law received much censure and it was charged the sole object of it was in the interest of the rich sportsman and against the poor one. It does afford amusement for the sportsmen who can hire a private car and take a vacation in the South in the winter season and in the North in the summer season, and go to the places where they may hunt and shoot game; but as to the man on the farm in the interior of the country, less fortunate, it has taken from him his pleasure and deprived him of a right, and he must be content with keeping his gun in his house while his richer neighbor may enjoy the sport which the Federal law of this country denies to him because of his unfortunate financial condition.

Here is an attempt by the department, under a law already held unconstitutional, to employ men and undertake to deprive the people of the country of a right to which they ought to be entitled under the decisions of the courts of this country. A department seeking to have an appropriation to enforce a law which the courts have held invalid is exhibiting more zeal than is becoming. Further than that, this is a question that the States themselves can better regulate than the Federal Government, and it is one of the rights which the Federal Government in its centralization of power ought not to be permitted by Congress to usurp from the States. The States can control this matter, and it is entirely within their province. They can control it more cheaply than the Federal Government, and they ought to be permitted to do it in the way their citizens prefer.

Mr. Chairman, here is a practical example of the Federal Government encroaching on the rights of the States, usurping a function of the States in the exercise of the police powers which properly belong to the States in better equipping them in the conduct of their local self-government. When the Federal Government takes from the several States functions of their police regulation, it is entering upon a dangerous procedure and one that, if carried to its last analysis, will strip the States of the need of local self-government and transfer to the Federal Government a very difficult and cumbersome duty to regulate the local affairs of the people of the several States. It will require much work and entail enormous expense. In the very nature of such an administration it would require a large force of officials, and would make the private possessions of the individual a game preserve of the Federal Government to be patrolled by a Federal police force, which would prove most distasteful to the citizen. Again, the wishes of the people of all the States are not uniform on this matter. The people of a crop-producing State may have one desire, while those of a stock-producing State may, and doubtless would, have altogether a different one. It is from this viewpoint that we find logical reasons for the argument that this matter should be left to the several States for regulation, where, in my opinion, it properly belongs.

In the stock-raising sections farmers want the right to shoot and kill certain birds which feed among the stock, because they disseminate contagious diseases; carry the same on their feet from one herd to another, and thereby do incalculable injury. In another section, where grain and other farm products are alone raised by the farmer, they do not want them killed, because they feed upon worms and insects which destroy crops. Hence the diversity of wishes about this matter. If left to the States to regulate, each can regulate to the best advantage of its citizens; but if the Federal Government regulates it, it will then be uniform all over the Union, because a law of Congress operates the same throughout the Republic.

But the law gives the opportunity for one class of citizens to exercise a privilege which another class of citizens less fortunate can not exercise, and is, therefore, for this reason discriminatory. Legislation should not, if possible, thus discriminate among our people if it could be avoided, and in this case it can be. Legislation should not take from the States the exercise of police powers if the States can exercise such powers as advantageously for the public, which they can do in this case, and hence here is the basis for denying the appropriation for the enforcement of the law provided for in this paragraph. The department, it seems, is unduly hasty in asking the appropriation for this purpose, when the law has been held invalid by the courts and the appeal is pending for final adjudication. I hope the amendment will be adopted and the paragraph stricken from the bill.

Mr. HAUGEN. Mr. Chairman, so far as the informant of the migratory game birds act is concerned, that is not the question at issue. If that were the question I should vote to support it. I voted for the passage of the bill, and I shall be glad to have it held constitutional; but, as has been admitted here, the law has been declared unconstitutional, and we are now asked to appropriate $50,000 to enforce an act which the courts have held to be unconstitutional; and, so far as I know, no lawyer of any standing will stake his reputation upon an opinion asserting that the law is constitutional. In view of that fact, I believe that the $50,000 can be appropriated to better advantage.

Mr. HUMPHREY of Washington. Mr. George Shiras, a former Member of this House, one of the best lawyers in this country, who has given this subject as much study as any man living, has written a brief upholding the constitutionality of this law.

Mr. HAUGEN. Mr. Chairman, I have so many requests for time that, in order to yield time to others, I shall not take any further time myself, but will insert in the RECORD extracts from the hearing.

The CHAIRMAN. Are there any further questions on that item?

We will now take up 28, pertaining to the migratory-bird law. There is an increase there, Doctor, of $50,940.

Mr. NELSON. I would like to explain, Mr. Chairman, that that increase is required from the fact that the present appropriation of $50,000 is totally inadequate to accomplish the purpose. We are supposed to enforce the migratory-bird law over the entire United States, and $50,000 gives us only 17 inspectors. Seventeen inspectors go a very small way in covering the United States and preventing violations of the law. We have been bombarded by the bitterest kind of criticism and complaint because we were not enforcing that law.

Mr. HOWELL. How many adverse decisions have there been against the constitutionality of the law?

Mr. NELSON. The Shauver decision was the first one, and since then there have been several more. Perhaps Dr. Palmer can tell you more definitely about that.

Dr. PALMER. There have been two adverse decisions by the Federal courts—one in the eastern district of Arkansas and one in the district of Kansas. There was an adverse decision by the Supreme Court of Maine last July, when the question of Sunday hunting was injected, with the idea of setting aside the State law; and very recently—within a few weeks—the Supreme Court of Kansas rendered an adverse decision which was an outgrowth of the same case that was taken into the United States district court of Kansas.

Mr. MCLAUGHLIN. Have any decisions been upheld?

Dr. PALMER. One of the decisions was appealed to the Supreme Court of the United States and argued on the 18th day of last October, but a decision has not been handed down.

Mr. MCLAUGHLIN. Where from?

Dr. PALMER. From the eastern district of Arkansas.

Mr. RUBEY. What are you doing where the decision was appealed from? Are you still enforcing the law in the districts where the appeals are pending?

Mr. NELSON. The law is being enforced the same as ever, until the status of the law is decided by the Supreme Court of the United States.

The CHAIRMAN. They had one decision upholding the law?

Dr. PALMER. There was one case in South Dakota in which the defendant entered a plea of guilty and the court imposed a fine of $100.

Mr. CANDLER. The court held it was unconstitutional in Arkansas?

Dr. PALMER. Two Federal district courts have held the law unconstitutional.

Mr. CANDLER. What courts?

Dr. PALMER. The Federal courts in the eastern district of Arkansas and the district of Kansas. Several other district courts, however, have imposed fines.

Mr. MCLAUGHLIN. The question of the constitutionality of the law was not raised in those cases?

Dr. PALMER. The constitutionality of the law was not raised.

Mr. HAUGEN. Is it the practice of the department to try and enforce laws declared unconstitutional by the district courts and the circuit courts?

Mr. NELSON. We are now warning the public, through the press and otherwise, that they are liable to prosecution if they break the regulations, and are gathering evidence of violations for future use in case the law is declared constitutional.

Mr. HAUGEN. I was trying to get at the general policy of the Government. I happened to know that a few other decisions of the courts held certain rulings of the department to be unconstitutional, notwithstanding the prosecutions continued and people were held up to the extent of a thousand dollars. I should like to know if that is the policy of the Government in general or only that particular department—if that policy is being generally pursued?

Mr. NELSON. The policy that we are carrying out is to gather the evidence and not to institute prosecutions.

Mr. HAUGEN. Enforcing the law, notwithstanding the declaration by the district courts holding departmental rulings unconstitutional?

Mr. NELSON. We are notifying the people that the declaration by the district court that the law is not constitutional does not kill the law. The law still stands to be settled by the Supreme Court of the United States.

Mr. HAUGEN. That is the very thing. But it has in a decree been declared unconstitutional by the lower court and is now up to the Supreme Court.

The CHAIRMAN. What are you going to do if one court holds it constitutional and another court of equal jurisdiction holds it unconstitutional?

Mr. HAUGEN. That does not happen to apply to these cases, as I understand it.

The CHAIRMAN. Yes; the district court of South Dakota held it unconstitutional. Did you not say that, Dr. Palmer?

Dr. PALMER. South Dakota has only one district court. Arkansas has two, the eastern district and the western district. Now, we had some cases in the western district of Arkansas and the judge dismissed some cases, and in other cases, where two or three pleas of guilty were entered, the court let them off with nominal fines, then suspended sentence. It practically resulted in the western district following the eastern district.

The CHAIRMAN. What happened in South Dakota?

Dr. PALMER. A fine of $100 was imposed in one case and one or two cases were dismissed.

The CHAIRMAN. In this case in South Dakota the party pleaded guilty?

Dr. PALMER. The party pleaded guilty and the court filed no formal opinion.

Mr. HAUGEN. Then, so far as that court goes, the law has not been held to be unconstitutional.

That question is now for the Supreme Court to determine, of course. Who is prosecuting the case in the Supreme Court?

Mr. NELSON. The Department of Justice. It appears to me that the fact that one of the Federal courts has declared the law unconstitutional does not set aside or nullify the act of Congress until the Supreme Court has passed on the question.

Mr. HAUGEN. That is one way of construing it. Who is prosecuting the case in the Supreme Court?

Mr. NELSON. The case is being prosecuted by the Department of Justice.

* * * * * * *

Mr. NELSON. In that way—that we furnish the information.

Mr. HAUGEN. So it is in the power of the department to suppress or to expedite prosecutions?

Mr. NELSON. By suppressing them, which would not be discharging our duty.

Mr. HAUGEN. If it is found by the Supreme Court that the law is unconstitutional, the fines imposed, referred to as nominal fines, would amount to nothing less than a holdup. You would be fining people or compelling people to pay fines under a law that did not exist?

Mr. NELSON. That law exists so far as the constitutionality——

Mr. HAUGEN (interposing). If it is declared unconstitutional by the higher court?

Dr. PALMER. That happens all the time. A case is tried and determined, but a later decision that the law is unconstitutional does not affect that case. That case is out of the way altogether.

Mr. HAUGEN. In what way? You hold a man for $500 and he pays it?

Mr. McLAUGHLIN. Yes; and that disposes of the case.

Mr. HAUGEN. And if the courts hold the law to be unconstitutional, do you claim, in justice, that he should have paid the $500?

Mr. McLAUGHLIN. He has already paid it.

Mr. HAUGEN. Was it justly collected?

Mr. McLAUGHLIN. It is disposed of, and you can not go back and rake over all those other cases to pay back that man his money.

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Mr. STEELE. I agree with Mr. RUBEY that you are imposing a hardship upon the hunters of the country; that you are collecting this evidence with the purpose, in case the Supreme Court holds it is legal, that you will go on and prosecute these people, when the court now, as far as we know, has decided it is unconstitutional. I think that is a fair construction of the effect of this action upon the hunters of this country.

Mr. NELSON. We are merely carrying out our duty as required by the law. We are not trying to impose extra hardships upon anyone.

Mr. HAUGEN. It was stated a few minutes ago that where nominal fines were imposed they were paid. I have no knowledge of your bureau, but I happen to have knowledge of some other departments of this Government having made certain rules and regulations, the question was brought to the court, and the court held that the department had not the power to make such rules and regulations; and, notwithstanding the decision of the court, it went on and imposed fines in accordance with rules and regulations made. Now, I want to know if that is the practice of this department. I know it to be the practice of another department.

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The CHAIRMAN. If there is any criticism of the bureau at all, Congress must bear its proportionate share of that criticism. These decisions, to which Dr. Palmer called attention, in Arkansas were declared two or three years ago, and since those decisions appropriations for the fiscal year 1915 were passed by Congress, so that we are particeps criminis to this crime, if it be a crime, and we can not escape our responsibility in it.

Mr. HAUGEN. I want to say that I concur with and agree with the chairman in what he has stated. I was not criticizing the department. I was asking the question as to what was the practice of the department.

Mr. HAUGEN. I yield three minutes to the gentleman from Wisconsin [Mr. LENROOT].

Mr. LENROOT. Mr. Chairman, it may be that this act will be held unconstitutional by the Supreme Court. That is not, however a settled question, and I have no hesitation in saying that if it shall be held unconstitutional it will be a public misfortune.

I was very much surprised at the speech of my good friend, the gentleman from Oklahoma [Mr. FERRIS], in which he said this was an idiotic law. I am sure he would not have said that had he had anything but a superficial knowledge of what the law is and what it accomplishes. So far the discussion has gone along the line of the preservation of game; but does the gentleman realize the economic value to every farmer in this country of the migratory birds other than game birds? I used to be very familiar with that subject when that question was before the House. I can not state the figures now, but a single meadow lark upon a farm is worth several dollars to a farmer. Does the gentleman know that at the time this law was passed there were States in this Union that had no laws prohibiting the killing of song birds or birds of any kind? Does the gentleman know that prior to the passage of this law the robin was considered a game bird in some of the States of this Union? Does the gentleman know that since this law was passed a majority of the States, because of the passage of this law, have so amended their laws as to standardize them with the rules and regulations of the Department of Agriculture, made under this Federal law? It is not alone the preservation of game. It is the preservation of the other birds of this country that are of so much value to the farmers from an economic standpoint.

If the gentlemen upon this floor who are now opposed to this law realized the economic value to this country of the birds, there would not be a vote in favor of the motion to strike out this provision. Gentlemen say it is a State matter. Will you tell me how a farmer in one State who is benefited by the birds, as all farmers are, can receive any protection from his State laws if another State permits the indiscriminate slaughter of those birds on their annual journey? Is there any other way by which this subject can be reached except through Federal regulation?

Mr. WM. ELZA WILLIAMS. Will the gentleman yield?

Mr. LENROOT. Yes.

Mr. WM. ELZA WILLIAMS. In the State of Wisconsin you have many lakes which serve as resting places for the ducks, where they stop in the fall on their way South, so that this law does not operate against hunters in your State. Will you not concede it is an unfair discrimination to a State like Illinois?

Mr. LENROOT. Oh, the gentleman's argument is not against the law but against the regulations. His argument should not be made upon this floor but before the Department of Agriculture. [Applause.]

Mr. LEE. Mr. Chairman, I yield two minutes to the gentleman from Ohio [Mr. OVERMYER].

Mr. OVERMYER. Mr. Chairman, I think the State of Ohio will yield to no other State in the Union in its desire to preserve the game birds of this country; but I wish to remind the committee that so far as my district, which borders on Lake Erie, is concerned, the only time in the year when we have any wild ducks is during the time we are prohibited from shooting them by operation of this law. The State Legislature of Ohio some years ago adopted the provisions of this Federal statute, but at the last session of the legislature the act was repealed. I have had a number of letters and personal interviews with citizens of my district who are protesting against the operation of this law, for the reason that it deprives citizens of northern Ohio of any opportunity to shoot wild ducks, because the only season of the year when they are present is when they are prohibited from shooting by this act. I hope that this motion will prevail, as I do not believe that money should be expended seeking to enforce a law that has been declared unconstitutional by a number of Federal courts. [Applause.]

Mr. HAUGEN. Mr. Chairman, I yield two minutes to the gentleman from Minnesota [Mr. SMITH].

[Mr. SMITH of Minnesota addressed the committee. See Appendix.]

Mr. HAUGEN. Mr. Chairman, I yield what time I have remaining to the gentleman from Indiana [Mr. COX].

Mr. COX. Mr. Chairman, I presume that all remember how this finally became a law. It was placed on the Agricultural bill in the Senate. It came back here on the 3d of March, 1911, in the closing hours of Congress when there was no time to explain it and no way to defeat the bill.

Mr. MANN. Will the gentleman yield?

Mr. COX. Yes.

Mr. MANN. Was not that after the House had passed the bill?

Mr. COX. No; it went on over in the Senate. Some one near me says it was after we had defeated the bill. I read the opinion that the bill was unconstitutional, and as a Member of this House and as a lawyer I shall watch with a great deal of interest the decision in that case. If the Supreme Court of the United States upholds this law then so far as I am concerned I will be imbued and endowed with the hope that we can finally get a tariff commission that will go as far as I would like to see it go, and that is to the point of enabling the commission to fix the rate of duties upon goods imported into this country. I do not believe that the law is constitutional, but, of course, we have a right to presume that it is until the court of last resort has spoken on the question. [Applause.] But, Mr. Chairman, to my mind, we are occupying a peculiar position, not only the Committee on Agriculture but the Members of this Congress in appropriating $50,000 a year for a law that every supreme court in the various States, as well as Federal, that have spoken on the subject have declared to be unconstitutional. [Applause.]

Mr. LEVER. Mr. Chairman, the situation is this: Some years ago we passed what was known as the migratory bird law, a law protecting migratory birds from pothunting and indiscriminate killing. The item in this bill carrying $50,000 is intended to enforce the provisions of that law. The department estimated for $99,000 for that purpose. The committee allowed $50,000, which is the amount carried by the current law.

Mr. ADAMSON. Will the gentleman yield?

Mr. LEVER. Yes.

Mr. ADAMSON. If the Supreme Court should hold this unconstitutional the appropriation would be safe in the Treasury?

Mr. LEVER. Without doubt.

Mr. ADAMSON. And if unconstitutional, we will do a little good before that happens.

Mr. LEVER. Yes; several Federal courts have passed on this proposition, one holding it constitutional and two holding it unconstitutional. The case is now before the Supreme Court of the United States for reargument, and it does seem to me that until the case is passed upon by the highest legal authority in the

land we ought to provide the machinery and the appropriation with which to enforce the law as it exists. I am not arguing this from a legal standpoint, because I am not a lawyer, and I know nothing about the constitutionality of this proposition, but I stand here to say, as a student of agricultural economics, as a friend of the farmer in this country, that the farmer of the United States has no better friends in the United States than the birds of the country. [Applause.] Nature works in mysterious ways, and nature provides our bird life for us not only the æsthetic pleasure it gives us but for the value of the bird in the economic world. If you destroy the bird life of America to-day, I venture to assert that within six months' time this country will be overrun with worms, bugs, and insects ad infinitum and galore. [Laughter and applause.]

The CHAIRMAN. The question is on the motion to strike out the paragraph.

Mr. MANN. Mr. Chairman, I make the point of order that there is no quorum present.

Mr. LEVER. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HAMLIN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 12717, the Agricultural appropriation bill, and had come to no resolution thereon.

EXTENSION OF REMARKS.

Mr. FESS. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD on the juvenile court bill.

The SPEAKER. Is there objection?

There was no objection.

Mr. CRISP. Mr. Chairman, I ask unanimous consent to extend my remarks on the migratory-bird provision.

The SPEAKER. Is there objection?

There was no objection.

Mr. DYER. Mr. Speaker, I make the same request.

The SPEAKER. Is there objection?

There was no objection.

Mr. RAKER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of the juvenile-court bill.

The SPEAKER. Is there objection?

There was no objection.

Mr. AYRES. Mr. Speaker, I make the same request.

The SPEAKER. Is there objection?

There was no objection.

Mr. LLOYD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the juvenile-court bill by inserting an article that is written in the Presbyterian Standard.

The SPEAKER. Is there objection?

Mr. BARNHART. I object.

Mr. FERRIS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the migratory-bird provision.

The SPEAKER. Is there objection?

There was no objection.

Mr. SMITH of Minnesota. Mr. Speaker, I make the same request.

The SPEAKER. Is there objection?

There was no objection.

Mr. LLOYD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the juvenile-court bill.

The SPEAKER. Is there objection?

There was no objection.

Mr. HILLIARD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the question of the so-called Susan B. Anthony suffrage amendment.

The SPEAKER. Is there objection?

There was no objection.

Mr. FARR. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the migratory-bird provision.

The SPEAKER. Is there objection?

There was no objection.

Mr. HULL of Iowa. Mr. Speaker, I make the same request.

The SPEAKER. Is there objection?

There was no objection.

LEAVE OF ABSENCE.

Mr. SMITH of Minnesota. Mr. Speaker, I ask unanimous consent that my colleague Mr. LINDBERGH may be excused for a few days on account of the sickness of his daughter.

The SPEAKER. Is there objection?

There was no objection.

HOUR OF MEETING TO-MORROW.

Mr. LEVER. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow.

The SPEAKER. The gentleman from South Carolina asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 a. m. to-morrow. Is there objection? [After a pause.] The Chair hears none.

CHANGE OF REFERENCE.

Mr. LEVER. Mr. Speaker, I ask unanimous consent that the bill (H. R. 14536) for the extension of the Army remount system by the purchase of pure-bred stallions of a type and breed adaptable to military uses, which has been referred to the Committee on Military Affairs, may be referred to the Committee on Agriculture.

The SPEAKER. Without objection——

Mr. STAFFORD. May I ask the gentleman has that the approval of the chairman of the Committee on Military Affairs?

Mr. LEVER. I did not see the chairman of the Committee on Military Affairs, but I would say to the gentleman from Wisconsin——

The SPEAKER. This bill has always been handled by the Committee on Agriculture, but in some way it got to the other committee. Is there objection? [After a pause.] The Chair hears none.

ADJOURNMENT.

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

The motion was agreed to; accordingly (at 5 o'clock and 58 minutes) the House adjourned to meet to-morrow, Tuesday, April 25, 1916, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Texas City Harbor, Tex., with a view to enlargement and protection (H. Doc. No. 1054); to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

2. A letter from the Secretary of War, transmitting final report of the commission to investigate the title of the United States to lands in the District of Columbia, created by the act approved May 30, 1908 (H. Doc. No. 1055); to the Committee on the District of Columbia and ordered to be printed, with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. WEBB, from the Committee on the Judiciary, to which was referred the bill (H. R. 14426) to amend section 6 of the act entitled "An act to incorporate the American National Red Cross," approved January 5, 1905, reported the same without amendment, accompanied by a report (No. 589), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GRAY of Indiana, from the Committee on Naval Affairs, to which was referred the bill (H. R. 9548) to regulate the wages of certain employees employed in or under the Navy and War Departments of the Government, reported the same with amendment, accompanied by a report (No. 590), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. FOCHT, from the Committee on War Claims, to which was referred the bill (H. R. 7182) for the relief of William S. Rote, reported the same without amendment, accompanied by a report (No. 588), which said bill and report were referred to the Private Calendar.

Mr. STEPHENS of Mississippi, from the Committee on Claims, to which was referred the bill (H. R. 9737) for the

relief of John A. Bingham, reported the same without amendment, accompanied by a report (No. 593), which said bill and report were referred to the Private Calendar.

Mr. CAPSTICK, from the Committee on Claims, to which was referred the bill (H. R. 7883) for the relief of Charlotte M. Johnston, reported the same with amendment, accompanied by a report (No. 591), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 1443) for the relief of Joe T. White, reported the same with amendment, accompanied by a report (No. 592), which said bill and report were referred to the Private Calendar.

Mr. STEPHENS of Mississippi, from the Committee on Claims, to which was referred the bill (H. R. 4880) for the relief of James Bookhamer, reported the same without amendment, accompanied by a report (No. 594), which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk and laid on the table, as follows:

Mr. CAPSTICK, from the Committee on Claims, to which was referred the bill (H. R. 9202) for the relief of Joshua Banks Nicholson, reported the same adversely, accompanied by a report (No. 595), which said bill and report were laid on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII the Committee on Pensions was discharged from the consideration of the bill (H. R. 8384) granting a pension to Ella L. Blondell and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. DAVIS of Texas: A bill (H. R. 14968) to make classifications for military and naval service; to promote preparedness; to provide for adequate and efficient national defense; to require that in all naval and military service of the United States, whether in time of peace or war, wealth shall bear and perform its proportional part of the service, and that money shall be made to fight for its country the same as men; to the Committee on Ways and Means.

By Mr. STEDMAN: A bill (H. R. 14969) for the establishment of Winston-Salem, N. C., as a port of delivery under the act of June 10, 1880, governing the immediate transportation without appraisement of dutiable merchandise; to the Committee on Ways and Means.

By Mr. WEBB: A bill (H. R. 14970) to enlarge the jurisdiction of the municipal court of the District of Columbia, and to regulate appeals from the judgments of said court, and for other purposes; to the Committee on the District of Columbia.

By Mr. CLARK of Florida: A bill (H. R. 14971) to repeal all laws and parts of laws embodied in the statutes of the United States relating to examinations of applicants for positions in the civil service of the United States, commonly called the "civil-service laws"; to the Committee on Reform in the Civil Service.

By Mr. TAYLOR of Colorado: A bill (H. R. 14972) to authorize the establishment of game preserves and sanctuaries in the State of Colorado, and for other purposes; to the Committee on the Public Lands.

By Mr. TAGGART: A bill (H. R. 14973) to amend an act entitled "An act relating to the liability of common carriers by railroad to their employees in certain cases," approved April 22, 1908, and amended April 5, 1910; to the Committee on the Judiciary.

By Mr. WEBB: A bill (H. R. 14974) to amend the act entitled "An act to establish a code of law for the District of Columbia, approved March 3, 1901," and the acts amendatory thereof and supplementary thereto; to the Committee on the Judiciary.

By Mr. JOHNSON of South Dakota: A bill (H. R. 14975) for the remodeling of the United States Federal building at Aberdeen, S. Dak.; to the Committee on Public Buildings and Grounds.

By Mr. HILLIARD: A bill (H. R. 14976) to fix the sizes of baskets or other open containers for small fruits or berries; to the Committee on Coinage, Weights, and Measures.

By Mr. SHOUSE: A bill (H. R. 14977) authorizing the Secretary of War to donate to the Grand Army of the Republic post at Hutchinson and the city of Hutchinson jointly, in the county of Reno and State of Kansas, two bronze or brass cannon or fieldpieces, with their carriages; to the Committee on Military Affairs.

By Mr. HAY: Resolution (H. Res. 216) to provide for the discharge of the Committee on Military Affairs from the consideration of H. R. 12766, and for other purposes; to the Committee on Rules.

By Mr. TAYLOR of Colorado: Concurrent resolution (H. Con. Res. 33) authorizing the printing of the bulletin prepared by the Department of the Interior on "Glimpses of our national parks"; to the Committee on Printing.

By Mr. KENNEDY of Rhode Island: Memorial of the General Assembly of Rhode Island, protesting against the passage of H. R. 8929, providing for an inheritance tax; to the Committee on Ways and Means.

By Mr. STINESS: Memorial of the General Assembly of Rhode Island, protesting against the passage of H. R. 8929, providing for an inheritance tax; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII private bills were introduced and severally referred as follows:

By Mr. ANTHONY: A bill (H. R. 14978) for the relief of Ida Turner; to the Committee on Claims.

By Mr. BOOHER: A bill (H. R. 14979) granting an increase of pension to James P. Reynolds; to the Committee on Invalid Pensions.

By Mr. COADY: A bill (H. R. 14980) granting an increase of pension to Margaret Eckstine; to the Committee on Invalid Pensions.

By Mr. DEWALT: A bill (H. R. 14981) granting an increase of pension to Albert Flanagan; to the Committee on Invalid Pensions.

By Mr. FERRIS: A bill (H. R. 14982) granting an increase of pension to Della W. Smith; to the Committee on Invalid Pensions.

By Mr. FESS: A bill (H. R. 14983) granting an increase of pension to George Fawn; to the Committee on Invalid Pensions.

By Mr. GOOD: A bill (H. R. 14984) granting an increase of pension to Malcolm W. Sweet; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14985) granting an increase of pension to Edward L. Swem; to the Committee on Invalid Pensions.

By Mr. KING: A bill (H. R. 14986) granting a pension to Virgil A. Phillips; to the Committee on Invalid Pensions.

By Mr. McDERMOTT: A bill (H. R. 14987) granting an increase of pension to Edward J. Harshman; to the Committee on Invalid Pensions.

By Mr. McFADDEN: A bill (H. R. 14988) granting an increase of pension to Charles Robinson; to the Committee on Invalid Pensions.

By Mr. McKELLAR: A bill (H. R. 14989) granting a pension to Nina H. Love; to the Committee on Invalid Pensions.

By Mr. OLDFIELD: A bill (H. R. 14990) granting an increase of pension to Henry E. Garber; to the Committee on Pensions.

By Mr. PETERS: A bill (H. R. 14991) granting a pension to Sarah T. Welsh; to the Committee on Invalid Pensions.

By Mr. POWERS: A bill (H. R. 14992) authorizing the President to appoint Frank B. Lawson a first lieutenant in the Regular Army; to the Committee on Military Affairs.

By Mr. REILLY: A bill (H. R. 14993) granting a pension to Minnie Hansen; to the Committee on Invalid Pensions.

By Mr. RUCKER: A bill (H. R. 14994) authorizing the Secretary of the Interior to cancel abandoned homestead entry of Franklin P. Forsyth (Serial No. 04885), made on February 7, 1911, for Island No. 23 in the Missouri River, it being further described as the fractional section 13, 53, 20, containing $96\frac{35}{100}$ acres, and sell said land to John P. Randolph at the Government price and issue a patent to him therefor; to the Committee on the Public Lands.

By Mr. RUSSELL of Missouri: A bill (H. R. 14995) granting an increase of pension to Acan Misplay; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14996) granting an increase of pension to Samuel N. Gibbs; to the Committee on Invalid Pensions.

By Mr. SELLS: A bill (H. R. 14997) granting an increase of pension to William W. Mowl; to the Committee on Pensions.

By Mr. SLOAN: A bill (H. R. 14998) reinstating Maj. Benjamin M. Koehler to his former rank and grade in the United States Army; to the Committee on Military Affairs.

By Mr. STINESS: A bill (H. R. 14999) granting an increase of pension to Abbie E. Austin; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of the Merchants' Association of New York, against the Clarke amendment to the Philippine bill; to the Committee on Insular Affairs.

Also (by request), memorial of citizens of Colorado Springs, Colo., protesting against action of Judiciary Committee in regard to suffrage amendment; to the Committee on the Judiciary.

Also (by request), petition of Belmont Street Christian Endeavor Society of Watertown, Mass., favoring national prohibition; to the Committee on the Judiciary.

By Mr. ANTHONY: Petition of sundry citizens and societies of the State of Kansas, favoring national prohibition; to the Committee on the Judiciary.

By Mr. ASHBROOK: Petition of C. B. Fish and 36 others, of Knox County, Ohio, favoring pensioning civilians who were employed in the Canal Zone; to the Committee on Appropriations.

By Mr. BAILEY: Petition of sundry citizens of the State of Pennsylvania protesting against bill to create juvenile court in the District of Columbia; to the Committee on the District of Columbia.

By Mr. CANDLER of Mississippi: Petition of Mrs. S. E. Stanley and others, of Booneville, Miss., favoring House bill 10924, prohibiting rum exports to Africa; to the Committee on Alcoholic Liquor Traffic.

By Mr. CURRY: Petitions by H. D. Frederick and Thomas A. Evans, of Crockett, Cal., favoring section 56 of the Chamberlain bill providing for a Volunteer Army; to the Committee on Military Affairs.

By Mr. DALE of New York: Memorial of the Merchants' Association of New York, against the Clarke amendment to the Philippine bill; to the Committee on Insular Affairs.

Also, memorial of men and women voters of Williams, Ariz., and Elko (Nev.) Civic League, relative to action of Judiciary Committee in regard to suffrage amendment; to the Committee on the Judiciary.

Also memorial of National Democratic Club of New York City, favoring a merchant marine; to the Committee on the Merchant Marine and Fisheries.

Also, petition of J. A. Christie, of New York, favoring preparedness; to the Committee on Military Affairs.

By Mr. DAVENPORT: Petition of various citizens of Bartlesville, Okla., favoring the passage of House bill 6915, being a bill to grant indefinite leave to superannuated employees of the Postal Service; to the Committee on the Post Office and Post Roads.

Also, petition of business men of Vinita, Welch, Lenapole, Pryor, Broken Arrow, and Hulbert, all in the State of Oklahoma, favoring the passage of House bill 270 or 712; to the Committee on Ways and Means.

By Mr. DILL: Petition of Mr. J. W. Robertson and other residents of Alstown, Wash., protesting against the passage of House bill 652; to the Committee on the District of Columbia.

Also, petition of Mr. Thomas Burnett and other residents of Wenatchee, Wash., protesting against the passage of House bills 6468 and 491; to the Committee on the Post Office and Post Roads.

Also, petition of Mr. Thomas Burnett and other residents of Wenatchee, Wash., protesting against the passage of House bill 652; to the Committee on the District of Columbia.

Also, petition of Mr. J. W. Robertson and other residents of Alstown, Wash., protesting against the passage of House bill 6468; to the Committee on the Post Office and Post Roads.

Also, petition of Mrs. T. C. Lammon and other residents of Wenatchee, Wash., protesting against the passage of House bills 6468 and 491; to the Committee on the Post Office and Post Roads.

Also, petition of Mrs. T. C. Lammon and other residents of Wenatchee, Wash., protesting against the passage of House bill 652; to the Committee on the District of Columbia.

Also, petition of Mr. W. B. Randolph and other residents of Omak., Wash., protesting against the passage of House bills 6468 and 491; to the Committee on the Post Office and Post Roads.

Also, petition of Mr. W. B. Randolph and other residents of Omak, Wash., protesting against the passage of House bill 652; to the Committee on the District of Columbia.

Also, petition of Mr. D. M. Gammon and other residents of Dayton, Wash., protesting against the passage of House bills 6468 and 491; to the Committee on the Post Office and Post Roads.

Also, petition of Mr. G. A. Weeks and other residents of Conconully, Wash., protesting against the passage of House bill 652; to the Committee on the District of Columbia.

Also, petition of Mr. G. A. Weeks and other residents of Conconully, Wash., protesting against the passage of House bills 6468 and 491; to the Committee on the Post Office and Post Roads.

Also, petition of Mrs. W. E. Schnebly and other residents of Chattaroy, Wash., protesting against the passage of House bills 6468 and 491; to the Committee on the Post Office and Post Roads.

Also, petition of Miss Mattie L. Sutherland and other residents of Newport, Wash., urging the passage of the joint resolution providing for the adoption of a prohibition amendment to the Constitution; to the Committee on the Judiciary.

Also, petition of Mr. W. W. Whalen and other residents of Spokane, Wash., protesting against the passage of House bills 6468 and 491; to the Committee on the Post Office and Post Roads.

By Mr. ESCH: Petition of the Merchants' Association of New York, against the Clarke amendment to the Philippine bill; to the Committee on Insular Affairs.

By Mr. ELSTON: Petition of John Young and other citizens of Berkeley, Cal., against Sunday-observance bill for the District of Columbia; to the Committee on the District of Columbia.

Also, petition of John Young and other citizens of Berkeley, Cal., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, petition of Woman's Benefit Association of the Maccabees, favoring House bill 9329, relative to beneficiary societies and insurance companies; to the Committee on the Post Office and Post Roads.

By Mr. FARR: Petition of United States penitentiary guards at Leavenworth, Kans., relative to increase in pay; to the Committee on Appropriations.

By Mr. GARDNER: Petition of 15 citizens, and Young People's Society of Christian Endeavor, of Amesbury, Mass., favoring national prohibition; to the Committee on the Judiciary.

By Mr. GRAY of Indiana: Petition of Karl B. Davis, of Middletown, Ind., against House bill 563, relative to common carriers, etc.; to the Committee on Interstate and Foreign Commerce.

Also, petition of Fred Huckery and others, of Richmond, Ind., against bill for juvenile court in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of Fred Huckery, of Richmond, Ind., and others, against bills to amend the postal laws; to the Committee on the Post Office and Rost Roads.

By Mr. HADLEY: Petition of sundry citizens of Port Angeles, Wash., against bill to create a juvenile court in the District of Columbia; to the Committee on the District of Columbia.

By Mr. HOPWOOD: Petition of guards at Leavenworth (Kans.) Penitentiary, for increase of pay; to the Committee on Appropriations.

By Mr. HOUSTON: Petition of citizens of Hillsboro, Tenn., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Hillsboro, Coffee County, Tenn., against act to create juvenile court in the District of Columbia; to the Committee on the District of Columbia.

By Mr. HILLIARD: Petitions of Mrs. Rose Goodman Chamberlain and 8 others, G. W. Hubbell and 22 others, W. A. McCammon and 14 others, all of Denver, Colo., against passage of bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. HINDS: Petition of 25 citizens of New Gloucester, Me., favoring national prohibition; to the Committee on the Judiciary.

By Mr. JOHNSON of South Dakota: Petition of sundry citizens of Watertown and Waubay, S. Dak., favoring national prohibition; to the Committee on the Judiciary.

By Mr. KENNEDY of Rhode Island: Petition of C. W. Jones, of Saylesville, R. I., favoring the passage of Senate bill 4874; to the Committee on Agriculture.

Also, petition of the Ashway Line & Twine Manufacturing Co., of Ashway, R. I., favoring the bill for 1-cent postage; to the Committee on the Post Office and Post Roads.

By Mr. KIESS of Pennsylvania: Petition of citizens of Williamsport, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. LINTHICUM: Petition of sundry business concerns, favoring bill for the standardization of the lime barrel; to the Committee on Coinage, Weights, and Measures.

By Mr. LOUD: Memorial of Woman's Christian Temperance Union of Coleman, Mich., favoring national prohibition; to the Committee on the Judiciary.

By Mr. McDERMOTT: Papers to accompany bill for relief of E. J. Harshman; to the Committee on Invalid Pensions.

By Mr. McFADDEN: Memorial of Methodist Episcopal Church, Woman's Christian Temperance Union, and 29 citizens of Hamlin, 50 of Springville, and 45 of Great Bend, all in the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

By Mr. McKENZIE: Petition of citizens of Dixon, Ill., protesting against passage of House bill 13048, to create a juvenile court in the District of Columbia; to the Committee on the District of Columbia.

By Mr. MEEKER: Petition of 70 citizens of St. Louis, Mo., favoring Hay bill relative to National Guard; to the Committee on Military Affairs.

Also, petition of 23 citizens of St. Louis, Mo., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. RAKER: Petition of First National Bank of Alturas, Cal., favoring amendment of the Federal reserve bank act; to the Committee on Banking and Currency.

Also, protest against the closing of barber shops in the District of Columbia on Sunday; to the Committee on the District of Columbia.

Also, protest against a bill to amend the postal laws by citizens of Hammonton, Cal.; to the Committee on the Post Office and Post Roads.

By Mr. ROUSE: Petition of citizens of the State of Kentucky, protesting against House bill 13048, to create a juvenile court in the District of Columbia; to the Committee on the District of Columbia.

By Mr. SLOAN: Petition of John H. Freeman and 16 others, of Omaha, Nebr., favoring resolution for increase in pay of custodian employees; to the Committee on Labor.

By Mr. SMITH of Michigan: Papers to accompany House bill 14897, for the relief of Eliza C. Spears; to the Committee on Invalid Pensions.

By Mr. SNELL: Memorial of Henry H. Paradis, George Hensby, S. W. Mayne, A. B. Jamieson, Smith Jamieson, Charles J. Locke, David H. Hesselgrave, F. G. Briggs, Truman R. Griffith, Herbert Washburn, Clark F. Nichols, Henry G. Waddell, F. S. Lawrence, E. R. Johnston, and Roy A. White, of Ogdensburg, N. Y., protesting against the passage of the Fitzgerald and Siegel postal bills; to the Committee on the Post Office and Post Roads.

By Mr. STEPHENS of California: Resolution of the Chamber of Commerce of Wilmington, Cal., favoring House bill 4726, for the appointment of a tariff commission; to the Committee on Ways and Means.

Also, petitions protesting against House bills 491 and 6468, to amend the postal laws, from C. F. Morgan and 47 other citizens of Los Angeles, Cal., and William F. Miller and 9 other citizens of Watts, Cal.; to the Committee on the Post Office and Post Roads.

Also, letter from Herbert Edward Law, of San Francisco, Cal., protesting against a power plant being erected on the river boulevard in Washington; to the Committee on the District of Columbia.

Also, petition from George H. Fardo and 45 other citizens, of Los Angeles, Cal., protesting against House bill 13048, entitled "An act to create a juvenile court in the District of Columbia"; to the Committee on the District of Columbia.

By Mr. STINESS: Petition of Ashaway (R. I.) Line & Twine Manufacturing Co., favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petitions of Hon. William M. P. Bowen, M. E. Littlefield, Dr. M. M. Blumer, George E. Crowle, George A. Halliwell, and Frank Chapman, all of Providence, R. I., favoring the Chamberlain military bill, especially section 56; to the Committee on Military Affairs.

By Mr. TAYLOR of Colorado: Memorial of citizens of Colorado Springs, Colo., against the delay in House Judiciary Committee reporting suffrage amendment; to the Committee on the Judiciary.

By Mr. TILLMAN: Petition of sundry citizens of Arkansas, favoring amending rural-credit bill; to the Committee on Banking and Currency.

Also, petition of sundry citizens of Fayetteville, Ark., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, petition of sundry citizens of Gentry, Ark., against bill to create a juvenile court in the District of Columbia; to the Committee on the District of Columbia.

SENATE.

TUESDAY, *April 25, 1916.*

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

Almighty God, the Ruler of the Universe, our highest and first allegiance is to Thee. We would have no part in life apart from Thee. Thou art the giver of every good and perfect gift. We come praying that Thou wilt, through all the manifold ministries of Thy grace, incline our hearts to keep Thy law. Put high and noble thoughts into our minds. Inspire our hearts with all that is purest, highest, and best. We would not have friendship except that which can be sweetened and refined by the divine companionship. We would not have patriotism that is not sanctified by divine grace. Enable us to be true first to our obligations to God and to ourselves. If we are true to Thee and to ourselves, we feel that we can never be untrue to our fellow men. Guide us in the discharge of the duties of this day. For Christ's sake. Amen.

The Journal of yesterday's proceedings was read and approved.

DISTRICT OF COLUMBIA APPROPRIATIONS.

The VICE PRESIDENT laid before the Senate a communication from the chairman of the Public Utilities Commission of the District of Columbia, stating that balance sheets for the year ended December 31, 1915, had been forwarded, pursuant to law, to the Speaker of the House of Representatives February 1, 1916, and that additional balance sheets submitted subsequent to February 1 had also been transmitted to the Speaker of the House of Representatives, which was referred to the Committee on Interstate Commerce.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by E. T. Taylor, jr., one of its clerks, announced that the House disagrees to the amendment of the Senate to the bill (H. R. 12766) to increase the efficiency of the Military Establishment of the United States, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HAY, Mr. DENT, and Mr. KAHN managers at the conference on the part of the House.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H. R. 12843) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. RUSSELL of Missouri, Mr. ASHBROOK, and Mr. FULLER managers at the conference on the part of the House.

The message further announced that the House had passed a bill (H. R. 8348) to amend an act entitled "An act to create a Juvenile Court in and for the District of Columbia, and for other purposes," in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolutions, and they were thereupon signed by the Vice President:

H. R. 6241. An act to ratify, approve, and confirm an act amending the franchise granted to H. P. Baldwin, R. A. Wadsworth, J. N. S. Williams, D. C. Lindsay, C. D. Lufkin, James L. Coke, and W. T. Robinson, and now held under assignment to Island Electric Co. (Ltd.), by extending it to include the Makawao district, on the island of Maui, Territory of Hawaii; and extending the control of the Public Utilities Commission of the Territory of Hawaii to said franchise and its holder;

H. R. 9909. An act to authorize the Chicago, Milwaukee & St. Paul Railway Co. to construct a bridge across the Missouri River;

H. R. 11320. An act granting the consent of Congress to the counties of Twin Falls and Minidoka, State of Idaho, to construct a bridge across Snake River;

H. R. 11471. An act to amend paragraphs 177 and 178 of an act entitled "An act to reduce tariff duties and to provide revenue for the Government, and for other purposes," approved October 3, 1913, relating to the duty on sugar, molasses, and other articles;

S. J. Res. 98. Joint resolution to print as a public document the final report and testimony submitted to Congress by the United States Commission on Industrial Relations; and

S. J. Res. 121. Joint resolution authorizing the appointment of a representative of the United States Government to appear at the celebration of the landing of Sir Francis Drake on the coast of California.