

By Mr. SHALLENBERGER: A bill (H. R. 15451) granting an increase of pension to Edward McVey; to the Committee on Invalid Pensions.

By Mr. STEELE of Iowa: A bill (H. R. 15452) granting an increase of pension to James P. Martin; to the Committee on Invalid Pensions.

By Mr. TAGGART: A bill (H. R. 15453) granting an increase of pension to William Alice Glenn; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Arkansas: A bill (H. R. 15454) for the relief of the estate of Robert C. Martin, deceased; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. CURRY: Memorial of California Metal Producers' Association, against the passage of House bill 12275, to revise the mining laws; to the Committee on Mines and Mining.

By Mr. DAVIS of Minnesota: Memorial of Civic Club of Stillwater, Minn., favoring the passage of House bill 175; to the Committee on Mines and Mining.

By Mr. DILL: Petition of Mr. E. J. Crockett and other residents of Twisp, Wash., protesting against the passage of House bill 13048; to the Committee on the District of Columbia.

By Mr. DILLON: Petitions of sundry citizens of Lennox, Freeman, Tyndall, and Spencer, S. Dak., favoring the maintaining of friendly relations with Germany; to the Committee on Foreign Affairs.

By Mr. DYER: Memorial of the Protestant churches of Greater New York, against war with Germany; to the Committee on Foreign Affairs.

Also, memorial of Major E. M. Brown Camp, No. 22, United Spanish War Veterans, in re civil-service laws; to the Committee on Reform in the Civil Service.

By Mr. ESCH: Petition of Mr. Carl Hilke and 43 other residents of La Crosse County, Wis., in favor of embargo on munitions of war; to the Committee on Foreign Affairs.

Also, petition of Otto Meyer and 56 other residents of Unity, Wis., protesting against House bills 491 and 6468, authorizing the Postmaster General to exclude certain publications from the mails; to the Committee on the Post Office and Post Roads.

Also, petition of Mr. Carl Hilke and 43 other residents of La Crosse County, Wis., favoring the warning of American citizens not to take passage on armed merchantmen belonging to belligerents; to the Committee on Foreign Affairs.

Also, petition of Mr. Carl Hilke and 45 other citizens of La Crosse, Wis., protesting against any action which might involve the United States in war; to the Committee on Foreign Affairs.

Also, petition of Dr. H. A. Klever and 10 other citizens of Taylor, Wis., protesting against House bill 13048, to amend the juvenile court act for the District of Columbia; to the Committee on the District of Columbia.

Also, memorial of Protestant Churches Association of Greater New York City, favoring maintaining friendly relations with Germany; to the Committee on Foreign Affairs.

By Mr. FLYNN: Memorial of United Singers of Philadelphia, favoring maintaining peace; to the Committee on Foreign Affairs.

Also, memorial of Protestant Churches Association of Greater New York City, favoring maintenance of friendly relations with Germany; to the Committee on Foreign Affairs.

By Mr. FULLER: Petition of Rockford (Ill.) Chamber of Commerce, for the Shields water-power bill; to the Committee on Rivers and Harbors.

Also, petition of Protestant Churches Association of Greater New York, favoring the maintenance of friendly relations with Germany; to the Committee on Foreign Affairs.

By Mr. HILLIARD: Petition of Ellis Meredith Clement and 27 others, all of Denver, Colo., urging the passage of the Tinkham bill, providing a training school for mental defectives in the District of Columbia; to the Committee on the District of Columbia.

By Mr. KELLEY: Petition of 54 citizens of Flint, Mich., against Sunday observance in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of 29 citizens of Flint, Mich., against bills amending the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. LAFEAN: Petition of citizens of New York, recommending retention of section 56 of the Chamberlain bill; to the Committee on Military Affairs.

By Mr. LOUD: Memorial of And. Reuther, president, and J. W. Putz, secretary, in behalf of Local No. 6, Bay City,

Mich., composed of 118 members, protesting against war with Germany, and requesting strict neutrality; to the Committee on Foreign Affairs.

By Mr. McDERMOTT: Petition of Messrs. Michael P. Duggan, Charles F. Brown, Frank A. Mulholland, Charles E. Nouck, Walter Kull, Daniel F. Lane, William M. Konen, and others, all of Chicago, Ill., favoring the passage of the Lobeck classification bill; to the Committee on Agriculture.

By Mr. MCLEMORE: Petition of citizens of Brenham, Tex., against war with Germany; to the Committee on Foreign Affairs.

By Mr. MOORES of Indiana: Petition of 30 members of the Association of Indiana Industrial Teachers, favoring House bill 11250, national vocational education bill; to the Committee on Education.

By Mr. RANDALL: Memorial of United Singers of Philadelphia, protesting any action which may involve this country in war; to the Committee on Foreign Affairs.

Also, memorial of people of Los Angeles, Cal., favoring woman suffrage; to the Committee on the Judiciary.

Also, memorial of Protestant Churches Association of Greater New York City, protesting against breaking relations with Germany; to the Committee on Foreign Affairs.

Also, memorial of people of San Luis Obispo, Cal., favoring woman suffrage; to the Committee on the Judiciary.

Also, petition of Vocational Guidance Society of California, favoring Smith-Hughes bill for vocational education; to the Committee on Education.

Also, memorial of 150 people of Santa Barbara, Cal., favoring woman suffrage; to the Committee on the Judiciary.

Also, petition of Ida Alexander and 33 other citizens of Beaverton, Oreg., protesting against bill to amend postal laws; to the Committee on the Post Office and Post Roads.

By Mr. STINESS: Memorial of New England Southern Conference of the Methodist Episcopal Church, favoring national prohibition; to the Committee on the Judiciary.

By Mr. WALSH: Petition of New England Southern Conference of the Methodist Episcopal Church, in session assembled at Norwich, Conn., by J. Francis Cooper, its secretary, advocating passage of Sheppard-Gallinger national prohibition resolution, Senate joint resolutions 55 and 64, and for passage of Webb-Smith resolutions, House joint resolutions 84 and 85; to the Committee on the Judiciary.

SENATE.

MONDAY, May 8, 1916.

(*Legislative day of Friday, May 5, 1916.*)

The Senate reassembled in executive session at 11 o'clock a. m., on the expiration of the recess, and at 12 o'clock and 20 minutes p. m. the doors were reopened.

GOVERNMENT OF THE PHILIPPINES.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives on the bill (S. 381) to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for those islands, insisting upon its amendments and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. HITCHCOCK. Mr. President, I move that the Senate concur in the amendments made by the House of Representatives.

Mr. CLARKE of Arkansas. Mr. President, I trust the motion to concur will be adopted. The amendment by the House relates to what I deem to be only a minor feature of one of the largest questions that have ever been presented to the American people. I, of course, refer to the effort to grant independence to the Filipino people, recently disposed of by the Congress in a way that I think will hereafter provoke further consideration of it not wholly dissociated from frank comment about the influences and groups which brought this about. The conceded circumstances attending this event involves the disclosure of a situation that ought not to be overlooked nor ignored. It goes to the vital interests of the Republic, and if it be found to exist as a permanent feature of our national life we must resist and expose it or take the consequences. This particular House substitute bill relates to merely administrative matters and is not at all related to the question as to whether or not we ought to get out of the Philippines nor when we should get out.

Mr. NORRIS. Mr. President—

Mr. CLARKE of Arkansas. I shall not occupy more than a few minutes. My views on the separation question are—

Mr. NORRIS. I want to ask the Senator from Arkansas a question. I do not understand what the amendment is.

Mr. CLARKE of Arkansas. It is what is called the Jones bill, offered by the House as a substitute for the Senate bill recently passed.

Mr. NORRIS. Is it the entire Jones bill?

Mr. CLARKE of Arkansas. It is substantially identical with the bill which passed the Senate with the proposed prohibition amendment and the so-called Clarke amendment left out of it, and probably several other things of minor character.

Mr. President, I do not intend to obstruct the passage of this Jones bill or any bill which deals with merely administrative questions. I think they are distinct from and subordinate to the great question of our getting out of the Philippine Islands. Indeed, I am glad that all questions of procedure and local administration have been separated, so that we may deal now with that one single proposition of withdrawing from the Philippines without having to gain or lose votes because certain other debatable provisions are annexed to a general bill in which the vital provision appears. In view of all that has occurred, I think that the question as to whether or not we ought to go out of the Philippines and when should be made the subject of a discussion and consideration when this is the only question presented. I do not know that an opportune occasion will present itself during the present session, but I hope it may. But I think as much of the general question of Philippine administration as is contained in the pending House amendment in the form of the so-called Jones bill ought to be disposed of now, whether we are to eventually get out of there or whether we are to retain the islands forever.

There are many very wholesome provisions contained in the pending Jones bill. I simply desire to say that I do not want the impression to arise that those of us who believe that we ought to get out of the Philippines now are at our row's end. We believe that that question ought to be still further and more seriously considered in the light of recent developments. I do not believe that we have as yet taken the judgment of the American people upon the main proposition, and certainly not on the difficulties to be encountered and overcome before the interests of the American and Filipino people involved can receive that intelligent, independent, and patriotic consideration which their transcendent importance demands.

For the present I think the wisest course will be taken if the motion of the Senator from Nebraska—to concur in the House amendment—shall be adopted.

The VICE PRESIDENT. The question is on concurring in the House amendment.

Mr. LIPPITT. Mr. President, I wish this matter could be laid over a day or two. I was not aware that the conferees had agreed upon a report.

Mr. BANKHEAD. This is not a conference report.

The VICE PRESIDENT. It is not a conference report.

Mr. LIPPITT. What is it?

Mr. HITCHCOCK. Mr. President, there seems to be some misapprehension here; and, if the Senator from Rhode Island will permit me, I will set it straight.

This is not a conference report. The bill as it passed the Senate went to the other House. A substitute was offered for it there and carried. The substitute is the original Jones bill with a minor change relating to the date of the election. The bill was then sent back to the Senate and has been upon the President's desk.

Mr. LIPPITT. When did the bill come to the Senate?

Mr. HITCHCOCK. Last week. My motion is to concur in the House amendment, the effect of the adoption of which will be to substitute the original Jones bill for the bill which was considered and passed by the Senate.

My reason for making that motion now is that the election provided for is to be held in June, and in order to allow adequate time for the holding of that election prompt action should now be taken.

Mr. LIPPITT. Mr. President, it would seem to me that in that situation this subject should go to a committee for consideration. This is not a conference report and it has no right of way here in any way. The very suggestion which the Senator from Nebraska has made in regard to the short time that would be allowed for an election provided for in this bill is itself an indication that the bill ought to be considered with regard to that point and others. As a matter of fact, here it is now the middle of May and that bill, the Jones bill, requires very elaborate machinery to be put in motion. I should think, considering the long distance of the Philippine Islands from here and the time it takes to communicate with them, that the time was already too short for an election to be held in June. I would therefore ask that the bill be referred to the Committee on the Philippines.

The VICE PRESIDENT. The status of the parliamentary situation is exactly this: The House passed an amendment, requested a conference, and instructed its conferees. It is not possible to refer the matter to a committee. There is just one of two things to do, either to agree to the original House bill, as moved by the Senator from Nebraska [Mr. HITCHCOCK], or to take up the question as to whether or not the Senate will go into a conference with the other House on the question.

Mr. HITCHCOCK. If the Senator from Rhode Island will permit me, I want to call the attention of the Senate to this fact: This question is not new. The Jones bill was carefully considered by the committee, of which the Senator from Rhode Island is an active member. The changes made by the Senate committee, while I think they were helpful, were not of very commanding importance. The substance of the bill as passed by the other House was the original Jones bill. This simply means the abandoning of the amendments which the Senate committee proposed.

Mr. BANKHEAD. Mr. President, I am compelled to call for the regular order.

Mr. HITCHCOCK. Let us finish this.

Mr. BANKHEAD. No; we shall not finish this, because it will run along all day, I fear.

Mr. LIPPITT. Mr. President, it seems to me that under the condition, as described by the Senator from Nebraska—and I now see exactly what it is—the bill should go to conference in the ordinary way in which such bills are managed, and that a conference report should be made upon the bill.

The VICE PRESIDENT. The Senator from Rhode Island has not been here. What good would it do to send this bill to conference? The House of Representatives instructed their conferees to agree to nothing except this bill. So what would the conference amount to in view of an instruction of that kind issued by the House of Representatives?

Mr. LIPPITT. Mr. President, the President may have knowledge beforehand of exactly what the conference committee may do, but I have not been aware that anybody was in position to say in advance just what a conference committee might do. I will state to the Chair, however—

The VICE PRESIDENT. The Senator from Rhode Island has not been here. It is not a conference, in the opinion of the Chair, that the House of Representatives are asking for. They have passed the bill and have instructed their conferees to stand by it. That is not a full and free conference.

Mr. LIPPITT. I think the Chair is in error, if he will allow me to say so.

The House has instructed its conferees to stand by one or two certain items in the bill. There are a great variety of changes which have been made in this bill by the Senate, on which the House did not vote at all, and on which they gave no instructions to their conferees. The Senate committee, as a matter of fact, spent nearly a year studying the bill; they held elaborate hearings, and they made a great variety of changes in it, which have not attracted the attention of the public as much as the one overshadowing item of what shall be done in regard to the freedom of the islands; but in the details of the bill for the purpose of perfecting the management of Philippine affairs there were a large number of changes made, and I think it is certainly very inadvisable to take the action proposed. I should not want to agree to the Senate voting to-day on the question put in the form in which it is put by the Senator from Nebraska. It seems to me it ought to take the ordinary course, which is to have a conference and allow the conferees to decide upon these minor changes in the bill.

Mr. WORKS. Mr. President—

Mr. BANKHEAD. Mr. President, I am compelled to demand the regular order.

The VICE PRESIDENT. The matter, then, will have to go over.

INDIAN APPROPRIATION BILL—CONFERENCE REPORT.

Mr. ASHURST. Mr. President, I desire to make a motion with regard to a privileged matter. On last Saturday the conference report on the Indian appropriation bill (H. R. 10385) was filed. I ask the Senate now to consider that report. It will take but a few moments.

Mr. LANE. Mr. President, I wish to say for the information of the Senator from Arizona that it will take more than a few moments. I want to discuss that conference report at length, if I may be allowed to do so.

The VICE PRESIDENT. The motion of the Senator from Arizona is not privileged. The presentation of a conference re-

port is a privileged matter, but it is not a privileged matter as to when it shall be taken up for consideration.

Mr. BANKHEAD. Mr. President, I understand the conference report is privileged, but I further understand that if this report is brought before the Senate to-day for consideration it will consume perhaps the entire day, and I think the Senator from Arizona should not insist upon it. Let us get the good-roads bill out of the way, as it has been here for several weeks.

Mr. SMOOT. Mr. President, the conference report is not privileged any further than its presentation is concerned; its consideration is not privileged.

THE VICE PRESIDENT. The presentation of the report is privileged, but the question of taking it up is not a privileged matter.

Mr. BANKHEAD. Then I demand the regular order.

Mr. ASHURST. I move that the Senate proceed to the consideration of the conference report on the Indian appropriation bill.

THE VICE PRESIDENT. The question is on the motion of the Senator from Arizona that the Senate proceed to the consideration of the conference report on what is commonly known as the Indian appropriation bill. [Putting the question.] The Chair is unable to determine by the sound, and will again put the question. [Putting the question.] The ayes seem to have it.

Mr. BANKHEAD. I ask for the yeas and nays.

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

Mr. SAULSBURY (when his name was called). I have a general pair with the junior Senator from Rhode Island [Mr. COLE]. In his absence I withhold my vote.

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

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from North Dakota [Mr. McCUMBER]. In his absence I withhold my vote.

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Arkansas [Mr. ROBINSON] and vote "nay."

Mr. WADSWORTH (when his name was called). I have a general pair with the junior Senator from New Hampshire [Mr. HOLLIS]. I transfer that pair to the senior Senator from Iowa [Mr. CUMMINS] and vote "yea."

Mr. WILLIAMS (when his name was called). Transferring my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the Senator from Arizona [Mr. SMITH] I vote "nay."

The roll call was concluded.

Mr. BECKHAM (after having voted in the negative). I transfer my pair with the senior Senator from Delaware [Mr. DU PONT] to the junior Senator from Nevada [Mr. PITTMAN] and will let my vote stand.

Mr. CHILTON. I have a pair with the Senator from New Mexico [Mr. FALL], and on that account I do not vote.

Mr. HITCHCOCK (after having voted in the negative). I transfer my pair with the Senator from Maine [Mr. BURLEIGH] to the Senator from Oklahoma [Mr. GORE] and allow my vote to stand.

Mr. DILLINGHAM. Observing that the senior Senator from Maryland [Mr. SMITH], with whom I have a general pair, has not voted I withhold my vote.

Mr. TOWNSEND. The senior Senator from Michigan [Mr. SMITH] is absent, but is paired with the junior Senator from Missouri [Mr. REED], who, I am informed, is at liberty to vote because, if my colleague were present, he would vote "nay." I desire the statement of the pair of the senior Senator from Michigan with the junior Senator from Missouri to stand for the day.

Mr. REED (after having voted in the negative). I voted, without announcing my pair or a transfer of it, inadvertently; but since that time I am advised by the colleague of the Senator from Michigan [Mr. SMITH] that I am released to vote as I did. I therefore allow my vote to stand.

Mr. HARDING (after having voted in the affirmative). I note the absence of the junior Senator from Alabama [Mr. UNDERWOOD], with whom I am paired, and I therefore withdraw my vote.

The result was announced—yeas 29, nays 39, as follows:

YEAS—29.

Ashurst	Kenyon	Nelson	Sutherland
Brandegge	La Follette	Norris	Wadsworth
Broussard	Lee, Md.	Oliver	Walsh
Catron	Lippitt	Owen	Warren
Clapp	Lodge	Page	Works
Curtis	Martin, Va.	Phelan	
Gronna	Martine, N. J.	Poindexter	
Jones	Myers	Smoot	

NAYS—39.

Bankhead	Hughes	Overman	Sterling
Beckham	Husting	Pomerene	Swanson
Borah	James	Ransdell	Taggart
Brady	Johnson, Me.	Reed	Thompson
Clarke, Ark.	Johnson, S. Dak.	Shafroth	Tillman
Culberson	Kern	Sherman	Townsend
Fletcher	Lane	Shields	Vardaman
Gallinger	Lea, Tenn.	Simmons	Weeks
Hardwick	Lewis	Smith, Ga.	Williams
Hitchcock	O'Gorman		

NOT VOTING—28.

Bryan	Dillingham	McCumber	Smith, Ariz.
Burleigh	du Pont	McLean	Smith, Md.
Chamberlain	Fall	Newlands	Smith, Mich.
Chilton	Goff	Penrose	Smith, S. C.
Clark, Wyo.	Gore	Pittman	Stone
Colt	Harding	Robinson	Thomas
Cummins	Hollis	Saulsbury	Underwood

So the Senate refused to proceed to the consideration of the conference report on the Indian appropriation bill.

GOOD ROADS.

The Senate, as in Committee of the Whole, resumed the consideration of the 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.

THE VICE PRESIDENT. The pending question is the amendment offered by the Senator from Utah [Mr. SMOOT] in the nature of a substitute.

Mr. BANKHEAD obtained the floor.

WOMAN SUFFRAGE.

Mr. CURTIS. Mr. President, will the Senator from Alabama yield to me to enable me to submit a resolution?

Mr. BANKHEAD. I will if it does not lead to any discussion.

Mr. CURTIS. If the resolution leads to discussion, we can let it go to the table or dispose of it in some other way. I ask unanimous consent for its immediate consideration.

THE VICE PRESIDENT. The Secretary will read the resolution.

The resolution (S. Res. 183) was read, as follows:

Whereas there is now before the Senate of the United States a resolution, No. 1, favorably reported from the Senate Committee on Woman Suffrage, proposing to amend the Constitution of the United States by removing the qualification of sex as a bar to the exercise of the right of franchise; and

Whereas a large number of women voters have delegated to certain envoys the duty of conveying to this Congress an expression of the desire of said women voters that this Congress shall submit to the States for ratification the pending constitutional amendment, generally known as the Susan B. Anthony amendment; and

Whereas the question of woman suffrage is one of the foremost issues before the people of the United States: Therefore be it

Resolved, That on the calendar day of May 16, 1916, this body shall stand adjourned at 5 o'clock and 15 minutes p. m., and immediately thereafter, the envoys from the said women's convention shall be permitted to enter the Senate Chamber and present from the floor the message which they are to bring from the western women voters.

Mr. OVERMAN. Mr. President, I shall object to the present consideration of the resolution. It ought to go to the Committee on Rules, and I therefore move that it be referred to that committee.

THE VICE PRESIDENT. The question is on the motion of the Senator from North Carolina. Without objection the motion is agreed to, and the resolution will be printed and referred to the Committee on Rules.

GOOD ROADS.

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THE VICE PRESIDENT. The question is on the amendment of the Senator from Utah.

Mr. SMOOT. Mr. President, on Saturday afternoon I discussed this amendment for nearly an hour. I do not want to go over the same ground that I covered on Saturday, nor do I intend to, at this time. I hope that when the amendment is voted upon the Members of the Senate will vote their true convictions, and, if they believe in the system of road building as provided for in the amendment, vote for it; if they do not be-

lieve in it, I hope they will vote against it. I am sure from what Senators have told me that if this course is followed the amendment will be adopted.

Under the committee amendment as reported to the Senate I am positive that there will be very little permanent road building in the United States. There are 2,270,000 miles of road in the United States, and the appropriation called for by the amendment of the committee can not possibly cover 10 per cent of the roads of the country; and if the amount of money appropriated is expended in the building of permanent roads, the amount that could be built under the apportionment of the Senate amendment would be so small that there would be but little good done to the roads of the country.

I do not believe it is the intention of the Senators favoring the committee amendment that the money shall be expended in the building of permanent roads in the United States. The most of it will be expended for the refitting and the rebuilding of present roads, and a part of it, no doubt, will be expended in the building of dirt roads; but very few permanent roads, and those only in a very few States, will ever be built under the provisions of the committee amendment.

There are some who have said that they are opposed to the amendment I have offered because the State does not get anything out of the Public Treasury; it does not give us anything. Under my amendment we are not asking appropriations out of the Public Treasury for building the roads. As I stated on Saturday, we are simply asking that the Government of the United States extend its credit to the States. If that is done, and the amendment is adopted, there can be \$500,000,000 expended in building substantial roads in the country that will not cost the Government of the United States one cent; and the system as provided for in the amendment is as nearly perfect as it is possible for it to be.

Let us begin right. I doubt whether there is a Senator but who will acknowledge that the committee amendment is nothing but a makeshift, which, if adopted, must sooner or later be changed; but in the meantime there will be expended millions of dollars of the people's money that will be of little and temporary service to the people.

I take it for granted that the Members of the Senate have read the amendment. There has been so much publicity given to it in years past—it is known as the Bourne plan—that I am going to take it for granted that the Senators understand its provisions.

I shall not take the time of the Senate further in discussing this amendment; but I do express the hope, now that the United States Government is to be asked to assist in building roads in this country, that there shall be no false step taken and no plan adopted that could be designated as a "pork-barrel" measure. Let us adopt a plan that most people admit is as nearly perfect as it is possible to provide, and in doing so we shall be establishing a system of road building in the country that will make our roads the equal of the roads of any other country in the world.

Mr. WORKS. Mr. President, from time to time since this debate commenced I have entered some mild objections to the pending bill. I have had occasion to consult with ex-Senator Bourne, who is the real author of this amendment, on various occasions. I know that he spent a great deal of time in an earnest effort to bring out of the situation that we are in legislation that would result in a proper way for the construction of good roads throughout the States. I am in favor of this amendment for two reasons: Because I think it is a more legitimate means of arriving at results, and because I think it will be infinitely more effective in bringing about what is really desired.

Mr. BANKHEAD. Mr. President, I do not intend to consume the time of the Senate in any extensive review of the substitute offered by the Senator from Utah; but I think the Senate is entitled to understand what the parliamentary situation would be in case this substitute should be adopted.

It will be remembered that the Senate for weeks has been considering a bill reported from the Committee on Post Offices and Post Roads, which is a substitute for a House bill commonly known as the Shackleford good-roads bill. The Senate committee struck out the whole of the House bill and substituted the bill that we have been considering. So that, if this amendment should be adopted, the bill that has been before the Senate for weeks and weeks, and has been discussed from every angle, and has been in some particulars amended—some of them good amendments—would be absolutely eliminated. The bill that we have here now would not be before the conferees. They could simply consider the original House bill and the substitute proposed by the Senator from Utah, if it shall be adopted, to take the place of the Senate bill.

Mr. President, briefly, what are the provisions of the House bill? It deals with two factors upon which appropriation shall be made under it. One is population; the other is road mileage. The question of area is not considered in that bill, and therefore it could not go before the conferees. So the Senate would be confined to the provisions of that bill and the substitute here pending.

There are many provisions of the House bill that I do not believe the Senate would consider for a minute. It starts out with a flat proposition of \$65,000 to each State. What that is based upon, how that calculation could have been reached I have never been able to understand. The House bill provides for maintenance. This money appropriated from the Government may be used in the maintenance of roads by the States. That has been so emphatically discussed here that it seems to me the Senate of the United States would not want to consider a proposition that appropriated money from the United States Treasury to maintain roads that are built under the provisions of the bill we are now considering.

There are many other provisions of the bill that seem to me to be unwise, but this substitute proposes to put that bill into conference and to eliminate the bill we have had before the Senate.

Now, a word with reference to the substitute. It is a beautiful dream, Mr. President, and sometime in the future, when normal conditions in this country are restored and when we have made the progress toward road building that we expect to see under the provisions of the Senate bill that we have been discussing, will be the time, and time enough, to talk about the Government of the United States issuing \$500,000,000 of bonds to this purpose.

I know it is said that it will not cost the Government anything. But the Government must sell those bonds at some price; and when we come to consider it, and we must consider the conditions that confront us—that the Government is likely to be called upon in the near future to issue many millions of bonds for the national defense—how can we accept a measure like this, that commits the Government to the issuance of this vast amount of bonds for the purpose suggested in the substitute?

There is another provision in the substitute which reckons with four factors of this appropriation and division—mileage, area, population, and assessed valuation. It so happens that there are six States in the Union whose assessed values are 50 per cent of the entire valuation in the country. Mr. President, I am not complaining of that. Those States that have accumulated this vast wealth have been fortunate. But, as has been suggested on the floor of the Senate, this wealth has not been created within the State. It has been drawn from every section of the Union. It has been drawn from every State and every hamlet.

The great State of New York, Mr. President, is the gateway to all the commerce, ingoing and outgoing, in this country, and it has collected the tolls from every section of the United States. There are other States, and I am not complaining of them; I am proud of their wealth and their prosperity; but we can not fail to understand the source from which this great wealth has come. It has been gathered from every hamlet in the United States by reason of favoritism shown in the taxing laws of the Government.

Now, these two questions will go to conference if this substitute is adopted, and I am going to venture the assertion now, and I do it with the greatest respect, that every man in the Senate who votes for the adoption of this substitute is opposed to any road legislation of any character, and they can only vote for its adoption with the view that in the end there will be no legislation at all on this subject. As I said, and I say it with the greatest respect and the greatest admiration for the splendid Senators who represent these vastly enormously wealthy States, there is no objection to that, but I am stating what will show on the roll call to be a fact, in my judgment.

I wish to say further, Mr. President, that the legislation we are now considering carries with it and brings with it more sympathy from the people of this country than any other measure which has been discussed in the Senate for a long, long time. The people are for it. They believe that it is just and fair and that they are entitled to this consideration from the Government that they support so cheerfully and whose battles they fight so valiantly when an occasion arises.

Senators talk about building good roads; they talk about throwing away the money that is to be appropriated. Mr. President, I have confidence in the honesty and the capacity of the people and their integrity; I have some confidence left in the governors of the States and their legislatures and their highway commissions and everybody who, directly or indirectly, is interested in this legislation.

When we go to the extent of emphasizing the fact as to how these roads shall be constructed and how this money shall be appropriated and that the States themselves shall have control and direction of the operation of building the roads after an agreement has been reached with the Secretary of Agriculture as to their location and character and the estimate of the cost, it is then turned over to the States practically, and I can not understand how any Senator on the floor can find it in his heart to say that he has no confidence in the people and in the highway commissions and in the governors and legislatures and the other people who are going to have the say as to how this money shall be expended.

There are many things in the House bill that are objectionable. There are many things in this substitute that are objectionable. Under its provisions there are many States in this Union that could not receive a cent of this appropriation so far as values are concerned. Many of them are now bonded to the limit, and added to the existing bonded indebtedness the amount they are supposed to receive under the provisions of this substitute would put them without the pale of the provisions of the law.

There is another provision in the bill, Mr. President, that ought to be designated as a joker. That is what it is. It is the provision creating a highway commission to supervise and direct the operation of this substitute. Who are that commission proposed in this bill? The chairman of the Committee on Post Offices and Post Roads of the Senate and the ranking minority member, the chairman of the Post Office Committee of the House and the ranking minority member, and the Director of Public Roads in the Agricultural Department, and one engineer to be appointed by the Secretary of War. If that is not purely and simply a political committee I never heard of one. No man who is mentioned as a member of that commission has any scientific knowledge of road building. They know nothing of the materials out of which roads should be built, when you are building substantial roads as the provisions of the bill require. They are authorized to appoint I do not know how many people all over the country in every State. There is no limit upon the number whom they may appoint and no limit on the salaries that may be paid. I say that that is a joker, and I say it with all respect.

Mr. President, this is all I care to say about this bill. I want to repeat that if this substitute is adopted it eliminates the Senate bill, and if it reaches the conference nothing can be considered in that conference but the original Shackleford bill and this substitute. I imagine, Mr. President, that it would be difficult to work out of that situation a bill that would meet with the approval of the Senate.

Mr. TOWNSEND. Mr. President, I have heard it stated many times by Senators who oppose the Senate bill that there was no sincerity on the part of the advocates of the measure but who regard it simply as a makeshift. Mr. President, I deny the statement so far as I am concerned, and I believe I can do it with equal truthfulness so far as the other members of the subcommittee which had this matter in charge are concerned.

I was at one time, and am yet, of the opinion that the Bourne bill, if it could be adopted by Congress, would be a scientific and an equitable solution of the road problem. I felt that way some years ago when there was a chance to pass it; that is, when it was not embarrassed by the situations or conditions of the country which now maintain. At that time most of the Senators, and I exclude the Senator from Utah [Mr. Smoot], but most of the Senators who now are going to vote for the substitute, would not give it even a pleasant word. They denounced it as impracticable and as being simply a theory which could not be made to work. There was a prospect of passing it then and they opposed it. There is no chance to pass it now; hence their hearty support of it.

Mr. President, I realize that there are conditions existing in the country to-day which would make it impractical to adopt this plan at the present time.

The Committee on Post Offices and Post Roads had this matter before it and it was then discovered, at least to my satisfaction, that the House under no circumstances would consider this substitute. I do not believe that the Senate would consider favorably the House bill. Therefore it is simply a question at this time whether State aid of any kind will be afforded by Congress. So the Senator from Alabama is absolutely correct when he states that if the substitute is adopted by the Senate it means the end of Federal-aid legislation to the building of roads at this session of Congress.

I realize that many Senators who oppose Federal aid want just that thing to happen; but I submit, Mr. President, it is not

quite a fair way to meet the issue. The issue should be met squarely and not be disposed of by a subterfuge.

I can imagine something of the effect upon the securities of the country if at this time there is authorized an additional issue of \$500,000,000 of Government bonds and an attempt to float them for the purpose of building roads in the several States.

Therefore, with me, Mr. President, it is a practical question, not a theoretical one. I did advocate the Bourne bill several years ago, and at that time believed if we could start it under normal conditions it might have been made to work. It would require a change of laws in many of the States and constitutional amendments in others before it could be put into operation. That, of course, would require considerable time; in some instances, years.

I have received many letters from road commissioners in various States; men who, I think, are very familiar with the road question, and they have stated to me in those letters that they are opposed to the so-called Bourne proposition at this time. They favor the measure now pending before the Senate.

We are proposing to spend the money belonging to the people of the various States. Their experts have passed upon this subject, and I think with quite as much intelligence as theorists in the Senate have done.

Therefore, being in favor of good-roads legislation and being convinced that the bill before us is practical and economical and means the building of good roads, I can not vote for a substitute which would mean the end of legislation and thus deprive the people who have given years of careful study to this subject the opportunity to have desired legislation—

Mr. SMOOT. Mr. President, I am a little surprised at the Senator from Alabama [Mr. BANKHEAD] designating the proposed substitute as a beautiful dream. I have always understood that the Senator from Alabama was rather inclined to this scientific system of road building, and I believe that he, as chairman of the Committee on Post Offices and Post Roads of the Senate, reported it favorably to the Senate.

Mr. BANKHEAD. I will say that when that bill was reported to the Senate I was decidedly opposed to it, and I did everything I could to keep it from being reported to the Senate, and I said that I would file a minority report.

Mr. SMOOT. I accept the Senator's word. I understood he had been in favor of it. But I do know there are many other Senators, and nearly every one of them who has spoken against the amendment now, who were in favor of the amendment, and most of them have said on the floor of the Senate that they were at one time in favor of it. The excuse that is given now that the substitute should not be adopted is that conditions have changed, and it is intimated that it would be impossible to sell the bonds.

The Senator from Alabama said that he did not know at what the bonds would sell. The amendment provides that the bonds can not be sold at less than par. It provides that they shall carry a rate of interest of 3 per cent, and I say without a question of doubt that a 3 per cent Government bond can be sold to-day at par or above.

In fact, Mr. President, there is a better market for bonds of all kinds to-day than there has been for the last quarter of a century. The untold millions of dollars in the way of profits, I might say excessive profits, that have been made by American industries through the unfortunate war in Europe are being invested in all kinds of securities, and I have no doubt that to-day the 3 per cent Government bonds would sell most readily. Really, Mr. President, the conditions to-day for the establishment of this scientific system of road building are very much better than they were two or three years ago.

In relation to the apportionment, which was criticized by the Senator from Alabama [Mr. BANKHEAD], I want to say that I can not conceive of any way that the apportionment could be made better than it is made. There was an intimation that, because of the fact that one of the conditions of the apportionment was based upon the assessed valuation of the property of the State, therefore the State of New York would get an undue proportion of the money.

Mr. President, I notice in the apportionment that the State of Texas would be the State that would receive the next largest amount under the form of apportionment provided for in the substitute. If the State of Texas desired to secure Government aid under the provisions of the substitute, it could do so to the amount of \$28,300,000; the State of Ohio could secure \$25,100,000; the State of Pennsylvania, \$28,250,000; the State of Georgia, \$12,250,000. So the intimation that this is unfair to the States in which the property assessment is small is uncalled for and, I believe, unjust, because in the Western States and

in many of the Southern States, but particularly in the Western States, the area of the State should be taken into consideration, and that balances in a degree the amount of the apportionment based upon assessed valuation.

Mr. TAGGART. Mr. President, may I ask the Senator from Utah a question?

Mr. SMOOT. Certainly.

Mr. TAGGART. Take a State that has already a bonded indebtedness for the construction of free gravel roads; for instance, the State of Indiana, which has a bonded indebtedness of \$39,000,000. What effect would that have in the issuing of bonds under the provisions of this proposed substitute?

Mr. SMOOT. None whatever, unless the bonded indebtedness of the State of Indiana exceeds 10 per cent of the assessed valuation of the property within the State. I will say to the Senator from Indiana that the assessed valuation for the fiscal year 1912 of the property in Indiana was \$1,891,602,077. Indiana under this apportionment would, therefore, be entitled to \$12,550,000. That would only amount to 2.50 per cent of the assessed valuation of the property in the State of Indiana. So, if Indiana is not bonded to-day to the extent of 10 per cent of the assessed valuation of her property, including the 2.50 per cent spoken of, she could apply under this substitute, and would receive \$12,250,000.

Mr. TAGGART. Indiana is spending now from twelve to fourteen or sixteen million dollars a year for road construction by assessments on property in the State.

Mr. SMOOT. Then the substitute will not interfere with that at all. It simply goes to assist the State of Indiana to that amount.

It was also intimated, Mr. President, that the placing upon the market of \$500,000,000 of bonds would upset the money market of this country, and dire results might come from such action. The substitute does not provide for that. It specifically states that in no single year can there be more than 20 per cent drawn by the State of the apportionment allotted to the State. If every State in the Union should immediately upon the passage of the bill decide that it wanted to draw every dollar possible to be drawn under the provisions of the substitute, the sum total could not amount to more than \$100,000,000 in the first year. That, however, is a thing that is impossible to happen; it could not be. I doubt very much, Mr. President, whether the half of this fund would be applied for during the first or the second or even the third year. It would take time for the States to get into working order to avail themselves of the money provided for under the substitute.

So far as the proposed highway commission is concerned, the provisions for it state very plainly its office and the reasons for its existence. Section 7 reads:

SEC. 7. That there is hereby created a United States highway commission, to be composed of the chairman and ranking minority member of the Senate Committee on Post Offices and Post Roads, the chairman and ranking minority member of the House Committee on Roads, the Director of the Office of Public Roads, and a United States Army engineer to be detailed from time to time by the Secretary of War. Such commission shall have only an advisory voice in the expenditure of the United States highway fund in the several States. It shall have its head office in the District of Columbia, but may create highway divisions—

Now, note the limitation—

never exceeding in number one for each State, and may maintain a division office in charge of a United States highway engineer in each division.

That does not look as though there was no limit to it; that does not look as though there was going to be built up throughout the United States a great body of employees.

I believe, Mr. President, that the time will come when Congress would rather have the affairs that affect Congress in its own hands than it would to allow those affairs to be in the hands of a bureau of this Government. This is the first piece of legislation which has been proposed that places Congress before the people in its proper light; this is the first piece of legislation proposed that does not transfer the power of its execution to the head of some division of our Government or some bureau of the Government.

Mr. CLAPP. My attention was occupied for the moment, and I will ask the Senator to read again the provision creating the United States highway commission.

Mr. SMOOT. Very well. It is as follows:

SEC. 7. That there is hereby created a United States highway commission, to be composed of the chairman and ranking minority member of the Senate Committee on Post Offices and Post Roads, the chairman and ranking minority member of the House Committee on Roads, the Director of the Office of Public Roads, and a United States Army engineer, to be detailed from time to time by the Secretary of War.

Mr. BANKHEAD. I will ask the Senator to read the remainder of that provision.

Mr. SMOOT. Certainly. It is as follows:

Such commission shall have only an advisory voice in the expenditure of the United States highway fund in the several States. It shall have its head office in the District of Columbia, but may create highway divisions, never exceeding in number one for each State, and may maintain a division office in charge of a United States highway engineer in each division.

Mr. BANKHEAD. That is not all; read the whole of it.

Mr. SMOOT. The Senator from Minnesota [Mr. CLAPP] had reference to the highways commission, I presume; but I am perfectly willing to read it all if the Senator from Alabama [Mr. BANKHEAD] so desires.

Mr. BANKHEAD. There is another provision which I should like to have the Senator read.

Mr. SMOOT. Very well; I will read it.

Said commission shall have power to employ such clerical and expert assistance as may be provided for by appropriations made by Congress from time to time, and may require the assistance and cooperation of the officers and employees of any department in its work.

In effect that is simply authorizing the highway division, which may be created in a State, never to exceed one, to have clerical assistance.

Mr. BANKHEAD. That would mean 48 highway divisions, would it not?

Mr. SMOOT. If they were all created, it would.

Mr. CLAPP. Mr. President, I should like to ask another question. That commission, then, would be the administrative force under this bill, would it not?

Mr. SMOOT. It would be an advisory commission under the bill.

Mr. CLAPP. Where is the final administration vested?

Mr. SMOOT. In the State road commission.

Mr. CLAPP. Is there any other Federal administrative board or commission created by the bill other than the one to which the Senator has just referred?

Mr. SMOOT. None under the bill.

Mr. TAGGART. Mr. President—

Mr. SMOOT. I will yield to the Senator in a moment. There is created, however, a fund to be known as the "United States highway fund," which will be under the supervision of the Secretary of the Treasury. The reason that there is not created a commission with administrative power comes from the fact that the State itself pays the money for the road building; that is, whenever it draws \$100,000 under this apportionment from the Treasurer of the United States it deposits its bonds for that amount, drawing 4 per cent, with the Treasurer of the United States as security. The Treasurer of the United States, under the provisions of the amendment, is then authorized to sell \$100,000 worth of United States Government bonds at 3 per cent. The difference between 3 per cent per annum interest on the Government bonds and 4 per cent per annum interest on the State bonds will in 50 years, the interest being compounded annually, pay the principal, so that all the States will pay under the provisions of the amendment will be interest upon the amount of money which they secure under the apportionment provided in the amendment from the Treasurer of the United States during the 50-year period.

Mr. TAGGART. Mr. President—

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

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

Mr. TAGGART. I should like to ask the Senator a question. What provision, if any, is there in the bill concerning the specifications and plans for the construction of the roads before they are accepted?

Mr. SMOOT. That is done by the United States Highway Commission. I will read the provision.

Mr. TAGGART. What section is it?

Mr. SMOOT. It is section 1, and it reads:

That in order to establish, construct, improve, and maintain public roads that are now or may hereafter be needed for use as post roads, military roads, or for interstate commerce, there be, and hereby is, created a fund to be known as the United States highway fund. Said fund shall be raised in the manner herein provided, but the Treasurer of the United States is hereby authorized to receive and place to the credit of said fund any money that may be contributed from other sources and to expend the same upon the order of the United States Highway Commission or in accordance with the conditions of the contribution.

Mr. TAGGART. Is there any restriction placed on the commission regarding the kind and character of roads that may be constructed?

Mr. SMOOT. I want to call the Senator's attention, in connection with what I have just read, to section 3, which provides:

That before any State shall be entitled to take advantage of the provisions of this act it shall establish by law a State highway commission, which said commission shall have general supervision of road construction and improvement in that State and of the ex-

penditure of money received from the United States highway fund, subject only to the provisions of this act and of State laws not inconsistent herewith. It shall be the duty of each State highway commission annually, on or before the 1st day of January, to make to the governor of the State in which it is located a full and detailed report of its operations, including a statement of receipts and expenditures, copies of which said report shall be sent to the Treasurer of the United States and to the United States Highway Commission.

Then section 4 provides:

SEC. 4. That the United States highway fund shall be apportioned and credited to the several States in the following manner: The United States Highway Commission, hereinafter created, shall ascertain in the most practicable manner from the best information available the total land area, the population according to the last Federal census, the total assessed valuation of all taxable property, and the total mileage of public roads in each of the several States, and shall compute the percentage of the total of each of these four items possessed by each State. They shall then compute the average of the four percentages for each State, and this average shall be the per cent of the \$500,000,000 United States highway fund that shall be apportioned and credited to each State. Said commission shall notify the Treasurer of the United States of the result of their ascertainment and computation, which shall be made as of a date to be fixed by the commission. Such fund so apportioned shall be paid to the States only in accordance with the provisions of this act.

Mr. TAGGART. There is nothing in the bill, however, is there, directly covering the point in regard to the requirements concerning plans and specifications for the construction of the road before it is accepted as a project or concerning the maintenance of the road after it is constructed?

Mr. SMOOT. The State highway commission has that in hand, and maintenance is provided for also, I will say to the Senator, in section 6, which reads as follows:

SEC. 6. That on the 1st day of February of each year after the year 1918, the Treasurer of the United States shall pay to the custodian of the public funds of each State, from any funds in the Treasury not otherwise appropriated, an amount of money equal to one-half the amount such State has expended out of its own funds for the maintenance of public roads during the preceding calendar year, but in no case to exceed 2½ per cent of the amount of State bonds said State has deposited with the Treasurer of the United States under the provisions of this act. The money so paid shall be expended by said State only in the maintenance of public roads. The Treasurer of the United States shall withhold the payment of moneys to any State under the provisions of this section in the event that such State shall default in payment of any interest or principal due.

Mr. GRONNA. Mr. President—

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from North Dakota?

Mr. SMOOT. I yield to the Senator.

Mr. GRONNA. I wish to say to the Senator from Utah that, as I understand, under the amendment the Federal Government will supervise the type of road. As I understood the question of the Senator from Indiana, he wanted to know who would decide as to what kind of road should be constructed. The State highway commission would deal with that altogether, and the Federal Government would only exercise supervision. The type of road and the construction of the road would both be under the control of the State highway commission.

Mr. SMOOT. If I did not say that to the Senator from Indiana, I intended to do so; that was exactly what I meant to say.

Now, Mr. President, I think that covers the points which have been raised.

Mr. CLAPP. Mr. President, if the Senator will pardon me, if that be true, then what force is given to the language of section 6, on page 8, which leaves it to the highway commission—

Mr. SMOOT. To certify to the Treasurer of the United States—

Mr. CLAPP. To certify to the Treasurer that the money "has not been expended with reasonable effectiveness," and if they do so certify, then the Secretary may withhold the apportionment?

Mr. SMOOT. I will say to the Senator that that has reference to the maintenance of the road. Section 6 has reference to the maintenance of the road, as I just read. I stopped, however, on page 8, line 5, and did not continue reading the balance of the section; but all of that section has reference to the maintenance of the road.

Mr. BANKHEAD. Mr. President, I will ask the Senator if he does not believe that under the provisions of the substitute the State highway commission would build any kind of a road they wanted to build—a dirt road, a surfaced road, or any other kind?

Mr. SMOOT. No; I do not.

Mr. BANKHEAD. Then I should like to know what would keep them, under the provisions of the bill, from building any sort of a road?

Mr. CLAPP. Of course I should have gone over this substitute with more care before inquiring of the Senator concerning it. What I want to know is, What is the method and the instrumentality to determine the amount which the State may receive from the Federal Government?

Mr. SMOOT. The bill itself provides exactly the amount that each State can receive under the provisions of the bill.

Mr. CLAPP. That is based upon what?

Mr. SMOOT. That is based upon the apportionment found in section 4, under these conditions: The total land area, the population according to the last Federal census, the total assessed valuation of all taxable property, and the total mileage of public roads in each of the several States; and then it provides further that in no single year can more than 20 per cent of the amount apportioned be drawn from the fund.

Mr. CLAPP. Then, no matter how willing a new State might be to assume its share of the burden of the development of highways, its right to participate under this bill is fixed arbitrarily by the terms of the bill?

Mr. SMOOT. It is, Mr. President; not only as to the amount it shall withdraw, but as to the apportionment that is allowed it.

Mr. CLAPP. It seems to me that that is an unfortunate feature, and that was my impression of the bill; but I wanted to be certain as a result of the analysis which the Senator has given.

Mr. SMOOT. I will say to the Senator that if it were otherwise, then one State could in justice complain, perhaps, of the Government extending more aid than it ought to extend to a sister State. Under the plan of the substitute all of the States are upon identically the same footing. The apportionments are made upon the basis of all four of these subdivisions, and I can not conceive of any more just way of apportioning the money than is provided in this substitute.

Mr. CLAPP. It may be just in one sense; but, while it is said that the Federal Government is going to aid the State, I do not see how there is very much aid in this, except in the use of bonds. The Senator says that in 50 years the bonds would pay themselves through the interest; but, of course, the State has to pay the interest.

Mr. SMOOT. But the State can not borrow money for less than 4 per cent, and therefore the State loses nothing, but it does gain the principal of the bond by accepting the credit of the Government of the United States.

Mr. CLAPP. Yes; I can see that, but what I was getting at was this: So long as a State is willing to assume its share, whatever the relative share may be, in proportion to the benefit to be derived from the Federal Government, why ought not the newer State, or the State that has to-day the least roads and the greatest need for increasing its roads, to have the opportunity so long as that State is willing to comply and assume whatever burden the law imposes upon the State as the price of its receiving the benefaction from the Federal Government?

Mr. SMOOT. Well, there has to be a limit somewhere, and the amendment provides that the limit shall be \$500,000,000.

Mr. TAGGART. Mr. President—

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

Mr. TAGGART. What is the manner of repaying this bonded indebtedness by the various States?

Mr. SMOOT. Amortization, of course, is the plan; but I will say that this is how the bill provides that it shall be done: The bill provides that the time of the annual payment of interest upon the State bonds shall be the same as the time of the annual payment of interest upon the Government bonds. The bonds of the State are deposited with the Government of the United States, and then the amount of money secured by the sale of the same amount of Government bonds is turned over to the State. All the State has to do is to pay the annual interest of 4 per cent upon the amount of money it has received, being the same as the amount of bonds it has deposited.

The Government of the United States takes 3 per cent of that 4 per cent and pays the interest upon the Government bonds that she sold for that State. The remaining 1 per cent is held by the Treasury of the United States. The bill authorizes the investment of that 1 per cent, to draw compound interest. At the end of the 50 years, when the State bonds are due and when the Government bonds are due that were sold to furnish the money to the State for the deposit of its bonds, the fund created by the 1 per cent of interest difference and the profits compounded upon that will pay the bonds, and the Government of the United States will return to the State the canceled bonds of the State.

Mr. TAGGART. By simply the payment of the 4 per cent each year?

Mr. SMOOT. Yes; and there is no question but that that can be done.

Mr. TAGGART. Let me ask the Senator one more question.

Mr. VARDAMAN. Mr. President, will the Senator from Utah permit me to ask him a question?

Mr. SMOOT. Just as soon as the Senator from Indiana has finished his questions.

Mr. TAGGART. I want to ask the Senator if it is not a fact that under the bill, where 20 per cent is permitted to be used

each year, the probabilities are that those States which would have the benefit of the 20 per cent would not use any of their own money for the betterment of the roads, but would use the 20 per cent? In other words, where the 20 per cent was paid from the sale of bonds for the improvement of roads, would there be any other improvements in the State until that 100 per cent in the five years had been expended?

Mr. SMOOT. I think some of the States, of course, would spend more money than the 20 per cent provided for.

Mr. TAGGART. I was just wondering whether it would not stop road building.

Mr. SMOOT. But I will say to the Senator that there is no question but that that 20 per cent would be used before any other road building would be undertaken by the State.

Mr. TAGGART. That is the point I am getting at.

Mr. SMOOT. Because the States, in order to build the roads, have to sell bonds, anyhow, for that purpose, and the States can not sell their bonds for less than 4 per cent; and, of course, when they do that, at the end of whatever period the bonds are issued for, they have to pay back the principal, and in the meantime they have to pay the 4 per cent.

Mr. TAGGART. In the case of a State, most of whose roads are completed, the taxation has been imposed directly on the immediate township or the county for the construction of those roads. Under the bill, as suggested, instead of making it local to the township or county that had already built its roads, part of the 4 per cent would be paid generally by the entire State, would it not?

Mr. SMOOT. By the entire State; and not only that—

Mr. TAGGART. In other words, the men who had not built their roads would be getting the benefit of the taxation of the others for the purpose of building their roads?

Mr. SMOOT. I was going to say to the Senator that there is not a question but that no State in this Union has her road system complete.

Mr. TAGGART. That is true.

Mr. SMOOT. No county in any State in the United States has her road system complete. That was taken under consideration in framing the substitute. All of those things will adjust themselves; and I do not believe it is possible, under the provisions of the substitute, that there will be partiality shown, either to the county or to any State in the Union.

The PRESIDING OFFICER. Does the Senator from Utah now yield to the Senator from Mississippi?

Mr. SMOOT. I yield to the Senator; yes.

Mr. VARDAMAN. Mr. President, I desired to ask the Senator a question some time ago, but I will not ask it at this time. The matter about which I desired to interrogate the Senator from Utah has been fully discussed heretofore; therefore I shall not consume the time of the Senate for a repetition. The thing I most desire just now is a vote on the passage of the bill.

Mr. BANKHEAD. Mr. President, before the Senator takes his seat I hope he will find time to answer the question I asked; and that is, if there is any provision in the substitute that directs in any manner the character of roads which shall be built, and whether they shall be substantial, or how they shall be built? Is there anything in the substitute that would prevent the highway commission, if they desired to do so, from building an ordinary dirt road? The substitute provides for maintenance. Is there anything to keep them from using a large part of this money in filling up mudholes along the roads, as has been so often suggested here? Is there any limitation on that?

Mr. SMOOT. Why, certainly, Mr. President; there is no provision in the substitute for the filling up of mudholes or the repairing of existing roads. The money must be expended for the construction of roads that may be approved by the State road commission; and, Mr. President, there is a section in the substitute providing for the maintenance of roads.

Mr. BANKHEAD. Yes; I know there is.

Mr. SMOOT. But not one dollar of the apportionment of money could go toward the maintenance of the roads. Not only that, but the substitute provides that wherever a State does not expend money for the maintenance of the roads she can not receive the benefits of this measure.

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

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

Mr. SMOOT. Yes.

Mr. CURTIS. Is there any provision in the amendment offered by the Senator from Utah taking care of States where the constitution prohibits the State from engaging in internal improvements, and where that work is left to the counties, townships, and road districts?

Mr. SMOOT. No; Mr. President, there is not; but, of course, if there is any State that has such a provision in its constitution, it can change its constitution so as to fall under the provisions of this act.

Mr. SWANSON. Mr. President, if the Senator will permit me, 24 States in the Union, as found by the joint committee that examined this matter, would have to change their constitutions, and in some of them it would take five or six years. Here are the names of the 24 States, if the Senator wants them, on page 175 of the report of the joint committee that investigated this matter. It is stated there that 24 States would have to make changes in their constitutions before they could get the benefit of this provision, and that in a great many of them it would take long years to change them. I will name the States: Alabama, Arizona, Arkansas, Colorado, Delaware, Florida, Georgia, Indiana, Kentucky, Louisiana, Minnesota, Michigan, Missouri, Nebraska, Nevada, North Dakota, Ohio, Oregon, Pennsylvania, South Dakota, Texas, Virginia, West Virginia, and Wisconsin. All of those States would have to change their constitutions before they could avail themselves of the provisions of this substitute.

Mr. SMOOT. The most of the States referred to by the Senator have provisions in their constitutions in relation to the amount of indebtedness they can assume. It is based upon the assessed valuation of the property. The substitute provides that no State can receive a benefit under the apportionment made if the indebtedness exceeds 10 per cent of the assessed valuation of the property of the State. I discussed that question Saturday, and I frankly state now that I do not believe that any State in this Union ought to be allowed to assume an indebtedness greater than 10 per cent upon the assessed valuation of its property.

Mr. SWANSON. But the Senator does not catch the point. This does not prohibit the States appropriating money to aid in the construction of roads, which they may do under the committee bill; but these 24 States are prohibited from issuing bonds under the Senator's amendment, which would deprive them of all the privilege of road improvement. Under the bill, as reported by the committee, the States are authorized to appropriate money, but there are 24 States whose constitutions prohibit the issuance of bonds for road improvement.

Mr. SMOOT. Mr. President, I think the Senator is wide of the mark when he makes that statement. Most of the very States that he has referred to and named fall under the limitation of the amount of indebtedness that they can assume. It is true that under the constitution of Arkansas, in article 16, section 1, it is provided that—

Neither the State nor any city, county, town, or other municipality in this State shall ever loan its credit for any purpose whatever, nor shall any county, city, town, or municipality ever issue any interest-bearing evidence of indebtedness except such bonds as may be authorized by law to provide for and secure the payment of the present existing indebtedness, and the State shall never issue any interest-bearing treasury warrants or scrip.

They are not barred from this bill except temporarily.

Mr. SWANSON. If the Senator will permit me, I was on the joint committee that examined this matter, and we looked into this feature of it. Every Senator can look on page 175 of the report of the joint committee and ascertain the provisions contained in the constitution of his State with reference to this matter. If there is to be any equality and justice in this scheme, it certainly should be delayed until all these 24 States have changed their constitutions so as to permit them to be treated on an equality with the other States.

Mr. SMOOT. That would simply be holding up a proper system of road building, because some State would not or did not change its constitution.

Mr. SWANSON. No; a proper system is a system that will permit the credit of the Government to be used equally for all sections. The Senator comes in here and proposes to start at once a plan of which 24 States can not avail themselves. If that plan is to be adopted, the right course to pursue is to pass the bill reported by the committee, and then, when these States have been given an opportunity to change their constitutions, to let them start on this matter with an equal opportunity of getting the advantages of it.

Mr. SMOOT. Mr. President, we will take Arizona, for instance. If Arizona desires to come under the provisions of the bill—and the provisions of the bill are applicable to all of the States of the Union, and any State in this Union could more than likely change its constitution in order that it might receive the benefits of the provisions of the bill within the time that the bill could get into operation.

Mr. CLAPP. Mr. President—

Mr. SMOOT. Let me finish my statement about this matter, and then I will yield to the Senator.

Mr. CLAPP. Certainly.

Mr. SMOOT. For instance, take Arizona. Article 9, section 5, of the constitution of Arizona reads:

The State may contract debts to supply the casual deficits or failures in revenues, or to meet expenses not otherwise provided for; but the aggregate amount of such debts, direct and contingent, whether contracted by virtue of one or more laws, or at different periods of time, shall never exceed the sum of \$350,000.

Now, if the State of Arizona can not go into debt more than \$350,000, she never can build roads to any extent, because \$350,000 is not going to build very many roads in the State of Arizona; and therefore, before she can ever begin to establish roads to any extent, she will have to change that provision of her constitution.

Mr. SWANSON. Mr. President, will the Senator yield to me?

Mr. SMOOT. Certainly.

Mr. SWANSON. There is no limitation in any State that I have seen in regard to raising revenue as the committee bill provides to expend in appropriations for roads. These limitations are upon issuing bonds and going in debt for it. Our bill, as reported by the committee, does not require the issuance of bonds; but we think if you are going into the business of issuing bonds, before you take up that measure these 24 States certainly ought to be permitted to change their constitutions and have an equal opportunity with the other 24 States to avail themselves of the provisions of the bill.

Mr. SMOOT. There is nothing in the bill which prevents them from changing their constitutions.

Mr. SWANSON. The legislatures may not be able to make the change for four or five years. In some States it will really take that long. The legislatures in some States meet only once in two years, and in other States only once in four years, and it will be an absolute injustice to them. As I said, at this time it would put 24 States ahead when these conditions exist. Our bill as reported by the committee treats every State with equal justice. If the Senator will come here in five or six years and if Congress will pass a bill so that it will be operative five or six years from now, when every State will have had an equal opportunity, then it would have an element of justice in it. I am not discussing the relative merits, but I say to start now, as this amendment provides, it discriminates against 24 States in the Union by a constitutional provision which they can not get rid of.

Mr. SMOOT. I do not think the Senator is justified in saying that. Take, for instance, the State of Arizona, just cited. She can not build many miles of roads until she changes her constitution anyhow. This bill does not take anything away from her.

Mr. CLAPP. If the Senator will pardon me, there is this distinction. The State of Arizona can build roads under her existing constitution in conjunction with the pending bill of the committee.

Mr. SMOOT. That is because the money is given to the State.

Mr. CLAPP. Yes. I am loath always to question the fairness of a measure that is advocated by the Senator from Utah because I know if there is any man on earth who wants to be fair he does, but now here is where this leads us. It takes in some States five years at least to amend their constitution. At the end of five years those States which can now come under this measure will have had an opportunity to participate in five annual distributions of the benefactions of this proposed amendment. Under that advantage they have built roads which gives them another increased advantage, because under this bill one of the elements which determines the amount of benefit which a State may derive from the bill is the amount of roads which have been built. So you are not only placing from three to five of these annual distributions beyond the reach of the participation of those States that have to amend their constitutions, but in the meantime the States which do not require an amendment to their constitutions have built an increased amount of roads under the bill, and are consequently entitled to a greater participation in the benefits of the bill.

It does seem to me before the Federal Government adopts that plan a reasonable suggestion ought to be made to the States so that they can, if they desire, place themselves in a position where they may simultaneously at the outset come in and avail themselves of the benefit of the bill. To that extent it does really seem to me, I say to the Senator from Utah with a good deal of deference, because I know there is no man in the Senate who has been actuated by a more earnest desire to be absolutely fair in everything, it is placing 24 of these States at a great disadvantage.

Mr. SMOOT. The only disadvantage that there possibly could be would be the length of time it would take to change the constitution. After they change the constitution they can have the full amount of the apportionment for three years. The 20 per cent of previous years is not taken from them. There is no time limit, I will say to the Senator.

Mr. CLAPP. But they could not go back and take their share of the apportionment for those years.

Mr. SMOOT. I will admit under the committee amendment Arizona can build roads to the amount of her apportionment because of the fact that the money is given to her. It is taken out of the Treasury of the United States and given to the State, and, Mr. President, I do not think that is a proper system.

Mr. SWANSON. If the Senator will permit me—

Mr. SMOOT. I ask the Senator to wait just a moment until I get through with this point and then I will yield to the Senator gladly. Under the committee amendment there is no doubt but what the Treasury of the United States will be called upon for \$75,000,000, and I want to say to the Senator from Minnesota that that is just the beginning. I believe it will increase before the end of five years. We are commencing with the system of road building in which the Government of the United States takes the money of the people and gives it for road building in a State. We need not deceive ourselves in that regard. It is a donation out and out.

Mr. SWANSON. If the Senator will permit me, this money in the Federal Treasury is the people's money. They pay the taxes and they put it here. If it is a great success and the roads are improved, the country is benefited. I have no doubt they will increase it. If it is not a success, they will not do so. Those of us who advocate this bill believe that this money is the people's money and that it is the best expenditure which can be made of their money. We believe under this bill if it proves a success the donations will be increased and they ought to be increased. If the benefit does not exceed the expense, it ought to stop, and I for one would favor stopping it.

Mr. SMOOT. On that same line of argument I might say that the capitol building of each State ought to be built by the Government of the United States, and if we appropriate money out of the Treasury of the United States for that purpose we could claim in the same way that that is the people's money, and there ought to be appropriations that the capitol building should be built in every State in the Union. Mr. President, I do not believe that ought to be done.

Mr. SWANSON. If the Senator will permit me, there is this distinction: Here is the Government, which has its Rural Delivery System of 45,000 carriers; it has a star-route system. The expense of delivering the mail over the star routes and the rural-delivery routes is dependent on the condition of the roads. We say the Federal Government ought to put these roads in a good condition, so that the star route and the rural-delivery mails can be promptly and cheaply delivered. There is a vast difference in a case where the Government is a vast user of rural-delivery routes and star routes; and, being a user with the State, we say, "The Government will pay its part to put the roads in a good condition."

Mr. SMOOT. The Senator from Virginia should not say that, because there is an amendment now on the committee amendment that he voted against providing that there shall be money appropriated to build roads in the forest-reserves property owned by the Government. The Senator from Virginia voted against the amendment.

Mr. SWANSON. If the Senator will permit me again, I voted against that amendment because I think that the Western States have been generously treated under the provisions of distribution. For the area of Government lands within the State lines a certain amount of money is given. Let me ask the Senator this question—

Mr. SMOOT. Wait, and let me reply to that. The Senator can not say that truthfully, when he knows in some of the States land has been withdrawn to the amount of over 50 per cent of the area of the State, and more miles of road are required to be built through the various reservations to get from one county to another than there would be within the State. The Senator voted against the proposition that 10 per cent of the amount collected from the people of the States for grazing their sheep and their cattle could be used for building roads through the Government-owned property. He was opposed to that.

Mr. SWANSON. If the Senator will yield again, I have made an estimate, and I have an idea that the bill treats all the States with Government land very generously indeed. They get a large proportion.

Mr. SMOOT. All the States are treated alike under my amendment.

Mr. SWANSON. I am not going to be diverted from the discussion. I should like to ask this question. The Senator always advocates fairness. Twenty-four States would have to wait four or five years to get the benefits of the provisions of the Senator's amendment to any appreciable extent. It will require a constitutional amendment. If bonds were issued to the other 24 States, and we should get into a war or an emergency should arise and the Government did not desire to strain its credit further and would repeal this law, those States would have a chance of getting nothing. I insisted, both in committee and on the commission, that if this plan is ever to be devised, it ought to so apply to the future that every State could have an opportunity to start on equal terms. I should like to ask the Senator this question: If you were to sell a billion dollars' worth of United States bonds, and in time of peace strain your credit, and war or other emergency should arise, and you had to sell bonds for that purpose, do you not think that a billion dollars' worth of bonds, in addition to our present indebtedness, would impair the ability of the Government in its war or trouble in using its credit for that purpose?

Mr. SMOOT. No, Mr. President; but the indebtedness that the Government of the United States has of \$500,000,000 in this form would not in any way, shape, or form endanger the credit of the United States. The argument is far-fetched.

Mr. SWANSON. My idea is that the Government in time of peace should be very loath to issue bonds. Its credit should be reserved for an emergency, a time of war, or other time of trouble. Consequently I thought the wiser course to pursue in connection with road construction was for the Government to appropriate the money so that it could pay as it went, and then permit the States to supplement that and pay their part of the burden. That is what the committee thought and that has been the conclusion reached in reference to the merits of these two bills.

Mr. SMOOT. Mr. President, if there was any danger of the United States straining its credit or if the \$500,000,000 that was to be paid out at the utmost in five years would have a tendency even to bring about that condition, there might be something in the Senator's argument, but there is nothing in it. No \$500,000,000 of bonds that will be issued to the States of the Union secured by the bonds of the State are ever going to affect the credit of the United States.

Mr. SWANSON. If the Senator will permit me, he is very apprehensive that an appropriation of \$75,000,000, supplemented by at least an equal amount from each State, will go so far as to bankrupt the Government. Now, if we once get to issuing bonds and the State under this plan can issue its own bonds and in 50 years pay nothing, does not the Senator believe that before we get through ten billions of bonds will be issued?

Mr. SMOOT. Not at all.

Mr. SWANSON. If this works successfully and you get all your bonds for nothing, there will be a greater demand for the issue of bonds than there would be to raise the taxes in the State and have them pay an equal amount.

Mr. SMOOT. No; the State is paying interest all the time upon the amount of bonds on deposit with the Government of the United States, and the State is not going to pay any more interest than the people of the State will vote or the people of the State want to expend in the building of roads. So the argument of the Senator falls to the ground by the mere statement.

Mr. President, I do not want to see the Government of the United States go headlong into debt. I would not for one moment approve of any such thing. The sale of these bonds will not interfere with the credit of the United States in time of war, if war should come, the loyalty of the people is sufficient to see that the money necessary for the Government to carry on whatever war it might be called upon to face is furnished.

Mr. CLAPP. If the Senator will pardon me, of course it would not interfere with the people carrying on a war if war came, but it might interfere with Congress carrying on the road proposition if they had already issued a vast amount of bonds when that occasion arose.

The Senator says that \$500,000,000 of bonds would in no sense weaken our credit. What the Senator thinks would be the financial effect is not the question. The question is, what might Congress at that time think of continuing this process, and if they did suspend this process, whether injustice will not have been done to 24 States in this Union that can be avoided by adopting the committee bill.

Mr. SMOOT. There is no need of Congress taking action, because the bill itself is guarded. The bonds have to be sold at 3 per cent. Government bonds, in order to raise the money,

must be sold at par; and if the bonds can not be sold at par then the Government of the United States can not raise the money.

Mr. CLAPP. Mr. President, these bonds might be sold at par, but it might occur to Congress at that time that the other bonds necessary to use in an emergency could be sold for less if we did not continue to put these 3 per cent bonds on the market.

Mr. SMOOT. When the Government can sell bonds at 3 per cent interest per annum there will be no emergency.

Mr. SWANSON. Will the Senator give us an assurance that there will not be any emergency within four or five years with the bonds selling at 3 per cent?

Mr. TOWNSEND. Mr. President—

The PRESIDING OFFICER. Does the Senator from Utah yield; and if so, to whom?

Mr. SMOOT. The Senator from Virginia asks me if I can give him an assurance that there will not be an emergency in four or five years. Of course, no one can give that assurance, and that has not anything to do with the bill or the provisions of it—not in the least.

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

Mr. SMOOT. I yield.

Mr. TOWNSEND. May I ask the Senator if he has considered carefully what might possibly be the effect upon lower bonds we have already issued if we would authorize an issue of \$500,000,000 at 3 per cent?

Mr. SMOOT. This does not say that the bonds shall be sold. They shall not be sold for less than par, and these bonds will be sold upon the same basis as to the rate of interest as the bonds that are in the market to-day. If there is a premium, they will sell at a premium. But the bill provides that in no case can they be sold for less than par. So that question regulates itself.

Mr. President, all I shall do further is to content myself now by asking for a vote upon the amendment.

Mr. BANKHEAD. We are ready to vote on it.

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

Mr. NORRIS. Mr. President, I know that the substitute offered by the Senator from Utah is offered in the best of faith; that ex-Senator Jonathan Bourne devoted a great deal of time to the consideration of the subject, and that this substitute is the result, or partially the result, of his labors.

Mr. SMOOT. Mr. President, I take it for granted that the Senator was not in the Chamber when I spoke on Saturday. In my opening statement I gave Jonathan Bourne credit above all other men for the preparation of this substitute, and I want now, as I did then, to state that I claim no credit whatever for it. I think the Senator heard me say that last Saturday.

Mr. NORRIS. I was not only in the Chamber on Saturday, but I interrupted the Senator with some questions that I think he has not yet answered. I heard all he said. I do not understand why the Senator makes that statement now with regard to Jonathan Bourne.

Mr. SMOOT. For the reason—

Mr. NORRIS. Does the Senator object to my giving some credit to Jonathan Bourne?

Mr. SMOOT. No; that was not it. It has been referred to a number of times to-day as being the Bourne plan—as I myself said it was—that it was prepared virtually by him, and is the Bourne bill. I did not want the Senators present who were not here Saturday to think for a moment that I was trying to claim any credit for the preparation of the amendment, because I had none other than simply advising with Mr. Bourne at the time he prepared it, but Mr. Bourne gave 21 months of his time night and day to the preparation of it.

Mr. NORRIS. I do not yet understand why the Senator should interrupt me with this statement, unless he does not want me to give credit to Mr. Bourne, which I was about to do when I was interrupted. Nobody has intimated that the Senator from Utah was claiming any credit that was not honestly his.

I was going to say, when I was interrupted, that I have the greatest respect and admiration for ex-Senator Bourne. When he devoted his great ability and energy to any subject he went to the bottom of it. He was noted as being a man of a great deal of ability and a great deal of enthusiasm, and when he took up the study of a question he went into all the details, and he was entitled to a great deal of credit. I wanted to say that much before I proceeded to oppose the adoption of the amendment.

I propounded to the Senator from Utah one or two questions on Saturday in regard to this amendment that he has not yet explained. I am going to take them up. One of them is in

reference to maintenance, and that I will take up second. The other is in reference to the payment of the bonds that are issued for the purpose of building roads. Briefly stated, the proposed substitute bill offered by the Senator from Utah provides that the States shall issue bonds drawing 4 per cent interest; that those bonds shall be deposited with the Treasurer of the United States; that the United States Government shall then issue bonds to the same amount, bearing 3 per cent interest; that the Treasurer of the United States will keep the State bonds—they will not be sold, they will be held by the Federal Government; but that the Federal 3 per cent bonds will be sold on the market at not less than par and with the proceeds of these bonds roads shall be built by the States. Then the Federal Government will turn the money over to the States in a certain proportion and in certain amounts provided for in the substitute, not exceeding in the aggregate \$500,000,000.

It is proposed in the substitute that the States shall pay interest on those bonds deposited with the United States Treasurer at the rate of 4 per cent, and that when that interest is paid the Treasurer shall pay 3 per cent, and with that money pay the interest that is due on the Federal 3 per cent bonds. That leaves 1 per cent in the hands of the Treasurer of the United States, and it is the intention out of that 1 per cent to pay the principal of the bonds.

The Senator from Utah said, and he repeated it several times, that the adoption of this proposed substitute bill will not cost the Federal Government one cent. I want to demonstrate that it will cost the Federal Government a great deal of money. The bill provides that on this extra 1 per cent paid to the Federal Treasurer the Federal Government shall allow each State 3 per cent interest compounded semiannually, and it is figured that compounding this semiannually for 50 years, the term of the bonds, it will more than pay the bonds, and thus save the Government harmless. But if the Federal Government is going to pay the States 3 per cent interest on that sinking fund composed of this 1 per cent paid in by the State above the amount expended to pay the interest on the Federal bonds, the Federal Government is going to allow the State interest on that at the rate of 3 per cent compounded semiannually. So, if the Federal Government does not have to pay something, it must put that out at interest or do something with it so that it will bring in the money that it is bound by the bill to pay to the State, namely, 3 per cent interest compounded semiannually. Under the bill the Federal Treasurer has no authority to loan that money out or to invest it in anything except as specifically stated in the bill. These particular bonds are then floating on the market, and if every time he got a million dollars in this sinking fund he could take it up and buy a million dollars' worth of bonds, if the Government had issued these 3 per cent bonds, then he would come out whole, because those bonds draw 3 per cent interest, and the Government is liable for that interest.

But, Mr. President, how do you expect the Treasurer of the United States to buy these bonds? In the first place, especially at the beginning of this great system, the men or the institutions who invest their money in these 3 per cent bonds invest them there because the bonds run a long time, they are 50-year bonds, and they are exempt from taxation. They make, in other words, a permanent investment in these bonds. Would they next year sell them at par? Would they turn them over to the Government under any ordinary conditions and times? These bonds would be selling in the open markets of the world at a premium. They would probably be sold in the first instance at a premium, and it would be unreasonable to expect that the Treasurer of the United States could ever buy those bonds at par. The bill realizes that it provides that he must pay a premium of 2 per cent in order to get the bonds and to get the accrued interest on them.

When that can be done you can readily see that the Federal Government is losing some money. It will pay the State 3 per cent interest compounded semiannually, and it will have to go into the market and pay a premium of 2 per cent in order to retire those bonds. So it is going to lose that 2 per cent. It is liable for 3 per cent. If it buys them at par, it will make itself whole, but whatever premium it has to pay it loses. So the Government is out 2 per cent at least. I do not see how it can be figured any other way.

Again, when the Government issues a million dollars, we will say, this year and buys bonds with it during the next year, perhaps every day in the year accumulations are coming in from the various States of the Union in the way of interest, and the Government must pay, from the day it receives that money, to the State 3 per cent interest on it. So while it is accumulating and getting two million it pays interest.

Mr. LIPPITT. Mr. President—

Mr. NORRIS. I yield to the Senator.

Mr. LIPPITT. The Senator says that under certain circumstances the Government of the United States might have to pay a premium of 2 per cent for these bonds. It is also possible that under other circumstances it will get those bonds below par.

Mr. NORRIS. Yes; I suppose that would be possible.

Mr. LIPPITT. In that case the Government would make money.

Mr. NORRIS. Yes.

Mr. LIPPITT. So when the Senator says the Government would at least have to pay a premium of 2 per cent, I think while it is possible it is by no means a certainty, as the Senator seems to think.

Mr. NORRIS. It is not only possible but it is probable, and there could be no imaginable condition where it would buy, as the Senator from Rhode Island says, at less than par, unless the very life of the Government was at stake in some catastrophe, either in a civil war or an international war.

Mr. LIPPITT. I will say to the Senator there are a great many contingencies that might arise. There might be a scarcity of money just at a moment when there was a plethora of money in the world. Those conditions do not last always. There is an ebb and flow in those matters. It is not at all impossible, not at all improbable, that over a long period of 50 years there will be more than one occasion where the Government of the United States might be able to buy those bonds at less than par. I just make that suggestion in reply to the Senator's suggestion that they would always be at a premium.

Mr. NORRIS. Well, Mr. President, the suggestion which the Senator from Rhode Island makes is possible, but it is altogether improbable, and, in my judgment, can never come about, except under the conditions I have named. Take the 3 per cent bonds, take them all the way back from the very beginning of their issue, during which time, except for a short period during the Civil War when the life of the Nation was at stake—and such a condition as that I concede would put these bonds down probably to less than par—but I think from the time of the issue of those bonds up to the present day there has never been an hour of which I know when 3 per cent bonds would not sell at least at par and for nearly all the time at a premium. So, Mr. President, it is safe to say that the Government would have to pay this premium of 2 per cent, and that it would lose that money, which would come out of the Treasury of the United States and the taxpayers would have to pay it. It is not, therefore, true, as has been said in defense of this substitute, that it would not cost the Government of the United States a penny.

Mr. President, let us take up the question of maintenance. The bill before the Senate provides, not so specifically as I should like to have it, but it provides that the State must maintain these roads, and that it must agree to maintain them before it can get any money from the Federal Treasury. Under this substitute no such agreement is required. In the pending bill there is a provision which requires the use of this money for the building of good, stable roads, a provision by which the Secretary of Agriculture must first pass on the kind of road which it is proposed to build before the Federal money can go into it. Under the substitute it makes no difference what kind of a road the State wants to build, the Federal Government has nothing to say about it. The State can get its proportionate share of this money and build any kind of road it pleases, without any Federal supervision and without any Federal control whatever.

Now, as to maintenance. That is another respect in which I think the substitute is not so good as is the pending bill, because, as I have said, the bill before the Senate provides that the State must agree to maintain these roads and to keep maintaining them, and after formal notice is given if the State does not maintain them, and if within that four months it does not proceed to maintain the roads which the Government has assisted in constructing, then it gets no further money from the Federal Treasury.

But what do we find about the maintenance of roads in the substitute? If you want to again find a refutation of the statement that this substitute will not cost the Government a cent, read section 6 in its entirety, with all these provisos, and you will find there where the Federal Government is called upon to contribute to the State, whether they get any of these bonds or not. The only thing they are required to do is to have done some work in maintaining roads in the State. It is provided—

That on the 1st day of February of each year after the year 1918 the Treasurer of the United States shall pay to the custodian of the public funds of each State—

Not from this road fund—nothing of the kind—but that he shall take the money out of the Treasury—

from any funds in the Treasury not otherwise appropriated an amount of money equal to one-half the amount such State has expended out of its own funds for the maintenance of public roads during the preceding calendar year, but in no case to exceed 2½ per cent of the amount of State bonds said State has deposited with the Treasurer of the United States under the provisions of this act.

Then there is a proviso near the end of the section which reads:

Provided, That if any State shall fail to issue bonds as provided in section 5 hereof it shall nevertheless be entitled during the period such failure to issue bonds shall continue, subject to all the conditions and limitations set forth in this section, to receive the maintenance fund provided for in this section; but in no case shall such maintenance fund exceed the amount which such State would have been entitled to receive if it had issued the bonds authorized by section 5 hereof.

Whether or not it takes advantage of this substitute, if it becomes a law, to get a part of the money from the sale of the bonds, there is not a State in the Union but spends millions of dollars in the maintenance of roads within its borders, and under this proposed substitute one-half of what the State would spend it could get from the Treasury of the United States, and it would come out of the taxpayers of the country.

Mr. President, it is fair to assume that all of these \$500,000,000 of bonds will be issued. It may be several years before it will be done, but eventually they will all be issued. Then we would have to pay to the States of the Union yearly out of the Treasury of the United States a direct payment of 2½ per cent on those bonds, because it is the limitation of the amount that the States can get for maintenance. There is not any doubt but that each State would pay out of its own funds, as it would have to do under any ordinary circumstances, much more than would give it the right to get the maximum amount from the Federal Treasury for maintenance.

But, Mr. President, it does not end with one year; that does not end the time when these bonds are all issued; but it goes on during all eternity, unless this law should be repealed. There is no end to it.

What would it amount to each year? I have just computed it here. After the act came into full operation it would amount to \$12,500,000 every year. That is not out of these bonds, Senators; that is not coming from the interest on these State bonds or anything of that kind, but it is coming out of the Federal Treasury. It would come out of the Federal Treasury if there never was a bond issued. Every State can get that, whether it issues bonds or whether it does not. All it has got to show is that it has spent money during the previous year for the maintenance of its roads. That would give it the 2½ per cent; would give it the amount that I have named.

Mr. President, there is another weakness of the substitute that would cost a great deal of money. That is another refutation of the charge that this would not cost the Government one cent. I have already shown that it would cost the Government many millions of dollars, and a permanent appropriation through all time of \$12,500,000 annually. That would not end even when the 50 years were up and these bonds were all paid off, unless the law were repealed.

There is, however, still another provision. This substitute provides for a highway commission, rather an ornamental body. It is stated in the bill that it has only a supervisory capacity. About the only thing it does definitely is to take the statistics, than anybody can get from the census, and figure out what each State should get. That has already been figured out and is already in the Record several times, and it would be a very easy matter to figure just to a cent how much a State would get when you knew the area of the State, its population, its taxable property, and the miles of road that it has. Those are the four things that must be averaged and taken into consideration in order to determine what a State will get.

This highway commission that is to do the figuring is composed of two members of the Senate committee and two members of the House Committee on Post Offices and Post Roads. That makes four. They would constitute a majority. One of them belongs to the majority party and one of them to the minority party. The commissioner of good roads would be another one and the engineer from the War Department would be the sixth. So these four Members of Congress, who do not know any more about good roads than do we, would always constitute a majority of that commission. After they had performed the duty which I have described and figured out the data—they would probably employ a clerk to do that—after they had figured out how much each State would get each year, then this is what they might do. I want to read the section.

SEC. 7. That there is hereby created a United States highway commission, to be composed of the chairman and ranking minority member of the Senate Committee on Post Offices and Post Roads, the chairman and ranking minority member of the House Committee on Roads,

the Director of the Office of Public Roads, and a United States Army engineer to be detailed from time to time by the Secretary of War. Such commission shall have only an advisory voice in the expenditure of the United States highway fund in the several States.

They could advise, but their advice might be followed or it might not be, as the proper parties saw fit, and probably in most instances it would not be followed.

It shall have its head office—

Now, listen to this—

It shall have its head office in the District of Columbia, but may create highway divisions, never exceeding in number one for each State, and may maintain a division office in charge of a United States highway engineer in each division. Said commission shall have power to employ such clerical and expert assistance as may be provided for by appropriations made by Congress from time to time, and may require the assistance and cooperation of the officers and employees of any department in its work.

Mr. President, that would be a haven of rest for all of the "lame ducks" that ever go out of Congress. There would be or could be under that provision a highway commission established in each State, and undoubtedly there would be also one in the District of Columbia, with a man in charge in each State, with as many clerks and other employees as the highway commission might designate, and with four Members of Congress, meeting the thousands and thousands of applications for positions, and no civil-service law to control the matter. It would be the greatest place in the world to dole out to the various political machines and political bosses over the country safe places for faithful servants to draw upon the Federal Treasury a salary not fixed by law, but fixed by the same men who select the officers to fill the offices.

Mr. President, it seems to me that all this ought to defeat any proposition. To let the bars down in that kind of way and to permit a commission controlled by four men from Congress to establish 49 offices in the various States of the Union, with unlimited salaries and with unlimited numbers of employees, ought to be enough, it seems to me, to defeat any proposition which contained that kind of a provision.

For that reason, as well as for the others which I have outlined, it seems to me that the substitute ought to be defeated.

The PRESIDING OFFICER. The question is on the amendment offered as a substitute by the Senator from Utah [Mr. SMOOT] for the committee amendment.

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

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

The PRESIDING OFFICER. The Secretary will call the roll.

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

Ashurst	Gronna	Nelson	Smith, Md.
Bankhead	Hardwick	Norris	Smoot
Brady	Hitchcock	O'Gorman	Sterling
Broussard	Johnson, Me.	Overman	Sutherland
Catron	Jones	Owen	Swanson
Chilton	Kenyon	Page	Thomas
Clapp	La Follette	Phelan	Townsend
Clarke, Ark.	Lane	Poindexter	Underwood
Colt	Lea, Tenn.	Ransdell	Vardaman
Culberson	Lee, Md.	Saulsbury	Wadsworth
Curtis	Lewis	Shafroth	Walsh
Dillingham	Lippitt	Sheppard	Warren
Fletcher	Martin, Va.	Sherman	Williams
Gallinger	Martine, N. J.	Simmons	
Gore	Myers	Smith, Ga.	

Mr. CHILTON. I desire to announce, for the day, that my colleague [Mr. GOFF] is absent on account of illness.

Mr. BROUSSARD. I have been requested to state that the Senator from Oregon [Mr. CHAMBERLAIN] is absent on official business.

The PRESIDING OFFICER. Fifty-eight Senators having answered to their names, a quorum is present. The question is on the amendment, in the nature of a substitute, offered by the Senator from Utah [Mr. SMOOT] to the amendment reported by the committee.

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

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

Mr. CHILTON (when his name was called). I again announce my pair with the Senator from New Mexico [Mr. FALL] and withhold my vote.

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from North Dakota [Mr. McCUMBER]. In his absence I withhold my vote. If at liberty to vote, I should vote "yea."

Mr. TILLMAN (when his name was called). Transferring my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Arkansas [Mr. ROBINSON], I vote "nay."

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

Mr. WADSWORTH (when his name was called). I have a general pair with the junior Senator from New Hampshire [Mr. HOLLIS]. I transfer that pair to the Senator from Ohio [Mr. HARDING] and vote "yea."

Mr. WILLIAMS (when his name was called). Repeating my announcement made on the last roll call, I vote "nay."

The roll call was concluded.

Mr. TOWNSEND (after having voted in the negative). I transfer my pair with the junior Senator from Florida [Mr. BRYAN] to the senior Senator from Idaho [Mr. BORAH] and allow my vote to stand.

Mr. MYERS. I transfer my pair with the Senator from Connecticut [Mr. MCLEAN] to the Senator from New Jersey [Mr. HUGHES] and vote "nay."

Mr. OVERMAN (after having voted in the negative). I inquire if the junior Senator from Wyoming [Mr. WARREN] has voted?

The PRESIDING OFFICER. He has not.

Mr. OVERMAN. I withdraw my vote, having a general pair with that Senator.

Mr. BECKHAM. I transfer my pair with the Senator from Delaware [Mr. DU PONT] to the Senator from Indiana [Mr. TAGGART] and vote "nay."

Mr. REED. I have a pair with the Senator from Michigan [Mr. SMITH], but I understand if he were present he would vote as I am about to vote, and I therefore feel at liberty to cast my vote. I vote "nay."

Mr. WEEKS. I have a general pair with the senior Senator from Kentucky [Mr. JAMES], which I transfer to the senior Senator from Iowa [Mr. CUMMINS] and vote "yea."

Mr. WADSWORTH. In view of the return of the junior Senator from New Hampshire [Mr. HOLLIS], I withdraw the announcement of the transfer of my pair with him to the senior Senator from Iowa [Mr. CUMMINS] and will allow my vote to stand.

Mr. UNDERWOOD. I transfer my pair with the Senator from Ohio [Mr. HARDING] to the Senator from Nevada [Mr. NEWLANDS] and vote "nay."

Mr. BROUSSARD. I desire again to announce that the Senator from Oregon [Mr. CHAMBERLAIN] is detained from the Chamber on account of official business.

Mr. HITCHCOCK (after having voted in the negative). I transfer my pair with the Senator from Maine [Mr. BURLEIGH] to the Senator from Illinois [Mr. LEWIS] and allow my vote to stand.

Mr. CURTIS. I am requested to announce that the Senator from Wyoming [Mr. CLARK] is paired with the Senator from Missouri [Mr. STONE].

The result was announced—yeas 20, nays 47, as follows:

YEAS—20.

Brady	Gallinger	Lippitt	Smoot
Brandegee	Gronna	Lodge	Sutherland
Colt	Jones	Oliver	Wadsworth
Curtis	Kenyon	Page	Weeks
Dillingham	Lane	Sherman	Works

NAYS—47.

Ashurst	Hollis	Owen	Smith, Ga.
Bankhead	Johnson, Me.	Phelan	Smith, Md.
Beckham	Kern	Pittman	Smith, S. C.
Broussard	La Follette	Poindexter	Sterling
Catron	Lea, Tenn.	Pomerene	Swanson
Clapp	Lee, Md.	Ransdell	Tillman
Clarke, Ark.	Martin, Va.	Reed	Townsend
Culberson	Martine, N. J.	Saulsbury	Underwood
Fletcher	Myers	Shafroth	Vardaman
Gore	Nelson	Sheppard	Walsh
Hardwick	Norris	Shields	Williams
Hitchcock	O'Gorman	Simmons	

NOT VOTING—29.

Borah	Fall	McCumber	Stone
Bryan	Goff	McLean	Taggart
Burleigh	Harding	Newlands	Thomas
Chamberlain	Hughes	Overman	Thompson
Chilton	Husting	Penrose	Warren
Clark, Wyo.	James	Robinson	
Cummins	Johnson, S. Dak.	Smith, Ariz.	
du Pont	Lewis	Smith, Mich.	

So Mr. Smoot's amendment to the amendment of the committee was rejected.

Mr. LIPPITT. Mr. President, I had hoped that the amendment offered by the Senator from Utah [Mr. Smoot] might have prevailed. It seemed to me like a scientific and business-like method of distributing national aid for good roads to the States; and if it had prevailed, I should have been glad to vote for the bill. As the bill now stands I can not vote for it.

I have had prepared a table showing the amount of the \$25,000,000 that each State would receive under the conditions of this bill, and also showing the amount that each State would pay if this money were collected under the provisions of the corporation and income taxes. This table shows that 36 States

receive more than they would pay, and that 13 States pay more than they would receive. Of those 13 States that pay more than they receive, the States of Massachusetts, New York, and Pennsylvania will pay \$12,948,750, or more than 50 per cent of the entire amount. Of the total amount of \$75,000,000 that is proposed to be appropriated by this bill, those three States would pay a little over \$38,000,000.

It seems to me that under the showing of that table this bill is a "pork-barrel" proposition that makes the most extravagant river and harbor bill look like an infant industry. I think if the conditions were reversed, and 36 States paid more than they received, and those 3 States received more than 50 per cent of the benefit, it would be as difficult to get this bill through this body as under the present conditions it is easy.

I ask to have this table printed as a part of my remarks.

The PRESIDING OFFICER. Without objection, it will be so ordered.

The table referred to is as follows:

Table showing the amounts each State would receive out of each \$25,000,000 appropriated for good roads as proposed in House bill No. 7617, and the amount each State pays of \$25,000,000 collected under the corporation and income taxes.

	States that pay less than they receive.	Amount each State would receive.	States that pay more than they receive.
Alabama	\$81,500	\$536,000	
Arizona	39,250	358,750	
Arkansas	39,500	424,250	
California		778,750	\$891,250
Colorado	175,000	434,000	
Connecticut		159,500	400,000
Delaware		41,500	88,000
Florida	71,500	280,250	
Georgia	137,500	693,250	
Idaho	29,750	313,750	
Illinois		1,144,000	1,762,300
Indiana	308,500	703,000	
Iowa	228,500	753,500	
Kansas	173,000	743,750	
Kentucky	196,500	503,000	
Louisiana	164,000	339,750	
Maine	148,000	243,750	
Maryland		220,750	318,500
Massachusetts		380,000	1,413,750
Michigan		753,250	908,250
Minnesota	556,000	730,250	
Mississippi	33,000	457,000	
Missouri	63,750	877,750	
Montana	57,750	504,250	
Nebraska	87,500	553,500	
Nevada	25,750	334,750	
New Hampshire	52,250	108,250	
New Jersey		304,000	833,250
New Mexico	16,500	411,750	
New York		1,292,500	8,615,000
North Carolina	118,750	582,000	
North Dakota	20,250	392,000	
Ohio		968,500	1,255,250
Oklahoma	126,750	591,250	
Oregon	95,250	407,250	
Pennsylvania		1,195,250	2,920,000
Rhode Island		60,250	221,500
South Carolina	50,250	370,500	
South Dakota	23,000	418,750	
Tennessee	127,500	591,250	
Texas	326,750	1,505,250	
Utah	81,250	289,750	
Vermont	60,500	118,000	
Virginia	195,500	510,000	
Washington	100,500	366,250	
West Virginia	155,000	275,250	
Wisconsin	272,750	661,000	
Wyoming	20,500	318,750	
Alaska, District of Columbia, and Hawaii			238,750
Total	5,109,570	23,000,000	19,866,000

Mr. NELSON. Mr. President, time and again during this session I have heard it stated and reiterated that certain States pay a large share of the income tax. I have heard so much of it that I am getting tired of it.

What has enabled these States to pay these income taxes? Why, they have been drawing them from the whole country. If we penned up Massachusetts or New York or Rhode Island and shut them off from the rest of the country, they would not have any big incomes. What enables them to pile up money in these Eastern States and in the large cities but the fact that they have the whole country to draw upon? Yet they are parading before us the fact that they pay these big income taxes. What has enabled them to pay these taxes but the fact that they have been able to pile up these fortunes by drawing them from the rest of us? They ought to remember that.

When you speak about the great fortunes that you have piled up and the great income taxes you are paying you should remember that you have not gotten those from Europe. You have

gotten them from the American people by selling them your products. We consumers in the West have helped you to pile up those fortunes; and why should you parade them before us and say that you are paying more than your share? You are simply paying back, in the form of taxes, a part of that which we have enabled you to put in your pockets. That is all there is to it.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee as amended.

The amendment as amended was agreed to.

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

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes."

INDIAN APPROPRIATIONS.

Mr. ASHURST. I ask unanimous consent that the Senate proceed to the consideration of the conference report on the Indian appropriation bill.

The VICE PRESIDENT. Is there any objection?

Mr. SUTHERLAND. What was the request, Mr. President? I did not hear it.

The VICE PRESIDENT. To proceed with the consideration of the conference report on the Indian appropriation bill.

There being no objection, the Senate proceeded to consider the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 10385) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1917.

Mr. ASHURST. Mr. President, I know that there are two Senators who are opposed to the conference report, both of whom wish to speak against it. I do not want to have the report adopted in their absence. I do not think it would be good faith; so I think I ought to suggest the absence of a quorum, in order that they may have an opportunity to be heard against the report.

I therefore 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	Norris	Smoot
Bankhead	Hardwick	O'Gorman	Stone
Beckham	Hollis	Oliver	Sutherland
Brady	Husting	Overman	Swanson
Brandegee	Johnson, Me.	Owen	Thomas
Broussard	Jones	Page	Thompson
Catron	Kenyon	Phelan	Townsend
Chilton	Kern	Pittman	Underwood
Clapp	La Follette	Pomerene	Vardaman
Clarke, Ark.	Lane	Randsell	Wadsworth
Colt	Lea, Tenn.	Reed	Walsh
Culberson	Lee, Md.	Saulsbury	Warren
Curtis	Lippitt	Sheppard	Weeks
Dillingham	Martin, Va.	Sherman	Williams
Fletcher	Martine, N. J.	Shields	Works
Gallinger	Myers	Simmons	
Gore	Nelson	Smith, Md.	

The VICE PRESIDENT. Sixty-six Senators have answered to the roll call. There is a quorum present. The question is on agreeing to the conference report.

Mr. LANE. Mr. President, before the report is finally adopted or rejected I wish to make a correction in the statement which the Senator from Arizona [Mr. ASHURST] made a few days ago, when this report was first submitted. The Senator said that under the amendment offered by me, providing for the inauguration of a new system of bookkeeping in the Indian Bureau by the Bureau of Efficiency there would be considerable expense involved; that a considerable sum of money would have to be expended in placing the new set of books in operation. I am informed, and so stated when I submitted the amendment, that it would not cost anything; that this bureau was already provided for, and that there would be no expense except that of the ordinary work which they are engaged in doing, whether they are engaged upon that particular task or not.

I also understood at the time, or I was informed before the report was submitted here, that it did not meet with the approbation of the Indian Bureau, and that they would defeat the bill if necessary to keep the amendment out of it. I got that information reliably. I see no reason why there should be an objection made to inaugurating a better system of bookkeeping in the Indian Bureau, which handles some eight or nine hundred millions or perhaps a billion dollars' worth of

property belonging to a people who are helpless wards. I do not see any reason why there should be any objection to having the accounts kept in such a manner that the Senate and the Congress may know what they are doing when they make appropriations for the support of that department.

As a matter of fact, as nearly as I can ascertain, there has been no experting of those books since they were installed 60 or 70 years ago, since the department first began its work. There has been no balance taken, nor, it seems, can there be one made at this time; and it seemed to me that that was a mere matter of justice to the Congress—who are responsible in part, and in fact held responsible ultimately, for the legislation which carries on the work of that bureau—to have this done.

I do not think that the Senate or the majority of the Members of Congress of either House understand the status of the Indian. The Indian is a ward. He is a "mute and inglorious" ward. He has no voice in regard to his personal liberty or the manner in which his property is handled. He can not buy property; he can not lease his property, nor dispose of it in any way. He is without liberty, for the reason that he is confined to the reservation. His property is handled for him by guardians who are maintained in large part at his expense. In the management of the affairs of the Indians Congress makes appropriations of ten, eleven, or twelve million dollars a year, and I understand that is but a tithe of the expenditure; that hundreds of thousands of dollars and millions of dollars worth of property are handled without any accounting at all, without ever being brought into Congress or within the reach of Congress.

Mr. THOMAS. Mr. President—

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

Mr. LANE. I do.

Mr. THOMAS. I want to suggest to the Senator that we have a Committee on Expenditures in the Interior Department, at the head of which is one of the most capable accountants in the United States—a man who seems to have abundant leisure. I suggest that he be requested to take some active part in this question, and inquire into it and report to the Senate his conclusions after a full and careful and exhaustive examination of expenditures in the Interior Department. Of course, I refer to the Senator from Utah [Mr. Smoot].

Mr. LANE. I have an idea that if the Senator from Utah set to work upon analyzing these accounts he would not quit until he arrived at some definite conclusion. I have that confidence in him from three years' observation of his work here, and I am sorry that some one like the Senator from Utah has not had hold of it before.

The actual condition which presents itself, in a general way, is this: Some tribes have a great deal of property but no available cash. Some even have cash, but it is not available to them personally, although to their credit in the Treasury of the United States. There are Indians in one such tribe whose tribal holdings are valued at \$40,000 per capita for each Indian belonging to the tribe. The baby that was born yesterday is worth \$40,000 in its tribal rights, and the old man who dies tomorrow is worth the same; and, in addition to that, they have allotments. Yet some of those Indians, the old and the crippled, go hungry; they actually go without enough to eat, for the reason that they are unable to procure it. It is an anomalous state of affairs. It is wrong. There must be something wrong in the management of the affairs of a ward worth \$40,000 that he should go hungry, that he should go cold in winter for lack of shelter and for lack of clothing.

It is against that sort of management of the affairs of a people who are voiceless that I make a protest, and against the continuance of that method of handling their affairs. I do that without prejudice to anyone, and without any desire to find fault; yet, being a member of the committee and a Member of this body, I am in part responsible if I allow it to continue without attempting to stop it. That is all I wish to do—to stop it, or to direct it into a channel where the helpless ward, the unfortunate, the ignorant, the person who neither speaks, reads, nor writes our language, who is at the mercy of his guardian and the trustee of his person and his property, may have an opportunity at least to get enough to eat.

There is one reservation in one of the States where \$750,000 is appropriated out of the tribal funds, or, at least, made a mortgage upon the lands, for putting in a reclamation project—and it is in the bill at this time—where many of the members of that tribe are eating out of swill barrels, are actually going around and hunting swill barrels and picking up crusts of bread and cast-away potatoes and getting such scraps as will keep them from dying of starvation. There is something wrong about that. Without reflecting upon anybody, that is no way in which to administer the estate of helpless people, of wards—

wards who are tied down onto a reservation and may not depart therefrom, but have to keep within circumscribed limits and are forced to live under those conditions.

If they were given their freedom, if they were given an education, if they were given means with which to take care of themselves, and then they frittered it away and came to poverty, it might be said that they had had a fair chance, and it was "up to them." But not being allowed these opportunities, the responsibility rests elsewhere, and it rests in part right upon the good gentlemen who constitute this body, if you please. The majority of the Members of this body are ignorant of conditions; yet, if the conditions do exist and have existed for years, and go on year after year without any remedy, there comes a time, or there ought to come a time, when the thing should be stopped, or at least when a change should be made, or at least when knowledge should be given to the Members of the Senate of the facts as they exist; and then, if they do not object to them, the responsibility rests rightfully upon them.

I have been told that there is an official report in the possession of the Indian Bureau which states that if the present condition of affairs upon one reservation continues to exist, if there are not radical changes made in the method of handling the affairs of a certain tribe of Indians—and I refer to the Blackfeet Indians of Montana—it is but a matter of time, and not a long time, at that, until the Indians on that reservation will become extinct. They will have been exterminated, through no fault of their own. Those Indians, in the days when I was a boy, were a hardy people who cared for themselves, and they were an able-bodied tribe, too, to whom you had to pay respect if you traveled through their country. They were fighters. But now they have become so pitifully poor that they go hungry. The children die of disease resulting from inanition, from lack of sufficient food to give them vitality to fight off the most ordinary sickness. They live in squalor that is unbelievable, herded in huts without bedding, lying upon rags on the ground, 60 per cent of them tubercular, and 80 per cent of them going blind from trachoma, forced into huts in close contact with one another to keep from dying of cold; and at the same time their property has been mortgaged and a million of dollars has been expended in building a reclamation system which, when it is finished, will probably not be worth one dollar to them. They are barehanded and in hunger and in rags.

Such a condition should not exist. It is worse elsewhere, I am told, and better in some instances; but no such condition should exist. They have no opportunity to improve themselves. Upon that reservation not half of the children have school facilities. Not half of the little children that are now growing up to manhood and womanhood have the opportunity to learn the English language or to do anything in the world. They live at times upon prairie dogs, and are glad to get a skunk for dinner. Now, how can they ever improve? How are we civilizing those people? We are not doing it. We are simply neglecting our duty.

This conference report which is before us to-day upon the bill will pass, perhaps, in lieu of any other measure. Although I offered one abolishing the whole, bureau, getting them off of the backs of the Indians, it will not pass at this time, for the reason that the sentiment of the Senate and Congress is not worked up to that point. I think it will come later. But how are these little folks who are growing up ever to escape from that condition, in a climate where it frosts nearly every night in the summer, where the very oats frost down in summer?

We have bought them some cattle lately, and their condition will be somewhat ameliorated by the sale of certain of their irrigable lands at a price, it was estimated in the beginning, of from \$2.50 to \$10 an acre, while the land just over across the line, the dry and unirrigated land of the white man, sold for \$10 an acre. They may after a while, in the cattle business, pull out, but they can not do it farming, for they know nothing of farming, and have no means of ever learning farming.

Those Indians, a number of years ago, were a fairly prosperous tribe. They had cattle upon the range; but, like all Indians, they were improvident, and they did not put up hay, and there came a hard winter. Now, I want you to note this statement as being rather indicative of the manner in which we have handled their affairs. It was stated before the committee that one hard winter they lost nearly all their cattle. They died of starvation or froze to death. Some of them froze to death right at the supply of hay. It was so cold that they chilled and died with food in them, and that is a rare thing to happen to range cattle. But as soon as the majority of the cattle were dead, the Government, which had been furnishing rations to some of those Indians, withdrew the rations, and stopped feeding them just at the time when they needed it most. That forced them to sell their few remaining cattle;

and it was testified before the Indian Affairs Committee at one of our hearings a short time ago that some of those traders made 1,000 per cent on the purchase of the cattle from the unfortunate, starving people.

Right then, it seems to me, as a civilized nation, as a nation which sets itself up as one of the greatest in the world, we should have gone to their relief; we should have made them a loan; we should have loaned them rations until they got upon their feet again. The result was, however, disastrous, and they have remained in that unfortunate condition ever since, dying, dying.

This is no new matter. Twenty years ago there was an inspector who visited all of these reservations—more than I shall refer to—and reported the actual conditions as they existed, and he was "fired" by telegraphic message for doing it. You can take his reports made then, at a time when McKinley was President, and redate them down to this day of the month, 1916, and locate them on the same reservation, and 99 per cent of the statements will fit the conditions as they existed at that time. The statements will fit to-day the conditions as they existed at that time. There has not been improvement. That inspector was ex-Gov. McConnell, of Idaho. I know him personally, and he is an able business man, and it is interesting to read his reports and see how they fit conditions as they still exist.

A little Indian woman came in the other day from one of the Western States to our committee and stated that she wanted to buy some "dead allotments"—that is, allotments which had belonged to an Indian who had died. She had 40 acres of land which lay near an irrigating ditch. We asked her if she had no more land than that. She said she had no home, she was without means of operating the land, as I understood her, which she told us she had been allotted by the department. I do not know whether it was a joke or not—it seemed to be a bit sarcastic at any rate—but they gave her 160 acres of pasture lands 50 miles from the former allotment. Just imagine driving cows back and forth morning and night for milking 50 miles each way! But this case is not peculiar. There are other cases that are similar to be found on other reservations.

A short time ago there came a delegation of Indians to the Indian Affairs Committee in relation to the sale of oil and gas land on the Osage Reservation. The gas lands had been leased for 10 years prior to some time in March this year to certain gentlemen, who paid the Indians one-twentieth of a cent per cubic thousand feet for gas; that is, in order words, the lessee received 2,000,000 cubic feet of gas for a dollar. I was looking over my bills this morning and find that I pay \$1 for 1,000 cubic feet. Here were certain men who received 2,000,000 cubic feet for \$1. Under the new terms which were provided by the Bureau of Indian Affairs for the ensuing 10 years these certain individuals and they were to be assigned the lands—they were not to be sold at public auction or in open market or in competition.

They were to be assigned to the same gentleman for the munificent sum of a half cent per cubic thousand feet; that is, 200,000 cubic feet of gas for a dollar. The gas was worth about 18 cents at the mouth of the well. It is hard to believe yet it is true.

I had passed to me a letter the other day which was written to the chairman of the committee by the Hon. Joseph H. Choate relating to proposed legislation for the administration of Indian affairs. It seems he is the honorary president of the Indian Rights Association, and he criticized me and others for putting in bills before Congress to change the conditions or to abolish them—to get rid of them, if you please—to free the Indians from such conditions, and he criticized me for having put in such a bill.

It would seem to me that here was a very fair opportunity for him to exercise some of his legal ability in securing those rights to the Indians. These lands were to go out at half a cent, we will say, per thousand cubic feet; but about that time there came along a man who had a factory located near these gas wells, and he made an offer of 3 cents per thousand cubic feet. That raised the price to all the other assignees. The gentlemen who were to be assigned this one-half-a-cent gas had to pay 3 cents for it. In assigning these lands, however, this outsider who had intruded himself was like the Indian woman's pasture, assigned land so far away from his factory that he could not use it, and he became rather out of humor about it.

So he went back, I am informed, and made an offer of 3½ cents for the gas, and in addition \$50,000 as a premium for the use of that land. He took the precaution to take an attorney with him and a stenographer took down his statements. A little later he was sent for and was assigned the land he applied for, not at 3½ cents and \$50,000 bonus, but at 3 cents flat per cubic thousand feet.

They cut his bid. They called his bluff. They would not take any \$50,000 bonus; they declined the bonus and spurned the extra half cent raise in the price for gas.

The oil-land leases are sold on a plan or system by which this land is leased to the person who will pay one-fifth or one-sixth royalty or percentage of the production of the property, and in addition to that pay the highest premium for the privilege of operating it. But it must be cash. That naturally eliminates any one who has not the cash. It also eliminates the man who is not thoroughly familiar with the amount of flow which comes from each well, and places the majority of the people of the country at a disadvantage if they desire to operate oil wells.

But this was insisted upon. I wanted to have a method adopted whereby the lands would be leased upon a percentage of production of the land in the way of oil and rating it along as the value of the wells rose and fell. A well which flows a certain number of barrels a day six months from now will depreciate, perhaps. The simple royalty plan would follow equitably; it would provide for the small well of 3 or 4 barrels per day, and the gusher, if you please, the well which produced a thousand barrels a day. I took that up with the department through the committee. They answered me very politely by saying I was not informed on the subject and that I spoke without authority, but the plan would take care equitably of the owners of the property and the lessees of the property as well. That was not, however, adopted. The old bonus plan was followed, and now I have before me a statement from a gentleman who bid 52½ per cent royalty on a property which was rated by the Indian Bureau as yielding 109 barrels a day, and which he stated he found afterwards really yielded 165 barrels a day. That well and that property sold for \$50,000 bonus and one-fifth royalty.

The bonus will be repaid in less than a year if the land continues to yield as it now does. One well is now flowing 165 barrels a day, I am informed, and the \$50,000 bonus covers all other wells to be drilled on that property.

The Indians will lose heavily, if that statement is true, by having had to accept a \$50,000 bonus and a one-fifth royalty in place of the 52½ per cent tendered royalty on the flow of the entire tract. No man knows how many hundred thousands of dollars will come out of the Indians by that deal.

So the Indians' property is handled, and I do not see how anyone could oppose a measure to remedy it.

The council meetings where such sales were agreed upon were held in secret at the Indian Bureau. One-half the Indians who composed the council were ignorant Indians who did not read or write or speak or understand the English language, and were placed under oath not to impart to their fellow tribesmen whom they represented what kind of a bargain they were making in the sale of their lands on such terms, and it is not pleasant to contemplate such proceedings.

A short time ago, or within a couple of years, there came a complaint from the Indians in Wisconsin or Michigan—I have forgotten which State—that under the terms of their contract with a large lumber company the company was confined to a certain territory in logging off timber, but the lumber company went over the line and cut other of the Indians' timber. These men were accused by the bureau of having "trespassed" upon that land in the cutting of thousands and thousands of feet of timber belonging to the Indians. What did the department do? I am relating this to you to show you why I have protested in so many instances against this sort of management of Indian affairs. Out in our country, if you go over the line and cut another man's timber and haul it off and use it for your own use, he does not like it; he resents it. He does not call it a trespass. He calls it stealing, and it is brought to the attention of the sheriff and the grand jury. But in this case it was called a "trespass," and the bureau sent a man out to count the stumps from which the "trespasser" had cut off the trees and removed the timber.

As I said, in the West if a man steals your timber you do not go out and count the stumps and hold a conference with him to see whether he will pay for it or not, but here the Indian Bureau sent out an inspector into Wisconsin or Michigan to count the stumps, to see how many trees, how much timber this company had taken, and then settled with them—compromised it. Such a compromise in our country would be called compounding a felony. I have not much confidence in that kind of method of handling affairs of a people who are without voice and are helpless wards. It is without prejudice that I wish to put a stop to such work. If it did not result so disastrously and were not so pitiable in its results, if it did not lead to poverty and hunger, even to death and to the ruination

of a race of people who under proper handling and with proper treatment and encouragement might become one of the strongest factors in the civilization of this country, I would not care so much about it.

There was presented to me a day or two ago a plea addressed to the Senate as a judicial body for justice to the Indians, setting forth some of the conditions as they relate to the affairs of the Osages. I wish to present it as a part of my remarks. It throws a side light upon the subject.

The Committee on Indian Affairs personally can not know all about the management of the affairs of the Indians without full data. It is impossible for them to do so. Pressed upon one hand and another by differing duties, with confusion in the committee in regard to facts which are not presented to it in full, it will never be possible, in my opinion, to secure good, honest, and wholesome management, or even an intelligent management of Indian affairs unless the present system is radically changed or abolished, and the sooner we change it or abolish it the better.

I present this communication to be printed, if there is no objection, as a part of my remarks.

The PRESIDING OFFICER (Mr. KERN in the chair). Without objection, it will be printed.

The communication referred to is as follows:

WILL THE COURT (THE CONGRESS OF THE UNITED STATES) APPROVE OF THE REPORT OF ITS GUARDIAN (THE DEPARTMENT OF THE INTERIOR) IN HANDLING THE PROPERTY OF ITS WARDS (THE OSAGE TRIBE)?

The Supreme Court of the United States has repeatedly held that the relation between the Government and the American Indian is that of guardian and ward. By analogy the Congress of the United States, which created the Department of the Interior, is the court, and the Secretary of the Interior is the guardian, while the Indian is the ward, being controlled and supervised by the Congress or court through its guardian, the Secretary of the Interior, and the Commissioner of Indian Affairs.

Considerable time was spent by the Senate Committee on Indian Affairs during the early part of January and all of February, 1916, in learning something of the oil and gas leases which terminated on March 16, 1916, and which leasing matter has been before the Department of the Interior for two or three years past. These hearings were printed and are entitled "Oil Lands in Osage Reservation. Hearings before the Committee on Indian Affairs, United States Senate, Sixty-fourth Congress, first session, on Senate concurrent resolution 4, relating to the disposition of units of lands of the Osage Reservation in the State of Oklahoma. Printed for the use of the Committee on Indian Affairs (second print)."

It is my object to take the printed record of said hearings, along with my knowledge of the facts, and abstract same with my own comments thereon, to the end that those Members of Congress who are interested in the American Indian and a fair deal may learn the truth concerning the vast oil and gas deal which is about to be consummated, and wherein the Standard Oil Co. is being greatly benefited and enriched at the expense of the tribe of Indians, and the relationship of the guardian to this transaction. (This may assist Members of Congress and the public in solving one phase of the high cost of gasoline.)

The Osage Reservation was purchased by the Osage Indians from the Cherokee Indians in 1872, and title taken in the name of the United States. The reservation comprises approximately 1,400,000 acres, the surface of which was allotted to the individual members of the tribe by act of June 28, 1906 (34 Stat., 539), but all the minerals are yet held in common by the tribe.

In 1896 the entire reservation was leased for oil and gas to Edwin Foster, and this lease was renewed in 1906 for a period of 10 years, but only on 680,000 acres. The lease was assigned and transferred to the Indian Territory Illuminating Oil & Gas Co., which has sublet the greater part of the lease for the development of oil only.

The act of June 28, 1906, *supra*, allotting the Osages, created the Osage Tribal Council, and in section 4 of said act gave the council the right to lease the oil and gas lands, subject to the approval of the Secretary of the Interior.

This council is elected by a vote of the Osages, as provided by law, and take an oath of office.

The present council is composed of a chief, who is a full-blood, non-English-speaking Indian; an assistant chief, who is a full-blood Indian, speaking English brokenly; eight members of the tribal council, five of whom are full bloods and three of whom are mixed-blood Osages. The chief presides at the council meetings, only the eight tribal councilmen being permitted to vote and participate in council proceedings, unless a tie vote is cast, when the chief, as presiding officer, casts his vote.

After departmental officials had the matter of re-leasing these Osage oil and gas lands under consideration for about two years the Osage Tribal Council were called to Washington in June, 1915, by the Secretary of the Interior for the purpose of devising plans for the re-leasing of these lands after March 16, 1916. At this time many offers and plans for leasing these lands were on file in the Department of the Interior, but had never been submitted to the Osage Tribal Council, nor had men or companies who wanted to negotiate for these lands been permitted by the department to in any way whatever negotiate with the tribal council, and up until June, 1915, none of these plans or proposals had been submitted or considered by the tribal council.

On Monday, June 7, 1915, the council was called to meet Franklin K. Lane, Secretary of the Interior, proceedings of which meeting are reported on page 96 of the hearings before the Senate committee, *supra*, which will be spoken of hereafter as the record. At the close of his speech, which had probably gained the confidence of the tribal council, the Secretary requested the members of the council, Commissioner Sells, Supt. Wright, and Mr. Williams to stand, raise their right hands, and take the following oath:

"I promise to be honest, to be loyal to my tribe, to do the right thing by all of my people, and to be a good sentinel for the tribe, and to talk to no one about this except those who are in this room now, and may God help us to come to a right decision." (Record, p. 97.)

The members of the Osage Tribal Council had taken an oath of office when they entered upon their duties as councilmen, and why it was that Commissioner Sells and Supt. Wright took this new oath along with the council I can not understand, unless it was for the purpose of impressing the members of the council, especially the full bloods, because of great formality. Certainly it would not be necessary for the Secretary to swear Commissioner Sells and Supt. Wright to secrecy had he desired that nothing be said as to the transactions of the council meetings yet to follow.

The council then spent several days with Commissioner Sells, Supt. Wright, and Mr. Williams, of the Bureau of Mines, in devising the plan of leasing which was afterwards adopted.

The members of the Osage Tribe had by subscription sent Mr. Edward Simpkins, an intermarried citizen, and Mr. Anthony Carlton, a member of the tribe, along with the Osage council to advise with the council, to the end that the Osages might secure the best results. These two gentlemen were not permitted to attend the council meetings, and, because of the oath of secrecy heretofore mentioned, the council were not permitted to advise with these gentlemen as to their best interests. (The record, pp. 88, 155.)

"Our negotiations were opened by a speech made by Commissioner Sells, which greatly impressed members of the Osage Tribal Council with the commissioner's great sincerity and desire to help the council in the re-leasing of these mineral lands. There was sent by the Osage people to advise and assist the Osage Tribal Council Mr. Anthony Carlton, a member of the tribe, and Mr. Edward Simpkins, a white man having a large Osage family. For some reason the Commissioner of Indian Affairs, or some one other than the Osage Tribal Council, would not permit these gentlemen to attend the meetings of the tribal council or advise with the members thereof" (p. 88).

Page 155:

PAWHUSKA, OKLA., January 22, 1916.

"GEORGE ALBERTY,

"Care National Hotel, Washington, D. C.:

"If you think necessary an investigation, you can have George Pettit, Anthony Carlton, and myself subpoenaed as witnesses before the Senate committee, as we know how you were treated."

E. H. SIMPKINS."

For some reason no stenographic notes were taken of the hearings where the real work was done, but only of the hearings before the Secretary.

The chief of the Osages at the first meeting of the council with Commissioner Sells, Supt. Wright, and Mr. Williams, at which meeting the active work of the council, which terminated in the June 17 resolution, commenced:

"Expressed the confidence of the council and himself in the Secretary and commissioner and desired their aid and counsel as to the best action to be taken, suggesting the advisability of the tribe's having an attorney to be present. The commissioner stated that he himself was an attorney, that the Secretary was one of the ablest attorneys in the country, and that both were their friends; and that as it was a business and not a legal proposition to consider, he did not believe the presence of an attorney necessary, to which the chief agreed." (Record, p. 107.)

During this session of the council and all other sessions of the council, in a room in the Bureau of Indian Affairs, an outer guard was kept at the door for the purpose of assisting the tribal council, Commissioner Sells, etc., in living up to their oath of secrecy.

Among the several offers or proposals that had been submitted for a lease was one from a committee appointed by the National Petroleum Association, representing independent refiners and independent oil producers. This offer was \$500 per barrel for the production and one-sixth royalty to the tribe, or \$400 per barrel for the production and a one-fifth royalty to the tribe. (Record, pp. 248, 249, 251, 252, 253, 297, 298, 299, 301, 302.)

When a member of the Osage Tribal Council called the attention of the Senate Committee on Indian Affairs to this offer of the National Petroleum Association and to the fact that if considered at all by the council it was not properly considered, the Secretary of the Interior by letter to the Senate committee called attention to the fact that—

"This proposal was known as that of the National Refiners' Association, and you will find on page 107 of the hearings before the Senate Committee on Indian Affairs, dated January 17, 1916, the memorandum of the meeting of the Government officials with the Osage Tribal Council, Mr. Alberty being present at that time. We sought no evidence of the responsibility of the bidder." (Record, 252.)

The memorandum mentioned by the Secretary, found on pages 106, 107, 108, 109, of the record and signed by A-she-gah-hre, principal chief, and G. R. Pettit, secretary Osage National Council, was not drawn by the secretary of the national council, as would be the usual practice, but these council minutes were made up by one of the Government officials and submitted to the chief and secretary at the close of their session in Washington for their signature, and were signed by them without the secretary of the council having read the same. A close reading of these minutes as to the National Refiners' Association proposal would lead one to believe that the compiler of the minutes had suspected that at some time in the future some question might be raised by the National Refiners' Association, or by some member of the Osage Tribal Council, and the minutes make frequent reference to this proposal and the fact that it had been duly considered by the council. (See statement of Councilman Alberty in the record, pp. 248, 249.)

The guardian says that his wards considered this offer, which on its face is several millions of dollars better than what they are to receive under the June 17 resolution, and that the wards of the Government in their great wisdom decided to take the lesser offer. Conceding that Councilman Alberty and several other members of the council are mistaken and that the offer of the National Refiners' Association was duly, sufficiently, and properly considered by the council—the wards—and that the Secretary of the Interior and Supt. Wright, or whoever compiled the minutes of the Osage Tribal Council, are correct, was it not the duty of the guardian to insist on the acceptance by the wards of that proposition which would bring to the Osage Tribe of Indians the greater return? And is the guardian justified in referring to a record made up by himself for the purpose of shifting all responsibility to the ward, and that the council shall make leases on these lands which will bring a less return to the Government's wards—the Osage Indians?

The resolution of June 17, 1915, on which the new leases are to be founded was not drawn by the Osage Tribal Council, but after the council and the Government officials had been in session for something like 10 days the resolution was drawn by some one other than the Osage council, about one day's time being consumed in the drafting of this resolution. The resolution was presented to the council at almost mid-day, was read once and interpreted to the non-English-speaking coun-

cilmen, and without any further consideration the council were taken from the commissioner's office to the office of the Secretary of the Interior, having been told by Government officials that it was necessary to hurry and get the resolution signed, to the end that they might accompany the Secretary of the Interior to meet the President of the United States. (See record, pp. 88 and 104.) Ordinarily, to consider a resolution of the length and character of the June 17th resolution, even if its terms had been discussed and agreed upon—then after said resolution was placed in writing the Osage Tribal Council would have taken from 10 days to two weeks in the consideration of the resolution before adopting same. It is absolutely impossible for a council of Osage Indians, partly composed of full-blood, non-English-speaking members, to get any appreciable understanding of the June 17 resolution in one reading and one interpretation.

The June 17 resolution provides in section 11 thereof that the present sublessees shall have oil leases made to them in the aggregate area of about 70,000 acres of producing territory and approximately 160,000 acres of nonproducing territory. The resolution makes 160 acres the unit for the purpose of leasing. Each 160-acre unit having thereon one oil well is considered a producing unit, and aside from the producing units given to the sublessees, "without competition and without compensation," it is provided that 165,000 acres in nonproducing or undeveloped units should be given the same sublessees "without competition and without compensation." (Record, pp. 105, 106.)

On January 1, 1915, there were 2,666 producing oil wells in the Foster lease, aside from the dry holes and producing gas wells. The producing units and the nonproducing units, which are to be leased under the June 17 resolution, are intermingled, much of the undeveloped territory being adjacent to the developed units. These 2,666 producing wells are so arranged and scattered throughout a large part of the territory, being leased under the June 17 resolution, that they practically prove the undeveloped units which will be received by the former sublessees. (Record, 305.)

Section 9 of the June 17 resolution (Record, p. 105), which deals with the gas, absolutely closed the doors to the world and gave this gas territory to the gas companies who had been for years getting this gas at \$100 per well. The public was arbitrarily kept from making application for gas territory by this resolution after the date on which the resolution was adopted, to wit, June 17, 1915. On pages 76 and 77 of the record we find the following:

"Senator OWEN. What is the authority under the resolutions that were passed by the Osage council concerning the leasing of gas? I understand everyone was excluded except those who had previously made an application or something of that sort.

"Commissioner SELLS. The resolutions as passed by the tribal council June 17, 1915, paragraph 9, provides that—

"Gas leases shall be made by the tribal council to the present gas lessees, covering all or part of their present holdings, and for such periods as the Secretary of the Interior may determine: *Provided*, That applications made prior to this date for leases of gas may be granted in the discretion of the Secretary of the Interior."

"Senator OWEN. What is the purpose of excluding future bidders?

"Commissioner SELLS. I am not able to say. So far as I know, the bidders in sight at the time these resolutions were passed were the present lessees and two or three others.

"Senator OWEN. I understand that. Of course, you read that in section 9 that only those who were at present there holding gas leases would be permitted to have any gas in the Osage country, and I want to know the reason for that.

"Commissioner SELLS. I am unable to give you the reason. That had not been discussed at the time.

"Senator OWEN. Then it is the present policy of the Government to prohibit anybody except those at present holding?

"Commissioner SELLS. Those things are being considered by the department at this time and the probabilities are they will be determined soon." (See pp. 88 and 89.)

The maximum price paid for gas by the pipe-line companies to the developer at the time of the above questioning of Commissioner Sells by Senator OWEN was 31 cents per thousand cubic feet, and at the time of the above questioning, the Osage council being present in Washington, the Department of the Interior had been insisting to the Osage council for nearly two weeks that the June 17 resolution as to gas was binding and as sacred as the Bible, even though the council had been offered an increase of 400 per cent more for their gas than they were to receive under the departmental plan embodied in that June 17 resolution, and the departmental officials kept on with their insistence as to the binding effect of the June 17 resolution as to gas until a member of the Osage Tribal Council called the matter to the attention of the Senate Committee on Indian Affairs and, through the press of this country, to the public generally, after which the Secretary of the Interior sent out notices to the gas men throughout the country that he would hold a public gas hearing. Such hearing was held for two days, and the Osages are to receive 3 cents per thousand cubic feet for their gas instead of one-half cent per thousand cubic feet, as provided for in the departmental plan set forth in the June 17 resolution.

The so-called Foster lease on the 680,000 acres of Osage oil and gas lands, which terminated March 16, 1916, was unlike the ordinary oil and gas lease, which reads for a certain period and as long thereafter as oil and gas are found in paying quantities, in that the Foster lease read for a fixed period, with the right of renewal for 10 years, which renewal terminated March 16, 1916 (see record, pp. 3, 4, 5, and 6), and the above is the construction placed on this lease by the lessees and by the Secretary of the Interior. On page 22 of the record, in a letter from Secretary Lane to the Senate Committee on Indian Affairs, we find:

"The lease rights of the sublessees will expire March 16, 1916, and they do not base their requests for new leases on legal rights. They assert equitable rights by reason of the investments made and the development work performed. The resolution of the tribal council provided for a renewal of the lease in 1906, but no such provision is contained in either the resolution of the tribe or the act of Congress for a renewal of the present lease, which expires in 1916.

"They knew that their leases would expire on March 16, 1916, and it must be assumed that the investments were made with full knowledge of the possibility of not being able to obtain renewals or new leases. However, I realize that large sums of money have been invested in the development of the Osage lands, and in the drafting of the regulations hereafter referred to I have endeavored to recognize the conditions as they exist, without sacrificing the rights and interests of the Indians."

Again, on page 304 of the record, the Secretary, in a letter to the Senate Indian Committee, says:

"These oil and gas properties belong to the Osage Tribe, and in the leasing of the lands our primary duty is to do the best we can for the Indians and see that they receive the highest revenue. The process of

leasing oil lands on a fixed royalty and cash bonus is generally in vogue and is nearly as old as the industry itself."

Notwithstanding the fact that these leases terminated and became again the property of the Osage Tribe of Indians, 70,000 acres of producing territory, having theron at the time 2,800 wells, and 160,000 acres of nonproducing but proven territory is being given to these same sublessees, with no increase whatever in royalty over what the sublessees had been paying to the Indian Territory Illuminating Oil Co., to wit, 16 $\frac{1}{2}$ per cent.

Mr. Barnsdall, who is one of the best known oil developers in the United States, testified before the Senate Indian Committee that when an oil lease terminated the lessee would have to make new terms with the lessor, and that they would frequently have to pay the lessor an additional sum. (Record, p. 73.) Under the departmental plan, as contained in the June 17 resolution, the Osages are precluded from offering this 70,000 acres of developed territory to the oil-producing fraternity and were precluded from dealing with the oil fraternity, including even the present sublessees. The whole thing was managed by the department and the Indians were not permitted to negotiate or attempt to receive a greater sum for their oil from their former tenants.

On page 26 of the record, in his letter to the Senate Committee on Indian Affairs, Secretary Lane said :

"I consider that the Osage Tribe is fully entitled to what it may be able to realize from the sale of the producing units to be released at the expiration of the Foster lease."

"I am opposed to granting special concessions such as the Oliver resolution would involve. The Barnsdall Oil Co. should be held to our regulations the same as any other sublessee."

"The apparent purpose of this resolution is that the Barnsdall Oil Co. may secure valuable property belonging to the Osage Tribe in excess of the acreage permitted under the tribal resolution and the regulations of this department without competition and without compensation."

Why, in view of the Secretary's attitude and his opposition to granting special concessions, does he allow the sublessees to have 160,000 acres of undeveloped, proven territory, upon which they have no improvements whatever, and for which the Osages could receive millions of dollars as a bonus aside from a one-sixth royalty on the oil therefor? Conceding the claim of the sublessees as to equities, should not the Secretary of the Interior have regarded the equities of the Osage Tribe of Indians, and was it necessary to give away in undeveloped acreage property that would bring a return of many millions of dollars? And was it necessary to this end to again bring the Osage Tribal Council to Washington, where they arrived Sunday, April 9, 1916, for the purpose of executing leases on this undeveloped, as well as on the developed, territory; refusing to receive and read a telegram from a mass meeting of Osages protesting against the council executing these leases at this time. And when the council finally authorized the chief to execute these leases, the three mixed-blood members of the council, who are practically white men, refused to authorize the execution thereof; the four full-blood members, who believe that the Secretary of the Interior and the Commissioner of Indian Affairs constitute the Government of the United States, living in daily fear of them, voted and authorized the chief to execute said leases.

The Boston pool, which is a part of the old Foster lease, but on a stray section several miles from the body of the lease, made it desirable that the territory adjacent to this section be put up at auction, and the Osages received bids on some of this territory in excess of \$500 per acre, and at a royalty of one-sixth of the oil produced. There was one 40-acre tract which looked good to the oil fraternity upon which the Minnehoma Oil Co. bid \$1,566 per acre.

On pages 74 and 75 of the record, we find :

"Commissioner SELLS. The law simply empowers the President to fix the royalty."

"Senator WALSH. And there is a chance for competition in the matter of the bonus?"

"Commissioner SELLS. Yes, sir."

"Senator WALSH. And that bonus runs very high, sometimes?"

"Commissioner SELLS. Very high."

"Senator WALSH. About how high?"

"Commissioner SELLS. As high as \$1,000 an acre."

"Senator OWEN. Did you not have a letting on that basis of a bonus two or three years ago?"

"Commissioner SELLS. Yes, sir; in what is known as the Boston pool, adjoining the Boston pool in the Cleveland district."

Then why, in view of the above, should your guardian, the Secretary of the Interior, insist on the council making leases, or permit them to make leases, on thousands of acres of undeveloped, proven territory, worth millions of dollars to the Osages?

An investigation of a map showing the wells of the so-called Foster lease will disclose the fact that many, many thousands of acres of this undeveloped territory, which is being given to the oil developer "without competition and without compensation" is proven territory, adjacent in many instances to the developed territory, and if this adjacent territory was first sold at auction and developed, or partially developed, then the remaining territory, it would mean untold millions to the Osage Tribe. Why should "special concessions" on this undeveloped territory be given to the concerns who have been developing in that field, thereby cutting out the oil fraternity generally, leaving this crude oil where it must be turned over to the Standard Oil Co.?

In the Kansas City Journal, Wednesday, March 29, 1916, page 3, we find :

"WICHITA, KANS., March 28.

"Oil men are in a flurry here to-day over the report that the fifth well on the E. C. Varner lease, 5 miles southeast of Augusta, is flowing 1,000 barrels a day, with the drill but a foot in the sand. A 5-inch pipe is not large enough to carry away the oil."

"This is within 600 feet of the Ed Varner 'gusher,' which sent the price of leases in the field as low as \$25 an acre to as high as \$1,000. The oil men assert that the Varner No. 5 will be the biggest well in Kansas. The sand was found at 2,475 feet."

In the same paper, on the same page, we find :

"GUTHRIE, OKLA., March 28.

"The rush for oil leases in this county continues, more than 100 being filed for record to-day."

"Every abstract firm here is working a day and night force. The Prairie Oil & Gas Co. is securing abstracts on many leases which they will file at once."

"The estimate for the recording fees is close to \$1,500. As much as \$5 an acre is being paid for many leases. A few were sold at \$10."

Guthrie is not in an oil county, has not been considered or thought of until recently as a possible oil field. And yet the demand for oil

territory is such that the developer will take a chance. The Augusta field is practically a new one, while the Osage field has been under development for years, contains hundreds and hundreds of wells, and the undeveloped territory is practically proven.

With oil at present prices, and there being no question but that if rightly handled the 160,000 acres of undeveloped units, which is being given away "without competition and without compensation," would bring a minimum of \$100 per acre, or \$16,000,000. Is this too small a sum to be called a "special concession"?

During the month of June, 1915, the oil run from the Osage Reservation amounted to 721,408.96 barrels; the price being at a low ebb, the run was light. Of the above amount there was run to the Prairie Oil & Gas Co. (admittedly the Standard Oil) 481,582.33 barrels, leaving 239,826.63 barrels to all other pipe-line companies, some of which may be Standard under another name, the Prairie Oil & Gas Co. having received more than twice as much of the oil as received by all other concerns. (Record, p. 128.) No "evidence as to responsibility of bidder" was sought for.

Why should the Osage Tribal Council be prevented by the Department of the Interior from having an attorney to advise them in this matter wherein millions of dollars are involved, when they had an attorney advising them generally up until April 9, 1914, and in view of the fact that the pipe-line companies, as well as the oil and gas companies interested in this matter, had employed many of the most eminent lawyers, men of national reputation, to be found in this country, including ex-Congressman A. Mitchell Palmer, of Pennsylvania; Samuel Untermyer, of New York City; Judge C. B. Ames, of Oklahoma City, Okla.; and dozens of others.

In view of the undertaking of Congress to look after and protect the American Indian and his landed estates, will Congress permit the undeveloped oil lands of this dependent people to be sacrificed to the oil monopoly and against the interests of the American people generally?

Respectfully submitted.

PRESTON A. SHINN.

Mr. OWEN. Mr. President, I notice that amendment No. 2 to the Indian appropriation bill proposed by me and agreed to by the Senate in the following words:

The provisions of sections 2140 and 2141 of the Revised Statutes of the United States shall also apply to beer and other intoxicating liquors named in the act of January 30, 1897 (29 Stat. L., p. 506), and the possession by a person of intoxicating liquors in the country where the introduction is prohibited shall be prima facie evidence of unlawful introduction—

was amended by the conferees by inserting the word "Indian" in lieu of the word "the" before the word "country" and striking out the word "the" before the word "introduction" and inserting in lieu thereof the word "such."

My object in presenting this amendment was to apply the rule of stolen property to intoxicating liquors found in the possession of any person in the country where its introduction is prohibited by Federal law, which would include all that portion of Oklahoma formerly known as Indian Territory.

The United States Circuit Court of Appeals for the Eighth Circuit held in the case of Evans against Victor et al. that all that portion of the Indian Territory title to which had passed from the Indian tribes was not Indian country, which portion includes all towns and cities as well as all allotments of unrestricted allottees.

The effect, therefore, of the amendment agreed to by the conferees is practically to annul the provision so far as it relates to Oklahoma, and ordinarily, in view of this action by the conferees, I would oppose the approval of the conference report by the Senate and endeavor to have the Senate insist that the amendment as adopted by the Senate be incorporated in the bill.

This appropriation bill, however, contains a provision for a per capita payment of \$300 to the Choctaws and \$200 to the Chickasaws. These Indians to whom this payment is to be made are in dire need of it, and its payment I have earnestly urged both at this session and at prior sessions of Congress. I would not feel justified in taking any action which would have the effect of delaying this payment for even an hour, and as much as I would like to have seen this amendment which I had proposed adopted I will not oppose the approval of the conference report, but urge that it be immediately adopted in order that this per capita payment may be made at the earliest practicable date and that the other appropriations may be carried out as promptly as possible.

When this matter came before the conference the suggestion, as I said, was made by some of the Minnesota Members and was presented by Members representing the House as conferees. When my attention was called to it after the report was first made I inquired of the Indian Office and of the Department of Justice as to whether or not this change would leave the eastern part of Oklahoma, where the United States pledged itself to maintain prohibition, so that this language would no longer apply to eastern Oklahoma, and I understood from them that they thought the use of the words "Indian country" would not preclude this amendment from applying to eastern Oklahoma. Therefore, when I was so advised by the Department of Justice I advised the chairman of the conferees on the part of the Senate that I was content with that amendment. But upon a close inquiry I found the case of Evans versus Victor, in the circuit court of appeals for the eighth circuit, in

which it was shown that the change would exclude a very large part of eastern Oklahoma from the application of this language, unless the court should hold that the broad act of Congress admitting the State of Oklahoma still reserved all this country as Indian country for the purpose of the application of the law with regard to the introduction of intoxicating liquors.

Mr. ASHURST. Mr. President, the Senator from Oklahoma is entitled to thanks for his frank statement of the situation. Speaking for myself, I would have gladly adhered to the form of the amendment in which the Senate adopted it, but as the Senator from Oklahoma frankly and truthfully says, the last word almost that he said to me before I went to conference was that he was content to have it in that form, and requested that it be left in that form; and knowing, of course, that ROBERT L. OWEN knows more about Indian affairs than HENRY F. ASHURST, I followed cheerfully the suggestion of the Senator from Oklahoma.

Mr. CURTIS. I should like to ask the Senator in this final report what is done with amendment 156?

Mr. SMOOT. One hundred and fifty-seven?

Mr. CURTIS. I want to ask about 156, and then I will ask about 157.

Mr. ASHURST. The conference report about a week ago, as it was printed in the RECORD, sets out the action of the conferees, in which the House receded with an amendment. I will ask the Secretary to read amendment 156.

Mr. CURTIS. The Secretary need not read it. It is the same that is in the report; it has not been changed at all.

Mr. ASHURST. There has been no change whatever in amendment numbered 156.

Mr. CURTIS. I should like to have amendment 157 as agreed to read.

Mr. ASHURST. If the Senator will pardon me, I will do that. The Senator will recall that amendment 157 was in the following language as it passed the Senate and from which the Senate conferees receded:

(157) SEC. 28. On or before the 31st day of December, 1916, the Bureau of Efficiency shall prepare and submit to the Secretary of the Interior a system of accounting for the Bureau of Indian Affairs that will meet the requirements of section 26 of the Indian appropriation act approved June 30, 1913 (38 Stat. L., p. 103).

It was obvious to all that the action of the conferees in receding from that Senate amendment was not satisfactory, whereupon the conferees on the disagreeing votes of the two Houses met last Friday or Saturday and the House conferees receded with an amendment which I shall read. If the Senator will turn to page 8539 of the CONGRESSIONAL RECORD of the proceedings of May 6, left-hand column, about the middle of the page, just above the signatures, he will see that it reads:

SEC. 28. That on or before the 31st day of December, 1916, the Bureau of Efficiency shall prepare and submit to the Secretary of the Interior a system of bookkeeping and accounting for the Bureau of Indian Affairs that will enable the said Secretary, on or before July 1, 1917, to meet the requirements of section 26 of the Indian appropriation act approved June 30, 1913 (38 Stat. L., p. 103).

The Senator will observe that there is a slight change, but it was necessary in order to make it mean what the Senate intended it to mean. The conferees called before them the distinguished Senator from Oregon [Mr. LANE], the father of the amendment, and submitted it to him, and he said it was in the form in which he thought it ought to be.

Mr. CURTIS. I wish to ask another question right along that line. I notice in the conference report that you amend section 26 of the act of 1913.

Mr. ASHURST. I did not catch the question.

Mr. CURTIS. Section 27 of this bill, on page 107, amends section 26 of the Indian appropriation act of 1913. I want to know if the amendment made changes materially section 26 of that act.

Mr. ASHURST. If the Senator will pardon me, are you certain that section 27 of this bill amends section 26 of the act of 1913? I think not. I will read section 27; that is, amendment 156:

SEC. 27. On the first Monday in December, 1917, and annually thereafter, the Secretary of the Treasury shall transmit to the Speaker of the House of Representatives estimates of the amounts of the receipts to, and expenditures which the Secretary of the Interior recommends to be made for the benefit of the Indians from, all tribal funds of Indians for the ensuing fiscal year; and such statement shall show (first) the total amounts estimated to be received from any and all sources whatsoever, which will be placed to the credit of each tribe of Indians, in trust or otherwise, at the close of the ensuing fiscal year, (second) an analysis showing the amounts which the Federal Government is directed and required by treaty stipulations and agreements to expend from each of said funds or from the Federal Treasury, giving references to the existing treaty or agreement or statute, (third) the amounts which the Secretary of the Interior recommends to be spent from each of the tribal funds held in trust or otherwise, and the purpose for which said amounts are to be expended, and said statement shall show the amounts which he recommends to be disbursed (a) for per capita payments in money to the Indians, (b) for salaries or com-

pensation of officers and employees, (c) for compensation of counsel and attorney fees, and (d) for support and civilization: *Provided*, That hereafter no money shall be expended from Indian tribal funds without specific appropriation by Congress except as follows: Equalization of allotments, education of Indian children in accordance with existing law, per capita and other payments, all of which are hereby continued in full force and effect: *Provided further*, That this shall not change existing law with reference to the Five Civilized Tribes.

I do not believe that that amends or contemplates any amendment to section 26.

Mr. CURTIS. The Senator will recall that section 27, page 107 of the bill, reads:

SEC. 27. That section 26 of the Indian appropriation act approved June 30, 1913 (38 Stat. L., p. 103), is hereby amended so as to read as follows:

Mr. ASHURST. The Senator is reading from the bill. I am reading from the conference report.

Mr. CURTIS. As I understand it, the conferees substitute section 27 as it appears in the report for section 26 and section 27 of the original bill.

Mr. ASHURST. The Senator is correct about that.

Mr. JOHNSON of South Dakota. Mr. President, I should like to ask the Senator from Arizona whether it is the intention to vote on the adoption of this conference report to-night?

Mr. ASHURST. The report was made about a week or 10 days ago, and was laid upon the table. The distinguished Senator from North Dakota [Mr. GRONNA] submitted the report for me. It lay on the table six or seven days. The Senate considered it and rejected it. The matter went back to the conference committee, and was again reported on last Saturday. Of course, my duty requires me to ask for a vote upon the report as soon as every Senator shall have finished speaking upon it. I have been, not exactly censured; but I, at least, have been complained of because I have not sooner urged the consideration of the report. So I undoubtedly think the vote should be taken this afternoon on the report.

Mr. CLAPP. Mr. President—

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Minnesota?

Mr. JOHNSON of South Dakota. I will yield for a question; yes.

Mr. CLAPP. I do not desire the Senator to yield for that purpose. I was going to address my question to the chairman of the committee.

Mr. JOHNSON of South Dakota. Mr. President, I am opposed to this conference report. I was notified last week that I should have the opportunity of appearing before the conference committee on next Tuesday to state in a brief way my objection. I was not notified again, and I naturally presumed that I should have that privilege. On Saturday last the chairman of the committee brought the matter up in the Senate, and advised me that they had got in a hurry. I did not ask him who he meant, for I thought I knew. However, the matter has drifted along until to-day, and I thought we had again reached an agreement that it would not be taken up until Wednesday next. Of course, I supposed when the good-roads bill was out of the way the conference report was the matter next in order. So I shall not offer any criticism on its coming up at this time, further than to say that I left the Chamber, and when I returned the matter was under discussion.

Mr. President, I should like to have an opportunity to fully discuss my objections to this conference report. If the report is considered to-night, I shall not have that privilege, because I am not prepared to do so, understanding, as I did, that I should have until Wednesday of this week to make my preparations. I shall vote against the adoption of the conference report, if the matter reaches a vote to-night.

I only wish at this time to make these few brief explanations as to my position in the matter.

Mr. CLAPP. Mr. President, I want to call the attention of the chairman of the Committee on Indian Affairs to the second amendment in the bill. I was not in the committee at the time the amendment was agreed to, and being a part of the general legislation, assuming that it was recommended by the department—

Mr. ASHURST. It was.

Mr. CLAPP. I did not give it very careful attention. I will ask the chairman of the committee what is the effect of the amendment?

Mr. ASHURST. Amendment No. 2, as it passed the Senate, read in this way:

The provisions of sections 2140 and 2141 of the Revised Statutes of the United States shall also apply to beer and other intoxicating liquors named in the act of January 30, 1897 (29 Stat. L., 506).

I think that amendment was adopted upon the suggestion of the distinguished Senator from North Dakota [Mr. GRONNA]. I am very much in favor of it. The other part of the amend-

ment—and it was consolidated into one amendment—was proposed by the Senator from Oklahoma [Mr. OWEN], and read in this way:

And the possession by a person of intoxicating liquors in the country where the introduction is prohibited shall be *prima facie* evidence of unlawful introduction.

The conferees, acting upon the suggestion of a Member of the House of Representatives from the State of Minnesota, in line 7, struck out the word "the," and inserted "Indian"; and, in line 8, struck out the word "the" and inserted the word "such." When the conference committee made its report the Senator from Oklahoma called my attention to the matter, and said that that amendment was not agreeable to him. Later on, just before the conferees held their last session, the Senator from Oklahoma stated to me that the amendment was satisfactory to him. Inasmuch as it related to his State, and believing, and, indeed, knowing, that the Senator from Oklahoma knows more about his own State than do I, I cheerfully, as I do in many other matters, followed his suggestion.

Mr. CLAPP. The last act, which is amended by chapter 109 of the laws of 1897, referred to in the amendment as the act of January 30, 1897 (29 Stat. L.), provided:

And any person who shall introduce or attempt to introduce any malt, spirituous, or vinous liquor, including beer, ale, and wine, or any ardent or intoxicating liquor of any kind whatsoever into the Indian country, which term shall include any Indian allotment while the title to the same shall be held in trust by the Government, or while the same shall remain inalienable by the allottee without the consent of the United States, shall be punished—

And so forth.

This amendment reads:

The provisions of sections 2140 and 2141—

Mr. CURTIS. Mr. President, it is impossible to hear the Senator from Minnesota. I wish he would speak loudly enough for us to hear him.

Mr. CLAPP. The act that is referred to in the amendment, chapter 109 of the laws of 1897, prohibited the introduction of any malt, spirituous, or vinous liquors, including beer, ale, and wine. The amendment provides that the original sections of the law, being sections 2140 and 2141 of the Revised Statutes, shall also apply to beer and other intoxicating liquors which had already been enumerated in the act of 1897. This amendment provides:

And the possession by a person of intoxicating liquors in the country where the introduction is prohibited shall be *prima facie* evidence of unlawful introduction.

The amendment that had been offered in the Senate did not contain the words "Indian country," but read "in the country where the introduction is prohibited." What occurs to me is that there is territory in some of the States, notably in the State of Minnesota, in which the sale of liquor was prohibited in the cession of the land to the General Government until Congress might remove the prohibition. It might perhaps be urged that the land ceded but to which the prohibition attached was not Indian country. I am not fully satisfied about putting the word "Indian" into the bill, for I do not want any legislation to pass here, unless Congress deliberately seeks to pass it, that will subject the territory covered by the treaty to a repeal as to the provisions of the treaty.

Mr. ASHURST. Will the Senator yield to me for a moment?

Mr. CLAPP. Yes; with pleasure.

Mr. ASHURST. I take the same position as does the Senator. I agree with him exactly. The Senator twice signed the conference report, and it is the same now as it was when he twice signed it. We must either adopt the report or reject it. The valuable amendment suggested by my friend the Senator from North Dakota was agreed to. The remainder of the amendment was adopted upon motion of the distinguished Senator from Oklahoma [Mr. OWEN] who proposed it and told the conferees that it was agreeable to him. If now Senators change their minds and want to send the bill back for another conference, very well; I have no objection, but I protest—

Mr. WALSH. Will the Senator pardon me for an interruption?

Mr. ASHURST. Yes.

Mr. WALSH. Let me suggest to the Senator from Minnesota [Mr. CLAPP] that the worst that can happen with respect to this is simply that the presumption of all unlawful holdings will not apply within that territory. All laws applicable to that territory remain, of course. I sympathize with the Senator from Minnesota in his desire to extend this further presumption to that territory, but it will be in no worse situation than it now is in any case. You simply will not get the benefit of this additional legislation.

My own impression about the matter is that the Senator need not have any fear that the statute would be considered as

applicable to that territory as well as to the territory actually occupied by the Indians, namely, the reservations. In any case, however, if it were otherwise, the only loss you would sustain would be that you would not have the benefit of this new legislation in that territory, making the actual possession evidence of unlawful possession.

Mr. CLAPP. Mr. President, first replying to the chairman of the committee, I will say it is true that I signed this conference report. The report is a very lengthy one, and the presumption is that one who signs it is entirely familiar with it, although as to the insertion of the word "Indian" my attention was not called to the matter until this afternoon. The Senator from Oklahoma has suggested that his information was that the insertion of the word "Indian" was at the request of the Minnesota delegation.

Mr. OWEN. I understood it was inserted at the suggestion of a member of the Minnesota delegation in the other House.

Mr. CLAPP. Yes.

Mr. OWEN. I did not say the Minnesota delegation in the Senate.

Mr. CLAPP. No; the Senator from Oklahoma said the Minnesota delegation of the other House. I should like to have this matter held until I can investigate it, for, whatever may be said of the merits of the controversy in that section of country, these treaties have been upheld by the Supreme Court of the United States; and if Congress sought to modify the terms of the treaties, and the matter came before Congress, and a majority of Congress favored the modification, that would be one thing. But I do not want the situation there further complicated by anything which may be done at this time. It is sufficiently complicated now.

While the Senator from Montana [Mr. WALSH] is correct that the word "Indian" could only limit to the Indian country the presumption which this section bases upon the possession of liquors, it would complicate the situation. At least, I should like an opportunity to look into the matter. I regret very much asking for delay.

Mr. NELSON. Mr. President, to what provision of the bill does the Senator from Minnesota refer?

Mr. CLAPP. I refer to the provision on page 3 of the bill containing the amendments which are numbered. Has the Senator from Minnesota a copy of that bill with the amendments numbered?

Mr. NELSON. Yes. From what line is the Senator reading?

Mr. CLAPP. Line 22. As introduced and adopted by the Senate, it reads as follows:

The provisions of sections 2140 and 2141 of the Revised Statutes shall also apply to beer and other intoxicating liquors—

That was not at all important, because in 1897 Congress passed an act—chapter 109—which included beer, ale, wine, or other ardent and intoxicating liquors. Then it went on—and other intoxicating liquors named in the act of January 30, 1897 (29 Stat. L., p. 506).

That was the reenactment of the existing law. Then, there was added in the Senate this provision:

And the possession by a person of intoxicating liquors in the country where the introduction is prohibited shall be *prima facie* evidence of unlawful introduction.

In conference the word "Indian," in line 4, page 4, was inserted in place of the word "the," so that, as reported by the conferees it reads:

And the possession by a person of intoxicating liquors in Indian country.

Then, on page 4, line 4, where the word "the" occurs the second time, it was stricken out and the word "such" was inserted.

Mr. NELSON. Will the Senator please read the whole paragraph as it appears with the changes made?

Mr. CLAPP. Yes. It reads as follows:

The provisions of sections 2140 and 2141 of the Revised Statutes of the United States shall also apply to beer and other intoxicating liquors named in the act of January 30, 1897 (29 Stat. L., p. 506), and the possession by a person of intoxicating liquors in Indian country where such introduction is prohibited shall be *prima facie* evidence of unlawful introduction.

Now, I desire to call my colleague's attention to this thought: In our State there is territory where the sale of liquor is prohibited by virtue of treaties. My colleague, of course, is thoroughly familiar with that. The question that occurred to me was whether striking out the word "the" and inserting the word "Indian," so as to read "in Indian country where such introduction is prohibited," might not be claimed to exclude from that territory in the State covered by these treaties, but which is not now inhabited by Indians, this presumption flowing from possession.

Mr. NELSON. Mr. President, it would undoubtedly have that effect; and it would be a great mistake to allow the provision to stand as it is.

Mr. CLAPP. Yes; I think so. I therefore move that the report be disagreed to; that the Senate ask for a further conference on the disagreeing votes of the two Houses; and that the conferees be appointed by the Chair.

Mr. NELSON. I trust that motion will be agreed to, because a correction should be made. It is a very serious matter.

Mr. CLAPP. I do not know how it came about.

Mr. ASHURST. Mr. President, I am very pleased that my friend from Minnesota, after having worked for a month or so on the committee and signing the report a couple of times, concludes that he has not got the matter right, and I cheerfully join with him in the motion. I should like to make the observation, however, that, although it has been some five or six years since I looked the matter up, I think it will be found from the Federal Statutes Annotated that the country where intoxicating liquors are prohibited is "Indian country." I only practiced at the bar 14 or 15 years, but it does not require any abstruse reasoning or close investigation to see that the country from which liquors are excluded for the protection of the Indians is Indian country. I am unable, because, as I have said, it has been five or six years since I looked at the Federal Statutes Annotated, to speak with absolute certainty; but I think there is no doubt about that being the construction. However, I cheerfully join in the motion, and hope the report will be disagreed to. I feel as if an apology is due to the Senate, and I hereby tender it for myself, because of the trouble occasioned by disagreements which the conferees have seen fit to pour out upon the Senate. I think it is very wise that the conferees should first agree before asking the Senate to agree.

Mr. CLAPP. Well, Mr. President, "a soft answer turneth away wrath," and I will not reply to the Senator's criticism.

The PRESIDING OFFICER (Mr. HOLLIS in the chair). The Chair will state that the question before the Senate is on agreeing to the conference report. That is the only question before the Senate, and it is the one that must be voted upon. Unless the Senate overrules the Chair, he will take that position.

Mr. CLAPP. Then I ask the Senate to vote against agreeing to the conference report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was not agreed to.

Mr. CLAPP. Now, I move that the Senate ask for a further conference on the disagreeing votes of the two Houses, and that the Chair appoint the conferees on the part of the Senate.

Mr. ASHURST. Mr. President, I have a few rights here, and I should like that motion to go over for a few days. Let us not consider it now.

The PRESIDING OFFICER. Does the Senator from Minnesota withdraw the motion?

Mr. ASHURST. Let us not be precipitate; let us be sure of what we are doing; let us be very certain that we want a conference upon it. I ask in all courtesy, Why can not the motion be withheld?

Mr. CLAPP. Mr. President, most certainly I am willing that it shall be withheld. There is no occasion for any feeling or friction about this matter. My own judgment is that somehow, inadvertently, a mistake has been made, which I think ought to be corrected.

PENSION FOR SURVIVORS OF INDIAN WARS.

Mr. JOHNSON of Maine. Mr. President—

The PRESIDING OFFICER. The Chair recognizes the Senator from Maine.

Mr. JOHNSON of Maine. I move that the Senate proceed to the consideration of 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.

The PRESIDING OFFICER. The question is on the motion of the Senator from Maine.

The motion was agreed to; and the Senate resumed the consideration of 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.

The PRESIDING OFFICER. The bill is in the Senate and open to amendment.

Mr. SMITH of Georgia. Mr. President, the bill has not been considered as in Committee of the Whole.

The PRESIDING OFFICER. It was considered as in Committee of the Whole April 22, 1916.

Mr. SMITH of Georgia. The bill did not pass out of the Committee of the Whole.

The PRESIDING OFFICER. It was amended and reported to the Senate on April 22, and was objected to in the Senate by the Senator from Georgia.

Mr. SMITH of Georgia. Then I desire a copy of the bill. I do not think it was objected to only after it reached the Senate; I think I objected to it earlier than that.

The PRESIDING OFFICER. The record shows that the bill reached the Senate—

Mr. SMITH of Georgia. Of course, I am bound by the record.

The PRESIDING OFFICER. On April 22, and was objected to by the Senator from Georgia.

Mr. SMITH of Georgia. I should like to have the bill read in the Senate.

Mr. WILLIAMS. What is the bill?

Mr. SMITH of Georgia. A bill to pension Indian war survivors.

The VICE PRESIDENT. If there is doubt about it, the Chair will consult the record. The indorsement on the bill shows that it is in the Senate and open to amendment. Does the Senator from Georgia think the record is incorrect?

Mr. SMITH of Georgia. I was under the impression that the bill had not passed from the Committee of the Whole; but I can not undertake to correct the record, because if the report was made to that effect the next day, without a motion to correct it, it stands as the action of the Senate.

The VICE PRESIDENT. The stenographers' notes will show what was done.

Mr. SMITH of Georgia. I have no doubt that I am mistaken. Does the Chair hold—

The VICE PRESIDENT. No; the Chair wants first to see what the CONGRESSIONAL RECORD shows. The Chair is trying to get that.

Mr. SMOOT. I will say to the Senator from Georgia that the bill was reported to the Senate, and then the Senator from Georgia objected to its further consideration, as the RECORD shows.

The VICE PRESIDENT. Here is what the RECORD shows:

The VICE PRESIDENT. The bill is before the Senate as in Committee of the Whole, and open to amendment. If there are no further amendments, the bill will be reported to the Senate.

The bill was reported to the Senate as amended.

The VICE PRESIDENT. The question is on concurring in the amendments made as in Committee of the Whole.

The amendments were concurred in.

The VICE PRESIDENT. If there are no further amendments, the amendments concurred in will be ordered engrossed—

Mr. SMITH of Georgia. Mr. President, I should like to have a little more information about the extension of the benefits of this bill to men other than those who enlisted in the Federal service. The limitation provided seems to be a very indefinite one.

Finally the bill went over.

Mr. SMITH of Georgia. Mr. President, now I desire a ruling from the Chair as to whether my request that the bill shall be read in the Senate is in order.

The VICE PRESIDENT. If it is insisted upon, the bill will be read the third time.

Mr. SMITH of Georgia. I should like to have the entire bill read.

The VICE PRESIDENT. The bill will be engrossed and read a third time.

Mr. SMITH of Georgia. That will exclude amendments.

The VICE PRESIDENT. The Chair can not help that.

Mr. SMITH of Georgia. Then, I desire to proceed to read it myself to the Senate.

In the first place I will say that I had no idea that this bill would come up to-day, and I have not had the opportunity to consider it which I would wish. The bill, together with the amendments reported by the committee, involves an expenditure of over a million dollars a year in pensions. It grants pensions to men who served for only 30 days. We do not know whom it will pension. There is not any report as to whom it will pension. It is not limited to men who have been reported to the War Department as connected with any Indian service. I do not think there is any substantial limitation as to the way in which the rolls shall have been kept. It is just a broad gathering in of anybody, without any knowledge on our part as to whom it will reach, who can show 30 days' service in an Indian war; pensions such persons and provides, I think, for pensions for their widows. That is the kind of bill we are about to pass, putting a charge estimated at a million dollars a year upon the Treasury, and nobody knows how much more.

I shall have to be a little tedious in looking into the bill and reading it as I go along. Of course, the Senate can pass it. I suppose it will pass it. It is asked for, and it simply comes out of the Treasury, and we have no other use for the money. We have not any special calls from the Treasury now for any

money. We do not have anything for which to use the surplus money, so we will throw away a million dollars without knowing where it is going.

Mr. ASHURST. Mr. President, will the Senator yield to me right there?

Mr. SMITH of Georgia. Yes; I yield.

Mr. ASHURST. I admire the bravery and frankness with which the Senator from Georgia always speaks; but I want to tell the Senator that the earliest, the most vivid recollection I have is when the white settlers were banded together in a fort, trying in their way to oppose the most bloodthirsty band of savages that ever raided any country; and not only were the men armed, but the women and children who were old enough were armed to protect their lives. This bill simply provides that those old soldiers, those old pioneers—and there are not 20 of them in Arizona—shall receive pensions; and I believe they are entitled to them.

I have read this report. It is an eloquent report; it is a faithful report, in my opinion; and if the Senator could visualize and bring before him—

Mr. SMITH of Georgia. Mr. President, one moment. I do not yield to the Senator to lose my place. I understand that under the ruling of the Chair I can not yield except for a question; and, while I would be glad to yield to the Senator, I do not wish to lose my position upon the floor.

Mr. ASHURST. I certainly have no disposition to have the Senator lose his place on the floor.

Mr. SMITH of Georgia. No; I know the Senator has not; and I just wish an understanding as to what is to be done with me if I yield.

The VICE PRESIDENT. The Senator has had one speech, and now he is entitled to another.

Mr. SMITH of Georgia. Then I can not yield to the Senator.

Mr. ASHURST. I ask unanimous consent to be allowed to finish my short sentence. That ought to be granted.

Mr. SMITH of Georgia. The Chair has already held that I forfeited the right of one speech by allowing the interruption of the Senator from Arizona.

Mr. President, the Senator from Arizona says there are 20 men in Arizona who are splendidly entitled to pensions. If we knew who they were, if a list of them had been prepared, if we had a record to show that they were the proper character of men and that it was the proper character of service, we would have something substantial to act upon. But this bill does not limit its provisions to the men he has described.

Just let me show you, Senators, the breadth of language contained in this bill:

That the provisions, limitations, and benefits of an act entitled "An act granting pensions to survivors of the Indian wars of 1832 to 1842, inclusive, known as the Black Hawk War, Creek War, Cherokee disturbances, and the Seminole War," * * * be, and the same are hereby, extended * * * to the surviving officers and enlisted men of the Texas volunteers who served in defense of the frontier of that State * * * and to the surviving officers and enlisted men, including militia and volunteers of the military service of the United States, who have reached the age of 62 years, and who served for 30 days in the campaign in southern Oregon and Idaho and northern parts of California and Nevada from 1865 to 1868, inclusive; the campaign against the Sioux in Minnesota and the Dakotas, * * * and the campaigns against the Sioux in Wyoming, * * * the campaign against the Cheyennes, Arapahoes, Kiowas, and Comanches in Kansas, Colorado, and Indian Territory, * * * the Modoc War of 1872 and 1873, and many others I will not stop to read.

Now, mark you, this applies to those who served 30 days, Mr. President. The House had it "90 days." The Senate has amended this bill, and says that 30 days' service is long enough.

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

Mr. SMITH of Georgia. Well—

Mr. SMOOT. Just for a question.

Mr. SMITH of Georgia. Only for a question that the Chair holds is a question, Mr. President. I do not want to lose my place on the floor.

Mr. SMOOT. I would not think of causing the Senator to lose the floor. I simply wanted to ask the Senator this question: Is it not true that every Indian-war pension bill that has passed Congress requires a service of only 30 days?

Mr. SMITH of Georgia. I think the fact that there have been so many bad pension bills passed is no reason for another. If they had said "10 days" before, I do not think 30 days' service would be enough for a pension.

The bill provides:

The campaign against the Apaches of Arizona * * *; the campaign against the Kiowas, Comanches, and Cheyennes in Kansas, Colorado, Texas, Indian Territory, and New Mexico * * *; the campaign against the Northern Cheyennes and Sioux * * *; the Nez Perce War * * *; the Bannock War * * *; the campaign against the Northern Cheyennes * * *; the campaigns in the Black Hawk Indian War in Utah * * *; the campaign against the Ute Indians in Colorado and Utah; * * *; the campaign against

the Apache Indians in Arizona * * *; and the campaign against the Sioux Indians in South Dakota * * *; and also to include the surviving widows of said officers and enlisted men who shall have married said survivor prior to the passage of this act: *Provided*, That such widows have not remarried: *Provided further*, That this act shall extend also to the surviving officers and enlisted men of the organization known as Tyler's Rangers, recruited at Black Hawk, Colo., in 1864, for services against the Indians: *Provided further*, That if any certain one of the said campaigns did not cover a period of 30 days, the provisions of this act shall apply to those who served during the entire period of said campaign.

Just listen, Mr. President, and Senators! If they have served 30 days, they get a full pension; and if any campaign did not happen to be that long, they get a full pension the balance of their lives, anyhow!

Provided further, That where there is no record of enlistment or muster into the service of the United States in any of the wars mentioned in this act, the record of pay by the United States shall be accepted as full and satisfactory proof of such enlistment and service: *And provided further*, That all contracts heretofore made between the beneficiaries under this act and pension attorneys and claim agents are hereby declared null and void.

That is the only real good thing I see in the bill so far. That, I like.

That the period of service performed by beneficiaries under this act shall be determined by reports from the records of the War Department, where there is such a record, and by the reports from the records of the Treasury Department showing payment by the United States where there is no record of regular enlistment or muster into the United States military service: *Provided*, That when there is no record of service or payment for same in the War Department or Treasury Department, the applicant may establish the service by satisfactory evidence from the muster rolls on file in the several State or Territorial archives: *And provided further*, That the want of a certificate of discharge shall not deprive any applicant of the benefits of this act.

Why, Mr. President, it needs only one more thing to make it perfect:

Provided, That if he can not show service at all, that fact shall be no bar to his pension.

That would make it a bill that would commend itself to its advocates. He need never have occupied the attitude of serving the United States Government. He need never have been on the pay roll of the Government. He need never have served in a war lasting 30 days. None of that is necessary; but he must get a pension the balance of his life, and so must his widow, if he is 62 years of age.

Mr. President, I suggest the absence of a quorum, without losing my place on the floor. I do not understand that the suggestion of the absence of a quorum forfeits my place on the floor.

Mr. SMOOT. That is what has always been held.

The VICE PRESIDENT. The Senator from Georgia suggests the absence of a quorum.

Mr. SMITH of Georgia. All right; I suggest the absence of a quorum. I will take care of myself.

The VICE PRESIDENT. The Secretary will call the roll.

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

Ashurst	Hitchcock	Nelson	Sterling
Bankhead	Hollis	Norris	Swanson
Beckham	Johnson, Me.	Oliver	Thomas
Broussard	Johnson, S. Dak.	Owen	Underwood
Catron	Jones	Page	Vardaman
Chamberlain	Kern	Ransdell	Wadsworth
Curtis	La Follette	Shafroth	Warren
Fletcher	Lane	Sheppard	Williams
Gallinger	Martin, Va.	Sherman	
Gronna	Martine, N. J.	Smith, Ga.	
Harding	Myers	Smith	

The VICE PRESIDENT. Forty-one Senators have answered to the roll call. There is not a quorum present.

Mr. PITTMAN, Mr. BRANDEGE, Mr. LIPPITT, Mr. WALSH, and Mr. TOWNSEND entered the Chamber and answered to their names.

The VICE PRESIDENT. Forty-six Senators have answered to the roll call. There is not a quorum present. The Secretary will call the names of absent Senators.

The Secretary called the names of absent Senators, and Mr. SUTHERLAND answered to his name when called.

Mr. CHILTON entered the Chamber and answered to his name.

The VICE PRESIDENT. Forty-eight Senators have answered to the roll call. There is not a quorum present.

Mr. SIMMONS, Mr. LEA of Tennessee, and Mr. OVERMAN entered the Chamber and answered to their names.

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

Mr. SMITH of Georgia. Mr. President, I move to reconsider the action of the Senate in amending the bill, on page 2, by striking out, in line 9, the word "ninety" and inserting the word "thirty."

Mr. SMOOT. Mr. President, is the Senator going to speak on his amendment?

Mr. SMITH of Georgia. Yes.

Mr. WALSH. Mr. President, a point of order. I inquire of the Chair if amendments to the bill are at this time in order?

The VICE PRESIDENT. Amendments to the bill are in order. The bill is in the Senate and open to amendment.

Mr. WALSH. I inquire, then, whether a motion to reconsider a vote taken as in Committee of the Whole is in order?

The VICE PRESIDENT. The Chair does not believe it is in order, but the amendment can be reached in the same way.

Mr. WALSH. I raise the point of order that the motion of the Senator is out of order.

The VICE PRESIDENT. The bill was amended as in Committee of the Whole. It was reported to the Senate. The Senate agreed to the amendments made as in Committee of the Whole. This was not reserved as a separate question, and so the Chair is compelled to sustain the point of order. A motion to reconsider this particular amendment would not be in order.

Mr. SMITH of Georgia. Then I ask, Mr. President, if a motion to substitute "three months" for "30 days" would be in order? Frankly, if the Senate has acted on the 90 and the 30, and we are not at liberty to move to reconsider it, my own opinion would be that it was so disposed of that I could not move to substitute something for the 30. I do not see why a motion to reconsider would not be in order. The Senate has approved an amendment. While the bill is before the Senate, would I not have a right to ask to reconsider what the Senate has done?

The VICE PRESIDENT. The Senator from Georgia can move to reconsider the vote whereby the Senate concurred in the amendments.

Mr. SMITH of Georgia. That was my motion.

The VICE PRESIDENT. No; *the* amendment. There was more than one, and there was no reservation in the Committee of the Whole for a separate vote on this amendment; so all the amendments together were voted on in the Senate. Consequently, a motion to reconsider must be of all the amendments, not one.

Mr. SMITH of Georgia. Then I move to reconsider all the amendments that were adopted in the Senate; and upon that I desire to be heard.

Mr. President, let us see what some of those amendments were. This in an Indian pension bill. The House provided that there should be 90 days' service in Indian wars to entitle men to receive these pensions for the balance of their lives. The House estimated that it would cost a million dollars a year to pay the pensions if the service was limited to 90 days' service. Now the Senate proposes to amend by providing, as a substitute for the 90 days' service, 30 days' service. We have not any estimate at all as to how much that will cost. The estimate of the House was based upon a bill giving the pensions for 90 days' service. This first amendment reduces the service to 30 days.

Now, let me go further and call to your attention some of the other amendments that we put on in the Senate.

The Senate has amended the bill so as to provide that—

When there is no record of service or payment for same in the War Department or Treasury Department, the applicant may establish the service by satisfactory evidence from the muster rolls on file in the several State or Territorial archives.

I do hope the Senators will listen to this for a moment. You do not know how much you are voting out of the Treasury. Your only estimate is based upon the House bill, and you have amended it in the Senate, making it infinitely worse. It was bad enough as the House sent it to us—\$1,000,000. You change the length of service from 90 days to 30 days. Then you change the provision and declare that though there is no record of any service for the Government, though there is no record of the payment of a dollar to any of these men by the Government, you will go somewhere else and find another roll and make it up of a 30-day service; and you do not know how much you are increasing your appropriation beyond the million dollars a year.

Provided, That when there is no record of service or payment for same in the War Department or Treasury Department, the applicant may establish the service by satisfactory evidence from the muster rolls on file in the several State or Territorial archives.

You abandon any idea of service to the National Government. It was a million dollars if you held to the national-roll rule. It was a million if you held to 90 days. You cut it down from 90 to 30. It was a million if you limited it to those whose service was shown in the War Department, and you changed it by omitting any requirement of evidence of service in the War Department. This amendment proposes to change it.

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

The PRESIDING OFFICER (Mr. WALSH in the chair). Does the Senator from Georgia yield to the Senator from Michigan?

Mr. SMITH of Georgia. For a question.

Mr. TOWNSEND. This bill proposes to give to the Indian war veterans pensions for less service than that for which men were given pensions in the case of the Civil War, does it not?

Mr. SMITH of Georgia. Yes.

Mr. TOWNSEND. In the one case it is 90 days.

Mr. SMITH of Georgia. In this case it is 30 days. Not only that, but the Civil War pensioners were employed by the National Government; and this amendment proposes to put these men on the roll of pensions without their ever having been enrolled in the service of the National Government.

Mr. CLAPP. Mr. President—

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Minnesota?

Mr. SMITH of Georgia. For a question.

Mr. CLAPP. Well, then—

Mr. SMITH of Georgia. I can not do more than yield for a question, because there are Senators who are willing to take me off my feet.

Mr. CLAPP. The Senator knows I would not do that.

Mr. SMITH of Georgia. I know that, of course; but under the rules I would be taken off. I do not complain.

Mr. SMOOT. Mr. President, did the Senator look at me when he said that?

Mr. SMITH of Georgia. I did not mean the Senator from Utah. I heard over here from several of my close friends that I have used my privilege of two speeches and could not occupy the floor again.

Mr. SMOOT. Mr. President—

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Utah?

Mr. SMITH of Georgia. For a question only.

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

Mr. SMITH of Georgia. I have to yield to that.

Mr. SMOOT. Of course.

The PRESIDING OFFICER. The Senator from Utah will state his point of order.

Mr. SMOOT. I do not want to enforce the rule, but I want, just for the Record, to state that the Senator had no right to make the motion that he did, and I call the Senator's attention to the rule. I do not want to stop the Senator from talking, and I only want to make this statement for the Record.

Rule XIII says, on page 14 of the Manual:

When a question has been decided by the Senate any Senator voting with the prevailing side may, on the same day or on either of the next two days of actual session thereafter, move a reconsideration.

Mr. President, more than two days have passed, but I do not want to take the Senator off his feet. I make this statement for the Record; and I want the Senator to have all the time he wants to have to speak upon the bill.

Mr. SMITH of Georgia. Mr. President, I go on. The Presiding Officer held my motion in order. There was no appeal from the decision of the Chair, and the motion is pending under a ruling of the Chair that it was in order.

Now, let us see what these amendments do.

The PRESIDING OFFICER. Will the Senator pardon the Presiding Officer for a moment? His recollection of the matter is not as stated by the Senator from Georgia. The Chair wants to get the Record straight. If the reporter has the record of this matter here, the Chair requests that it be read.

Mr. SMITH of Georgia. I will state to the Chair what happened. I first moved to reconsider a single amendment, and the Chair held that that was not in order, because the Chair held that all of the amendments were adopted by the Senate in a single amendment, I thereupon moved to reconsider the action of the Senate which adopted them all, and the Chair held that it was in order.

The PRESIDING OFFICER. That is the recollection of the Chair. The question of whether the pending motion is in order or not has never been submitted to the Chair.

Mr. SMITH of Georgia. Certainly it was submitted, and the Chair held that it was in order, and I proceeded under the ruling of the Chair.

The PRESIDING OFFICER. The Senator from Georgia has not so stated in his statement of the facts. His statement of the facts is in accordance with the recollection of the present occupant of the Chair—that he made his motion and the motion was entertained by the Chair. The question of order, as to whether the motion was in order or not has never been submitted to the Chair.

Mr. SMITH of Georgia. I think that is true—that the Chair advised me that it would be in order, and thereupon I made the motion. My recollection agrees with the view of the Chair in

that respect; but I wish to go further and call the attention of the Senate to this additional provision now, as suggested by the Senator from Michigan:

You require 90 days' service for a soldier during the Civil War as an enlisted soldier of the Government. This bill reduces the time of service to 30 days for these soldiers of Indian wars and then goes further, and you have amended the House bill by providing:

That when there is no record of service or payment for same in the War Department or Treasury Department, the applicant may establish the service by satisfactory evidence from the muster rolls on file in the several State or Territorial archives.

Just think about it, gentlemen. Do you mean to do that? Do you mean to put on the permanent pension roll men who never enlisted in the service of the Government but who may be found on some State muster roll; who never had any record to support their national service, to ask for any compensation from the Government for the service; who never had any proof to show their service to the Government, but who can show a muster roll in some State?

And provided further, That the want of a certificate of discharge shall not deprive any applicant of the benefits of this act.

Do you put upon the pension rolls soldiers of the war unless they were honorably discharged? Or honorably mustered out? The truth of this is that they were neither mustered in nor mustered out. Then why is it so broadly stated? They have never been mustered into the service of the Nation and therefore they were never mustered out, and if they ever got on any list in the State they can take a pension for the balance of their lives, though they were never mustered in or out.

Why, it is no more to me than to any of the balance of you. Perhaps it is more to some of the balance of you. It may be good politics for the gentlemen in Northwestern States or some of the States where the boys will get their hands in the Treasury, and they or their widows draw pensions for the balance of their lives. If there are some of these men who are really entitled to a pension let us have a bill that takes them up intelligently and bases it on something.

Mr. CLAPP. Will the Senator permit a question?

Mr. SMITH of Georgia. Yes, a question; but not anything that will take me off the floor.

Mr. CLAPP. Does not the Senator feel that when it comes to a matter of reaching into the Federal Treasury the injunction issued many years ago, "Let him who is without sin among you cast the first stone," ought to apply with force and effect?

Mr. SMITH of Georgia. Certainly I do. Therefore I am casting stones. I have preserved my status to cast stones by declining to help the Spanish War veterans, some of whom live in my own State, from getting pensions without just claims. I have held up wherever I could the Spanish War veterans, although my own State had as many in proportion to its population, as any State, and there would have been more if they had been permitted, as they wished to enter the service.

Mr. CLAPP. May I ask the Senator another question?

Mr. SMITH of Georgia. Yes.

Mr. CLAPP. Does the Senator limit his concept of this unholy act of grasping from the Federal Treasury only to those who reach for it in the form of a pension?

Mr. SMITH of Georgia. Not at all.

Mr. CLAPP. With that broader concept, will the Senator still say he can cast a stone as one without offense?

Mr. SMITH of Georgia. The Senator is still prepared to defend any vote he has ever cast for an appropriation, and he is ready to cast stones when he thinks they ought to be cast.

Mr. CLAPP. If the Senator will permit as an interruption a suggestion—

Mr. SMITH of Georgia. I can not permit a suggestion. I will permit a question. I really think this bill is a proposition to pass pensions that we know nothing about. Just let us see the change since the House sent it to us. The House said that in 90 days, and with the record of the Government to show the service, it would be a million dollars a year. You would fasten it, probably, for 15 or 20 years on the country.

Now, your amendment cuts from 90 days to 30 days, and how many more do you bring in? How many more do you bring in under the Senate amendment? Then your amendment cuts out the requirements that there shall be a register here in Washington showing that there was service at all. You turn them loose. You relieve them from being mustered in and from being mustered out. How many millions will it take? What will it cover? There is not a Senator who knows anything about it.

If there ought to be some pensions to some of these men, let us be reasonable about it. Let us enact a bill that in some sense is justifiable. Do not just throw down every barrier at once and abandon every restraint and give a pension to every-

body applying without regard to what he has done. Those are the two main Senate amendments. There is one other to which I wish to call attention.

Mr. FLETCHER. May I interrupt the Senator?

Mr. SMITH of Georgia. For a question.

Mr. FLETCHER. I ask the Senator the meaning of the amendment at page 4, line 25, where it provides further "that the want of a certificate of discharge shall not deprive any applicant of the benefits of this act."

Mr. SMITH of Georgia. He is not to be mustered out or mustered in. He does not under this amendment have to be on the roll here at Washington. He does not have in any way to manifest his service to the Government. He does not have to show that he had a certificate that he was mustered out. I do not think that is the kind of Indian war pensions that you gentlemen really want to pass. It goes too far if you are going to pass any at all.

Mr. President, with reference to the suggestion that my motion to reconsider was later than the time provided, this bill got into the Senate, and the Senate without objection concurred in the committee amendments. It has never been before the Senate since then. I suppose I could have filed a motion between then and now. I do not understand that the formal point of order has been made on my motion. I submit to the Senate my criticism upon these amendments. I do not see how we can justify them.

Mr. THOMAS. Mr. President, I have read this bill once or twice and have noted the significance of some of the provisions that have just been criticized by the Senator from Georgia [Mr. SMITH]. The bill seems to be one of those which originally was designed to subserve a particularly good purpose by providing pensions for veterans of the Indian wars, to which no Senator could properly object in view of the liberal nature of our pension system. Such a bill would be meritorious, as I personally know, if applied to those who have done actual Indian service for an appreciable period of time. But to secure pensions for these deserving veterans it has evidently been necessary to make other provisions for other classes, so that it embraces every individual seemingly identified with any of those Indian and border outbreaks, giving him equal opportunity for a pension from the Government with him who has borne the heat and the burden.

In other words, in order to secure the benefit of this bill for those who are deserving, it seems to have been necessary to include some classes who may not deserve it. The House bill, liberal as it was, has been so extended by the Senate amendments that it may be possible for any man who enlisted in some of the campaigns and afterwards changed his mind before doing actual service to obtain a pension.

Now, I know that any criticism of a pension bill, however meritorious or well-deserved, inevitably subjects one to misunderstanding, censure, and reprobation. The pension policy has long ago reached a stage where the average legislator does not dare to question the merits of any application, so they go, as a matter of course, to all who seek them. The Military Committee is required to consider a great many bills filed here to remove the disabilities of soldiers who have been dishonorably discharged to enable them, after the removal of such disability, to apply for and receive admission to the pension roll. The committee to-day has a very considerable number of such bills. In many instances the applicant asserts his ignorance of the nature of his own record, until some one called his attention to it, or until the application for a pension under the general laws is denied. Then Congress is appealed to, and, of course, after all human testimony to substantiate the records of the War Department has passed away.

We have removed these disabilities in a good many cases, for some of the applications have been meritorious, unquestionably so. The greater proportion can only appeal to our discretion, and that, too, is sometimes favorably exercised. But the practice emphasizes the fact that the pension roll is no longer a roll of honor. It now embraces within its rolls all sorts of public service, good, bad, and indifferent, or no service at all. He who served his country and served it well receives the same consideration in his old age as and no more than he who served his country not at all or served it grudgingly. Each and all are treated alike. Here and there is an exception. In these days an application for a pension will go as a matter of course. I can not perceive what incentive the soldier of to-day has for giving his country the best that is in him when the soldier who shirked or deserted receives a like reward from a generous Nation.

Mr. President, the Senator from Georgia said that the estimates of the House based upon the bill which it passed and sent

to the Senate mean an increase in our actual fixed expenditures of upward of a million dollars per annum. Of course, in these days in Congress a million is a mere bagatelle. We speak of millions and we appropriate them as flippantly as though they were copper pennies. A hundred million dollars has ceased to be a startling amount in a congressional appropriation, and the time is rapidly approaching when billions will be disposed of quite as unconcernedly as hundreds of millions are now appropriated.

A great many Senators upon the other side of the Chamber have reminded us with painful iteration of that celebrated plank in the Baltimore platform which denounced the profligate extravagance of the Republican Party during its administration of public affairs and pledged Democracy to strict economy of expenditures. They have taunted us with our disregard of that pledge and with the fact that we have seen the Republican extravagance and gone away beyond it.

I have more than once rejoined that I have seen no evidences of a desire upon the other side of the Chamber, with here and there an exception, any more than upon this side to give much heed to that pledge or independently of it to exercise here and there some measure of frugality in our appropriations.

Mr. President, these reminders of Senators upon the other side and these suggestions of mine have availed nothing. We go on our spendthrift way and the people approve. They have almost without exception come to regard the Public Treasury as a vast and exhaustless reservoir of money created for their benefit, and each and all of them strive to secure every dollar from it that they can for themselves. The West, the South, the North, and the East are actuated by a common sentiment when it comes to raids upon the Treasury. The constituents of the Senator from Minnesota, the constituents of the Senator from Georgia, the constituents of the Senator from Maine, and my own constituents are alike in this particular. Each section denounces the extravagances of the Government while insisting that its own demands are entirely reasonable and urgently necessary. Hence it should be excepted from the common rule. The result is obvious. It finds expression in omnibus bills like this, designed to cover the claims of different sections and sometimes of different interests in order to secure a sufficient number of votes to enact the measure as an entirety, and by a system of lumping and logrolling a great many appropriations are secured which but for this method never would be enacted into law.

Now, this has grown to be a practice, Mr. President, honored not in the breach but always in the observance. It is getting worse and worse, and it will continue to do so until public men exhibit the courage to resist the demands of their own constituencies and thus effectually resist the constantly increasing avalanche of demands from every direction upon the Public Treasury.

These continued and ever-increasing appropriations are wiping out the States, which are becoming provinces distinguishable from each other merely by geographical boundaries. State rights used to be a subject of living and important concern. Representatives and Senators were jealous of those rights and defended and safeguarded them here and at the other end of the Capitol. But that was years ago. To-day we are ready to surrender any right of any State, to abandon any prerogative of any Commonwealth and surrender them to the Federal Government, provided we can secure appropriations large enough to justify the policy. When we rise from our seats, as we sometimes do, and denounce the activities of the Government, the extension of its jurisdiction and consequent absorption of many of the reserved rights and powers of the States, we should remember that we are ourselves largely responsible for the evil, and that the people have seemingly ceased to trouble themselves about the fact so long as we can bring home the lion's share of the national plunder.

We have passed a number of bills designed to obtain and disburse money in all the States of the Union in certain proportions duly provided for, and we are going, I presume, to pass others, notwithstanding the fact that there is a day of settlement soon to come. It will come when we turn our attention to the method of raising revenues instead of appropriating them.

In all of the schemes of preparedness with which I have been deluged during the last three months, I have received hardly a suggestion as to the manner in which we should raise the money necessary to meet our increased appropriations for that purpose. Here and there it has been intimated that return to the good old Aldrich tariff would be necessitated by these conditions, and that an issue of interest-bearing bonds saddling still more of our obligations upon posterity is an easy solution of the problem. Let our children struggle as best they may with the problem after we are dead and gone; meanwhile, we consider preparedness. Let me hope that we shall do neither, but pay as we go.

But we must raise more money, and of course by taxation. And because we must raise more money we should expend at present only what is essential. Why, then, should we at the present time increase our pension list by \$1,000,000 a year, as provided for in this House bill? And why increase that million by the enactment of a measure, the amount of appropriations to meet which we do not know, and can only imagine? Oh, I know some one will say, "It is only a million dollars; and what is a million dollars to the Treasury of the United States?" It does not count. I am reminded of the Chicago packer who saw a boy in West Virginia driving some hogs along the road one day. On inquiry the boy said he was driving them to a pasture. The Chicago man asked why. "Oh," he said, "so that they can get fat." He was then asked how long it would take them to get fat in that way. The boy said, "About six months." "Well," the Chicago man said, "That is not the way we do in Chicago and around in that section of the country. We take the hogs, my son, and we put them in pens, we feed them corn, and we fatten them in 30 days." "Oh, well," the boy said, "what in thunder is time to a hog?" [Laughter.]

What is a million dollars to us? It is a mere bagatelle. We toss them off with the easy nonchalance of jugglers. And yet we know, Mr. President, that a little million here and a little million there and a couple of millions yonder and some more millions next week amount to many millions in the end. Their distribution will enable the statisticians of the Republican campaign committee to make a pretty respectable showing about the first of next July; and those Senators and Representatives who always vote with us for such appropriations will be the loudest in their denunciation of our extravagance before the people. This will serve us right, because there is this modicum of justice about it, that we are in power, and we could if we would make our denunciation of Republican extravagance most effective by repudiating it in our own practice.

It may be said, Mr. President, that all this has comparatively little to do with this bill, but I am speaking to this question simply because the bill is one of a series. "They come and go as comes and goes the sea;" sometimes one per day, sometimes two, sometimes more.

I said the other day—I think on the 10th of April—that the bills then upon the Senate Calendar, outside of general appropriation bills, if enacted into law, would require \$121,000,000 to provide the sums necessary to make them effective. I presume the amount is much larger now, because a good many other bills have since come out of committees. I think it is safe to say that 75 per cent of the bills introduced into this Congress, and perhaps also in the last Congress and in a number of previous Congresses, call for appropriations—small appropriations or large appropriations—in the aggregate colossal appropriations.

Mr. President, I should perhaps keep silence if this bill were to be enacted as it came over from the other House, since, in any event, my words will have but little, if any, influence upon the final vote. But there are opportunities in the House bill for a considerable increase of the amount estimated to be necessary to carry its provisions into effect. For instance, I read from page 4, where it is provided:

That if any certain one of the said campaigns did not cover a period of 30 days—

"Ninety days," as the bill came from the House—the provisions of this act shall apply to those who served during the entire period of said campaign.

In other words, if any one campaign lasted but 1 day or 10 days or 15 days or 25 days the provisions of the act will apply as completely to those engaged in such brief campaigns as they will to a campaign running a year or more. Those of us in the West who have lived there as long as I have can recall some Indian outbreaks, although perhaps not covered by the recitals of the bill, which were over in less than 20 or 25 days. They were extremely brief; they were limited in area and in importance; yet those who rushed to their own defense or to the defense of others, where, perhaps, no gun was fired or no life lost or no wounds inflicted, are treated with the same generosity in this bill as is the hardened, old, war-seasoned pioneer veteran of the plains whose business in life was fighting Indians, and who fought them at all times and fought them well; one of the most splendid set of men which any country ever produced; men who faced every peril of weather, of wilderness, and of savage, fought out their own destiny, conquered all obstacles, and made possible the subsequent settlement of the great States of the West. All honor to them. They deserve well of the Republic.

That sort of man in old age should be liberally provided for, but under the provision to which I have just called attention,

these heroes line up with men of 10 days' service in any capacity—men with no mustering-in and no mustering-out, with no record of service, State or Federal. Mr. President, I ask you what limitation, except the conscience of men, will circumscribe the operation of this bill in actual practice? I can not determine; but I do know when an opportunity to get money from the Treasury of the United States through the provisions of any measure comes along the temptation to avail oneself of that opportunity is well-nigh irresistible. So it seems to me, Mr. President, that this bill as amended is altogether too comprehensive. I do not believe it would have been so amended, but for the apprehension that without them a majority could not be obtained to carry the bill.

Mr. President, I have said more than I intended to say. I do not believe that we should legislate in this loose manner when our legislation means appropriations out of the Treasury of the United States. I believe that we should treat this great fund in the treasury as we would treat trust funds committed to our keeping and calling for our private administration, with due regard, of course, to the public needs and the public demands.

In a book of aphorisms the other day I saw this one: "Public money is like holy water; everyone helps himself." And I could not but think that it was a most appropriate description of the public money of the United States, in view of the careers of the Sixtieth, Sixty-first, Sixty-second, Sixty-third, and doubtless of the Sixty-fourth Congresses.

Senators on this side of the Chamber, I want to venture the prediction that, independently of increased appropriations for so-called preparedness, our annual expenditures will probably aggregate one and a half billion dollars for the next fiscal year, unless we call a halt and in some degree economize. If there ever was a time, Mr. President, demanding economy in legislation this is the time, for it is self-evident that in some degree, either large or small, this Nation, through the stress of foreign war and activities of the Sixty-fourth Congress, is going to enter into a new era of nationality.

It was once said that no nation entering a war and emerging from it is ever the same, and in the presence of this worldwide war, affecting, directly or indirectly, every people upon the face of the earth, and bringing those of our own country face to face with a survey of the consequences of a sudden conflict without some cautionary provision, we shall consider public sentiment by making some increase of our Army and Navy. This increases, of course, the taxes already pressing heavily upon the people, and particularly upon the consumptive energies of the Nation. This is our task; the task of the majority. It is our burden, and we must assume it, with the certainty of incurring sullen resentments where taxation presses unduly, as it will. Let us make the load as light as we can by saving where we can. The gravest indictment that posterity will return against this Congress may be that at such a time it not only forgot the pledges of Democracy, but increased the extravagances which it denounced in previous administrations, and thus swelled the burdens of the people. Let us prevent this. We can do so if we will.

Mr. JOHNSON of Maine. Mr. President, I quite agree with the Senator from Colorado [Mr. THOMAS], who has just taken his seat, that human nature is apt to be human nature in any party and to manifest itself; but I want to call attention to some provisions in this bill which prompt me to support it as an act of justice to those who were engaged in and who performed a most hazardous national duty and national service.

The Senator from Georgia [Mr. SMITH] has criticized the amendment of the Senate committee because we have shortened the term of service which the House provided. They fixed it at 90 days, and we have made it 30 days. We so amended the bill because in all previous Indian-war pension bills which have been passed by Congress only 30 days' service was required.

The very first bill of this character was passed in 1892. In that measure the survivors of only four Indian wars were included, and under its provisions a service of only 30 days was required. Again, in 1902, 10 years later, the Congress of the United States extended the provisions of the act of 1892 to the survivors of a dozen more Indian wars, so that we had then some 16 Indian wars in all included, and only a 30-days' service was required of those who took part in those wars. Again, in 1908, the provisions of the act of 1892 were further extended to the Texas Rangers and others in Texas who had defended the homes of the people of the then frontier State against Mexican marauders and Indian invaders, and only 30 days' service was required.

The Senator has also criticized the bill because of the provision that no certificate of discharge shall be required. A similar provision was in all the previous Indian-war pension acts

which have been passed. It does not preclude or do away with the necessity of showing that the soldier was discharged or mustered out, but he may show that fact in other ways than by a certificate of discharge. That was the provision in the preceding bills.

Having in mind all the Senator from Colorado has said about the duty, which rests upon me as heavily as it does upon him, to guard the Treasury of the United States, it seems to me that we should be just to those who at the particular time when homes of settlers were in danger and we were extending the frontier in the great and growing West hazarded their lives to make sure and safe the pathway of civilization there.

Just think of the great men who served in those Indian wars, men illustrious in the history of your country—such men as Sheridan, Sherman, Custer, and Howard. You have not made provision in any of the Indian-war bills heretofore for the survivors of the Custer campaign and of many other of the bloody wars in which the soldiers of the country took part.

Now, we have come to a point, it seems to me, when justice shall be done. I do not care what it costs, if it is an act of justice to those who sacrificed their possessions, who hazarded life itself, and who saved at times the last cartridge for themselves, knowing that no mercy would be shown if they were taken. I care not about a little cost; we can not reckon it in the money of any realm. When we are asking now for volunteers to come forward and enlist and prepare themselves for the service of this country and we find there are some holding back, I do not want men to point to the Congress of this country as being illiberal, picayunish, and mean with the soldier who volunteered his services for his country.

This surely was a service which called for courage; it called for sacrifice. I do not know what this bill will cost. The House thought perhaps it might cost a million dollars a year, but they had no information upon the subject; and speaking for the Committee on Pensions of the Senate, I have been unable to obtain any information at the War Department as to just what the cost will be. Mr. C. R. Houser, who is the secretary of the Indian War Veterans' Association of the West, thought it would be much less. He stated that for three years he had been attempting to make up a roll of all those who had survived, and he had only been successful in finding some 1,200 or 1,300. There are few, and they will not be affected, in my State.

Mr. SMITH of Georgia. Mr. President—

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

Mr. JOHNSON of Maine. I do.

Mr. SMITH of Georgia. May I ask the Senator whether that roll would conform to the rules which are prescribed in these amendments or to the rules that the House prescribes?

Mr. JOHNSON of Maine. It was entirely a roll of the survivors. This applies only to those who have reached the age of 62 years.

If the survivors of the earlier Indian wars deserved liberal consideration by the Congress of the United States, I see no reason why those who served in these later wars should not be treated in the same way. If you will count those for whom provision has been made in the acts of 1892 and 1902 and 1908, you will find that you have about 20 Indian campaigns, and that the survivors of those 20 Indian campaigns now draw pensions for a service of 30 days, and with no certificate of discharge, if the certificate of discharge is lost, and they show their service by other evidence outside of that record.

We have followed that provision; and if we had not inserted here, as the Senate committee did, that if the certificate of discharge was lost it should not deprive the applicant of the benefits of the act, and had simply extended the provisions of the earlier acts to the applicants under this, it would have been sufficient without calling attention to this, and they would have been covered by it.

I do not know, as I say, what this would cost, and I think it is not entirely a question of cost. It is a question of justice in dealing with these survivors of the later wars as Congress has dealt with those who served in the Seminole War, the Black Hawk War, the Modoc War, and other wars for the survivors of which you have made provisions for pension.

Mr. SHAFROTH. Mr. President, in reference to the statement which was made by the Senator from Maine [Mr. JOHNSON] in relation to Mr. Houser, whose headquarters are at Denver, Colo., I will state that in his communication he says that the National Indian War Veterans' Association of the United States numbers at present 485 members; that there were advertisements inserted in newspapers for all persons who served in Indian wars to become members of that organization, and he states that the number can not be large; he does not

pretend to say exactly how many, but it falls far short of the number of 5,000 suggested.

I want to say this, however, that the campaigns waged in the western portion of the United States in defense of the homes of the settlers were campaigns where there were greater hardships, and which were more exacting upon the health and even upon the physical endurance of the individuals, than those of many of the battles of the Civil War. There is one man who states:

I saw more fighting at Beecher Island than during all the four years I served with the Army of the Potomac.

When we consider that we have men who have endured these hardships, and we know that they have not had, to any appreciable extent, aid from the States, and that these men are as much entitled to pensions as the men who served in the Civil War, it does seem to me that in order to be just and fair we ought to grant them pensions.

Whether this bill is a little too liberal or not, I am not prepared to say. The bill, as it came from the House, provided for pension upon 90 days' service in these campaigns; but when we find that the exact provisions that are contained in this bill were also in the 16 other Indian war acts passed years ago I can not see how we can well discriminate against the Indian war veterans in this measure.

But the bill is not a law yet. It has to go to the House for consideration. A conference, no doubt, will be had upon it; and if there is a proper showing that there are in it harsh provisions as against the Government, or too liberal provisions for the individuals, it may be that there will be a change. But it seems to me that when we take into consideration the fact, as the chairman of the committee said, that these identical provisions are in the pension legislation of every other Indian war—the veterans of which are being pensioned or have been pensioned by the United States Government, I do not see how, in fairness, that committee could have refused to incorporate in this bill the same provisions.

It seems to me that it is not fair to say that only those persons who were in the Civil War are entitled to pensions, when these men have performed service as valuable to the Government, and they include Regular soldiers of the United States Army. The men who fought with Custer when he was massacred all come within the provisions of this act, unless they draw a pension from some other act of Congress of the United States, and then they would not be entitled to the pension under this bill.

We have a liberal pension policy, it is true—a pension policy more liberal than that of any other Government on the face of the globe—and I am satisfied that that is one of the things which the soldier, when he volunteers at the call of the Nation, considers as one of the protections which may accrue to him or to his widow in the event that he meets with injury or death on the field of battle. It must be remembered that these veterans are old men, and for many years have received no recognition from the Government. The veteran receives no benefit until he is 62 years old, and the majority of them are past that age. The average life of the veterans under this bill will not extend over eight years, and hence the allowance will not be perpetual. In order to make the objections to this bill tenable we should either reconstruct the whole pension laws and cut them down or give pensions to these men, these people in the West, who have fought just as hard and endured just as great hardships as those who are drawing pensions by reason of service in the Civil War. For these reasons, I submit the bill should be enacted.

Mr. CURTIS. Mr. President, I have no desire to take up the time of the Senate in the discussion of this matter. I have a report of the House of Representatives that shows the service of the Eighteenth and Nineteenth Kansas Volunteer Regiments—the Eighteenth some four months and the Nineteenth some six months. I ask to have the report printed in the RECORD.

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

The matter referred to is as follows:

[Report to accompany H. R. 8631, 53d Cong., 3d sess.]

The Committee on Pensions, to whom was referred the bill (H. R. 8631) extending the provisions of an act granting pensions to soldiers and sailors, approved June 27, 1890, to the Eighteenth and Nineteenth Regiments of Kansas Cavalry Volunteers, have considered the same and respectfully report as follows:

A report from the officer in charge of the Record and Pension Office, War Department, shows that a battalion of the Eighteenth Kansas Cavalry Volunteers, organized under a circular of June 21, 1867, from headquarters Military Division of Missouri, was mustered into the military service of the United States from July 13 to 15, 1867, at Fort Harker, Kans., to serve for a period of four months, and that it was mustered out of service at the same place November 15, 1867.

It also appears from the records that the Nineteenth Regiment Kansas Cavalry Volunteers, organized under authority contained in a tele-

gram from the Secretary of War to Lieut. Gen. Sherman, dated October 6, 1868, was mustered into the United States service by companies from October 20 to 29, 1868, at Topeka, Kans., to serve for a period of six months, and that the regiment was mustered out of service April 18, 1869, at Fort Hays, Kans.

The official report shows that these organizations were called out to aid in the suppression of Indian hostilities, and the records further show that the battalion of the Eighteenth Kansas Cavalry, above referred to, and the Nineteenth Regiment of Kansas Cavalry are the only two volunteer organizations mustered into the military service of the United States since the War of the Rebellion.

At the time the Eighteenth Kansas was mustered in at Fort Hooker a severe epidemic of cholera prevailed at that place, and it is shown by the records of the War Department that 20 deaths occurred in the battalion from that disease.

On the 21st and 22d of August, 1867, companies B and C of this battalion were in an engagement with the Cheyenne Indians on Prairie Dog Creek in Kansas, with a loss of 14 officers and men killed and wounded, and Maj. Armes, of the Tenth United States Cavalry, commands in the highest terms the officers and men of the Eighteenth who took part in this engagement in saving the State of Kansas from further depredations from the Indians.

In his report the governor of Kansas says:

"On the 30th of August Maj. Moore, with the Eighteenth Kansas, struck a portion of the Indians who had engaged Maj. Armes on the 21st and 22d, and after an engagement of several hours gained a decisive victory. About the same time Maj. Elliott, with a detachment of the Seventh United States Cavalry, attacked another band and drove them in a westerly direction toward the headwaters of the Republican. After these several engagements the Indians retired to their winter haunts and left the frontier settlements of Kansas comparatively at peace."

In Gen. Sheridan's report, dated Chicago, Ill., November 1, 1869, speaking of the depredations of the Indians on the plains during the previous summer and winter, he says:

"So boldly had this system of murder and robbery been carried on that not less than 800 people had been murdered since June, 1862—men, women, and children."

It had been the custom of the Indians to raid the frontier settlements during the summer and then seek security by retiring into the mountains during the winter. Gen. Sheridan continues:

"To disabuse the minds of the savages of their confident security and to strike them at the period when they were the most, if not entirely, helpless became a necessity, and the general in chief then in command of this division authorized a winter campaign."

The Nineteenth Kansas Cavalry was mustered into the United States service in the last days of October for the purpose of prosecuting the campaign at this season of the year. On the 5th of November the regiment moved from Topeka, Kans., and, crossing the Arkansas River at Wichita, moved in a southwest direction to join the Seventh United States Cavalry, near the junction of Beaver Creek with the North Canadian, 112 miles south of Fort Dodge, at a cantonment called Camp Supply.

On the march the command was caught in a severe snowstorm, and, becoming entangled in the canyons of the Cimarron, did not reach Camp Supply until the 30th of November. Of this incident in the history of the regiment Gen. Sheridan says:

"The regiment lost its way, and, becoming entangled up in the canyons of the Cimarron and in the deep snow, it could not make its way out and was in a bad fix. * * * It had been subsisting on buffalo for eight or nine days. * * * Officers and men behaved admirably in the trying condition in which they were placed, but the poor horses suffered greatly, and a number of them were lost."

Of the march down the Washita Gen. Sheridan says:

"The snow was still on the ground and the weather very cold, but the officers and men were very cheerful, although the men had only shelter tents. We moved due south until we struck the Washita, near Custer's fight of November 27, having crossed the main Canadian, with the thermometer about 18° below zero. On the next day we started down the Washita, following the Indian trail; but finding so many deep ravines and canyons, I thought we would move out on the divide, but a blinding snowstorm coming on and fearing to get lost with a large command and trains of wagons on a treeless prairie without water, we were forced back to the banks of the Washita, where we at least could get wood and water. * * *

"This was continued until the evening of the 16th of December, when we came to the vicinity of the Indians, principally Kiowas. They did not dream that any soldiers could operate in such cold and inclement weather, and we marched down on them before they knew of our presence in the country."

The result of this campaign was that Santanta and Lone Wolf, chiefs of the Kiowas, were taken prisoners, and by a threat of execution that tribe was forced to report at Fort Cobb, together with the Comanches and Apaches, and finally induced to go on their reservation.

From Fort Cobb the command marched to the base of the Washita Mountains and established Fort Sill, near Medicine Bluff. On the 2d of March following the Nineteenth Kansas Cavalry and the Seventh United States Cavalry, under the command of Gen. Custer, went in pursuit of the Cheyennes. The course pursued was via Camp Radimski, mouth of Elk Creek, to a point on North Fork of Red River, a few miles above the mouth of Salt Fork.

The Cheyenne trail was struck on Salt Fork on the 6th of March, 1869, and followed to the north along the eastern edge of the Llano Estacado until the 20th of March, when the Cheyennes were caught camped on Sweetwater Creek, about 10 miles west of the eastern line of Texas. This march was made practically without transportation or adequate supplies, and for the last few days the men subsisted on mule meat without bread or salt.

In Gen. Custer's official report of this campaign he uses the following language:

"The point at which we found the Cheyenne village was in Texas, on the Sweetwater, about 10 miles west of the State line. Before closing my report I desire to call the attention of the major general commanding to the unvarying good conduct of this command since it undertook the march. We started with all the rations and forage that could be obtained, neither sufficient for the time for which we have already been out. First it became necessary to reduce the amount of rations; afterwards a still greater reduction was necessary, and to-night most of my men made their supper from the flesh of mules that have died on the march to-day from starvation. When called upon to move in light marching order, they abandoned tents and blankets without a murmur, although much of the march has been made during the severest winter weather I have experienced in this latitude."

"The horses and mules of this command have subsisted day after day upon nothing but green cottonwood bark. During all these privations the officers and men maintained a most cheerful spirit, and I know not which I admire most, their gallantry in battle or the patient, but unwavering, perseverance and energy with which they have withstood the many disagreeable ordeals of this campaign.

"As the term of service of the Nineteenth Kansas Cavalry is approaching its termination, and I may not again have the satisfaction of commanding them during active operations, I desire to commend them—officers and men—to the favorable notice of the commanding general. Serving on foot, they have marched in a manner and at a rate that would put some of the regular regiments of Infantry to the blush. Instead of crying out for empty wagons to transport them, each morning every man marched with his troop, and—what might be taken as an example by some of the line officers of the Regular Infantry—company officers marched regularly on foot at the head of their respective companies; and now, when approaching the termination of a march of over 300 miles, on greatly deficient rations, I have yet to see the first straggler.

"In obtaining the release of the captive white women, and that, too, without ransom or the loss of a single man, the men of my command, and particularly those of the Nineteenth Kansas, who were called into service owing to the murders and depredations of which the capture of these women formed a part, feel more fully repaid for the hardships they have endured than if they had survived an overwhelming victory over the Indians."

Your committee is further advised by Hon. H. L. Moore, Member of Congress, who was the major commanding the Eighteenth Kansas during the whole term of its service, that this battalion, as well as the Nineteenth Kansas, was composed largely of men whose homes had been devastated and families murdered by the Indians during their raids on the frontier settlements. The Eighteenth suffered a loss of some 10 per cent from cholera and the casualties of battle. Its service was constant and arduous during the whole term of its enlistment.

The Nineteenth Kansas, of which Mr. Moore was Lieutenant colonel, and which he commanded during the latter half of its term of service, prosecuted this campaign during the most inclement weather, and, as the official report shows, much of the time without adequate food or camp equipage. The result of the campaign was to clear the Plains of the Indians of the Southwest by forcing them onto their reservations, where they have remained ever since.

Upon full and careful consideration of this bill your committee are unanimously agreed that it is one of exceptional merit. The service rendered by these two organizations was of a very exceptional character, and the results of the same have been widespread and beneficial.

No dangerous precedent will be established by the enactment of this bill into law, as it will be remembered these are the only volunteer organizations which have been mustered into the United States service since the Civil War.

Mr. SMOOT obtained the floor.

Mr. STONE. Mr. President, does the Senator think he can dispose of this bill to-night?

Mr. JOHNSON of Maine. Does the Senator from Missouri address his inquiry to me?

Mr. STONE. I do.

Mr. JOHNSON of Maine. Of course, I have no knowledge as to how much time the Senator who is to speak desires to take.

Mr. SMITH of Georgia. Certainly it will occupy until 6 o'clock.

Mr. SMOOT. Then let the bill go over, if an executive session is desired.

Mr. STONE. I desire a very short executive session. I do not care to inconvenience other Senators.

Mr. SMOOT. I suggest that we lay the bill aside temporarily.

Mr. CLAPP. Mr. President, will the Senator from Missouri withhold his motion for a moment?

Mr. STONE. I will.

Mr. CLAPP. I move that the Senate still further insist upon its amendments to the bill (H. R. 10385) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1917, and request a further conference with the House on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to, and the Presiding Officer appointed Mr. ASHURST, Mr. MYERS, and Mr. CLAPP conferees at the further conference on the part of the Senate.

Mr. SMOOT. I understand that the Senator from Maine requested that the bill be temporarily laid aside.

Mr. JOHNSON of Maine. I have not made that request, but I wish to do so now.

Mr. SMOOT. It is not necessary, anyhow.

Mr. JOHNSON of Maine. I ask that the pending bill be temporarily laid aside.

The PRESIDING OFFICER. The Senator from Maine asks unanimous consent that the pending bill may be temporarily laid aside. Is there objection? The Chair hears none, and it is so ordered.

PETITIONS AND MEMORIALS.

Mr. SUTHERLAND. I present a resolution adopted by the Woman's Republican Club of Salt Lake City, Utah, in regular meeting assembled on the 1st day of May, 1916, which I ask may be printed in the RECORD.

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

Resolved, That the Woman's Republican Club of Salt Lake City, Utah, in regular meeting assembled on the 1st day of May, 1916, protest against the action of the House Judiciary Committee in suppressing the Susan B. Anthony amendment, and respectfully demand that said amendment be reported out of the Judiciary Committee at once; be it further

Resolved, That a copy of this resolution be sent to President Woodrow Wilson; Representative EDWIN WEBB, chairman of the Judiciary Committee; Representative ANDREW J. VOLSTEAD, minority leader of the same committee; Representative J. R. MANN, minority leader of the House; Senator J. H. GALLINGER, minority leader of the Senate; and to Senator GEORGE SUTHERLAND and Representative JOSEPH HOWELL, of Utah, with instructions to the two latter to read it into the CONGRESSIONAL RECORD.

Mrs. JUSTIN R. DAVIS, President.

Mr. CHAMBERLAIN presented a petition of sundry citizens of Portland, Oreg., 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. MCLEAN presented a memorial of the German-American Alliance, of New Haven, Conn., remonstrating against the refusal of the British Government to permit shipment of Red Cross supplies to Germany, which was referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of Hartford, Conn., praying that the United States remain at peace, which was referred to the Committee on Foreign Relations.

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

He also presented petitions of James G. Blaine Council, Junior Order United American Mechanics; of Aerie No. 579, Fraternal Order of Eagles; of Leeds Council, No. 16, Order United American Mechanics; of Rippowam Lodge, No. 24, International Order of Odd Fellows; of Local Union No. 192, Brotherhood of Painters, Decorators, and Paperhangers; and of St. Peter's Council, Knights of Columbus, all of Stamford, in the State of Connecticut, praying for the enactment of legislation to grant pensions to employees of the Postal Service, which were referred to the Committee on Post Offices and Post Roads.

He also presented memorials of the Trades Council, of New Haven; of District Council, United Brotherhood of Carpenters and Joiners; of Local Union No. 90, Brotherhood of Painters, Decorators, and Paperhangers; of Local Union No. 40, International Union of United Brewery Workmen; of Local Union No. 282, Cigarmakers' International Union; of the Wood, Wire, and Metal Lathers' International Union; of Local Union No. 114, Sheet Metal Workers' International Alliance; and of Local Union No. 488, International Brotherhood of Electrical Workers, all of Bridgeport, in the State of Connecticut, remonstrating against any change being made in the salaries of employees in the Canal Zone, which were referred to the Committee on Interceanic Canals.

He also presented petitions of Lady Trumbull Council, No. 5, Sons and Daughters of Liberty, of Waterbury; of Volunteer Council, No. 59, Sons and Daughters of Liberty, of Warehouse Point; of Winthrop Council, No. 7, Sons and Daughters of Liberty, of New Britain; of Lady Hale Council, No. 60, Sons and Daughters of Liberty, of Hartford; and of Lady Buckingham Council, No. 10, Sons and Daughters of Liberty, of Hartford, all in the State of Connecticut, 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 Board of Education of New Haven, Conn., praying for the enactment of legislation to provide Federal aid for vocational education, which was ordered to lie on the table.

He also presented petitions of Colonel F. W. Cheney Camp, No. 14, Sons of Veterans, of South Manchester, and of G. A. Stedman Camp, Sons of Veterans, of Hartford, both in the State of Connecticut, praying for an increase in armaments, which were ordered to lie on the table.

He also presented a petition of the Congressional Union for Woman Suffrage, of Milford, Conn., praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which was ordered to lie on the table.

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

Mr. BRADY presented a petition of sundry citizens of Clarksville, Idaho, praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. KERN presented a petition of sundry citizens of Rockville, Ind., praying for the enactment of legislation to prohibit

the exportation of intoxicating liquor to Africa, which was referred to the Committee on the Judiciary.

He also presented a petition of Local Union No. 934, United Mine Workers of America, of Carbonado, Wash., praying for the enactment of legislation to provide Federal aid in the prevention of tuberculosis, which was referred to the Committee on Public Health and National Quarantine.

Mr. PHELAN presented a petition of the McKinley School Mothers' Club, of Berkeley, Cal., 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 memorial of Lincoln Grange, No. 318, Patrons of Husbandry, of Cupertino, Cal., and the memorial of Dr. A. J. Hutching and sundry other citizens of Berkeley, Cal., remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

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

RIVER AND HARBOR APPROPRIATIONS.

Mr. KENYON. I submit the views of the minority (Rept. No. 420, pt. 2) on the bill (H. R. 12193) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The VICE PRESIDENT. The report will be received and printed.

PENSIONS AND INCREASE OF PENSIONS.

Mr. JOHNSON of Maine, from the Committee on Pensions, submitted a report (No. 421) to accompany the bill (S. 5911) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, which was read twice by its title, the bill being a substitute for the following Senate bills heretofore referred to that committee:

- S. 13. Nellie M. Leonard.
- S. 149. Bowman C. McEwen.
- S. 333. Burnum W. Francis.
- S. 334. Elizabeth R. Frink.
- S. 350. Anna M. Holt.
- S. 352. Fitzhugh S. Hoag.
- S. 353. Ella P. Hines.
- S. 373. Sarah L. Lunt.
- S. 374. George H. Bishop.
- S. 375. Hatch Chamberlin.
- S. 523. Michael Kelly.
- S. 689. Horace Berlew.
- S. 759. Irvin E. Scott.
- S. 947. John B. Way.
- S. 1139. William Comstock.
- S. 1189. George H. French.
- S. 1213. David Devore.
- S. 1214. Storm T. Roberts.
- S. 1243. Horatio N. Washburn.
- S. 1244. Peter Wedge.
- S. 1248. Mary F. Fernald.
- S. 1255. Hiram R. Brackett.
- S. 1333. Harriet S. Crooks.
- S. 1449. Frances A. Hall.
- S. 1471. Elzie W. Grindle.
- S. 1472. Celia E. Gibson.
- S. 1485. Amanda Brewster.
- S. 1649. Henry Vanderpool.
- S. 1678. Charles F. Cooken.
- S. 1759. Orrin S. Williams.
- S. 1913. Mary J. Holliday.
- S. 2255. Samuel I. Scammon.
- S. 2264. Amanda M. Ricker.
- S. 2347. Henry Stewart.
- S. 2503. Ivan S. Ford.
- S. 2551. Miles Gary.
- S. 2578. Josephine Taylor.
- S. 2594. Frances W. Wood.
- S. 2598. Mathew Farley.
- S. 2602. Charles B. Sutton.
- S. 2640. John Harrigan.
- S. 2656. Johnson White.
- S. 2677. Stinson Books.
- S. 2722. Eliza E. Vose.
- S. 2736. John T. Warburton.
- S. 2738. Phebe J. Asher.
- S. 2811. Albertus Bowen.
- S. 2832. Milton Rhodenbaugh.
- S. 2882. Minnie Anderson.
- S. 2891. Christian Howald.
- S. 2892. George Lucas.
- S. 2920. Jesse L. Pelton.
- S. 2948. William E. Chappell.
- S. 3050. Sarah E. Hathaway.
- S. 3052. Hiram Bender.
- S. 3110. John P. Martin.
- S. 3142. Orrin A. Johnson.
- S. 3215. Harriet A. Cady.
- S. 3309. Julia G. Hottel.
- S. 3310. Edgar Thompson.
- S. 3360. Thomas H. Webley.
- S. 3406. Harriet E. Vose.
- S. 3407. Charles E. Sawtelle.
- S. 3410. Richard Harmon.
- S. 3417. Caroline Wannofsky.
- S. 3473. Sylvanus H. Ward.
- S. 3475. James Rogers.
- S. 3476. Alonzo J. Nevers.
- S. 3520. Mary A. Holland.
- S. 3538. James Somerville.
- S. 3599. Richard M. Johnson.
- S. 3628. James McNamara.
- S. 3630. Hamilton Davis.
- S. 3631. John J. Foraker.
- S. 3633. John Curtis.
- S. 3634. Henry A. C. O'Connor.
- S. 3635. Simon Jemson.
- S. 3636. John Wilson.
- S. 3678. Robert R. Bratton.
- S. 3689. Henry Quint.
- S. 3695. Morrison Young.
- S. 3696. Frank A. Colcord.
- S. 3763. Jane McD. Johnston.
- S. 3782. Abbie Sloggy.
- S. 3784. George M. Titus.
- S. 3786. Sarah A. Welliever.
- S. 3811. Catherine Goodwin.
- S. 3812. Henry Harpham.
- S. 3819. Charlotte Randall.
- S. 3834. Cassius M. Jones.
- S. 3835. John Little.
- S. 3842. Marion D. Egbert.
- S. 3843. William R. Donaldson.
- S. 3847. Charles F. Runkle.
- S. 3848. John Brown.
- S. 3849. William Painter.
- S. 3874. Peleg N. Carson.
- S. 3880. Solomon Keffer.
- S. 3882. Charles H. Thompson.
- S. 3884. John Washburn.
- S. 3938. Charles H. Johnson.
- S. 3968. Charles W. Sager.
- S. 4013. William J. Hull.
- S. 4019. Benjamin Weatherby.
- S. 4075. Andrew J. Messer.
- S. 4090. Diantha K. Dickey.
- S. 4091. Virginia R. Coates.
- S. 4117. Nancy R. Brady.
- S. 4121. Allie A. Richey.
- S. 4122. Marget E. Schriber.
- S. 4123. Eliza Harrison.
- S. 4124. Nannie P. Brown.
- S. 4156. Tabitha Rask.
- S. 4182. Lewis C. Cleavenger.
- S. 4195. Ella Louise Collett.
- S. 4199. Ellen Collins.
- S. 4224. Margaret L. Wood.
- S. 4232. Charles E. Cole.
- S. 4233. Charles E. Low.
- S. 4292. William Banta.
- S. 4331. Celestia M. Lull.
- S. 4333. John Murphy.
- S. 4338. Joseph Lyman.
- S. 4351. Hamilton Rogers.
- S. 4366. Roxalina Kinney.
- S. 4422. Mary A. Hapgood.
- S. 4430. George Pullen.
- S. 4453. John Pugsley.
- S. 4464. Margaret L. Sexton.
- S. 4496. Amanda J. Johnson.
- S. 4523. Joseph Zeimer.
- S. 4527. George T. Conner.

S. 4563. Arcelia Trowbridge.
 S. 4584. Chester C. Smith.
 S. 4609. Mary C. Harvey.
 S. 4636. Henry W. Botsford.
 S. 4641. Eliza A. Reed.
 S. 4659. Thomas Pemberton.
 S. 4675. Antonio Armenta.
 S. 4684. John J. Buckley.
 S. 4689. James Welsh.
 S. 4690. David Ham.
 S. 4692. Catherine E. Stamp.
 S. 4697. Catharine M. Dunham.
 S. 4704. Luther D. Whitten.
 S. 4713. Harriette H. Kelly.
 S. 4723. Frank B. Stearns.
 S. 4729. Mary E. Bradford.
 S. 4740. Leafy J. Leavitt.
 S. 4743. William A. Collins.
 S. 4744. Nettie Lamprey.
 S. 4745. Minnie L. Gould.
 S. 4756. Sarah S. Humiston.
 S. 4773. John Coffron.
 S. 4774. Eleazer O. Additon.
 S. 4777. Harriet Aylward.
 S. 4778. Samuel E. Griffin.
 S. 4780. George S. Ayer.
 S. 4781. Edwin F. Witham.
 S. 4793. Josephus Clark.
 S. 4804. John A. Baird.
 S. 4808. Alfred H. Hulbert.
 S. 4815. Samuel E. Stainbrook.
 S. 4818. Nicholas J. O'Brien.
 S. 4823. Adolphus W. Jones.
 S. 4851. Victoria Fleischmann.
 S. 4855. Michael O'Brien.
 S. 4863. Charles B. Clark.
 S. 4880. Matilda I. Nason.
 S. 4883. Webster A. Whiting.
 S. 4892. Abraham J. Yoemans.
 S. 4907. Sarah Denney (now Sinley Denney).
 S. 4908. Mary A. Flynn.
 S. 4921. Mary Whitesides.
 S. 4924. Nancy J. Fleming.
 S. 4937. Rebecca McC. Laptad.
 S. 4938. Robert Irvin Rea.
 S. 4942. Rebecca Jane Thompson.
 S. 4961. Frank B. Sargent.
 S. 4962. John M. Farquhar.
 S. 4963. Robert Nichols.
 S. 4964. Francis B. Ainsworth.
 S. 4976. Edward H. Alliston, alias Henry A. West.
 S. 5018. Lucy M. Roach.
 S. 5027. Nicholas B. Langley.
 S. 5028. Emaline King.
 S. 5038. Andrew Mitchell.
 S. 5039. Alphonso E. Libby.
 S. 5040. James F. Walker.
 S. 5041. Uranus Stacy.
 S. 5072. George S. Thing.
 S. 5073. Allen T. Hodgkins.
 S. 5083. Abram Hall.
 S. 5094. William J. Bradford.
 S. 5095. Myra R. Daniels.
 S. 5110. Alonzo P. Hart.
 S. 5114. Alfred A. Bonney.
 S. 5124. George A. White.
 S. 5127. Melvan Tibbets.
 S. 5182. Sallie Rigney.
 S. 5185. Henry W. Crow.
 S. 5192. George B. Van Pelt.
 S. 5194. John Allen, alias John McGuire.
 S. 5197. Sarah Maurer.
 S. 5205. Mary I. Bradbury.
 S. 5209. Frances B. V. Kelley.
 S. 5227. Mary Taylor Kain.
 S. 5232. Valentine M. Hodgson.
 S. 5293. Florence Sanders.
 S. 5300. James L. Boothe.
 S. 5301. Howard Miller.
 S. 5308. Jasper Reeder.
 S. 5319. Harlow J. Greenfield.
 S. 5341. Charles Leffler.
 S. 5342. Michael Galligan.
 S. 5343. Anna Stanley.
 S. 5370. Edith A. Grover.

S. 5372. Terrence Dobson.
 S. 5382. Allen Conner.
 S. 5399. Oliver P. Gillson.
 S. 5417. Loami E. Scherer.
 S. 5420. John R. Kingman.
 S. 5433. Oliver Harding.
 S. 5434. Albert A. Burleigh.
 S. 5436. Charlotte Goding.
 S. 5465. Annie K. Ames.
 S. 5472. Elizabeth J. Beck.
 S. 5531. Sarah L. Chute.
 S. 5624. George W. Lukenbill.
 S. 5625. Thomas E. Niles.
 S. 5633. Ira H. Fuller.
 S. 5637. Laban A. Fernald.
 S. 5679. Simeon Noble.
 S. 5689. Nellie A. Sanborn.
 S. 5782. Delia L. Trask.

DEPOSITS OF GOLD BULLION.

Mr. OWEN, from the Committee on Banking and Currency, to which was referred the bill (H. R. 13474) to amend section 6 of an act to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes, approved March 14, 1900, as amended by the act of March 2, 1911, reported it without amendment and submitted a report (No. 422) thereon.

BILLS INTRODUCED.

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

By Mr. MYERS:

A bill (S. 5899) to punish persons who make false representations to settlers and others pertaining to the public lands of the United States; to the Committee on Public Lands.

By Mr. JONES:

A bill (S. 5900) providing for the disposal of certain lands in block 69, in the city of Port Angeles, State of Washington; to the Committee on Public Lands.

By Mr. OLIVER (for Mr. PENROSE):

A bill (S. 5901) to provide for the removal of the body of the late Maj. Gen. Winfield Scott Hancock from Norristown, Pa., to the National Cemetery, Arlington, Va., and for other purposes; to the Committee on Appropriations.

A bill (S. 5902) granting a pension to Harry Lunger; to the Committee on Pensions.

By Mr. NELSON:

A bill (S. 5903) granting an increase of pension to Henry H. Thomas; and

A bill (S. 5904) granting a pension to Levi A. Cooley; to the Committee on Pensions.

By Mr. TAGGART:

A bill (S. 5905) granting an increase of pension to John C. Hughes;

A bill (S. 5906) granting an increase of pension to John F. Cartwright; and

A bill (S. 5907) granting an increase of pension to Daniel H. McAbee; to the Committee on Pensions.

By Mr. McLEAN:

A bill (S. 5908) granting an increase of pension to Martha E. Fowler (with accompanying papers); and

A bill (S. 5909) granting an increase of pension to Cornelia F. Botsford (with accompanying papers); to the Committee on Pensions.

By Mr. LODGE:

A bill (S. 5910) authorizing the sale of the lighthouse reservation at Scituate, Mass.; to the Committee on Commerce.

By Mr. WALSH:

A bill (S. 5912) to authorize the Secretary of the Interior to acquire certain Indian lands necessary for reservoir purposes in connection with the Blackfeet Indian Reclamation projects; to the Committee on Indian Affairs.

By Mr. PHELAN:

A bill (S. 5913) to set apart a tract of land in the State of California as a public park, such lands, together with those set aside by the act of September 25, 1890, to be known as the Sequoia National Park; to the Committee on Public Lands.

HARBOR IMPROVEMENTS.

Mr. BRANDEGEE submitted the following resolution (S. Res. 184), which was referred to the Committee on Military Affairs:

Resolved, That the Secretary of War be, and he hereby is, authorized and directed to report to Congress at the earliest practicable date, not later than December 4, 1916:

First. Specific plans for improvement of the harbors and connecting channels which, in his judgment, after consultation had with the Secretary of the Navy, will best provide adequate facilities for operations

of the fleet for defense of the harbors of Portland, Me.; Boston, Mass.; Providence, R. I.; New London, New Haven, and Bridgeport, Conn.; New York, N. Y.; Norfolk, Va.; Savannah and Brunswick, Ga.; Charleston, S. C.; New Orleans, La.; Galveston, Tex.; San Diego and San Francisco, Cal.; and Seattle, Wash.

Second. The feasible extensions requisite to make existing approved projects for improvement of the aforementioned harbors available for the purposes stated in the foregoing paragraph.

Third. The cost of each such several improvements calculated upon the basis of completion thereof under contract within five years.

Fourth. The percentage not exceeding 30 per cent of the cost of each such improvement which, in the judgment of the Secretary of War, should be contributed by the several cities or State Governments in consideration of the completion within five years of the improvement recommended by the Secretary of War.

Fifth. The replies of the local authorities and State governments to the propositions to them submitted by the Secretary of War to contribute to the carrying out and the cost of such several improvements.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had approved and signed the following acts and joint resolution:

On May 4, 1916:

S. 3769. An act to amend section 3 of an act entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907; and

S. 4876. An act to provide for an increase in the number of cadets at the United States Military Academy.

On May 8, 1916:

S. 2290. An act authorizing the health officer of the District of Columbia to issue a permit for the removal of the remains of the late Elise McCaulley from Glenwood Cemetery, District of Columbia, to Philadelphia, Pa.; and

S. J. Res. 63. Joint resolution authorizing the erection on the public grounds in the city of Washington, D. C., of a memorial fountain to Alfred Noble.

EXECUTIVE SESSION.

MR. STONE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 5 minutes spent in executive session the doors were reopened, and (at 5 o'clock and 54 minutes p. m., Monday, May 8, 1916) the Senate adjourned until to-morrow, Tuesday, May 9, 1916, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate May 8 (legislative day of May 5), 1916.

PHILIPPINE COMMISSION.

Eugene E. Reed, of New Hampshire, to be a member of the Philippine Commission, and secretary of commerce and police, vice Clinton L. Riggs, resigned.

APPOINTMENTS IN THE ARMY.

MEDICAL RESERVE CORPS.

To be first lieutenants, with rank from March 13, 1916.

Zabdiel Boylston Adams, of Massachusetts.

Herbert Merton Greene, of Oregon.

NOTE.—Drs. Adams and Greene were nominated to the Senate March 20, 1916, for appointment as first lieutenants in the Medical Reserve Corps, by name Zabdiel Boylston Adams and Herbert Newton Greene, respectively, and their nominations were confirmed under date of March 28, 1916. This message is submitted for the purpose of correcting an error in the name of each of the nominees.

PROMOTIONS IN THE NAVY.

Lieut. (Junior Grade) Albert M. Cohen to be a lieutenant in the Navy from the 7th day of September, 1915.

Lieut. (Junior Grade) Emil A. Lichtenstein to be a lieutenant in the Navy from the 17th day of August, 1915.

Lieut. (Junior Grade) George M. Ravenscroft to be a lieutenant in the Navy from the 29th day of September, 1915.

Lieut. (Junior Grade) Arie A. Corwin to be a lieutenant in the Navy from the 11th day of November, 1915.

Asst. Paymaster Oscar W. Leidel to be a passed assistant paymaster in the Navy from the 22d day of August, 1915.

Asst. Paymaster John H. Colhoun to be a passed assistant paymaster in the Navy from the 2d day of December, 1915.

Ensign Herbert A. Ellis to be a lieutenant (junior grade) in the Navy from the 7th day of March, 1915.

Ensign Robert E. P. Elmer to be a lieutenant (junior grade) in the Navy from the 8th day of June, 1915.

The following-named lieutenants to be lieutenants in the Navy from the dates set opposite their names, to correct the dates from which they take rank as previously confirmed:

Earle F. Johnson, November 12, 1913,
Henry K. Hewitt, December 20, 1913,
Felix X. Gygax, January 11, 1914,
Guy E. Davis, February 13, 1914,
Weyman P. Beehler, February 21, 1914,
Lemuel M. Stevens, February 22, 1914,
Joseph S. Evans, March 5, 1914,
John W. W. Cumming, March 10, 1914,
Charles R. Clark, April 3, 1914,
Roy LeC. Stover, April 9, 1914,
Chester H. J. Keppler, April 25, 1914,
Charles A. Dunn, April 28, 1914,
John W. Lewis, May 5, 1914,
James J. Manning, May 17, 1914,
Charles G. Davy, June 20, 1914,
Louis H. Maxfield, July 1, 1914,
Raymond F. Frellsen, July 10, 1914,
Alfred W. Atkins, October 29, 1914,
Philip H. Hammond, November 5, 1914,
Claud A. Jones, November 13, 1914,
Harry Campbell, December 11, 1914,
George W. Kenyon, December 12, 1914,
Allan S. Farquhar, December 15, 1914,
Lucien F. Kimball, January 1, 1915,
Harvey W. McCormack, February 24, 1915,
Harold M. Bemis, March 4, 1915,
Ernest D. McWhorter, March 22, 1915,
John M. Schelling, April 23, 1915,
Bert B. Taylor, April 28, 1915,
William O. Wallace, May 5, 1915,
Frank R. King, July 11, 1915,
Bruce R. Ware, Jr., July 20, 1915,
Carl T. Osburn, July 29, 1915,
William S. Farber, August 1, 1915,
Archibald D. Turnbull, August 6, 1915,
Harry J. Abbott, November 26, 1915,
George McC. Courts, December 4, 1915, and
Charles W. Crosse, December 8, 1915.
Ensign Joseph E. Austin to be a lieutenant (junior grade) in the Navy from the 4th day of March, 1916.

POSTMASTERS.

ALABAMA.

J. F. Manley to be postmaster at Citronelle, Ala., in place of George C. Brown. Incumbent's commission expired April 9, 1916.

ALASKA.

John J. Walsh to be postmaster at Nome, Alaska, in place of Severin J. Bakke. Incumbent's commission expires August 16, 1916.

ARKANSAS.

E. J. Cook to be postmaster at Marmaduke, Ark., in place of A. M. Hall. Incumbent's commission expires May 10, 1916.

CALIFORNIA.

Sarah B. Anthony, to be postmaster at Williams, Cal., in place of Sarah B. Anthony. Incumbent's commission expired December 14, 1915.

John B. Barnard to be postmaster at Niles, Cal., in place of M. E. Chalmers. Incumbent's commission expires May 17, 1916.

Joseph Charles Beard to be postmaster at Burlingame, Cal., in place of Joseph Charles Beard. Incumbent's commission expired April 5, 1916.

John F. Conkey to be postmaster at Santa Maria, Cal., in place of E. T. Ketcham. Incumbent's commission expired March 21, 1916.

Daniel McSweeney to be postmaster at South San Francisco, Cal., in place of E. E. Cunningham. Incumbent's commission expired February 8, 1916.

Isidore J. Proulx to be postmaster at Willows (late Willow), Cal., in place of Isidore J. Proulx (to change name of office).

COLORADO.

J. O. Miller to be postmaster at Boulder, Colo., in place of James L. Moorhead. Incumbent's commission expired April 15, 1916.

CONNECTICUT.

Clarence V. Reid to be postmaster at Central Village, Conn., in place of Jeremiah E. Elliott, removed.

GEORGIA.

Frank Flynt to be postmaster at Griffin, Ga., in place of R. L. Williams. Incumbent's commission expires May 27, 1916.

Dan A. McMillan to be postmaster at Bartow, Ga., in place of G. P. Whigham. Incumbent's commission expired April 11, 1916.

Mattie N. Riley to be postmaster at Butler, Ga., in place of James W. Riley. Incumbent's commission expired April 11, 1916.

IDAHO.

Christopher O. Dice to be postmaster at Glenns Ferry, Idaho, in place of Christopher O. Dice. Incumbent's commission expired January 29, 1916.

INDIANA.

Guy C. Hart to be postmaster at Kendallville, Ind., in place of Joseph T. Stahl, deceased.

Elmer Ritter to be postmaster at Fremont, Ind., in place of George H. Griffith. Incumbent's commission expires May 10, 1916.

J. Ross Robertson to be postmaster at Brownstown, Ind., in place of Charles T. Benton. Incumbent's commission expires May 23, 1916.

ILLINOIS.

Thomas P. McCann to be postmaster at Oglesby, Ill., in place of Frank Allen, removed.

Eli Preston Sanders to be postmaster at Pawnee, Ill., in place of Frank Morrell. Incumbent's commission expired December 20, 1915.

James E. Simpson, to be postmaster at Collinsville, Ill., in place of Frank Nickerl. Incumbent's commission expired March 1, 1916.

IOWA.

Charles V. Dautremont to be postmaster at Riverside, Iowa, in place of Alma G. Ott. Incumbent's commission expires May 17, 1916.

Charles E. Dawson to be postmaster at Rockford, Iowa, in place of H. E. Wyatt. Incumbent's commission expired February 1, 1916.

Mary E. O'Connor to be postmaster at Rockwell, Iowa, in place of W. A. Grummon. Incumbent's commission expired April 5, 1916.

KENTUCKY.

Nannie E. Butler to be postmaster at Elkton, Ky., in place of Wallace R. Wood. Incumbent's commission expires May 17, 1916.

J. B. Stears to be postmaster at Nicholasville, Ky., in place of W. B. Buford. Incumbent's commission expired May 1, 1916.

John R. White to be postmaster at Irvine, Ky., in place of Lewis C. Wilson, resigned.

LOUISIANA.

George H. Thoede, to be postmaster at Gretna, La., in place of E. F. Crawford. Incumbent's commission expires May 31, 1916.

MICHIGAN.

C. C. Hopkins to be postmaster at Breckenridge, Mich., in place of B. S. Watson. Incumbent's commission expires May 8, 1916.

G. D. Mason to be postmaster at Montague, Mich., in place of M. W. Ripley. Incumbent's commission expires June 5, 1916.

Sidney Reynolds to be postmaster at Howard City, Mich., in place of James B. Haskins. Incumbent's commission expires May 23, 1916.

MINNESOTA.

C. F. Callahan to be postmaster at Foley, Minn., in place of C. H. Latterell. Incumbent's commission expired December 21, 1915.

Peter H. McNally to be postmaster at Chokio, Minn., in place of Charles E. McAllen, resigned.

N. P. Severt to be postmaster at Mazeppa, Minn., in place of M. J. Rucker. Incumbent's commission expired April 17, 1916.

John Svedberg to be postmaster at Aitken, Minn., in place of A. L. Hamilton. Incumbent's commission expires May 10, 1916.

MISSISSIPPI.

Harry L. Callicott to be postmaster at Coldwater, Miss., in place of Maze H. Daily. Incumbent's commission expired April 17, 1916.

Malcolm S. Graham to be postmaster at Forest, Miss., in place of Malcolm S. Graham. Incumbent's commission expires May 28, 1916.

Bennett A. Truly to be postmaster at Fayette, Miss., in place of B. A. Truly. Incumbent's commission expired April 17, 1916.

Martha Ann Womack to be postmaster at Bogue Chitto, Miss., in place of J. M. Tyler. Incumbent's commission expires May 28, 1916.

MISSOURI.

Oliver P. Gentry to be postmaster at Liberty, Mo., in place of Robert E. Ward, resigned.

Sadocia B. Herndon to be postmaster at Fulton, Mo., in place of B. B. Kimbrell. Incumbent's commission expires May 8, 1916.

James S. Herrington to be postmaster at Valley Park, Mo., in place of Louis Haeffner. Incumbent's commission expires May 27, 1916.

NEBRASKA.

Calvin L. Demarest to be postmaster at Bethany, Nebr., in place of W. J. Brunell. Incumbent's commission expired January 18, 1916.

George McCawley to be postmaster at Seneca, Nebr. Office became presidential January 1, 1916.

William L. Ulrich to be postmaster at Stuart, Nebr., in place of R. E. Chittick. Incumbent's commission expired April 5, 1916.

NEW JERSEY.

S. L. Boone to be postmaster at Penns Grove, N. J., in place of T. E. Hunt. Incumbent's commission expired March 13, 1916.

NEW YORK.

Thomas Havey to be postmaster at Orangeburg, N. Y., in place of Matthew McManus. Incumbent's commission expired July 23, 1913.

Thomas McMahon to be postmaster at Poland, N. Y., in place of J. B. Read. Office became presidential January 1, 1915.

Mary L. McRoberts to be postmaster at Tompkinsville, N. Y., in place of Mary L. McRoberts. Incumbent's commission expired January 10, 1915.

Henry J. Neumann to be postmaster at Tuxedo Park, N. Y., in place of S. T. Dusenberry. Incumbent's commission expired February 23, 1915.

Ray S. Sherman to be postmaster at South Glens Falls, N. Y., in place of Ernest H. Palmer. Incumbent's commission expired December 18, 1915.

NORTH CAROLINA.

Bettie Belle Pearson to be postmaster at Moravian Falls, N. C. Office became presidential July 1, 1915.

NORTH DAKOTA.

F. O. Hunger to be postmaster at Hankinson, N. Dak., in place of W. C. Foreman, Jr. Incumbent's commission expired April 11, 1916.

Della C. Tolan to be postmaster at Mayville, N. Dak., in place of Iver O. Fosse. Incumbent's commission expires June 5, 1916.

OHIO.

Frank G. Henry to be postmaster at Marietta, Ohio, in place of Charles A. Ward, resigned.

John L. Norris to be postmaster at New Matamoras, Ohio, in place of Lewis Nikolaus. Incumbent's commission expires June 7, 1916.

PENNSYLVANIA.

F. G. Ackley to be postmaster at Wyalusing, Pa., in place of J. W. Chamberlain. Incumbent's commission expired April 23, 1916.

William Alexander to be postmaster at Chambersburg, Pa., in place of C. A. Suesserott. Incumbent's commission expires May 24, 1916.

William H. Denlinger, sr., to be postmaster at Patton, Pa., in place of Albert E. Rumberger, deceased.

J. Willis Freed to be postmaster at Mount Joy, Pa., in place of J. F. Fenstermacher. Incumbent's commission expires May 28, 1916.

SOUTH DAKOTA.

Tom Larson to be postmaster at Colton, S. Dak. Office became presidential January 1, 1916.

Kate A. Schnacke to be postmaster at Bigstone City, S. Dak., in place of Kate A. Schnacke. Incumbent's commission expired February 14, 1916.

J. A. Zink to be postmaster at Wessington Springs, S. Dak., in place of Fred N. Dunham. Incumbent's commission expires May 24, 1916.

VIRGINIA.

Joseph H. Nave to be postmaster at Broadway, Va., in place of P. W. Pugh, resigned.

WISCONSIN.

C. E. Reichenbach to be postmaster at Merrillan, Wis., in place of Anna M. Merrill. Incumbent's commission expired February 20, 1916.

HOUSE OF REPRESENTATIVES.

MONDAY, May 8, 1916.

The House met at 11 o'clock a. m.
The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Infinite and eternal Spirit, in whom we live and breathe and dwell, we bless Thee for that spark of divinity which glows within us, and which makes us Thy children, and is ever urging us upward and onward to nobler life. Encourage, we beseech Thee, every high and holy aspiration, and discourage every evil intent; that, unfettered by sin, we may grow day by day into the likeness of our Maker; for Thine is the kingdom and the power and the glory forever. Amen.

The Journal of the proceedings of Saturday, May 6, was read and approved.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, who informed the House of Representatives that the President had approved and signed bills and joint resolutions of the following titles:

May 1, 1916:

H. R. 6442. An act to provide for the exchange of the present Federal building site in Newark, Del.; and

H. R. 7239. An act for the relief of Philip H. Heberer.

May 3, 1916:

H. J. Res. 79. Joint resolution authorizing the Secretary of Labor to permit the South Carolina Naval Militia to use the Charleston immigration station and dock connected therewith;

H. R. 2235. An act for the relief of the widow and heirs at law of Patrick J. Fitzgerald, deceased; and

H. R. 4746. An act granting to the city of Portland, Oreg., the right to purchase certain lands for public-park purposes.

May 4, 1916:

S. 3769. An act to amend section 3 of an act entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907;

S. 4876. An act to provide for an increase in the number of cadets at the United States Military Academy; and

H. R. 4881. An act to reimburse the postmaster at Kegg, Pa., for money and stamps taken by burglars.

May 8, 1916:

H. R. 28. An act 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;

H. R. 177. An act 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;

H. R. 384. An act 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";

S. J. Res. 63. Joint resolution authorizing the erection on the public grounds in the city of Washington, D. C., of a memorial fountain to Alfred Noble; and

S. 2290. An act authorizing the health officer of the District of Columbia to issue a permit for the removal of the remains of the late Elise McCaulley from Glenwood Cemetery, District of Columbia, to Philadelphia, Pa.

THE MILITARY ESTABLISHMENT.

Mr. HAY. Mr. Speaker, I call up the conference report on the Army reorganization bill, H. R. 12766.

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 District of Columbia legislation.

The SPEAKER. A conference report takes precedence of everything else. The gentleman from Virginia calls up the conference report on the Army reorganization bill.

Mr. HAY. And in that connection I ask that the unanimous-consent agreement entered into on Friday be put into effect first before we vote on the conference report.

Mr. MANN. The conference report is to disagree to the Senate amendment?

Mr. HAY. Yes.

Mr. MANN. We should first agree to the conference report. Mr. HAY. We ought to provide that the conference report be considered as pending while the other debate is going on.

Mr. MANN. No—

Mr. HAY. That a motion to disagree to the Senate amendment shall be considered as pending.

Mr. MANN. We should agree to the conference report first. That is a very simple matter.

The SPEAKER. There is a conference report, is there not?

Mr. HAY. Yes; there is a conference report.

Mr. MANN. Merely that they disagree; that is all.

Mr. HAY. The conference report was printed in Friday's RECORD, and that report was that we could not agree.

The SPEAKER. The question is on agreeing to the conference report. Without objection, it is agreed to.

There was no objection.

Mr. HAY. Now, I suggest that the Clerk read the unanimous-consent agreement.

The SPEAKER. The Clerk will read it.

The Clerk read as follows:

It is ordered that on Monday next the bill H. R. 12766, with the Senate amendments, shall be considered in the House, with a motion considered as pending that the House further insists upon its disagreement to the Senate amendments; that during the pendency of said motion it shall be in order to move that it is the sense of the House that sections 2 and 56 of the Senate amendment to the text of the bill ought to be agreed to, which motion shall be put separately to a vote upon each of said sections; that it shall further be in order to move that it is the sense of the House that section 122 of the Senate amendment to the text of the bill ought to be agreed to, and, pending that motion, it shall be in order to offer amendments to said section to be voted upon for the purpose of expressing the sense of the House; that upon each of said two main motions to express the sense of the House, one as to sections 2 and 56 and one as to section 122 in the Senate amendment, there shall be not more than 80 minutes' debate, one-half to be controlled by Mr. HAY and one-half by Mr. KAHN.

Mr. MANN. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Illinois makes the point of order that there is no quorum present. Evidently there is not.

Mr. KITCHIN. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk proceeded to call the roll, when the following Members failed to answer to their names:

Adair	Fordney	Kreider	Schall
Allen	Foss	Lafean	Scott, Pa.
Bacharach	Gallivan	Langley	Scully
Barchfeld	Gard	Lee	Sears
Brumbaugh	Gardner	Lehmbach	Shackelford
Buchanan, Ill.	Glass	Lesher	Slemp
Burnett	Godwin, N. C.	Liebel	Small
Bryns, Tenn.	Graham	Lindbergh	Smith, Idaho
Caldwell	Gray, N. J.	Littlepage	Smith, Minn.
Cantrill	Greene, Vt.	Loft	Sparkman
Carlin	Griest	Longworth	Steenerson
Casey	Hamill	Maher	Stephens, Miss.
Church	Hamilton, N. Y.	Martin	Sutherland
Clark, Fla.	Hart	Mooray	Switzer
Coleman	Heaton	Morin	Tague
Conry	Helm	Murray	Thomas
Costello	Hilliard	Neison	Tinkham
Crosser	Hinds	Nicholls, S. C.	Vare
Darrow	Howard	Nichols, Mich.	Ward
Dooling	Huddleston	North	Watkins
Driscoll	Hutchinson	Norton	Watson, Pa.
Drukker	Jacoway	Peters	Webb
Eagan	James	Pou	Williams, Thos. S.
Eagle	Jones	Price	Williams, Ohio
Estopinal	Kelster	Rainey	Wilson, Fla.
Fairchild	Key, Ohio	Riordan	
Flynn	Kless, Pa.	Rowland	

The SPEAKER. On this roll call 328 Members have answered to their names—a quorum.

Mr. KITCHIN. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

Mr. KAHN. Mr. Speaker, under the agreement that was entered into last Friday the motion now in order is this; and I move that it is the sense of the House that sections 2 and 56 of the Senate amendment to the text of the preparedness bill ought to be agreed to.

The SPEAKER. On this amendment there are 80 minutes' debate, one-half to be controlled by the gentleman from Virginia [Mr. HAY] and one-half by the gentleman from California [Mr. KAHN].

Mr. OGLESBY rose.

The SPEAKER. For what purpose does the gentleman from New York rise?

Mr. OGLESBY. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. OGLESBY. The motion of the gentleman from California, as I understand it, includes two propositions.

Mr. HAY. I will state to the gentleman that the agreement provides for a separate vote. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio [Mr. GORDON].

Mr. GORDON. Mr. Speaker, both section 2 and section 56 of the Senate amendments are disgraceful and outrageous renunciations of the rights of the American Congress upon the subject of the Army. Upon a roll call in this House we rejected an amendment to the House bill proposing to make a standing army of 220,000 men and fixed it at 140,000; and that vote was taken upon careful consideration, upon due deliberation, and, in my judgment, upon the best possible reasons that could be presented. *We have the report of The Adjutant General of the United States Army to the effect that the highest possible number of men that can be raised in this country by voluntary enlistment is 140,000, and it was that number at which this House fixed the maximum number of the standing army.*

Is this House prepared to go on record in favor of compulsory military service? If it is not, it must vote down this section 2 or convict itself of duplicity before the American people. [Applause.]

On the day that the American Congress begins the building of a large standing Army in time of peace by harnessing the dynamic energies of the American youth with conscription and places the reins in the hands of these Regular Army officers, that moment you have started this Nation on a career of military conquest and aggrandizement which leads straight toward the bottomless abyss of oblivion, over which every free nation which preceded ours disappeared.

Now, it may be that the American people are in the mood to exchange the school-teacher for the drill sergeant and to attempt by act of Congress to change the free swinging gait of the American citizen to the goose step of the conscript. I do not believe it. [Applause.] It may be that the mothers of American boys are looking forward with joyful anticipation to the day when their sons will be manacled and led away by a provost marshal to perform for a term of years, in time of peace, the menial duties of a military camp—currying the horses and blacking the boots of our Regular Army officers—but I do not believe it. So much for section 2.

"Why doth the heathen rage, and the people imagine a vain thing?" Why are the Army officers, who are and who have been the motive power behind this section 56 and kindred legislation, so persistent in their efforts to prove their contempt for the letter and spirit of the means for national defense provided in the Federal Constitution, which they have all sworn to support?

It is the same motive which inspired Demetrius, the silversmith, to defend the sanctity of the temple for which he made shrines. The great apostle Paul was preaching the new gospel of the Man of Nazareth "not alone at Ephesus, but throughout Asia," with all his accustomed fiery eloquence, and was seriously interfering with the business of Demetrius, which was to manufacture and sell silver shrines for the temple of Diana.

Demetrius called his agents and employees together in a great assembly and said to them, "This Paul hath persuaded and turned away much people, saying that they be no gods, which are made with hands: so that not only this our craft is in danger to be set at nought; but also that the temple of the great goddess Diana should be despised, and her magnificence should be destroyed, whom all Asia and the world worshippeth"; and we are told in Holy Writ that with great unanimity and in a loud voice they all cried out: "Great is Diana of the Ephesians!" [Laughter and applause.]

The very name "volunteer" is a fraudulent misnomer, designed to sugar coat with a euphonious title what is in practical effect an effort to increase to two and one-half times its present size our Regular Standing Army in time of peace.

There is no military force under the control of the United States, either of officers or men, known to the Constitution and the laws that is not made up exclusively of volunteers. Our Army officers, some of whom appear to spend more of their time in plotting and planning to promote their own private interests than they do in performing the public duties, for which they were educated at public expense and draw pay out of the public Treasury, are determined to force, by this indirect means, an increase in our standing military force which they know Congress would not dare to vote directly for the purpose of compelling a proportionate increase in the number of officers, and thereby bring about their own promotions and the increased pay and allowances resulting to them. This is the whole story, and explains why they have labored so persistently to discredit and

destroy the National Guard, for which they are not permitted to supply the officers. [Applause.]

Those who are interested in learning the motives of those behind this section 56 and the "continental army" scheme, its defunct predecessor, will find a very illuminating history published in the RECORD of April 14, 1916, at pages 6952, 6953, and 6954, inserted by Senator REED of Missouri, and I commend this RECORD to your thoughtful consideration.

The only difference between this proposed "volunteer" force and the Regular Standing Army is that the consent of Congress is required to call it out for "field service" more than 30 days in any one year.

William E. Gladstone declared that "the Constitution of the United States is the greatest instrument ever struck off at a given time by the brain and purpose of man," and I believe that he referred to the means provided for national defense more directly than to any other provisions of that magnificent bulwark of our liberties.

In closing a great address upon "The Importance of the Militia," delivered on June 6, 1836, Edward Everett said:

"Times are now changed. We have grown up into a great people. A sum of human interests and blessings of untold amount, an incalculable moral and social treasure, is committed to our charge. With the advantages of a powerful State we have its duties and its exposures. We are subject to insults from abroad and disorders at home. The cloud of foreign war has just rolled away. Had it burst, how would it have found this great and rich metropolis? Without one gun mounted for its defense. I suppose it is pretty generally admitted that a foreign enemy, even so polite a one as France, would pay but little respect to the white staff of our sheriff, though he should go with all his constables and read the riot act in their hearing.

"Whether these same peaceful emblems are adequate to sustain the majesty of the law when threatened in moments of popular convulsion we can all judge. Then, sir, there are two resources for protection and safety in the first outbreaking of war and in times of civil commotion. One is a well-organized, patriotic militia, ever present, rarely seen, quartered among us, not in camps and forts, but at the fireside, in the counting room, the workshop, the place of business. This is one. The other resource is a standing army, encamped on Boston Common or stationed on Castle Island. One or the other we must have. And the man who sets himself to ridicule the militia, to exaggerate the defects of the system, to embarrass its administration, to bring it into discredit, wishes one of two things—he either wishes the country to be wholly exposed to insult from abroad, and a prey at home to anarchy, to mob law, club law, and a general scramble, or he wishes to see a flagstaff planted in front of the State House, a couple of cannon pointing down State Street, to hear the morning gun at daybreak, and to hold the exercise of his daily rights as a citizen at the discretion of a military commander.

"In a free country this is a pretty serious alternative. I have, sir, for the last six months thought much and deeply upon it. It has been my duty to do so, and I have come to the conclusion that if we intend to hand down unimpaired to our children the inheritance of republican liberty, which we have received from our fathers, if we mean that the civil shall control the military arm alike in peace and in war, in prosperous and adverse times, the militia must again receive the respect of the community.

"I give you, sir, as a toast:

"A well-organized, efficient, and patriotic militia—in time of peace, the bulwark of the law; in war, the basis of defense: may it be restored to the public favor."

Everett might have added to his eloquent description of the concomitants of a large standing army the necessary incidents of compulsory military service: Enrollment, registering, passports, military espionage, an Army officer interrogating you every time you leave home or board a railroad train, and all the other petty and repressive interferences with the personal rights of the citizen.

There recently appeared in the public press the following eloquent and timely appeal for the preservation of the National Guard from the hands of the spoilers, entitled "The Constitution," by Archibald Hopkins, which was read at the first annual dinner of the National Association for Constitutional Government:

With wisdom and with patient skill,
Wide learning and profoundest thought,
With zealous and unselfish will
Our patriotic fathers wrought.
They laid foundations deep and wide,
They made their own immortal plan,
And reared on lines before untried,
A home for freedom and for man.

They fortified each sacred right,
They shielded all from fraud or wrong,
They curbed the power of selfish might,
And armed the weak against the strong.
Upon themselves they put restraint
Lest hasty passion given range,
Should silence reason with complaint,
And bring some heedless harmful change.
Through storm and stress, through many fears,
Through war and fierce domestic strife,
Down through the lapse of changing years
They guarded well the Nation's life.
The Constitution, still it stands,
August, majestic, lofty, lone;
No fabric wrought by human hands
Such strength and symmetry has shown.
The Constitution, there it stands
A beacon in a storm-tossed world;
And peace will reign in other lands
When they its banner have unfurled.
In these late days come buzzing gnats,
To tell us 'tis a thing accurst,
Devised by scheming plutocrats,
Whose cunning work must be reversed.
George Washington and Franklin, too,
James Madison and Hamilton,
Were leaders of the greedy crew
By whom the people were undone.
How light in character and brains
Our Constitution makers seem,
When some great modern statesman deigns,
To take them for an evening theme.
We love the men who gave it birth,
We venerate its every clause;
Benign protector of the hearth,
Stern guardian of the country's laws.
To us belongs the pious task
To ward from it all threatening foes,
Both those who lurk 'neath friendship's mask
And those who deal it hostile blows.
To rouse the people of the land
To know the treasure they possess,
And smite each sacrilegious hand
That's raised to harm or make it less.

That one of the main objects of this so-called "volunteer" force in the minds of the Army officers who are pushing it is to ruin and destroy the National Guard is not open to doubt in my mind. By a system of sapping and mining they hope to draw away from the National Guard enough of the officers and men to disorganize and disrupt it by inducing them to join this new organization, and then they will be in a position to claim that the people of this country are solely dependent upon the standing Army for defense, and will attempt to coerce Congress into voting all the men and money they ask for, together with a conscription law in time of peace to enable them to get the men. Where do they propose to get these "volunteers" without conscription, and where will they train them if the men could be obtained?

If the people of the United States must engage in a hand-to-hand conflict with the Regular Army officers' lobby to save from destruction the means of defense provided by the Constitution during every period of military excitement, such as we are now passing through, then the wise thing for the people of this country to do is to abolish entirely their standing Army by an amendment to the Constitution, as the people of Switzerland did. [Applause.] Every war we have ever been engaged in was fought and won by volunteers, including the War for Independence. A persistent effort has been made by Regular Army officers in recent times to belie history and to discredit the citizen soldier. The Battle of Saratoga, recorded by the great historian, Sir Edward Creasy, as one of the 15 decisive battles in the world's history, was won by volunteers exclusively, and more than 5,000 British regulars were made prisoners as a result of that great battle, which determined in advance the outcome of the Revolutionary War.

They would have us forget Saratoga, Yorktown, New Orleans, and Chapultepec, the great battles of the Civil War, all fought and won by citizen soldiers, in their efforts to discredit the ability of the citizens of this country to defend it by the means afforded and suggested by the Constitution.

The bill originally passed by the House, H. R. 12766, actually authorized two regiments of Field Artillery in addition to the increases asked for by the President in our regular military establishment, and also provided for the citizen soldiers suggested by the President by providing for arming, equipping, organizing, and disciplining the men requested in the Organized Militia or National Guard.

These men will be subject to instant call by Congress and the President to suppress insurrection, repel invasion, or to execute the laws of the United States, and when trained and disciplined in the manner provided will be subject to draft in time of actual war into the service of the United States.

There will soon be built up a reserve of the National Guard, which will afford ample means of national defense to meet any emergency that may arise, and which will not endanger the liberties of the country.

When we recall in our own history the many successful attempts to subordinate the civil authority to the military power, and consider the many recent examples of the imposition of the death penalty by the arbitrary orders of military tribunals in Mexico and Europe upon men and women in civil life, we ought to scrutinize with great care any attempt in this country to build up a military power, the use of which is not subject to the restraints of our written Constitution. [Applause.]

Mr. KAHN. I suggest that the gentleman from Virginia use some more of his time as there will probably be but two or three speeches at the most on this side.

Mr. HAY. Mr. Speaker, I yield 5 minutes to the gentleman from Kansas [Mr. ANTHONY].

Mr. ANTHONY. Mr. Speaker, I see no reason at this time why the House should change the position it has previously taken on section 2 of the Senate bill referring to the size of the Army. As a matter of fact, there has been no logical reason advanced why the maximum of 250,000 should have been fixed by the Senate in their bill. Personally I favored the bill reported from the Senate committee—the bill which provided for increasing the number of regimental organizations and officers as well as men, which raised the Infantry regiments from 30 to 64, which raised the number of Artillery regiments from 7 to 21, which raised the Cavalry regiments from 15 to 25 and the Coast Artillery from about 18,000 to 35,000 men. That would have made a Regular Army of 188,000 men, which, in my judgment, was properly balanced and about the size we expect ultimately to have. But I can see no reason why the Senate should have arbitrarily tacked onto it an amendment further fixing the Regular Army at a maximum of 250,000 men. That simply would mean that you would have had to double the peace strength of the regimental organization in order to carry the total up to 250,000 men. So that I think it is proper at this time that the House should refuse to indorse section 2 of the Senate bill, believing, as I do, that ultimately there will come before the House from the conference committee an increase of about the size reported originally by the Senate bill of about double the number of organizations we now have, providing a standing Army of from 188,000 to 200,000 men, which I think would be proper and better proportioned than the present provision in section 2.

As to the so-called volunteer or "continental" army, in my opinion in time of peace that is absolutely absurd and impractical. It is something to which no man who has given study to military affairs can afford to give his approval. In my opinion this House should lend its every encouragement to the building up and the federalization of the National Guard of this country. [Applause.] Under the policy which will be put in force because of the legislation which the House Committee on Military Affairs has placed before you, I believe that through these provisions and the federalization of the National Guard we will ultimately build up a second line of military defense which will serve the country adequately and well in time of war.

Mr. KAHN. Mr. Speaker, section 2 of the Senate bill provides for an Army of 250,000 men. It is an authorization for an Army of that size. If they are not needed, the President will not enlist them. If they are needed, he should have the authority to enlist them. [Applause.] And in the final analysis, Congress holds the purse strings. No President can enlist them unless he is assured that Congress is willing to foot the bill. That is all there is to it. Gen. Upton in his remarkable book on the Military Policy of the United States says in effect that if such an authority had been given the President of the United States at the time of the Mexican War that war would have been concluded in a much shorter period. But as we have nearly always done in our military legislation, we did not authorize the President in those days to do the very thing that we are trying to have done to-day. In consequence, that war was unnecessarily protracted. The expense to the Government was enormously increased. We want to avoid blunders of the past. We want to write upon the statute book a law which will enable the Government of the United States to defend itself in time of need against any possible aggressor. [Applause.] Patriotism, loyalty, devotion to the country ought to prompt every man in this House to vote for that section. Oh, they will tell you that it is going to cost a lot of money. It will not cost a dollar more than what is absolutely needed, for, as I said a moment ago, if the men are not required the President will not enlist them. They tell you that you can not enlist such a large number of men. I have

more faith than that in the power of the Government to get the required number of men. Our enlistment laws, and especially the regulations, are somewhat rigid. No man can be enlisted at the present time in the Army of the United States unless he be 5 feet 4 inches tall. A man 5 feet tall under modern conditions can fight just as well as a man 5 feet 4 inches tall. Enlistments in the Army are limited to men 21 years and over. The Navy enlists young men at 18.

Under the very terms of this bill the National Guard will enlist young men at 18, and the Army of the United States ought to permit enlistments at the age of 18, especially so if the provision providing for vocational training is incorporated in the legislation; and I understand that there is a good prospect of writing into the law such a provision. There is another thing about recruiting for the Army of the United States. Go into the large cities of the country, look for your recruiting stations, and where do you find them? In many instances near the tenderloin district of the city. We seem to be looking for the derelicts, for the flotsam and jetsam of our national life, for the Army. I do not approve of that. I do not think the country approves it; and the wonder is that we get such good material as we do under the conditions. I believe an earnest effort should be made to bring into the Army hundreds of desirable young men who are willing to take the required training, who are willing and ready to defend their country when defense shall become necessary. I believe that if some reforms be made in the matter of enlistments we will have no difficulty whatever in securing the required number of men in the Regular Army to properly defend the people of the United States in the event of war.

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

Mr. KAHN. Yes.

Mr. DYER. Will the gentleman state what reforms he advocates to encourage enlistments?

Mr. KAHN. I have just stated that the enlistment period should be lowered, that the minimum age limit should be lowered, that the regulations are too rigid in some particulars, and that they should be so amended that a man 5 feet tall can be permitted to enlist just as well as a man 5 feet 4 inches tall. I feel that enlisting parties ought to be sent periodically into the smaller communities. I believe many men could be secured in that way.

Mr. DYER rose.

Mr. KAHN. I regret I can not yield any further. I have a great deal of ground to cover. Mr. Speaker, the people of the United States since the Spanish-American War have taken on many new and grave responsibilities. The acquisition of the Philippines, of Hawaii, of Porto Rico, the acquisition of the island of Tutuila in the southern Pacific, all brought with them burdens and obligations to the people of the United States. But in addition we have practically established a protectorate over Cuba, over the Republic of Panama, over Haiti, over Santo Domingo, over Nicaragua. Those countries have to look to us in many matters before they can perform certain functions of sovereignty. These new duties, these new obligations, require us to be ever vigilant and ready to protect the rights of Americans in these countries, as well as to protect those peoples of these American Republics who are looking to us for guidance and support. All of these powerful considerations ought to make the Members of this House realize that the authorization should be given to the President to enlist the requisite number of men in case we should become involved with any foreign power. I can readily see situations in which it would be absolutely imperative that the President should have such a power.

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

Mr. KAHN. I can not yield at present. Take the case of Congress adjourning on the 4th of March. Unless Congress should be convened in extraordinary session there is no Congress in session until the following December, a long interim. Under such circumstances the President could not appeal to Congress for aid if he desired to do so. He might not deem it advisable to call an extra session. Mr. Speaker, I can see conditions that might make it imperative on the part of the President to enlist men, so that if diplomatic channels should fail he would at least be in a position to enlist and equip a proper army to defend the rights of the people of the United States. That is all that this legislation does.

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

Mr. KAHN. I can not yield to the gentleman. I am sorry, but I have only limited time, and I want to explain these things.

The SPEAKER. The gentleman from California desires not to be interrupted further—

Mr. KAHN (interrupting). At the present time, at any rate, Mr. Speaker, I can see conditions that would make it absolutely

necessary that the President should have this right, and that is all we are asking; that is all that the legislation attempts to do. It is simply an authorization.

I want to say, also, in connection with the Army, that the Monroe doctrine places upon our shoulders great responsibilities and great obligations. Take the situation in Mexico to-day. We have not protected the property or the lives of our own nationals in that distracted Republic. We have not protected the lives or the property of the nationals of other countries.

No one can tell what will happen when this war in Europe is over. No one can tell what demands will be made upon us for indemnities for the murder of the nationals of foreign countries, for indemnities for their properties destroyed by the Mexicans. Oh, they will not look to Mexico for indemnity. That at present is a poor, impoverished country. Mr. Speaker, they will look to us for proper indemnification for the loss of the lives and property of their nationals in Mexico. We must be ready to meet any of these problems. And we ought to have learned that the only way our demands will be listened to will be when we have a proper military force behind us. [Applause.] We ought to have learned in recent months that unless we are ready to put force behind our proposals that such proposals are not apt to meet with the prompt respect and approval of the great military powers that the American citizen insists they ought to receive.

Now, Mr. Speaker, a few more words as to section 56. That section creates a volunteer army. I have nothing to say in derogation of the splendid work that the National Guard of the country has heretofore performed, and that I am positive it will again perform if it should be called into the service of the Republic. But what does the Hay bill provide? It provides for a minimum force of 800 National Guardsmen from every congressional district and 800 for every Senator in every State of the Union. Do you think that it is possible to create such a force? The people of the United States have been told that our National Guard provision will provide an army of 425,000 men—

Mr. BUTLER. Mr. Speaker—

Mr. KAHN. When the preparedness bill was discussed on the floor of the House recently, I said that, in my judgment, there could not be over 200,000 people enlisted under that law. The more I study the situation the more firmly convinced I am that I was absolutely right in the matter. Eight hundred men from every congressional district and 1,600 from every State at large, the minimum under the bill, would compel the State of Nevada to raise 2,400 men in the National Guard; the State of Arizona likewise would have to raise 2,400 men in the National Guard; the State of Wyoming, 2,400 men in the National Guard; the State of Utah, 3,200 men in the National Guard; the State of Idaho, 3,200 men in the National Guard; the State of Montana would have to raise 3,200 men for the National Guard. Oregon, North Dakota, and South Dakota would have to raise 4,000 men each for the National Guard. Why, it is ridiculous to think of it. You can not get them. Let us not fool the American people into a sense of security when the security is not there. [Applause on the Republican side.] And right here let me present another phase of the proposition. In the State of Alabama, according to the census of 1910, of the total number of males of the age of 21 years and upward who are capable of being enlisted in the National Guard, 41.7 per cent are negroes; in Arkansas, 28.1 per cent are negroes; in Virginia, 30.5 per cent; in Florida, 41.9 per cent are negroes; in Georgia, 43 per cent; in Louisiana, 42 per cent; in Mississippi, 54.7 per cent; in North Carolina, 29 per cent; in South Carolina, 50.5 per cent are negroes. Are you going to get any National Guardsmen from that source in those sections of the country?

Mr. MADDEN. Yes.

Mr. DYER. Why not?

Mr. KAHN. Are there any colored National Guardsmen in any of the Southern States? I have never heard of any, and yet the bill proposes 800 men from every congressional district in this country. Why, anyone who will study the matter thoroughly must see and must admit that such a force is impossible in the National Guard under the provisions of the Hay bill. Nor will the volunteer-army provision raise the 260,000 men that its proponents feel they can enlist under it. The section provides for 600 officers and men in every congressional district. I give it as my opinion that we never can get that number in every congressional district, but we can get 200 or 250 men from each congressional district and that would give us a volunteer army of fully 100,000 splendid men; men who in most instances can not join the National Guard; men who are in the professions or in such occupations that they can not go to the weekly drills required by the National Guard

provisions of this legislation, but who have a month's vacation in the summer time that they are willing to devote to the service of their country by taking the required intensive training in order that they may become qualified if the need should come to respond to the colors of the Union and help fight the battles of the Republic. [Applause.]

Mr. HULBERT. Will the gentleman yield for a question?

Mr. KAHN. Mr. Speaker, how much time have I consumed? The SPEAKER. Nineteen and one-half minutes.

Mr. KAHN. I yield to the gentleman for a question.

Mr. HULBERT. If I understand the matter correctly, both sections 2 and 56 are permissive and vest a certain discretion in the President?

Mr. KAHN. Absolutely.

Mr. HULBERT. Is it not the purpose of those two provisions to so clothe the President with authority that in the event of imminent danger he might then have the power to do that which he could not otherwise do without calling a special session of Congress if that imminent danger should occur after Congress has adjourned?

Mr. KAHN. That is exactly the purpose of those two provisions.

Mr. BUTLER. Mr. Speaker, will the gentleman yield for a question?

Mr. KAHN. I will yield to my friend for a question.

Mr. BUTLER. I am much obliged to the gentleman. How much appropriation do we provide this year?

Mr. KAHN. In the estimates which were submitted by the department it is the purpose to provide for an army of 105,000 men this year.

Mr. BUTLER. And then the President will simply be authorized to enlist the balance of the 250,000 and we would not appropriate for them this year?

Mr. KAHN. We will not appropriate for them this year and we may never appropriate for them. The existing law, the law now on the statute books, that has been in force since 1901, authorizes the President of the United States to enlist up to a full number of 100,000 men. Until a few weeks ago no President of the United States since 1901 ever enlisted that number of men. Until recently we have never had 100,000 men, although the law has been in existence for 15 years; because the President will never call a single man unless the needs of the country require it.

Mr. SUMNERS. Will the gentleman yield for just a question?

Mr. KAHN. Yes.

Mr. SUMNERS. If Congress controls this in the first instance through appropriation, how could the President increase the Army in the event of emergency without authorization of Congress?

Mr. KAHN. The Presidents on a number of occasions have increased the Army under existing law without the existence of any emergency, simply because he had authority, and he felt certain that when his reasons were explained to Congress or the committees of Congress, Congress would vote the money for them. And Congress always did vote the money, being satisfied with the President's reasons.

Mr. GORDON. Will the gentleman yield?

Mr. KAHN. I will yield to the gentleman.

Mr. GORDON. Is not the very argument you have just made equally applicable to the authorizing of increase in the standing Army?

Mr. KAHN. Oh, if the President would have to come to Congress to authorize an increase whenever he found the situation warranted an increase it might result in a loss of so much time in a crisis that our troops, those that we happened to have, would be whipped to a frazzle before we could get sufficient troops through legislative enactment. [Applause.] That condition would be simply emphasized if the President needed them, and Congress should happen to be in vacation. The authorization should be there. It costs not a dollar. It does not add a single dime to the expense of the Army. It is simply an authorization, and the authorization ought to be given.

Now, so far as the National Guard is concerned, I believe that the legislation that will be agreed to by the conferees will go, as far as it is possible to go, toward the federalization of the National Guard.

I repeat, the militia section of the present bill goes as far toward Federal control as is possible while the troops remain as State militia, but it leaves many defects that should be removed.

We may lay aside all the constitutional questions over which there is a serious difference of opinion among constitutional lawyers and admit that the militia sections of the bill are constitutional, yet these defects still remain and will continue to

remain and can only be remedied by complete Federal control. They are:

First. Transfer of men and property at outbreak of war.

In the chaos and confusion incident to the outbreak of war and when the necessity for speed, smoothness, and celerity is vital, officers and men must be transferred from the status of State troops to that of United States troops, with all the waste of time and energy of making out new papers, books, records, and so forth. And further, the necessity of transferring the property of the United States held by the States back to the custody of the United States. The experience of the Spanish-American War demonstrated the delay these actions caused at that time, a delay that might be fatal to our cause, and under any circumstances should not be tolerated when it so easily may be prevented.

Second. The obligation of strike duty.

Rightly or wrongly, this duty has interfered, does now, and will continue to interfere with recruiting in the National Guard. More so in some States than in others, and usually aggravated whenever strike duty is performed by the State troops. In this duty there is always present the possibility of permanent serious injury to the recruiting of the guard through the rash actions of some young and inexperienced officer.

Again, it is wrong also from the economic aspect; soldiers are not policemen and are not trained as such; one experienced policeman is worth five disciplined soldiers.

And in that very connection of strike duty the State of Pennsylvania felt it had found an ideal system. It created a State constabulary. In discussing the National Guard almost every member of the Committee on Military Affairs of this House referred at some time or other to the Pennsylvania State constabulary. Last week there was a great strike in western Pennsylvania. The State constabulary was not able to cope with the situation. Gov. Brumbaugh only a few days ago called out the National Guard of that State for strike duty. Is that going to aid enlistments in the National Guard of the State of Pennsylvania, the State that has been held up as the one State of the Union that had an ideal National Guard system? Why, everyone knows that the act of the governor in calling out the National Guard has seriously interfered with recruiting in the National Guard. So I say that in addition to the 200,000 men that we will be able to secure for defense through the National Guard, we ought also to provide the volunteer army. Under the provisions of section 56 of the Senate bill they can be called out for only 30 days' training in any year. They are willing to give their vacation period, their summer vacation, for intensive training, at such camps as the Government may establish, in order that they may be taught the art of defending their country whenever defense shall become necessary.

Mr. Speaker, I desire to state a few additional points in which I believe the National Guard provisions will fall short of meeting the hopes of the most ardent enthusiasts for the militia organizations. They are:

Third. Necessity for State appropriations.

The United States should not place its trust for a sound military system upon the false foundations of a reliance for its success upon the voluntary financial assistance of the different States. If a State should refuse assistance there is no penalty under the bill other than the withdrawal of Federal support. Lack of Federal support means that in such States there will be no longer organizations for national defense, yet leaving the United States itself powerless to go into that State and organize a national force directly, notwithstanding the fact that in the State there may be thousands of men who not only desire but are anxious to be part of our national defense. That such an occurrence is possible, it is only necessary to cite even in recent years the example of the great States of New York and New Jersey, which refused to appropriate the necessary money to enable their troops to perform field duty.

Fourth. Lack of sufficient penalty if States fail to carry out certain provisions of the act.

Certain actions are prescribed in the bill which must be taken by the States but which may not be lived up to.

(a) The qualification of the officers who are commissioned.

(b) The organization of particular units of certain branches of the service.

(c) The method of training.

(d) The numerical strength required in each State.

(e) Prohibiting the disbandment of organizations, but accomplishing the same result by allowing the officers to resign.

(f) The replacing or making good of lost United States property.

(g) Physical examination of the enlisted men.

If a State fails to comply with any of the above regulations the only penalty is withdrawal of Federal support, and the argument used in the preceding paragraph would apply with equal force in any of these cases.

Fifth. Control by the President in time of peace.

Any argument in favor of this seems unnecessary. The very fact that the bill itself gives control to the President in time of war and that this control has been advocated by every military man of whatever opinion, should prove that this was where the control should always be. If it is right in time of war, why is it not right in time of peace? This is the position taken by every unprejudiced student of military affairs who believes in a military system at all.

Mr. Speaker, the summer camps that were held at Plattsburg last year and in other sections of the country were a marked success. Some national guardsmen affect to see a danger to the National Guard by the incorporation of this section in the preparedness legislation. I believe that it will strengthen the National Guard. I believe that it will provide a force that we can not get into that organization. I believe that conditions in the United States to-day are such that we must have at first hand, if we become embroiled with any great military power, at least 500,000 trained men. [Applause.] And unless you give us this provision in the Senate bill for any Army authorization of 250,000 men, unless you give us the federalized National Guard, unless you give us section 56, we will not have anything like that number in the hour of our need.

My experience has been such, and from having read frequently the history of my country I have become convinced, that if this Congress shall fail to provide an adequate force for the protection of the Union, the Members of the Congress will be denounced by the American people for failure in the performance of a patriotic duty. [Applause.]

Mr. DIES. Mr. Speaker, will the gentleman yield for a question?

The SPEAKER. Does the gentleman from California yield to the gentleman from Texas?

Mr. TILSON. Mr. Speaker, will the gentleman yield at that point?

Mr. KAHN. Yes.

Mr. TILSON. The gentleman speaks of some part of the National Guard opposing this. That does not refer to the entire National Guard?

Mr. KAHN. Oh, no; far from it. I have had adjutants general of some of the States tell me that they welcome this addition to the defensive force of the Union. The trouble is, with respect to Army legislation, men will come to Congress at times actuated solely by selfish purposes.

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

The SPEAKER. Does the gentleman yield?

Mr. KAHN. In other words, men who hold fat political jobs are afraid they might lose them. To me patriotism stands above the dollar. [Applause.] I believe that a man ought to sink his personal ambitions for the general welfare. The fear of losing a Government salary ought never to stand in the way of legislation necessary for the proper defense of the country. [Applause.]

Mr. DIES. Mr. Speaker, will the gentleman yield there?

The SPEAKER. Does the gentleman yield?

Mr. KAHN. No; I can not yield just now.

The SPEAKER. The gentleman declines to yield.

Mr. KAHN. This is an important question. How much time have I consumed, Mr. Speaker?

The SPEAKER. Twenty-five minutes.

Mr. TILSON. I would like to have the gentleman state, if he will, in regard to some of the States, like Connecticut and Massachusetts and New York, that have actually favored this proposition.

Mr. KAHN. Yes; not only have some of the adjutants general favored this proposition, but I understand that one distinguished labor leader of this country wrote a letter to the gentleman from Massachusetts [Mr. OLNEY] saying, in effect, that he believed training of this kind would lead toward true Democracy in these United States. [Applause.]

The SPEAKER. The Chair was mistaken. The gentleman has used 33 minutes.

Mr. KAHN. I reserve the balance of my time, Mr. Speaker. [Loud applause.]

Mr. HAY. Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. CRAGO].

The SPEAKER. The gentleman from Pennsylvania [Mr. CRAGO] is recognized.

Mr. CRAGO. Mr. Speaker, in the short time allotted to me I want to explain my position as best I can. In the first place, I want to be considered as being always in favor of any plan

of rational preparedness on the part of my country. I shall vote for the larger Army provided by this bill for two reasons: First, because I want the chairman of the conference committee to feel that he has this House back of him in whatever limit he may see proper to go in regard to the Regular Army, and, second, I shall vote for and support it because I believe the people of the United States would be glad to know that they had an Army of 250,000 men to-day on the Mexican border. [Applause.]

I want also, however, to resent in the short time I have allotted me an unjust attack which has been made on an organization in this country whose only offense, as I take it, has been the fact that they have kept up an organization; that they have prepared for military service to the best of their ability and to the best of their knowledge, and have answered the call of their States and their country on every occasion, namely, the National Guard. [Applause.] The National Guard a year ago was lauded by Maj. Gen. Leonard Wood and welcomed as a part of the first line of the Army. These men were told that they were preparing themselves as a part of the first line and that they would be sure to give a good account of themselves.

Only a few months ago, in an address delivered before the National Guard Association, a former Assistant Secretary of War alluded to the members of the National Guard as follows:

I desire to give expression to the profound sentiment of appreciation of the service of the men of the National Guard during the last 15 years in the efforts they have made in behalf of the national defense. It is relatively easy now to engage in the movement that is sweeping the country in behalf of adequate and reasonable military preparedness, but 16 months ago it was not easy. Our people—apathetic, ignorant, or heedless of the past military history of ourselves or others—not seeing the awful potentialities for swiftly incurred strife and destruction still inherent in civilization, paid little or no attention to the military needs of the Nation, to the dangers still confronting in the world the best and most pacific intentioned of peoples, and did little or nothing to strengthen the protection required for the safeguarding of the great spiritual and material heritages of the Nation. But ever since the Spanish War there has been a group of men—unselfish, persistent, energetic—that in season and out of season and always without any great favor have dinned into the ears of the American public the now apparent need for expansion and improvement of the land forces of the Nation. These were the men who know that every teaching of history demonstrates that however broad oceans may be, nevertheless wars which commence upon the oceans always end upon the land; that the final resources of nations in conflict can not be brought to bear upon the water, but only can be brought to bear upon the land; that definite and final conclusion of such conflict can only be had by striking at the territory and treasure of an enemy which is situated upon the land; that however great may have been the influence of sea power on history and however essential such sea power might be, nevertheless that the mightiest sea powers of the world could not accomplish their military objects without appropriate and correlative land power; and, furthermore, that the only lasting defense against predominant sea power must be adequate land defenses. These are the principles that the patriotic members of the National Guard have impressed without ceasing upon the public and private minds of the country. To-day as a National Guardsman I proclaim the credit that is due to the guard for nursing and keeping alive in this country an essential and reasonable military spirit and appreciation of the truths of military history when they were most needed. In another capacity, as a representative in some sort of the regular Military Establishment, I wish now to bear testimony to the splendid and effective support that has been given by the National Guard to each and every expansion and improvement of the regular military service. There were no more loyal supporters of the reorganization of the Army in 1901 than the National Guard, and each and every improvement in the size or condition of the Regular Army had its hearty support.

And yet this is the same gentleman who, in season and out of season, has been casting reflections upon the efficiency and the possibilities of this organization which, if it has been weak in anything, has been weak solely because of the failure of the National Government to properly arm, equip, and discipline it.

Attention has been called in public addresses to the fact that a lot of property had been recovered from the National Guard and that much of it had been wasted. Let me call your attention to the fact that officers of the War Department have told us that this loss of property, so called, covers a period of 18 years—since 1898—the time of the Spanish-American War, and that every dollar's worth of that property has been properly expended according to law.

Mention has also been made of a lack of marksmanship on the part of the members of the National Guard. I want to say to you that the organization with which I am familiar does not keep in its ranks a single officer or enlisted man who does not go out every year and qualify as a marksman. In every one of our organizations every man who retains his position and standing in the organization must be a first-class marksman.

I will go as far as any one of you in preparedness for any emergency. I believe that with proper attention and instruction our people will come to realize that universal military instruction and service is the truest democracy. This must necessarily come, however, through education and through a demand for it on the part of the people if it is to be effective. Mere legislative enactment will not bring this about. If you will

spend in educating the people, so that they will understand the necessity for this service, the time you are now spending on these different propagandas, they will soon demand of Congress such legislation as will be necessary. And so in voting against such a volunteer army as has been proposed I do so because I believe, if ever it is built up in time of excitement, it will be done at the expense of the National Guard, and when the National Guard is weakened as a result of this, and when in time to come we do not fear any great emergency, this so-called army will disappear, and you will have nothing; and so instead of giving the country a real program of preparedness you will have destroyed what little force we already have. [Applause.]

In this connection I want to quote you the following taken from a paper delivered by Maj. Gen. John F. O’Ryan, of the National Guard of the State of New York, at the meeting of the National Guard Association of the United States at San Francisco, Cal., a few months ago:

Those who do not believe in the practicability of the War Department plan, further point out that the National Guard of the country is not a plan, it is a force in being, a force which has steadily and in later years rapidly progressed toward a high standard of efficiency, and that this tangible force, with its substantial number of trained personnel, as well as its material plant—valued at approximately \$100,000,000, should be substituted as a part of the first line in preference to a plan to create an army—a plan which may not prove practicable. That it might result after a few years in the Government finding itself without any substantial and effective force whatsoever, except the Regular Army.

As a part of Pennsylvania’s answer to the abuse heaped upon the guard within the past few weeks, I submit herewith an editorial from the Pittsburgh Dispatch of Monday, April 17, 1916, as follows:

BORAH’S INSULT TO THE GUARD.

Senator BORAH’s attack on the National Guard during the Army bill debate in the Senate, reported in Sunday’s Dispatch, is rightly regarded here in Pennsylvania as an insult to every man in the guard, and particularly to the officers. But it opened opportunity for one good result. When a United States Senator arises in his place and deliberately charges that the \$8,000,000 now appropriated by the Government for the National Guard has been “shamefully wasted” and some of it “embezzled,” he can be held responsible for his utterances and compelled to produce his proofs, if he has any, or to confess by his silence that he is a reckless slanderer.

During the discussion of the Army bill less responsible persons have indulged in general charges of lobbying and grafting against the National Guard organization, but they have been careful to confine themselves to insinuations and inuendos for which they could not be brought to book. The Idaho Senator can not get away with any such evasion. He has made a specific accusation of the deliberate theft of Government funds, reiterated it, too, “without any qualification,” and the protection of the Public Treasury, no less than the good name of the National Guard demands that he be not allowed to dodge responsibility. If he can prove embezzlement let him submit his evidence to the proper authority and have the offenders punished. If, on the contrary, he has been indulging in a mere oratorical figure of speech, he owes an immediate apology to the organization he has so foully aspersed.

Senator CUMMINS, expressing his indignant disbelief, suggested that consideration of the Army bill be suspended while the Senate ascertains whether officers of the guard are guilty of such charges, but BORAH failed to accept the offer, which was plainly incumbent upon him, if he believed his own accusation. He can not say that he knows Government money is being embezzled and refuse to do anything about it. Nor can he utter such a charge, if baseless and cruelly slanderous, against men who have proved their patriotism by unselfish service extending over many years, without provoking the strongest condemnation for a course so contemptible. The Senate should at once adopt the suggestion of Senator CUMMINS, and demand that the Senator from Idaho place his information on record or be branded as an irresponsible calumniator of better men.

Adj. Gen. Stewart and the adjutants general of other States should proceed at once to Washington and demand investigation of these reckless charges, and BORAH, failing to prove his assertions, should be pilloried before the country as a deliberate falsifier. It is clearly up to the responsible heads of the National Guard to insist upon a determination of the truth or falsity of accusations directly accusing their organization of the embezzlement of Government funds and they have every right to make such a demand upon the Senate as an act of simple justice to the guard and of common honesty to the country.

Also an editorial from the Gazette-Times, of Pittsburgh, Pa., on Tuesday, April 16, 1916, showing what that great State is doing for the National Guard:

NEW ARMORY BEGUN, GOOD!

Altogether in keeping with the current American spirit was the breaking of ground yesterday for an addition to the Emerson Street Armory of the First Regiment Pennsylvania Field Artillery. It is a step in that preparedness for defense of the Nation which is demanded by practically all of our people. It makes a fitting answer to such gatherings as that one in a downtown theater on Sunday under the auspices of the “American Union against militarism.” The American people are as much against militarism, in the opprobrious sense in which the leaders of the Sunday gathering employ it, as are the most ardent pacifists. But they know the value of military force when rightly employed, and they are determined that this country shall be put in condition to make good its just claims before the world. The work is proceeding rather slowly in Congress, though time presses and the urgency of the situation is apparent to all but such as the gentlemen who led the theater gathering; so it is especially good to witness enhancement of the effectiveness of the National Guard of Pennsylvania.

The antimilitarists ridiculed our Army in Mexico, according to the accounts of the meeting. Why? Simply because it has been impossible, on account of our unpreparedness, to perform the duty thrust upon us with the dispatch that ought to characterize such undertak-

ings. We could not get a good start. We were not ready with the means to support the regiments sent into Mexico and at the same time protect the border. When our boys got a few hundred miles from the international boundary there was difficulty in keeping communications open. We did not have enough men. If we are going to have more trouble, the Army must be reenforced. The first call must be made upon the National Guard, the citizen soldiers of the States. That being well understood, it is the part of wisdom to provide them with proper quarters and drill halls. Pennsylvania is doing that, as is evidenced by the provision making for the new regiment of artillery. It were better to applaud such efforts and help them along than to spend time in ridiculing preparedness and accusing of selfishness men who are promoting a proper spirit for national safety.

I also submit herewith a short statement by Maj. Edward Martin, of Waynesburg, Pa., regarding the mobilization of one of the battalions of the Tenth Regiment when called a few days ago for duty:

At 12.45 a. m. Wednesday morning Col. Coulter called me by telephone and stated that the regiment had been ordered to assemble in its armories in contemplation of strike duty in the vicinity of Pittsburgh. He stated that five companies had been ordered to mobilize at Greensburg and the other companies in their company armories. He directed me to notify “K” of Waynesburg, “A” of Monongahela, “B” of New Brighton, and “H” of Washington, and all of the field and staff in the territories of the Second Battalion.

I immediately placed a call for the following officers, and got in communication with them at the time indicated: Capt. Montgomery, 12.50 a. m.; Lieut. Yohe, Monongahela, 1.10 a. m.; Capt. Hartland, 1.15 a. m.; Lieut. Craft, 1.30 a. m.; Lieut. Harris, 1.50 a. m.; Capt. Aiken, 2.10 a. m.; Capt. Fish, 3.05 a. m.; Maj. Thompson, 3.40 a. m. Maj. Thompson was not reached sooner owing to the fact that he was away from home.

Capt. Hartland called me at 3 a. m., stating that he was in touch with all of his men in the State, and that they were all on the road to the armory.

Company A, with all their men accounted for except two, took breakfast in the armory and were ready to leave for the zone of the strike, with full force, except the two, accounted for at 6.30 o’clock in the morning.

Capt. Aiken had 50 men and 3 officers in the armory ready to move at 7 o’clock in the morning.

Capt. Montgomery had 30 men and 2 officers ready to move at 7 o’clock in the morning, and at 11 o’clock had 50 men ready to move. Capt. Montgomery was delayed owing to the fact that he was unable to reach the boys in the country districts until after 7 o’clock, as the switchboards of the telephones were closed until that time. Capt. Montgomery and Lieut. Ross were both using the phone as soon as they were accessible, and several men came a distance of 10 miles and more and were ready to take the train leaving Waynesburg at 11.15 o’clock in the morning.

Capt. Fish had 45 men and 3 officers in the armory ready to move at 7 o’clock in the morning.

I could have had three companies of my battalion in Pittsburgh very easily at 9 o’clock in the morning by myself taking our 6.25 train, and could have had the whole battalion there by the time our regular 11.15 train arrives in Pittsburgh, which is 1.30.

Immediately after getting in touch with the company commanders I arranged with the superintendent of our local railroad for a special train if it was necessary for us to leave promptly.

The men have been living entirely in the armory since the call was made, and the other companies are in just as good shape as the companies of this battalion. They have been conducting drills, having rifle practice, and making general improvements and repairs about the various armories.

Do not understand from my remarks that the members of the National Guard from the different States are opposing any of this preparedness legislation. They do, however, question whether both the volunteer army, so called, and the National Guard purposed as a Federal force can both exist for any great length of time.

They claim that the men needed to fill the ranks of the National Guard are the same class of men who may, for a short time, be attracted to the new plan, but that in the years to come, when the excitement of the present is over, the volunteer army will gradually disappear, and the National Guard having been made to feel that it is not a part of the first line of defense, but regarded as a State force only, will necessarily lose much of its enthusiasm for service and will have degenerated into the weaker organizations of former years.

If Congress in its wisdom, however, should decide on organizing this additional force, I believe I speak for the membership of the National Guard when I say that these men as loyal, patriotic citizens, recognizing the need of a greater armed force in this country, will give this new organization their united support and encouragement. They know that patriotism is best expressed in service.

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

Mr. CRAGO. I ask unanimous consent to extend my remarks by inserting two editorials from newspapers.

The SPEAKER. Is there objection to the gentleman’s request?

There was no objection.

Mr. HAY. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. MCKENZIE].

The SPEAKER. The gentleman from Illinois [Mr. MCKENZIE] is recognized for five minutes.

Mr. MCKENZIE. I dislike very much to differ from my distinguished colleague [Mr. KAHN], the ranking member of the

Military Affairs Committee on our side of the House; but when I have followed him in that committee along certain paths in which he had aided me and when he has helped instruct me to stand for certain propositions, then, when he changes his mind and turns back on those points, I refuse to follow him. [Applause.]

Mr. KAHN. Will the gentleman inform the House when I went back on my paths?

Mr. MCKENZIE. I refer particularly to the volunteer continental army scheme.

Mr. KAHN. This is not the continental army scheme. This is another matter, a different matter altogether.

Mr. MCKENZIE. I hope the gentleman will not take my time. Now, Mr. Speaker, I take it that we are all in favor of national defense, but we differ somewhat as to the methods of achieving what we call adequate national defense.

In the Committee on Military Affairs of the House, after long hearings and listening to the officers of the Army, we decided to report a bill fixing the number in the Army at such a figure as could be filled up by enlistments without compulsory military service. When we got the bill into the House it was amended by a proposition which we thought perhaps would encourage enlistments to a certain extent. The Senate Committee on Military Affairs reported the bill providing for 178,000 men. The amendment we are now considering was tacked on in the Senate, and when I heard that the conferees had agreed that the Army should consist of 175,000 men of the line, I felt that that was a wise agreement; that perhaps under the amendment adopted in the House we could get 175,000 men and do what we pretend we are going to do—give the people such an Army as we provide for in this law.

The amendment we are now considering provides that at no time in peace shall the Army, exclusive of the Quartermaster Corps, Hospital Corps, and Philippine Scouts, exceed 250,000 men. Now, what does that mean to the layman? What does that mean to the different associations over this country that are sending us copies of the resolutions passed by them? What does that mean in the editorials of the great newspapers of this country? It means that they understand that we propose to give them an army of 250,000 men. My fellow Members of this House, we can not afford to be other than honest with ourselves. The gentleman from California [Mr. KAHN] appears before you this morning and attempts to make you believe that it does not mean an army of 250,000 men, that it means only such an army as the President may see fit to enlist. Well, we might get a pacifist President, like the great William J. Bryan, who would not enlist any army at all, and then where would we be? Let us be honest. If it means 250,000, put the teeth in it, my good friend from California, and provide for getting those men. When you talk about men enlisting because we have changed the form of enlistment in the way we did in this House, it is nonsense. There might be the possibility that a psychological condition of mind would overcome the young men of this country, and they would enlist in the Army for \$15 a month when they can get \$40 a month on the farm; but I want to say to you Members of this House that I do not believe they will do it. Therefore let us be honest with the people and give them an Army that we can fill up with men and say to them, "This is the best we can do without compulsory military service or increasing the pay of the soldiers. If that satisfies you, all well and good." But do not let us perpetrate a fraud on the people of America. [Applause.] We can not afford to do it, and that is what this amendment means. It means deception. It means an Army of 250,000, only in so far as officers are concerned, but not men.

Now, just a moment. In the committee we fought out the question of the volunteer army, and we decided that, in our judgment, the National Guard of this country was a preferable and a more dependable force than such a volunteer army, and therefore we reported that to the House. From the testimony before us we realized that these two bodies could not exist in the same place. One or the other must go down; and believing that, we decided that the guard was the more dependable body, and gave it our support; and when a man stands on this floor saying that he is a friend of the National Guard and at the same time prepares this dagger to stick into the back of the National Guard I feel that he is inconsistent. [Applause.]

Mr. HAY. I yield five minutes to the gentleman from Kansas [Mr. CAMPBELL].

Mr. CAMPBELL. Mr. Speaker, every citizen of the Republic, from the President to the humblest citizen of the land, ought to do everything within his power, consistent with the honor, the integrity, and the security of the Nation, to prevent the first step that leads to war by the United States now or at any time in the future. [Applause.] The gentleman from California [Mr. KAHN] says that the President should be given authority

to increase the Army of the United States during the recess of Congress when he deems the danger to the Republic imminent. The Constitution of the United States wisely provides that the Congress of the United States shall declare and make preparation for war. [Applause.] It would be inconsistent with the Constitution and with the principles of the Republic for the President, in control of diplomatic negotiations, to have in his control at the same time the power to increase the Army of the United States in connection with his diplomatic negotiations. [Applause.] It would be placing the war-making power in the hands of the Executive; because every jingo in the country, when Congress was convened, would say, "Are you going to stand by the President?" when the President had already, in effect, declared war or taken steps from which there would have to be a backdown—or go on to war. Gentlemen, are you going to leave it to the Representatives of the people who do the fighting to declare war, under the Constitution, or are you going to give the President the war-making power in violation of the Constitution?

The gentleman from California says we need 250,000 men to-day on the Mexican border. If so, let Congress ask for that number of men for that purpose, not for a permanent standing army of that number in the United States. [Applause.] If we ask for 250,000 men to defend the Republic, we will have them by Saturday night. [Applause.] If we ask for 500,000 men, or any number that is needed for that purpose, we will have them by Saturday night. Two hundred and fifty thousand men would not feed the present man-destroying implements of war for 10 days. If we are in imminent danger, if we need an army for the Nation's defense to-day, 250,000 men are not enough. Inventive genius has provided implements of destruction in war that to-day eat men up by the tens of thousands and by the hundreds of thousands. Men are no longer slain by the sword alone. They are slain by thousands, eaten up by liquid fire, destroyed by deadly gases, and mowed down by every implement of death. The wars of the future will be fought with greater fury than the wars of to-day, if wars are not prevented altogether.

Statesmanship of the highest order can and should keep the nations out of war. [Applause.] The first step that leads to war should not be taken, and the last step that leads to war should be taken only when every possible effort has been used to prevent it. Mr. Speaker, ever since I have been in Congress, now near 14 years, there has been a war scare every time Army and Navy appropriations have been under consideration. I have favored, and shall favor, a strong Navy and an Army large enough for a frame to which to build if an invading army comes. It would be insane to try in this country to keep a standing army in time of peace to serve us in case of war, the way wars are fought to-day. If we ever have war with any first-class power, we will have to have millions, not thousands, of men. So I say wise statesmanship should take us away from rather than in the direction of war or the first step that leads to war. At this time when men are being swept off the earth by hundreds of thousands in an indefensible war, it is no time for a peaceful Republic enjoying peace with all the world, except that it is chasing bandits in Mexico, to place the power of making war in the hands of the President of the United States, as section 2 of this bill does in effect. [Applause.]

Mr. HAY. Mr. Speaker, I yield five minutes to the gentleman from Tennessee [Mr. HOUSTON].

Mr. HOUSTON. Mr. Speaker, when we come to consider the question of agreeing to the provisions of the Senate amendments or adhering to those in the House bill I shall stand by the House bill. I do not favor a standing army in times of peace of 250,000 men. I am content to rely upon the number provided for in the House bill. If we should become involved in real war, neither would answer our needs. Then we would have to raise a volunteer army, as we always have. But the provisions of the House bill will supply the necessary officers and means of training to organize and instruct the army then called into existence.

I am convinced that it is our duty at this time to make greater preparation than we have to protect and defend ourselves, because after serious consideration of the conditions that now envelop so much of the civilized world I am unwilling to imperil my country by not making preparation to ward off and repel dangers that might come to us. I hope and pray that no war may come and that no enemy may approach our shores, but when we consider the war now raging across the ocean and the complications arising we can but realize possible dangers.

Now, having said this much, I want to say that we should have no war with any nation abroad—and I trust our troubles with Mexico may be tided over without a conflict between the

two nations. I do not think we should go to war with Mexico to protect the private fortunes of those who have gone there to embark in doubtful enterprises and make money out of advantages they have obtained in that country. I have no sympathy with those who have gone there to thus make money and want this Government to furnish a standing army to protect them in their exploitations. Let all such take the consequences of their own adventure rather than involve this Nation in a war that would cost the taxpayers millions of dollars and forfeit the lives of thousands of our young men. [Applause.]

But while I do not believe this country should be involved in a war to protect private rights of questionable virtue, yet I realize the time may come when patience shall cease to be a virtue and this Nation can not properly permit anarchy to reign in Mexico, with the constant infringement of the real rights of our citizens and the all too-frequent destruction of the lives of innocent Americans. No man can view the situation on our border without feeling that this country must be prepared to protect our people and compel obedience to the rights of the United States.

I sincerely trust and believe that by moderation and patience we may keep at peace with all nations, and we have cause to rejoice to-day that the prospects are more encouraging for the peaceful settlement of existing troubles. With courage and wisdom, President Wilson has met the gravest issues and solved questions new and more difficult than have confronted any of his predecessors.

I trust we may do nothing to provoke war or to develop a warlike spirit. I consider the jingo and the militarist enemies to the common good. Nothing is more revolting to the real patriot than the expressions we hear and read that the action of our Government in the complications arising between us and other nations is "weak," "timid," and "vacillating." The man who would attempt to excite passion and take the hazard of rushing our Nation into war merely to play the rôle of the braggart and bully, or who would excite prejudice against the administration for partisan advantage, deserves the condemnation of every patriotic citizen. [Applause.] In times like these patriotism should rise superior to partisanship. No real American ever needed prodding to fire his courage or stir his patriotism. If the hour shall come when the liberties or the honor of the United States shall need defense, there will be no lack of response to such a call. And I believe the hitherto invincible American will be invincible still.

But, Mr. Speaker, with a full sense of the responsibility resting upon us, we must face conditions as they exist, and do what our sober judgment tells us is necessary to enable the patriotism and bravery of our people to find adequate means to protect the country.

I do not believe it is practicable or desirable to create a large standing army in time of peace. We have no desire to imitate the example of the militaristic nations of Europe; but it is essential that we shall create such organization as shall be capable of quick expansion in time of need. This, I believe, we have successfully done in the legislation that has been so ably carried through this House by the distinguished chairman of the Committee on Military Affairs. I have gladly supported him in this regard, and propose to do so to-day.

And, Mr. Speaker, I trust that this House, while safeguarding the water power of America from the grasp of monopoly, will provide for such development of that power as will enable us to cheaply manufacture nitrate, thus freeing us from dependence on Chile and giving us the ability to manufacture in any quantity powder. And it is not the less gratifying to me that in thus making provision for a great national military need we may at the same time as an incident to such work provide a larger and cheaper supply of fertilizer for the benefit of the farmers of our country.

I believe we should increase our naval strength and proceed in the work of making additions to and perfecting our coast defenses. We can make no mistake in equipping our country in the material necessary in time of war, that the bravery and patriotism of our people may not needlessly be called upon when the test shall come.

Mr. Speaker, I desire to speak no word in a spirit of alarm. I trust we may remain at peace with all the world, and my reason tells me there is now no just cause to carry us into war; but I believe we should take these steps for security.

I have heretofore opposed creating a large Navy. Least of all do I favor a large standing army in times of peace. I deplore that spirit for war or thirst for glory that is created by "the roll of the stirring drum." We should know no glory but our country's good. I believe that the House bill provides a nucleus around which to formulate an Army and furnish the instruc-

tion necessary to understand the arts and methods of modern warfare.

A large standing army in time of peace is not only a burden to our people but a menace to our free institutions. I shall be the last man, by any action of mine, to invite or provoke war. It is barbarous, and usually may be avoided.

Our Government has blazed the way for human liberty and furnished the pattern for free institutions to all the world, and now let us hope to carry the light of peace to warring nations and aid in ending the greatest and bloodiest struggle in all history. [Applause.]

But if any other nation shall force us into a war of self-defense, then when the hour of necessity comes we must be prepared to defend our altars and our fires. And acting upon this principle I for one am in favor of heeding the warning given us by our great President, the watchman upon the tower, who must know better than we when dangers are imminent or perils are gathering near. I believe in him. I have unwavering faith in his patriotism, and I trust his wisdom. [Applause.]

Mr. KAHN. Mr. Speaker, I yield to the gentleman from Kentucky [Mr. FIELDS].

[Mr. FIELDS addressed the House. See Appendix.]

Mr. KAHN. Does the gentleman from Virginia intend to close with one speech?

Mr. HAY. No; I have one more speech, and I yield five minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, I do not think the time has arrived, I hope the time never will arrive, in our country when the strength and the fervor of a man's patriotism will be judged or determined by the size of the military establishment for which he stands. [Applause.] If that were a proper test of patriotism, the good patriot would not be the honest man who believes in a standing army of 150,000 men, or even 250,000, but the demagogue who, taking advantage of the momentary public excitement, would insist on a standing army of 500,000 men. [Applause.]

It has been demonstrated as thoroughly as a matter of that kind can be demonstrated that we can not in this country, under volunteer enlistments, secure an army of over about 150,000 men. Therefore any increase of the Regular Army above that size is an act of foolishness and futility.

But what is proposed in the Senate amendment is more than that. The gentleman from California [Mr. KAHN] says, "Very well, if the men do not volunteer or if the President does not enlist them, we will not have them to pay for." But in the Senate amendment we give the President authority to provide for all the organizations, not only the specific organizations provided for in the amendment, but general authority to organize regiments and companies not to exceed 250,000 enlisted men on a peace strength.

I have faith in the patriotism of the President, but I know and we all know the pressure that would come upon him immediately the Senate provision became a law to organize all these units and organizations that would give half of the officers now in the Regular Army field rank and the other half, including those who have just graduated from the Military Academy, the rank of captain and upward. [Applause.] So, whether we add another enlisted man or not, by the Senate provision we would have an enormous top-heavy, expensive military organization. If the President organized these forces we would, of course, pay for them. It is not conceivable that Congress will at any time have so lost faith in the President that it will not provide for the men and units of the Regular Establishment which he had organized. So that whether we secure more enlistments or not, we are certain, under the Senate provision, to have a largely increased number of units, a largely increased number of officers, and therefore not only an expensive but a top-heavy and altogether inadequate Military Establishment.

The second proposition is the old continental army, discredited and disapproved everywhere, with no friends anywhere in the country, except among the friends of conscription. It comes to us under a new title and revamped form, and yet the idea is the same old discredited volunteer army. If you can not fill up the Regular Organization under enlistment, how are you going to get a volunteer army under volunteer enlistment? And if you do get a volunteer army, what is to become of your National Guard? [Applause.]

Back of the continental army and this Federal volunteer army is the shadow of conscription and universal compulsory military service. The House provision will, in fact, provide as large a Regular Army as we can get under volunteer enlistments. About 150,000 men, as many, in fact, as we need in time of peace, and in time of war we must in any event depend on volun-

teers. The Senate provision which would give us 250,000 in time of peace if the men would enlist, would, in fact, give us no more men than the House provision, because the men would not enlist in time of peace. It would, however, give us a large number of officers and organizations, great expense, and little to show for it.

Mr. HAY. Mr. Speaker, I have but one more speech, I will say to the gentleman from California.

Mr. KAHN. Mr. Speaker, I yield the balance of my time to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, I repeat I am against war and in favor of preparation against the possibility of war. [Applause.] I hope that we will keep out of war, but I believe it is wiser to spend some money and effort in being prepared if war comes than to waste treasure and blood in getting preparation after war has begun. There will be two votes on this motion, one on section 2, which authorizes the President practically to increase the Regular Army to 250,000 men, and the other on section 56, authorizing a volunteer army. There is a limitation in the House bill of 140,000; it is a limitation. Section 2 of the Senate bill makes a limitation of 250,000.

The principal argument we have heard to-day against the Army of 250,000 is that we can not raise them. How childish an argument! If we can not raise them, there can be no objection to that limitation. The question is whether we may need them—and we may need them.

Gentlemen say that section 56 is the continental army over again, and my colleague says that those who favor it have reversed themselves. Section 56, which apparently these gentlemen who have spoken against it have never read, only authorizes the President to carry into effect an act which we passed on April 25, 1914, two years ago—reported unanimously from the Committee on Military Affairs and passed unanimously in the House, in contemplation of raising a volunteer army when emergency arose.

Those who think there is no emergency in the world, who think that there are no clouds either in the sky or upon the horizon, who are satisfied that peace reigns throughout the world, ought not to carry into effect this act which two years ago we passed in contemplation of the possibilities which might arise, and no one then contemplated, even in his imagination, the terrors which have since arisen and which cause the emergency. Why did we pass the act at that time if it were not, under conditions like these, to authorize the President to carry them into effect? Did the Committee on Military Affairs two years ago by this act then provide for a volunteer army which they now denounce? This is not the continental army over again. It is to authorize the President now to provide a needed army in order that they may be trained, and which, when the emergency has passed, may be disbanded and sent back to their peaceful pursuits. We ought to have trained men. We need the National Guard for the training which it gives, and we need the volunteer army in order that we may train them under governmental supervision. We need the increase in the Regular Army that we may have the first line of defense prepared for war. Having provided these, we will have shown that we have some common sense, and then, if we have common sense, to go further and keep out of war, we will show that we are capable of self-government [applause]; but if we fail to provide against the possibilities of war in these days when war is hovering over the world, when danger lurks in every corner, when trouble may come from every side, we write ourselves down as incapable of managing the affairs of a great people. [Applause].

Mr. HAY. Mr. Speaker, the President of the United States has so far been able to keep this country out of war, and, looking to what is now taking place in Europe, we may expect that the country will still be kept out of war. [Applause on the Democratic side.] I am sorry that the gentleman from California [Mr. KAHN], in his desire to impress upon the House the importance of an army of 250,000 men, invited the countries of Europe to come here and make war upon us to obtain in this war an indemnity for their loss. He must have been very much perturbed, he must have wanted much to make an impression upon the House, or he would never have extended such an invitation. But we may rest assured that the countries of Europe are not coming across the water to exact from us any indemnity. We may rest assured that this country, having preserved the peace thus long during this great crisis in the world's history, has the respect of the world, and that we will have no war to meet, and, therefore, that it is unnecessary to place upon the citizens of this country for all time the burden of a standing army of 250,000 men. The gentleman from Illinois [Mr. MANN] says if you can not raise the men what harm is there in it. Why, my friends, the people who are behind this movement for an army of 250,000 men are

telling us every day that you can not raise them except through compulsory military service. They want you to make the experiment under the present system so that they will be able to come back here and tell you that you must have compulsory service or you can not get the men necessary to defend the country. That is their purpose in advocating this army of 250,000 men. It is their purpose in advocating the volunteer army of 261,000 men. Trained men! Why, if this is put into effect, if you adopt section 56, what sort of trained men will you have? Men who only train 30 days in a year, and you want to put that against the National Guard, because you can not have both. You must choose to-day whether you will have the volunteer army or the National Guard. I for one do not propose to vote to put upon this country both the National Guard and the volunteer army. The expense of one is enough without having another burden of that sort placed upon the people for no reason at all, and if the House to-day votes in favor of the volunteer army I shall consider it as an instruction not to insist upon a provision in the bill for the National Guard.

Mr. Speaker, this subject has been talked over and talked over, and I want to appeal to the common sense of this House not to vote for provisions in order to fool the people of this country. The men who are telling us to vote for an Army of 250,000 men are doing it for the purpose of going to the country and saying, we have got 250,000, and everybody knows that we can not get them—and what is more, in time of peace we ought not to have them. [Applause.] Suppose these measures which these gentlemen advocate go into law and are effective. Suppose you can get 250,000 men in the Regular Army. What does that cost? Two hundred and fifty million dollars a year. Suppose you can get 261,000 men in the volunteer army, what does that cost under the provisions of this section? Under the provisions of this section the President, while he can train them in field service for only 30 days, can train them at home every day in the year, and under the provisions of the bill they receive the same pay as men and officers of the Regular Army, and that means \$261,000,000 a year—a half billion dollars that you propose to vote upon the taxpayers of this country in addition to what the National Guard will cost. That is what you are opening up an avenue to do, and I appeal to you as men of sense, as men who have the best interest of the country at heart, to let the conferees do what they ought to do with the Regular Army, and not to vote up this volunteer army, but let the country have a sane and sensible and reasonable preparation and not place upon the people of the country an enormous burden of taxation. [Applause.]

The SPEAKER. Under the special agreement the first vote is on agreeing to section 2 of the Senate bill. The Chair thinks the Clerk had better read it.

The Clerk read as follows:

Page 105 of the printed bill:

Sec. 2. Composition of the Regular Army: The Regular Army of the United States, including the existing organizations, shall consist of 64 regiments of Infantry, 25 regiments of Cavalry, 21 regiments of Field Artillery, Coast Artillery Corps, the brigade, division, corps, and Army headquarters, with their detachments and troops.

Mr. HAY. Mr. Speaker, the House understands they are voting on an Army of 250,000 men.

The SPEAKER. Then there is no use in the Clerk reading any further. The question is on a Regular Army of 250,000 men—

Mr. HAY. Mr. Speaker, I ask for the yeas and nays.

The SPEAKER. The gentleman from Virginia demands the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 141, nays 222, answered "present" 1, not voting 69, as follows:

YEAS—141.

Austin	Curry	Garland	Johnson, Wash.
Beales	Dale, N. Y.	Gillett	Kahn
Bennet	Dale, Vt.	Glynn	Kearns
Borland	Dallinger	Gould	Kennedy, R. I.
Britt	Danforth	Greene, Mass.	Kent
Britten	Dempsey	Greene, Vt.	King
Browning	Denison	Griffin	Lewis
Bruckner	Dooling	Guernsey	Linthicum
Burke	Dunn	Hadley	Loft
Cannon	Dyer	Hamilton, Mich.	Loud
Capstick	Edmonds	Haskell	McAndrews
Carew	Elston	Hawley	McArthur
Carter, Mass.	Emerson	Hayes	McDermott
Cary	Farley	Hernandez	McFadden
Chandler, N. Y.	Farr	Hicks	McKinley
Charles	Fitzgerald	Hill	Madden
Chiperfield	Foehl	Hopwood	Magee
Coady	Foss	Howell	Mann
Cooper, W. Va.	Freeman	Hulbert	Meeker
Cooper, Wis.	Fuller	Humphrey, Wash.	Miller, Del.
Copley	Gallagher	Husted	Miller, Minn.
Crago	Gardner	Johnson, S. Dak.	Montague

Moore, Pa.	Phelan	Sinnott	Tilson
Moore, Ind.	Platt	Slemp	Timberlake
Moss, W. Va.	Porter	Smith, N. Y.	Tinkham
Mott	Powers	Snell	Treadway
Mudd	Pratt	Snyder	Walsh
Nolan	Price	Stafford	Wason
Oakey	Roberts, Mass.	Steele, Pa.	Wheeler
Oglesby	Roberts, Nev.	Stephens, Cal.	Wilson, Fla.
Olney	Rogers	Stiness	Wilson, Ill.
O'Shaunessy	Rowe	Stone	Winslow
Paige, Mass.	Russell, Ohio	Sullivan	Wood, Ind.
Parker, N. J.	Sanford	Swift	
Parker, N. Y.	Sells	Talbot	
Patten	Siegel	Temple	

NAYS—222.

Abercrombie	Doughton	Kennedy, Iowa	Rubey
Adair	Dowell	Kettner	Rucker
Adamson	Dupré	Key, Ohio	Russell, Mo.
Aiken	Eagle	Kincheloe	Sabath
Alexander	Edwards	Kinkaid	Saunders
Almon	Ellsworth	Kitchin	Scott, Mich.
Anderson	Esch	Konop	Shallenberger
Anthony	Estopinal	La Follette	Sherley
Ashbrook	Evans	Lazaro	Sherwood
Aswell	Ferris	Lenroot	Shouse
Ayres	Fess	Lever	Sims
Bailey	Fields	Lieb	Sisson
Barkley	Finley	Lloyd	Slayden
Barnhart	Flood	Lobeck	Sloan
Beakes	Foster	London	Small
Bell	Frear	McClintic	Smith, Idaho
Black	Gandy	McCracken	Smith, Mich.
Blackmon	Gard	McCulloch	Smith, Tex.
Booher	Garner	McGillenuddy	Steagall
Browne	Garrett	McKellar	Stedman
Buchanan, Ill.	Glass	McKenzie	Steele, Iowa
Buchanan, Tex.	Good	McLaughlin	Steenerson
Burgess	Goodwin, Ark.	McLemore	Stephens, Miss.
Butler	Gordon	Mapes	Stephens, Nebr.
Byrnes, S. C.	Gray, Ala.	Matthews	Stephens, Tex.
Byrns, Tenn.	Gray, Ind.	Mays	Sterling
Callaway	Green, Iowa	Miller, Pa.	Stout
Campbell	Gregg	Mondell	Summers
Candler, Miss.	Hamlin	Moon	Sweet
Caraway	Hardy	Morgan, La.	Taggart
Carlton	Harrison	Morgan, Okla.	Tavenner
Carter, Okla.	Hastings	Morrison	Taylor, Ark.
Church	Haugen	Moss, Ind.	Taylor, Colo.
Clark, Fla.	Hay	Murray	Thomas
Cline	Hayden	Neely	Thompson
Collier	Hedlin	Nelson	Tillman
Connelly	Heigesen	Nicholls, S. C.	Towner
Cooper, Ohio	Heim	Oldfield	Tribble
Cox	Helvering	Oliver	Van Dyke
Cramton	Henry	Overmyer	Venable
Crisp	Hensley	Padgett	Vinson
Crosser	Holland	Page, N. C.	Volstead
Cullop	Hollingsworth	Park	Walker
Davenport	Hood	Quin	Watson, Va.
Davis, Minn.	Houston	Ragsdale	Webb
Davis, Tex.	Howard	Rainey	Whaley
Decker	Hughes	Raker	Williams, T. S.
Dent	Hull, Iowa	Ramseyer	Williams, W. E.
Dewalt	Hull, Tenn.	Randall	Wilson, La.
Dickinson	Humphreys, Miss.	Rauch	Wingo
Dies	Igoe	Rayburn	Wise
Dill	Jacoway	Reavis	Woods, Iowa
Dillon	Johnson, Ky.	Reilly	Young, N. Dak.
Dixon	Jones	Ricketts	Young, Tex.
Doolittle	Keating	Rodenberg	
Doremus	Kelley	Rouse	

ANSWERED "PRESENT"—1.

Cantrill

NOT VOTING—69.

Allen	Godwin, N. C.	Lee	Schall
Bacharach	Graham	Lehlbach	Scott, Pa.
Barchfeld	Gray, N. J.	Lesher	Scully
Brumbaugh	Griest	Liebel	Sears
Burnett	Hamill	Lindbergh	Shackelford
Caldwell	Hamilton, N. Y.	Littlepage	Smith, Minn.
Casey	Hart	Longworth	Sparkman
Coleman	Heaton	Maher	Sutherland
Conry	Hilliard	Martin	Switzer
Costello	Hinds	Mooney	Tague
Darrow	Huddleston	Morin	Vare
Driscoll	Hutchinson	Nichols, Mich.	Ward
Drukker	James	North	Watkins
Eagan	Keister	Norton	Watson, Pa.
Fairchild	Kiess, Pa.	Peters	Williams, Ohio
Flynn	Kreider	Pou	
Fordney	Lafean	Riordan	
Gallivan	Langley	Rowland	

So the motion of Mr. KAHN as to section 2 was rejected.

The Clerk announced the following pairs:

For this vote:

Mr. PETERS (for section 2) with Mr. HILLIARD (against).

Mr. FAIRCHILD (for section 2) with Mr. LEE (against).

Mr. SCULLY (for section 2) with Mr. LITTLEPAGE (against).

Mr. BACHARACH (for section 2) with Mr. SHACKLEFORD (against).

Mr. DRUKKER (for section 2) with Mr. BURNETT (against).

Mr. GRAY of New Jersey (for section 2) with Mr. SEARS (against).

Mr. LONGWORTH (for section 2) with Mr. POU (against).

Mr. HAMILTON of New York (for section 2) with Mr. HUDDLESTON (against).

Until further notice:

Mr. LESHER with Mr. SWITZER.

Mr. WATKINS with Mr. NORTH.

Mr. CALDWELL with Mr. FORDNEY.

Mr. CONRY with Mr. LAFEEAN.

Mr. BRUMBAUGH with Mr. MOONEY.

Mr. CASEY with Mr. HINDS.

Mr. MAHER with Mr. COLEMAN.

Mr. FLYNN with Mr. DARROW.

Mr. DRISCOLL with Mr. COSTELLO.

Mr. GODWIN of North Carolina with Mr. KIESS of Pennsylvania.

Mr. HART with Mr. SCOTT of Pennsylvania.

Mr. RIORDAN with Mr. WARD.

Mr. ALLEN with Mr. NORTON.

Mr. CANTRILL with Mr. LANGLEY.

Mr. GALLIVAN with Mr. HEATON.

Mr. HAMIL with Mr. GRIEST.

Mr. TAGUE with Mr. GRAHAM.

Mr. EGAN with Mr. KEISTER.

Mr. SPARKMAN with Mr. BARCHFELD.

For this session:

Mr. LIEBEL with Mr. ROWLAND.

The result of the vote was announced as above recorded.

The SPEAKER. The vote will now be taken on agreeing to section 56 of the Senate bill.

Mr. KAHN. Mr. Speaker, may I ask that that section be read?

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

SEC. 56. The volunteer army: The President is hereby authorized, at any time, to organize, maintain, and train, under the provisions of sections 3 to 12, both inclusive, of an act entitled "An act to provide for raising the volunteer forces of the United States in time of actual or threatened war," approved April 25, 1914, volunteer forces, not exceeding an average of 600 officers and enlisted men for each congressional district. The term of enlistment, which shall in no event be greater than that of the Regular Army, the period of service with the colors and with the reserve, and the period of training shall be as the President may prescribe, those passing to the reserve to have the status and obligations prescribed for reserves of the Regular Army: *Provided*, That as reserves no compensation shall be paid except for actual services. Officers and enlisted men of the volunteer forces raised under the provisions of this section shall be entitled to the pay and allowances of officers and enlisted men of corresponding grades in the Regular Army during periods of training only: *Provided further*, That without the consent of Congress such volunteer forces shall not be called out for field service for more than a total period exceeding 30 days in any one year.

Temporary appointments and promotions of officers of the Regular Army arising from the operation of this section may be terminated at the discretion of the President.

Officers of the Regular Army who receive commissions in the volunteer army herein authorized shall in time of peace receive the pay and allowances of their respective grades in the Regular Army, and no more.

The SPEAKER. The question is on agreeing to the amendment.

Mr. MANN. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 109, nays 251, answered "present" 2, not voting 71, as follows:

YEAS—109.

Austin	Farley	La Follette	Roberts, Nev.
Bennet	Farr	Loft	Rogers
Britten	Fields	Loud	Rowe
Bruckner	Foss	McArthur	Sanford
Cannon	Freeman	McFadden	Sells
Capstick	Fuller	McKinley	Siegel
Carew	Gardner	Magee	Smith, N. Y.
Carter, Mass.	Gillet	Mann	Smith, Tex.
Cary	Glynn	Mapes	Snell
Chandler, N. Y.	Gould	Miller, Del.	Snyder
Charles	Greene, Mass.	Moore, Ind.	Stepford
Chiperfield	Griffin	Moss, W. Va.	Stephens, Cal.
Coady	Guernsey	Mott	Stiness
Cooper, W. Va.	Hadley	Mudd	Sullivan
Copley	Haskell	Nolan	Swift
Curry	Hayes	Oakey	Tilson
Dale, N. Y.	Hernandez	Oglesby	Tinkham
Dallinger	Hicks	O'Shaunessy	Treadway
Danforth	Hill	Paige, Mass.	Walsh
Darrow	Hopwood	Parker, N. J.	Wason
Dempsey	Hulbert	Parker, N. Y.	Wheeler
Dewart	Humphrey, Wash.	Patten	Wilson, Ill.
Dooling	Husted	Phelan	Winslow
Dunn	Johnson, Wash.	Platt	Wood, Ind.
Edmonds	Kahn	Porter	
Elston	Kennedy, R. I.	Pratt	
Emerson	King	Roberts, Mass.	

NAYS—251.

Abercrombie	Aswell	Blackmon	Burke
Adair	Ayres	Booher	Butler
Adamson	Bailey	Britt	Byrnes, S. C.
Aiken	Barkley	Browne	Byrns, Tenn.
Alexander	Barnhart	Browning	Callaway
Almon	Beakes	Brumbaugh	Campbell
Anderson	Beales	Buchanan, Ill.	Candler, Miss.
Anthony	Bell	Buchanan, Tex.	Caraway
Ashbrook	Black	Burgess	Carlin

United States under the act of August 5, 1909, the act of February 4, 1910, and the act of March 2, 1911, relating to the issue of bonds for the construction of the Panama Canal, to a total amount not to exceed \$20,000,000: *Provided*, That any Panama Canal bonds issued and sold or used under the provisions of this section may be made payable at such time after issue as the Secretary of the Treasury, in his discretion, may deem advisable, and fix instead of 50 years after date of issue, as in said act of August 5, 1909, not exceeding 50 years."

Mr. LENROOT and Mr. FOSTER rose.

Mr. FOSTER. Mr. Speaker, I offer an amendment.

The SPEAKER. The gentleman from Illinois [Mr. FOSTER] offers an amendment.

Mr. MANN. Mr. Speaker, I submit that this side of the House is entitled to recognition.

The SPEAKER. I think that is correct. The gentleman from Wisconsin [Mr. LENROOT] is recognized.

Mr. LENROOT. Mr. Speaker, I offer an amendment to the original section.

Mr. FOSTER. Being, recognized, Mr. Speaker, I think I have the right to offer an amendment.

The SPEAKER. The Chair can not hear what the gentleman says.

Mr. FOSTER. I said I thought I had the right to offer an amendment to this amendment.

Mr. MANN. You will have that right.

Mr. HAY. I suggest, Mr. Speaker, that all gentlemen who desire to offer amendments may be permitted to do so, so that all phases of this matter may be voted upon.

Mr. MANN. There is no difficulty about it at all. The gentleman from Wisconsin [Mr. LENROOT] is offering an amendment.

Mr. FOSTER. The gentleman from Wisconsin is no more entitled than I am. It seems to me I ought to have the right.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Illinois [Mr. FOSTER] and then the other.

The Clerk read as follows:

Amendment offered by Mr. FOSTER: Strike out all of the third paragraph of the amendment and insert the following:

"That the products of such plant shall be used by the President for military and naval purposes, to the extent that he may deem necessary, and any surplus which he shall determine is not required shall be sold and disposed of by him under such regulations as he may prescribe."

The SPEAKER. Now the Clerk will report the amendment offered by the gentleman from Wisconsin [Mr. LENROOT].

The Clerk read as follows:

Amendment offered by Mr. LENROOT: Amend Senate amendment to H. R. 12768 by striking out of said amendment lines 14 to 25, inclusive, on page 206, and lines 1 and 2, on page 207, and inserting in lieu thereof the following:

"That the Secretary of War is authorized and directed to investigate and to recommend for designation or withdrawal such dam sites and water-power sites as in his opinion will be necessary for carrying out the purposes of this act.

"That the Secretary of War, the Secretary of the Interior, and the Secretary of Agriculture are constituted a commission whose duty it shall be to ascertain the most practicable means and comparative costs of producing within the United States nitrogen compounds by the fixation of atmospheric nitrogen or otherwise needed for munitions of war and useful in the manufacture of fertilizers and other useful products. In making such investigation the commission may utilize the various agencies of the Government and may cooperate with States or other agencies in the performance of its duties.

"It shall as early as practicable, not later than December 1, 1916, report the facts ascertained together with its recommendations to the President, which recommendations shall include the designation of a site or sites for the construction of a plant or plants for the purposes aforesaid.

"If the commission shall recommend the production of such nitrogen compounds through the utilization of water-power sites, then the Secretary of War is hereby authorized to construct, maintain, and operate at or on any water-power site designated or withdrawn by the President and recommended by the commission as herein provided dams, locks, power houses, and other plants and equipment necessary or convenient for the generation of electrical or other power and for the production of nitrates or other products needed for munitions of war and nitrogen compounds useful as or in the manufacture of fertilizers.

"If such commission shall recommend the production of such nitrogen compounds by means other than the utilization of water-power sites, the Secretary of War is likewise authorized to construct, maintain, and operate at any point recommended by such commission as aforesaid plants and equipment of such character as may have been recommended by such commission as herein provided: *Provided*, That no expenditure shall be made or contracts entered into by the Secretary of War requiring an expenditure for the construction of said plant or plants of a greater amount than the appropriation hereinafter made: *Provided further*, That no expenditure shall be made or contracts entered into for the construction of any dam or plant herein authorized until such processes, patented or otherwise, necessary for the operation of such plants and for the manufacture of such products are first secured."

Further amend by striking out lines 11 to 15, inclusive, on page 207, and insert in lieu thereof the following:

"That the products of such plants shall be used by the Secretary of War and Secretary of the Navy for military and naval purposes to the extent that they may deem necessary, and any surplus which they shall determine is not so required shall be sold and disposed of by the Secretary of Agriculture under such regulations as he may prescribe."

The SPEAKER. The gentleman from Virginia [Mr. HAY] is entitled to 40 minutes and the gentleman from California [Mr. KAHN] to 40 minutes.

Mr. HAY. Mr. Speaker, I will ask if anybody else wants to offer any further propositions. Does the gentleman from South Carolina [Mr. LEVER] want to offer an amendment?

Mr. LEVER. No.

Mr. HAY. I want to say, Mr. Speaker, that if anybody wants to offer an amendment, he ought to do it now. It ought to be pending. There will be no five-minute debate after the general debate is ended.

Mr. LEVER. Mr. Speaker, with that statement, I offer the following amendment to the amendment offered by the gentleman from Wisconsin [Mr. LENROOT]. I offer it to the second amendment.

The SPEAKER. The Clerk will report it.

Mr. MANN. Let that be offered by unanimous consent. Let us see what the status would be.

The Clerk read as follows:

Mr. LEVER offers the following as a substitute for the amendment offered by Mr. LENROOT: "That the Secretary of War, the Secretary of the Navy, the Secretary of the Interior, and the Secretary of Agriculture are constituted a commission whose duty it shall be to ascertain the practicability and best means of producing within the United States nitrogen compounds by the fixation of atmospheric nitrogen or otherwise and of obtaining potash from kelp, alumite, feldspar, or any other material for use in the manufacture of munitions of war and fertilizers.

"The commission may utilize the various agencies of the Government and may cooperate with States and with private persons or agencies in carrying out its purposes, and shall report to Congress as early as practicable, not later than the first day of the next regular session of this Congress, the facts ascertained, together with recommendations for action by Congress and the draft of a bill to carry out such recommendations.

"The commission may elect a chairman, and the funds appropriated for its use shall be paid out on warrants signed by him, or by an acting chairman designated by him, drawn on the Secretary of the Treasury.

"There is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, available until expended, the sum of \$50,000, to enable the commission to carry out its purposes, including the hire of experts, clerks, and other employees, and payment of rent, traveling and other expenses, within and outside of the District of Columbia.

"To provide an adequate supply of nitrogen compounds produced by the fixation of atmospheric nitrogen or otherwise, and to provide an adequate supply of potash for the military and agricultural needs of the United States, the appropriation hereafter of such sum or sums as may be necessary is hereby authorized."

Mr. LENROOT. Mr. Speaker, reserving a point of order upon it, this is a substitute for the entire section. My amendment amends only certain portions of the section. Therefore I shall have to make a point of order. I do not think there will be any difficulty in securing a separate vote upon this proposition.

Mr. HAY. I ask unanimous consent, Mr. Speaker, that all these propositions may be voted upon.

Mr. LEVER. That is satisfactory to me.

The SPEAKER. The gentleman from Virginia [Mr. HAY] asks unanimous consent that all these amendments and substitutes, and so forth, be voted for by the House. Is there objection?

There was no objection.

Mr. SMALL. Mr. Speaker, I offer an amendment.

The SPEAKER. To what?

Mr. SMALL. To the amendment offered by the gentleman from Virginia [Mr. HAY].

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

Amendment offered by Mr. SMALL to the substitute offered by Mr. HAY: After the word "other," in line 7, strike out the word "power" and insert the word "method."

Mr. LENROOT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LENROOT. As the amendments now stand, would I not be entitled to a vote upon my amendment in advance of the other propositions that have been made, mine being an amendment to the original section?

Mr. HAY. The vote on the substitute comes first.

The SPEAKER. This unanimous consent to offer all these things knocks the rule endwise.

Mr. MANN. There has not been any unanimous consent to offer them all, has there been?

The SPEAKER. Yes. The gentleman is mistaken. It has not been two minutes since the gentleman from Virginia [Mr. HAY] asked unanimous consent.

Mr. MANN. We did not understand it that way.

The SPEAKER. The Chair can not help that.

Mr. MANN. I think the Chair should help.

The SPEAKER. The Chair put the question, as he always does, and nobody objected.

Mr. MANN. The Chair did not state the question. I understood it only related to the Lever amendment. I have no objection, though.

Mr. HAY. I asked unanimous consent that all gentlemen should have the right to offer these amendments and that they

should be voted upon at some time during these proceedings. As I understood, the Chair put the question.

The SPEAKER. The Chair did put the question.

Mr. MANN. What the Chair stated was, "Is there objection."

The SPEAKER. And nobody objected.

Mr. MANN. That is true; but hereafter when the Chair states that, I shall object unless the Chair states the question. We understood that it related only to the Lever amendment. I want everybody to have a chance to offer amendments, but it is important to know in advance the order of voting.

Mr. HAY. I know, and that is a thing that the Speaker must decide.

Mr. MANN. We ought to have it decided in advance, then; and, as I understand—

The SPEAKER. The Chair carried out the technical rule exactly. The Official Reporter's notes show that the Chair said that the gentleman from Virginia asked unanimous consent that all of the amendments and substitutes be voted on, and the Chair asked if there was any objection, and nobody objected. That is what the Official Reporter's notes show.

Mr. MANN. I have no doubt that is what the Official Reporter's notes show, but that is not the question.

The SPEAKER. What is the question?

Mr. MANN. As the Chair just stated, it was that all those amendments should be voted upon.

The SPEAKER. That is all the Chair could state.

Mr. MANN. But it was not in order to offer them.

The SPEAKER. The Chair knows that technically under the rule you can have one amendment, an amendment to the amendment, a substitute for that, and one amendment to the substitute. That is the rule, and when the gentleman from Virginia [Mr. HAY] got unanimous consent that these amendments should be voted on, as the Chair stated a while ago, that knocked the rule in the head temporarily.

Mr. SLAYDEN. Knocked it endwise, the Speaker said.

Mr. HAY. I will say to the gentleman from Illinois—

Mr. MANN. I have no objection to the amendments being offered, but we would like to know what the order is as to voting before we give consent.

Mr. HAY. There is no trouble about that.

The SPEAKER. There will be no trouble about that.

Mr. MANN. That remains to be seen.

The SPEAKER. The vote is first on the amendment to the substitute. That is Dr. FOSTER's amendment.

Mr. HAY. As a matter of fact, Mr. Speaker, neither one of these propositions is a substitute. They are both amendments to the section.

The SPEAKER. The gentleman offered his substitute. Then the gentleman from Illinois [Mr. FOSTER] offered an amendment to that. The gentleman from Wisconsin [Mr. LENROOT] offered an amendment, or a paper that from the hasty reading of it seemed to the Chair to be a substitute.

Mr. MANN. No; to the original text.

Mr. LENROOT. To the original text, not to strike out all.

The SPEAKER. Then in the fourth place the gentleman from South Carolina [Mr. LEVER] offered a substitute. Then the gentleman from North Carolina [Mr. SMALL] offered an amendment to the substitute. Now, the Chair thinks that the proper order of voting would be that the amendment of the gentleman from Illinois [Mr. FOSTER] be voted on first, and the amendment of the gentleman from Wisconsin [Mr. LENROOT] be voted on second; then, that the substitute of the gentleman from Virginia [Mr. HAY] be voted on, and if that is agreed to that is the end of it.

Mr. SHERLEY. If the Chair please, the motion made by the gentleman from Virginia [Mr. HAY] does not differ in its character from that made by the gentleman from Wisconsin [Mr. LENROOT]. At the instance of the gentleman from Illinois [Mr. MANN] it was suggested that a motion ought to be made by someone to agree to this amendment of the Senate, and then these other amendments would come in; whereupon the gentleman from Virginia [Mr. HAY] made that motion, and with it the amendment which he sent to the desk and which was read. Now the gentleman from Wisconsin [Mr. LENROOT] offered in lieu of that an amendment to section 122, and that is exactly what the gentleman from Virginia [Mr. HAY] has done. He has offered an amendment to section 122.

Mr. LENROOT. Will the gentleman yield?

Mr. SHERLEY. Yes.

Mr. LENROOT. The gentleman from Virginia has offered a substitute for section 122. I have offered a simple amendment.

Mr. SHERLEY. The gentleman is mistaken in fact, because what happened was this: The gentleman from Virginia moved that section 122 be agreed to, and he did it at the suggestion of

the gentleman from Illinois, and then immediately followed it with an amendment. In other words, if the motion be agreed to—

Mr. LENROOT. The gentleman is mistaken about what took place.

Mr. SHERLEY. The record will show.

Mr. LENROOT. We know what took place, but the gentleman is mistaken as to the—

The SPEAKER. The gentleman from Virginia [Mr. HAY] made two motions, and they have nothing in the world to do with each other.

Mr. MANN. Mr. Speaker, the gentleman from Virginia [Mr. HAY] offered a motion that it be the sense of the House that section 122 of the Senate amendment be agreed to, because that was necessary, under the rule that was adopted, to get in another amendment.

The SPEAKER. Yes; that is correct.

Mr. MANN. Then the gentleman from Virginia offered a substitute for section 122. We had figured the matter out. The gentleman from Virginia could offer an amendment to section 122, to strike out all after the first word, and if he had we should have offered a substitute for it, to make it six of one and half a dozen of the other. Then the gentleman from Illinois, my colleague, Dr. FOSTER, offered an amendment to the substitute. Then the gentleman from Wisconsin, Mr. LENROOT, offered an amendment to the original text. So far, that is easy, and that is as far as you could go under the ordinary rule.

The SPEAKER. Yes.

Mr. MANN. And under that the first vote in order would be upon perfecting the original text of the bill and then on perfecting the text of the substitute, and then on the substitute.

Mr. HAY. That is the Hay substitute.

Mr. MANN. Yes. Then the gentleman from South Carolina, Mr. SMALL offered what he called a substitute, though, of course, he could not offer a substitute except by unanimous consent, to the motion of the gentleman from Wisconsin [Mr. LENROOT] and several others. Now, of course, you can not vote on the substitute of the gentleman from Virginia first, because if it is agreed to that ends everything. We do not care how we vote, so that we understand. Having got beyond the parliamentary stages of amendment, we must have an understanding and agreement as to how the vote is to be taken.

Mr. LEVER. Will the gentleman yield for a question?

Mr. MANN. Certainly.

Mr. LEVER. As I understood it the gentleman from Virginia [Mr. HAY] in his first motion moved that the sense of the House is not to agree to the Senate amendment.

Mr. MANN. No; to agree. That is the form of the motion. That motion had to be made.

Mr. LEVER. To agree to the Senate amendment; yes.

The question I wish to ask is, Will that be a straight vote unencumbered by amendments to the substitute?

Mr. MANN. Undoubtedly there will be a straight vote on that.

Mr. HAY. It seems to me that I having offered a substitute and the gentleman from Illinois [Mr. FOSTER] having offered an amendment to that substitute, the first vote is on his amendment to the substitute.

The SPEAKER. No question about that.

Mr. HAY. Very well; when the substitute is perfected then the vote comes, I take it, on the amendment of the gentleman from Wisconsin [Mr. LENROOT] who desires to perfect the text.

The SPEAKER. Yes.

Mr. HAY. Then it comes on the substitute offered by the gentleman from South Carolina [Mr. LEVER] if that is still where it can be gotten up. Then some other gentleman over on that side seemed to want to offer some amendments.

Mr. MANN. That is all we want to get at, to know the order of voting.

Mr. FERRIS. Mr. Speaker, irrespective of, and way beyond the offering of amendments, the gentleman from Virginia [Mr. HAY] asked unanimous consent that a separate vote be had on each proposition in the order that they were offered. The Speaker of the House put the motion and there was no objection heard. The gentleman from Illinois now comes in and wants to change that because he says he did not understand it. I submit that if there was a bona fide misunderstanding—

The SPEAKER. Here is what the gentleman from Oklahoma gets wrong. The reporter's notes do not show, and I do not think it ever happened, that the gentleman from Virginia made any request that they be voted on as they were offered.

Mr. HAY. No; the request I made was that everybody who wanted to offer an amendment be allowed now to offer it. That was all.

The SPEAKER. The only question bothering anybody now is to get at the order in which the various propositions that are contrary to the rule shall be voted on.

Mr. FERRIS. I submit that the chairman of the committee, who offered the original proposition under a tacit consent, should have his proposition voted on first.

Mr. SHERLEY. Mr. Speaker, if the Chair will permit, I think the matter can be arrived at by unanimous agreement. As long as consent is being given that a vote be had on every amendment, it must follow that we shall arrange not to have a vote come on an amendment at a stage at which it can not properly have any effect. I suggest that it ought to be this, that the amendment offered by the gentleman from Virginia—

Mr. MANN. To perfect the text of the substitute.

Mr. SHERLEY. First to perfect the text of the substitute offered by the gentleman from Virginia; then there should be a vote on the amendment to the one offered by the gentleman from Wisconsin [Mr. LENROOT].

Mr. LENROOT. There is none pending.

Mr. SHERLEY. I understood the gentleman from South Carolina [Mr. LEVER] offered one.

Mr. LENROOT. I made a point of order, and he withdrew it.

Mr. SHERLEY. Then let the vote come on the amendment of the gentleman from Wisconsin; and if that carries there will then come a vote on the motion of the gentleman from Illinois. If it is voted down, then there comes a vote on the motion of the gentleman from Virginia—

Mr. MANN. That is all right; that is perfectly agreeable. Let us see if we understand it. As I understand the gentleman's proposition, it is that the final vote shall be taken on the first motion that we agree to the Senate amendment 122; that the vote before the final vote shall be had on perfecting the substitute of the gentleman from Virginia.

Mr. HAY. I did not understand that; I understood the Speaker to say that the first vote was on the amendment of the gentleman from Illinois [Mr. FOSTER].

Mr. MANN. I have not got to that yet.

Mr. FITZGERALD. Why does not the gentleman from Illinois state it in the reverse order?

Mr. MANN. The first vote should be on the amendment, either in the order or reverse order, as the gentleman from Kentucky said, but he did not say which, to the Hay substitute.

Mr. SHERLEY. I do not think it matters. What you have to do is to perfect the Hay substitute.

Mr. MANN. The order in which they are offered or the reverse order—it is immaterial to me.

Mr. SHERLEY. I do not care.

Mr. LENROOT. I would like to inquire whether as a matter of parliamentary law we are not entitled to perfect the original section before any amendment is voted upon to a substitute?

Mr. HAY. This is not an original section; this is a part of an amendment of the Senate.

Mr. LENROOT. For this purpose it is considered a separate section.

Mr. HAY. It is not; it does not come within the usual parliamentary procedure. We are considering a proposition contained in one section of the Senate amendment, and the proposition is, I offer a substitute for that section and the gentleman from Illinois [Mr. FOSTER] offers an amendment to the substitute and the gentleman from Wisconsin offers an amendment to the section. I thought it was understood that we should first perfect the substitute I offered and then vote on the amendment offered by the gentleman from Wisconsin and then vote on the substitute.

The SPEAKER. That is easy enough down to where you strike the amendment of the gentleman from North Carolina. What becomes of him?

Mr. HAY. If the proposition of the gentleman from Wisconsin is voted down, then we can vote on the amendment offered by the gentleman from North Carolina.

Mr. LEVER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LEVER. There are a number of us here who desire a straight vote on the Senate proposition.

It seems to me, as the parliamentary situation stands, there can be no direct vote on the proposition, and it looks to me as if it would expedite matters if we could have a separate vote on the Senate proposition. If that is voted down, then these other propositions would logically follow.

Mr. MANN. That can not be done.

Mr. LEVER. We are taking up a lot of time here the other way in not getting a separate vote.

Mr. MANN. Mr. Speaker, I am going to make a request for unanimous consent, after I call the attention of the Chair to the rules.

The SPEAKER. This whole matter is entirely out of the usual rule, and the only thing to do is to get a unanimous-consent agreement as to how to vote on these various propositions. If we do not get an agreement, the Chair will exercise the best sense he has as to which amendment shall be voted on first.

Mr. MANN. The Chair I suppose will observe the rules as far as they apply.

The SPEAKER. The Chair will observe the rules as far as they apply.

Mr. MANN. Under the agreement section 122 of the Senate amendment is before the House, with the right to offer amendments to it. The rule—Rule XIX—provides:

When a motion or proposition is under consideration, a motion to amend and a motion to amend that amendment shall be in order, and it shall also be in order to offer a further amendment by way of substitute, to which one amendment may be offered, but which shall not be voted on until the original matter is perfected.

That clearly states whether you shall vote on the amendment to the original text or on the substitute first, and states that while all of these amendments or motions may be pending at one time the vote is first taken on the motion to perfect the text. I ask unanimous consent that the vote may first be taken on the amendments to perfect the text of section 122.

The SPEAKER. Is that the Lenroot amendment?

Mr. MANN. And the Lever amendment in the order in which they are offered, and that then the votes may be taken on the amendments to perfect the substitute in the order in which they are offered.

Mr. LEVER. Why would not the gentleman give us a separate vote on the Senate proposition first and then these other matters will work out easily? There are a number of us who would like to have a separate vote on it.

Mr. MANN. Suppose on a separate vote the House should determine, with nothing else before it, that it was the sense of the House that section 122 be agreed to. Then there would be nothing else left.

Mr. LEVER. That is what we would like to have done.

Mr. MANN. I know, but the gentleman wants to prevent us voting on any other proposition, and we will not consent to that.

Mr. HAY. Mr. Speaker, for the purpose of leaving the whole matter with the Speaker, I object.

Mr. MILLER of Pennsylvania. That is right, and that ought to have been done half an hour ago.

The SPEAKER. If the whole thing is left with the Speaker, this is the order in which the vote will be taken. The first vote will be taken on the Lenroot amendment. That goes to perfecting the text. Then the vote will be on the Foster amendment to perfect the substitute of the gentleman from Virginia [Mr. HAY]. Then the vote will be taken on the Small amendment to perfect this extraordinary substitute of the gentleman from South Carolina [Mr. LEVER].

Mr. HAY. But, Mr. Speaker, the gentleman from North Carolina [Mr. SMALL] offered an amendment to the substitute which I offered.

The SPEAKER. Then that is to be voted on after the Foster amendment. Then the vote will be on the Lever amendment as a substitute for the substitute.

Mr. STERLING. Mr. Speaker, I have an amendment which I desire to offer to the original text.

The SPEAKER. The gentleman will send it up, and the Clerk will report.

The Clerk read as follows:

Amendment by Mr. STERLING: Page 207, strike out lines 20 to 23, inclusive.

Mr. ANTHONY. Mr. Speaker, I have an amendment that I would like to offer.

The SPEAKER. What is it to?

Mr. ANTHONY. Section 122.

The SPEAKER. To perfect the text?

Mr. ANTHONY. It is a substitute for the section.

The SPEAKER. We have two substitutes now.

Mr. ANTHONY. But it has been the understanding that section 122 was open to amendment and that all amendments would be pending, so I desire to offer it.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. On the amendments offered as substitutes for the original text, I take it that the first vote would be on the Hay substitute.

The SPEAKER. Yes.

Mr. MANN. If that should be agreed to, would there be anything else left of the other substitutes offered? I do not see how there could be myself.

THE SPEAKER. The Chair will state it over again. The first vote will be taken on the Lenroot amendment. The second vote will be on the Sterling amendment because it is an amendment to perfect the text. The third vote will then be taken on the Foster amendment to the Hay substitute. The fourth vote will be on the Small amendment to the Hay substitute.

MR. LEVER. Mr. Speaker, I think probably I can help cut the Gordian knot by asking unanimous consent to withdraw my amendment.

THE SPEAKER. The Chair is much obliged to the gentleman. [Laughter and applause.] The gentleman from South Carolina withdraws his amendment. Then the vote will be taken on the Hay substitute as perfected.

MR. ADAMSON. Mr. Speaker—

THE SPEAKER. Then on the Hay substitute as perfected.

MR. ADAMSON. Mr. Speaker, I would like to propound a parliamentary inquiry to the Speaker. There is pending here on the calendar a substitute for the Shields bill, reported by the Committee on Interstate and Foreign Commerce, that if passed would guarantee the use of private capital for all these desired projects. I want to know whether if it would be in order anywhere in connection with all this complicated situation to offer that bill as a solution?

THE SPEAKER. The Chair does not think it would be germane. The gentleman from Virginia is recognized for 40 minutes.

MR. MANN. What becomes of the Anthony substitute?

THE SPEAKER. Is the paper sent up by the gentleman from Kansas an amendment or a substitute?

MR. ANTHONY. I sent up a substitute.

THE SPEAKER. Is it a substitute or an amendment?

MR. ANTHONY. It is offered as a substitute.

THE SPEAKER. For what?

MR. ANTHONY. For section 122.

THE SPEAKER. The Chair knows, but the gentleman from Virginia has offered a substitute.

MR. ANTHONY. I ask that my substitute be considered after that of the gentleman from Virginia is considered.

THE SPEAKER. All right. The gentleman from Virginia is recognized for 40 minutes.

MR. FITZGERALD. If this substitute is offered, I am going to make a point of order against it. Mr. Speaker, I make the point of order that no other substitute is in order.

THE SPEAKER. The Clerk will report the Anthony substitute.

MR. HAY. There was unanimous consent asked to offer the substitute.

THE SPEAKER. Yes; and the Chair has ordered the Clerk to read it.

The Clerk read as follows:

That a commission of three officers of Engineers shall be designated by the Secretary of War to investigate and report at the earliest date practicable on the most desirable site for the location for the establishment of hydroelectric power for the purpose of the location of a plant for the manufacture of atmospheric nitrogen, and that the President is hereby authorized to select the most desirable location, and the construction of dams, power houses, and the installation of suitable machinery is hereby authorized: *Provided further*, That the President is also authorized to approve, should he deem it advisable, a contract with such responsible manufacturers of atmospheric nitrogen as will pay the United States not less than 3 per cent per annum on the value of site, dam, and power plant, and reserving to the Secretary of War the right to use such manufacturing plant exclusively if necessary for the purposes of the Government in time of war, and to equitably regulate the prices at which these products shall be sold in time of peace.

MR. HAY. Mr. Speaker, I desire to be recognized for five minutes—that is, I want the time called at the end of five minutes. Mr. Speaker, if there is any one proposition that makes for preparedness in this bill it is the proposition to establish a nitrate plant through which the Government can manufacture powder enough to supply its needs in time of war. At present the Government and every other powder manufacturer in this country has to rely upon the Chilean nitrate beds for the nitrates which are necessary to manufacture powder. I am opposed to the proposition of the gentleman from Wisconsin [Mr. LENROOT] because it provides for a commission and postpones the preparation which we ought to make at once. I am opposed to the proposition of the gentleman from South Carolina [Mr. LEVER] for the same reason. I want to see the House authorize a nitrate plant and appropriate the money to put it up and have that done as soon as possible. [Applause.] I know nothing about this question of water power that seems to enter into this proposition. All I want is to give the Government the power to do this and to do it at once, and all these questions of water power I leave for other gentlemen to settle, and ask the House in the final analysis to vote for a

plant and to vote for the money to build it. I reserve the balance of my time. [Applause.]

THE SPEAKER. The gentleman has used three minutes.

MR. KAHN. Mr. Speaker, I yield 20 minutes to the gentleman from Wisconsin [Mr. LENROOT].

MR. LENROOT. Mr. Speaker, the gentleman from Virginia [Mr. HAY] has just stated that he knew nothing about the water-power proposition in connection with this question, and that ignorance upon his part, and that alone, excuses the gentleman from Virginia for offering a substitute in the form in which he has offered it. Mr. Speaker, I have in times past expressed a fear that this water-power lobby, which has been so active and so pernicious about this Capitol, would get that which it desired from the conference committee upon this bill, and, Mr. Speaker, if the substitute of the gentleman from Virginia, as proposed, is adopted, this water-power lobby gets exactly what it wants. This water-power lobby then gets what it has been before the Committee on Rivers and Harbors trying to get, before the various committees of the House trying to get. The Muscle Shoals Water Power—

MR. GORDON. Will the gentleman yield?

MR. LENROOT. I can not yield now—selling to this company the surplus that is not needed for the governmental uses provided for in this bill to this American Cyanamide Co. something over 150,000 horsepower for \$3 per year, whereas they are now paying, this same company, at Niagara Falls, \$10.50 per year. That is the proposition. I am sorry, indeed, that the gentleman from Virginia has been led into it. The amendment that he has proposed is deceptive in itself. He has one provision that provides that there shall be no private cooperation in this business and he has another proposition absolutely inconsistent and in conflict with it that requires the sale of this surplus power to corporations, for what?

The manufacture of fertilizer means either the American Cyanamide Co. or the Du Pont Powder Co., for they have the only two processes known in the United States for the manufacture of fertilizer through fixed nitrogen.

Now, Mr. Speaker, the amendment I have proposed ought to appeal to every Member of this House. It provides that this entire matter be investigated by a commission consisting of the Secretary of Agriculture, the Secretary of War, and the Secretary of the Interior, with instructions to investigate the methods of obtaining fixed nitrogen and nitrogen compounds, with power to designate the site upon which a plant shall be constructed, and to make their recommendations to the President as soon as may be, but not later than December 1 next. If they find that the cheapest and best method is the extraction of this nitrogen from coal and peat and products of that kind, they may so recommend, and such a plant will be constructed. If they find that water power is the best means, they will recommend that. But until this investigation is made, until they make the report to the President, the Secretary of War is not authorized by my amendment to expend a single dollar, and he ought not to be.

Why, Mr. Speaker, it is unthinkable, almost, the way this situation comes before Congress. We have a proposition here upon which no committee of the House has ever taken any testimony or attempted to secure any information, except from Frank Washburn, the president of the American Cyanamide Co., and the corporations that he represents. Who is Frank Washburn? He is chairman of the board of directors of the Alabama Water Power Co., which is the Muscle Shoals proposition. He is president of the American Cyanamide Co., which has a plant at Niagara Falls. His associate is J. W. Worthington, director of the Alabama Water Power Co.; and, Mr. Speaker, inasmuch as the gentleman from Virginia [Mr. HAY] has offered this amendment and asked you upon the Democratic side of the House to follow him, I want to read into this Record a telegram from this same J. W. Worthington to N. C. Elting, Florence, Ala., dated March 7, right after the Army bill was reported, and which, as you know, contained an authorization for this kind of a plant. He says:

Will you please extend my thanks and hearty feeling of congratulations and encouragement to the courageous, upstanding, constructive people of Florence, and tell them that the bill introduced in the House by the Military Committee authorizing the development of water power and construction of atmospheric nitrogen nitric-acid plants, and Chairman HAY, in his report on the bill, in part says:

"The committee consider this question of the first importance in the consideration of preparedness for national security."

Mark what follows, with reference to this water-power lobby:

Our efforts, supported by the lead of Florence, secured the authorization for the proposed development, and if Florence will stand pat, put up, and see us through, we will get these plants. The total development with fertilizer plants established to cost \$50,000,000.

He boasts of the fact that it was this lobby that secured in this Army bill, reported by the gentleman from Virginia, the nitrate plant which this House voted out by a very large majority when it was originally before the House. And, Mr. Speaker, in connection with the efforts of some of these gentlemen, I want to submit to the House a very interesting matter. The Smithsonian Institution has been making some investigations of the different methods of securing nitric acid. They sent to the newspapers of the country a communication, to be published or released on May 6, which was last Saturday. It is as follows:

NATIONAL MUSEUM SHOWS SOURCE OF WAR NITRATES.

WASHINGTON, D. C.

One of the prime essentials in the manufacture of explosives is nitrogen. To-day this country's supply of nitrates is drawn solely from Chilean sources, which would become either unavailable or insufficient to meet the demands in case of war. In view of the importance of nitrogen as nitric acid for military purposes, therefore, it is worth while to know the available sources within the United States, and to this end the United States National Museum has just assembled an exhibit covering the situation.

As indicated in the exhibit, there are three sources of nitrogen, namely, mineral deposits of nitrogen in ores, nitrogen in the air, and nitrogen in coal, together with its present-day analogue, peat. Of the three, the first-named source is at present confined entirely in Chile, and it is doubtful whether any significant deposits will ever be uncovered in this country. The air is composed approximately of four-fifths nitrogen, and accordingly affords an absolutely unlimited source of nitrogen, if feasible means for its extraction were known. Much has been said recently about the discovery of a process of extracting it by means of electricity. It is a fact that, in passing through an electric arc, the oxygen and nitrogen of the air combine to form nitric oxide—a fact which accounts for the odor which is so often noticeable in the immediate vicinity of a flash of lightning.

Many attempts have been made to put this scientific fact on a practical basis, but thus far the only successful efforts in this direction have been made in Norway, where an enormous amount of water power is available for electric generation, and where at the same time, owing to limited manufacturing industries, relatively little of this hydroelectric power is needed commercially. In this country, however, all electric power developed finds a ready market for manufacturing purposes at prices which have thus far rendered its use in the fixation of nitrogen impractical.

There is one other method of recovering nitrogen from the air, known as the cyanamide process, but this, like the direct electrical method, is based fundamentally on the development of water power, and accordingly is open to much the same restrictions as the other process, although this country has one company, located at Niagara Falls, which is actively engaged in the manufacture of nitrogen by the cyanamide process.

The third source, that of nitrogen in coal, is of more practical nature, as is evidenced by the fact that Germany has been able to supply from this one source alone all of the vast requirements in connection with her present state of war. To do this, according to the most authentic statistics available, she has an annual yield of between 250,000 and 300,000 tons of ammonium sulphate from her by-product coking operations. Our own country to-day, according to the latest Geological Survey reports, is producing ammonium sulphate at the rate of 212,000 tons per year, or five-sixths of the total now available to Germany in her present extreme crisis. Moreover, with the wastefulness characteristic of this country's methods, sufficient additional coal is coked by old-fashioned methods to swell the total sulphate production, if saved, to 730,000 tons, or more than twice that of Germany. It is thus seen that without the least extension our present sources can more than care for any emergency, even while supplying all agricultural and other chemical needs.

The nitrogen liberated from coal, it is true, is in the form of ammonia, but its conversion to nitric acid is an extremely simple matter. Some years ago the famous German chemist Ostwald discovered that ammonia gas mixed with air and heated to a moderate temperature in the presence of a platinum wire was oxidized to nitric acid. Accordingly all that is necessary is to pass a correctly proportioned mixture of air and ammonia through a pipe supplied with a platinum wire and let the resultant gas exhaust into a vat of water. The reason why this simple procedure has not long since been put in practice by American manufacturers is that our by-product coke industry is really just in its infancy. The number of our by-products plants now in operation and saving the essentials of nitric acid as well as other valuable coal products is over 40, but the number is constantly increasing at the expense of the wasteful beehive type of oven, which only a few years ago reigned supreme in this country. This gradual elimination of the beehive type of oven in favor of the by-product oven is bound to continue, even if un hastened by any awakening to a real sense of our wastefulness. They are located characteristically at industrial centers, removed from the dangers of the seacoast, and, for the most part, constitute portions of the very type of works which would be called upon to furnish munitions supplies. In the event of war, therefore, an adequate nitrate supply should be among the simplest problems confronting this country.

On May 1 this communication went to the newspapers of the country, reading as follows:

SMITHSONIAN INSTITUTION,
May 1, 1916.

Kill article "National Museum shows source of war nitrates," released for May 6, and return in inclosed franked envelope for insertion of additional data and later publication.

H. W. DORSEY,
Chief Clerk Smithsonian Institution.

Mr. BUTLER. What does that mean?

Mr. LENROOT. I think this House surmises what that means. It means that this communication went to the newspapers of the country and some of the newspapers that were interested with this water-power monopoly communicated the fact, and the lobby here in Washington, through some influence,

secured the killing of that article by the Smithsonian Institution.

Mr. SHERLEY. Will the gentleman yield?

Mr. LENROOT. Yes.

Mr. SHERLEY. What is there in the Senate provision 122 that would in any way, if it was adopted in its present form, help any water-power company?

Mr. LENROOT. Only one.

Mr. SHERLEY. Put your finger on the language.

Mr. LENROOT. Only one; but nobody proposes, let me say to the gentleman—

Mr. SHERLEY. I propose.

Mr. LENROOT. The gentleman from Virginia does not propose to accept the Senate proposition.

Mr. SHERLEY. I do.

Mr. LENROOT. I will be very frank with the gentleman. There is a very serious question whether we can condemn patented processes so far as the manufacture of fertilizer is concerned, and the gentleman recognizes that is a question there; and my proposition proposes that before we expend money upon a proposition involving \$15,000,000 or \$20,000,000 that that question shall be first determined so that we may know, after we spend our \$15,000,000 or \$20,000,000, that we are going to be able then to get nitric acid and nitric-acid compounds.

Mr. RAGSDALE. Mr. Speaker, will the gentleman permit an interruption?

The SPEAKER. Does the gentleman yield?

Mr. LENROOT. No; I can not yield.

The SPEAKER. The gentleman declines to yield.

Mr. LENROOT. That is what the situation is, Mr. Speaker. This water-power lobby, infesting every nook and corner of this Capital, is boasting of the fact that it has secured the incorporation of what it desires in the Army bill, as reported to the House. Now it is fair to say that that same interest secured the killing of a communication sent out by the Smithsonian Institution of this city, because they knew that that information, if promulgated, would be detrimental to their proposition.

Now, the gentleman from Kentucky [Mr. SHERLEY] asked me a moment ago what there was in the Senate proposition that would be of interest or benefit to the water-power lobby. I will tell him further that the Senate amendment limits these plants to water powers. Both processes are controlled by a monopoly to-day. Let me read what Mr. Washburn, of the American Cyanamide Co., said in his statement before the Committee on Agriculture. I read:

The CHAIRMAN. Are their processes available to the general public, or are they controlled by one set of men in this country?

Mr. WASHBURN. They are controlled by one concern under patents. We have about 100 patents.

Mr. RUBEY then asked him this question:

Then the next year and the next year you would have additional patents, so that it never would come?

Mr. Washburn interrupted and said:

We propose that no time shall ever come when anybody can compete with us if it is within our power to prevent it.

Now, Mr. Speaker, if this House would act as a business man should act, it would adopt the proposition I have pending, which calls for a full and free investigation by three members of the Cabinet; to investigate the entire question; investigate the methods and cost and determine the sites. Then my proposition permits them to go ahead. There is no delay.

The substitute offered by the gentleman from Virginia [Mr. HAY] looks very fair upon its face. He proposes to put this matter into the hands of the President. I say it looks fair on its face, outside of the proposition that provides for the sale of all surplus power for the purpose of manufacturing fertilizer. But he puts it in the hands of the President. What does that mean? I am not criticizing the President; but it means that the President will turn it over to the Secretary of War, just as the President turned, and very properly turned, the Alaskan Railroad over to the Secretary of the Interior. The Secretary of War very naturally will turn the matter over to the Army engineers, and when we reach the Army engineers we reach Muscle Shoals and this same water-power monopoly.

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

The SPEAKER pro tempore (Mr. FITZGERALD). Does the gentleman yield?

Mr. LENROOT. Yes.

Mr. GORDON. Do you claim the engineers of the Army are controlled by any water-power trust?

Mr. LENROOT. I claim this, and it is not a claim of mine, because it is in black and white—

Mr. GORDON. Let us have your authority for it.

Mr. LENROOT. The Army engineers have recommended to Congress practically the proposition that these gentleman are trying to get.

Mr. GORDON. Is that proof of corruption, or proof that they are controlled by somebody?

Mr. LENROOT. I am not charging them with being corrupt or with being controlled. I am stating the facts, and the result of the matter, sir, is just as injurious if a man honestly recommends giving away a public right as if he does so corruptly. [Applause.]

Mr. MOORE of Pennsylvania. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore. Does the gentleman from Wisconsin yield to the gentleman from Pennsylvania?

Mr. LENROOT. Yes.

Mr. MOORE of Pennsylvania. The Senate amendment, as I recall it, calls for an appropriation of \$15,000,000. The Hay substitute calls for an appropriation of \$20,000,000. Can the gentleman explain why the additional \$5,000,000 is needed now?

Mr. LENROOT. From the best information I can get I will say this: On streams, other than Muscle Shoals, \$15,000,000 would undoubtedly be sufficient, but on Muscle Shoals it will require \$20,000,000.

Mr. MOORE of Pennsylvania. Then there must have been some additional information.

Mr. LENROOT. I have no doubt of it.

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

Mr. LENROOT. Yes.

Mr. SHERLEY. The gentleman wants to be fair, I know.

Mr. LENROOT. Certainly.

Mr. SHERLEY. But there is this difference between the Senate provision and that of the gentleman from Virginia: The Senate provision provides for making nitrates for war purposes, whereas the amendment of the gentleman from Virginia provides for making nitrates also for agricultural purposes.

Mr. LENROOT. The gentleman is mistaken. The Senate amendment does provide exactly what the amendment of the gentleman from Virginia provides for.

Mr. SHERLEY. Very well; all right; but I would rather trust my eyes than your memory.

Mr. LENROOT. It is patent to any Member of the House. There is this difference, that the Senate amendment provides that none of this power shall be disposed of, and that there shall be no private cooperation with plants in connection with the Government plant, while the amendment of the gentleman from Virginia provides that there may be that private cooperation, and that this same American Cyanamide Co., after this expenditure of \$20,000,000, may get the benefit of that \$20,000,000, except so much of the nitric acid as may be used for Government purposes.

Mr. MOORE of Pennsylvania. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman yield?

Mr. LENROOT. Yes.

Mr. MOORE of Pennsylvania. The gentleman from Virginia said he knew very little about water-power sites. His substitute, however, appropriates \$5,000,000 more than the amendment of the Senate. Can the gentleman give the reason for thus increasing the appropriation by one-fourth?

Mr. LENROOT. I am going to do the gentleman from Virginia the justice to say that I believe he is very ignorant about this question. If he had not been, it can not be possible that he would have offered the amendment that he did.

Mr. COOPER of Wisconsin. Mr. Speaker, will the gentleman yield for one question?

The SPEAKER pro tempore. Does the gentleman yield?

Mr. COOPER of Wisconsin. To see if I understand the gentleman from Wisconsin correctly.

Mr. LENROOT. Yes.

Mr. COOPER of Wisconsin. Did I understand the gentleman to say that the only testimony ever taken by the Committee on Military Affairs or by the Committee on Rivers and Harbors or any other committee was the testimony of Mr. Washburn, an officer of this corporation, and his associates?

Mr. LENROOT. So far as this nitrate plant is concerned, yes—except that there was some testimony from Gen. Crozier and another Army engineer.

Mr. GORDON. Will the gentleman yield for a question?

Mr. LENROOT. I can not yield. I want to answer this question; but I want to say that while this particular proposition was before the committee there were only two witnesses before the committee. One was Frank S. Washburn, whom I have referred to, and the other one was Maj. Burgess, the engineer in charge of the Muscle Shoals district, and when he was

asked by the committee what he knew about the nitrate proposition he said he did not know anything about it.

Mr. HAY. I yield five minutes to the gentleman from Illinois [Mr. FOSTER], and I understand the gentleman from California will also yield him five minutes.

Mr. KAHN. I yield him five minutes.

The CHAIRMAN. The gentleman from Virginia yields 5 minutes and the gentleman from California yields 5 minutes, and the gentleman from Illinois is recognized for 10 minutes.

Mr. FOSTER. Mr. Speaker, I hope that I am as good a conservationist on water power as is the gentleman who has just taken his seat [Mr. LENROOT]. The gentleman has done good service for the people in this regard, and I have been pleased to be associated with him in this valuable work. I can remember a time only a few years ago upon this floor when there were a number of bills upon the Unanimous Consent Calendar granting franchises for water-power sites, and that I raised my voice here each unanimous-consent day until permission was denied. So I do not think the gentleman from Wisconsin can take to himself all the credit of saving to this Government and to its people all the rights of this valuable asset of the Government.

The gentleman from Wisconsin [Mr. LENROOT] has told you that this means a water-power grab by some great water-power company. I want to call your attention to the fact that in the amendment offered by the gentleman from Virginia [Mr. HAY] the first paragraph provides not only that three Cabinet officers shall investigate this matter and report to the President, but it provides that the President shall make or cause to be made an investigation of the best means and the cheapest way to provide nitrogen for war purposes if necessary. He has the right to call on the Cabinet officers for assistance, and also any other person he sees fit, and then to take what steps in his judgment which are necessary to establish that plant by water power or by other means. It does not necessarily mean he will select water power for this work. Then the amendment which I have offered to the amendment of the gentleman from Virginia [Mr. HAY] provides that the Government shall not go in partnership with anybody, and that whatever surplus power is developed shall be used to make fertilizers and sold to the people. It preserves to the Government the exclusive control of this plant, so that it shall not go into the hands of any monopoly. Can you have a better provision than that? The gentleman from Wisconsin [Mr. LENROOT] failed to tell you these things.

Again, he reads to you a letter from the Smithsonian Institution, a letter that was recalled, as he told you. That letter, I understand, was gotten out in the absence of the curator, and when he returned to the Smithsonian Institution he saw what had been done and he took the proper steps to recall the letter.

Mr. SIMS. Will the gentleman state why he did that?

Mr. FOSTER. I will tell you why in my judgment he did it, because he found it was not correct, and in that case he properly withdrew the letter. Let me say this first: The gentleman speaks about Germany manufacturing such a large amount of nitrogen through its coke ovens. It is true, it has manufactured nitric acid from every conceivable source that was possible. When the war broke out they had in Germany, as I understand, a six weeks' supply of nitric acid on hand. They thought the war would be short. Then after they had gotten into Antwerp they found there a supply of nitric acid. They confiscated that and used it. Then they prohibited the burning of a pound of coal in the German Empire. They made it into coke, and in that way secured the products from the coal, and they manufactured nitric acid and explosives in that way. They used not only the cyanamide process, but they used the arc process and they used every process that it was possible for them to use, because they not only supplied nitric acid for their own country but they supplied very large amounts of nitric acid for Austria for the manufacture of munitions of war. Then it is necessary for Germany to use large quantities of fertilizer if they are to produce food products. Now, these are the facts, and when the gentleman from Wisconsin [Mr. LENROOT] talks about the use of coke ovens, let me say to my friend that it is true that they do develop a great deal of sulphate of ammonia from the coke ovens of the country. It used to be that all the coke was made in what is called the beehive oven, in which the volatile by-products escaped and were wasted; but in the last few years these by-products have been saved so they have been making large quantities of ammonia sulphate. I can give gentlemen the figures to show just what this amounts to. The production of ammonium sulphate and ammonia reduced to sulphate equivalents was 29,279 tons in 1901. It has increased each year from that time to the present. In 1915 there was produced a total of 212,000 tons. Now,

that looks like a large amount and it is increasing very largely, but let me say that with this large increase there was imported into this country in 1915, 67,434 tons of ammonium sulphate, so with what we made and imported there was consumed a total of 279,434 tons.

You must remember that more than one-half of all the products of the coke ovens goes now into the refrigerating business and into the chemical industries of the country. The other 50 per cent goes largely into the manufacture of fertilizer and not into munitions of war. Let me give you some more facts in reference to this matter: There is the cyanamide process of manufacturing nitric acid; there is the arc process; there is the Haber process; the manufacture from nitrate salts imported from Chile; and there is the product of the coke ovens, which is another process. Now, let us see what is the cost of these various processes. I do not know in the proposed plants what process would be used, but the cost of the cyanamide process is 20 per cent less than that produced by the Haber process and over 25 per cent less than that produced by the arc process, assuming that a reasonable power can be secured for the cyanamide per year. It may be assumed that the Haber process will find its place in the highly developed industrial communities, where the necessary skilled labor is available, although the power cost is slightly higher than the above figures because of location. So with this calculation it may reasonably be assumed that the cyanamide process is about \$50 or \$55 per ton for nitric acid; the Haber process at \$65 a ton, if made from Chilean nitrate, and cost about \$80 per ton, and from the by-products which come from the coke ovens, which is more expensive than either of the others, would cost about \$90 per ton for nitric acid, counting the cost of power at about \$8 per horsepower. I do not know what process the President would adopt, but the figures show that the cheapest way to manufacture nitric acid is by the cyanamide process, if a reasonable priced power can be secured. This plant, if established, would require possibly 20,000 or 25,000 horsepower—not to exceed that—to manufacture the 10,000 or 12,000 tons of nitric acid necessary for the use of the Army and Navy in time of peace. It would require at least 100,000 horsepower additional to produce the additional 180,000 tons of nitric acid in time of war. If they develop more than necessary in time of peace, shall we let that power go to waste? It seems to me we ought not to do that, but that we ought to apply the power for some good and useful purpose, which may be used in time of peace and will help the people of this country. What is it? In my judgment, we can not do better than to manufacture fertilizer, that will be sold to the farmers at a reasonable price in this country, and thereby increase the products of the soil.

Mr. HUMPHREY of Washington. Will the gentleman yield?

Mr. FOSTER. Yes.

Mr. HUMPHREY of Washington. If the statement made in the letter read by the gentleman from Wisconsin is true, will it be advisable from the standpoint of cost, as a matter of necessity in case of war, to manufacture it from air?

Mr. FOSTER. Yes; I think it would, but we do a great many things in war that we do not do in peace as cost is not then counted. We talk about manufacturing this product from coke ovens. Let me say that if the letter which the gentleman from Wisconsin read is true, what would be the result if you increase the supply of ammonia from coke ovens? There is no doubt that the products from the coke ovens will increase very materially in the next few years, may go beyond the consumption so that we will have an available supply for converting into nitric acid, in case war should come, a process much more expensive than by either of the other means of securing it as known at the present time.

It is very essential, in my judgment, that we should encourage the production of ammonium sulphate by the coke-oven process and not permit this valuable product to go to waste as it has been in the past. There was a time when the steel industry of the country had a prejudice against coke made from any other process than by the beehive oven, but now that prejudice is gone and manufacturers of iron rather prefer the new process in which all of these products are saved.

There is imported into this country each year 500,000 tons of nitrate of sodium salts of which 200,000 tons equivalent of 152,000 tons ammonia sulphate is used as fertilizer. The amount of nitrate fertilizer used in 1915 amounted to about 260,000 tons. No data are at hand to show what proportion of the amount of ammonia produced in this country is used as fertilizer, but it is probably not less than 50 per cent. The development of conserving by the completion of by-product ovens ought to continue until every part of the coke is made in all of the by-product ovens, and it is to be hoped the use of coke as a domestic fuel for heating and power may be increased

so as to increase the production of the by-product of coal. In some of the great cities the amount of coke used for domestic purposes is already very largely increased. In each of the cities of Detroit and Chicago the consumption of coke amounts to 200,000 tons per year. It is not at all improbable that in the near future large quantities of coke from by-product ovens will be used for other than metallurgical purposes, and if this should prove to be the case, the possible growth of the by-product industry and the consequent increase of the production of ammonia will be very large, and then the production of the ammonia sulphate from this process will also secure large amounts of toluol and benzol, which are used in the manufacture of explosives. The great difficulty in converting the by-product of the coke ovens to nitric acid is much more expensive than any other process.

The Secretary of Agriculture in the Reclamation Record of February, 1916, says, "In 1913 when conditions were normal about \$125,280,000 worth of commercial fertilizer was used in the United States; of this amount the farmer paid \$48,830,000 for nitrogenous substances, \$56,000,000 for phosphates, and \$20,450,000 for potash salts. Practically all of the potash salts were imported from Germany and the entire quantity of nitrate from Chile. Ammonia sulphate to the value of \$3,730,000 was received from abroad, mainly from England. The remainder of the fertilizer materials was derived from domestic sources," so to the farmers of this country the production of cheap fertilizer is a very important thing. Germany has largely increased the production of her soil by the use of large quantities of fertilizer and her production in comparison per acre to this country is very much larger. With whatever process it may be decided to secure this necessary amount of nitric acid in times of peace and in the emergency in times of war, we should look to the importance of some plan that will enable us to secure for our people an ample and cheap supply of fertilizer. You have to find a market for all the by-products of the coke oven, and that means the coke and all the by-products that come out of it. You have to dispose of them. I am with Members of this House in the fight to keep these valuable properties the Government now owns from falling into the hands of any monopoly. This House has always voted to conserve these valuable resources. It does not seem to me, however, we should sit still and refuse to do anything. Let us properly safeguard these franchises and have them used for the benefit of the whole people. With the amendment I have proposed to the substitute of the chairman of the Committee on Military Affairs there can come no harm to the people, for all this power will be reserved to the Government for the use of all the people. No monopoly can secure control of any water power under this amendment I have offered, and if the plant is built it must be owned and operated by the Government. I hope that my amendment will be adopted.

Mr. HAY. Mr. Speaker, I yield five minutes to the gentleman from Kentucky, Mr. SHERLEY.

Mr. SHERLEY. Mr. Speaker, the gentleman from Wisconsin [Mr. LENROOT] is not alone in his zeal to protect the country from the grasp of water power or other monopolies. I fought with him to prevent legislation that I thought was vicious touching the water power of America, and I am prepared to fight with him again when necessary. But I asked him the express question as to what there was in the Senate amendment which would give the water-power people any sort of advantage, and he was unable to say.

Now, there is nothing in the Hay amendment, if amended as proposed by the gentleman from Illinois, which would give them any possible advantage. There is now in the Hay amendment three words that, if they were stricken out, would eliminate all this talk about monopoly. There are words which permit the sale of the surplus product or power. Strike out the words "other" and "or power," and leave it to sell the surplus product and then the water-power companies are in no sense concerned because they could not buy any of the power. All they could do would be to buy the product and that would be nitrates, and they are not interested in that proposition.

So we are faced with the proposition that those of you who believe the time has arrived when this country should take a position to be independent touching the nitrate supply for reasons of public safety, will vote for the Senate amendment or vote for the Hay amendment as proposed to be amended by the gentleman from Illinois. Those who want further to consider the matter, and postpone a year or more action, are at liberty to vote with the gentleman from Wisconsin, Mr. LENROOT.

What is the fact? We have 50,000,000 pounds of nitrate now as a reserve, and it takes 24 pounds to make 1 pound of powder. So if we used every bit of the nitrate we have today we would be able to make a little over 21,000,000 pounds

of powder. That is not a condition that speaks for the safety of America. I believe that we can well afford to develop the water power that we own in the manufacture for Government use of nitrate that is necessary in making ammunition.

Mr. LENROOT. Will the gentleman yield?

Mr. SHERLEY. I will.

Mr. LENROOT. The gentleman stated that my amendment would postpone it for a year. Is the gentleman aware that the only difference between my amendment and the Hay amendment is that my amendment provides for a commission of three Cabinet officers—

Mr. SHERLEY. No; there is more difference than that, if I caught the gentleman's amendment right. I asked the gentleman if the Hay amendment was amended as proposed by the gentleman from Illinois what there would be that the water-power people would be interested in. He answered the question, and said "certain patent rights." They have the patent rights, and neither you nor I, by legislation, can change their actual rights. We provide for the purchase or condemnation of all processes that may be necessary. I assume that a Government agency is going to have ordinary common sense; that it is not going to undertake to make a great investment of many millions of dollars in building a nitrate plant without having arranged for the proper processes to do the work. I do not think you need a commission of three Cabinet officers. The gentleman talks about the President relegateing the authority down to some Army officer. Will the power he proposes to confer on these members of the Cabinet be exercised personally by them? Not at all. It will be delegated also, and even if not, I would rather have Gen. Crozier's opinion touching the manufacture of nitrates than all the Cabinet put together.

Mr. LENROOT. The gentleman knows that the Army engineers are committed to one proposition?

Mr. SHERLEY. I do not know anything of the kind. I have talked with Gen. Crozier many times, and I know that if this provision is put in there it does not necessarily mean Muscle Shoals, but it does mean a development without a dollar of private interest or advantage to any private concern on earth.

I may not know how to manufacture nitrate, but I can read law, and I do know the effect of a statute, and when you cut out the right to sell power and leave in the right to sell the product, I defy the gentleman to point wherein any power-development company is going to be helped or benefited.

Now, it is up to this House to determine whether it wants to further postpone this matter or whether it wants action. I am a man who would a good deal rather talk less about preparedness and do more of it than what has been the habit around this Hall these many years past, and the important thing is to create a supply of nitrate for the Government. I hope that the House will adopt the amendment offered by the gentleman from Illinois, and failing that—I do not know but what preferentially—I hope they will adopt the Senate amendment. [Applause.]

The Senate amendment has no provision in it for the sale of surplus power. It has a provision for the sale only of products, and it differs from the Hay amendment as it would be amended—

The SPEAKER pro tempore. The time of the gentleman from Kentucky has expired.

Mr. SHERLEY. Mr. Speaker, can the gentleman from Virginia give me one more minute?

Mr. HAY. I can not do it.

Mr. SHERLEY. Can the gentleman from California?

Mr. KAHN. I am sorry to say that I can not do it.

Mr. HAY. Mr. Speaker, I yield to the gentleman from Georgia [Mr. TRIBBLE].

Mr. TRIBBLE. Mr. Speaker, I hope it is not unfortunate for this good project that the best water power is located in the South, and I hope it is not unfortunate for this worthy project that the farmers are to get some benefit from it. The fact that Muscle Shoals has been frequently mentioned upon the floor of this House is because everybody knows that Muscle Shoals is the best water power in the United States for this plant, and it is located right in the center of the territory where 60 per cent of the surplus nitrates would be used. It is a matter of fact that there is too much selfishness in this preparedness propaganda that we hear all over this country. The selfishness of the Armor Trust is to keep the money flowing into its pockets, and the selfishness of the Powder Trust is to keep the money flowing into its pockets and to prevent the Government from establishing manufactories and producing these articles of necessity cheaper than they produce them, thereby destroying the trust. [Applause.]

Mr. Speaker, I admit some personal selfishness in this nitrate-plant proposition, and that selfishness is a desire to serve

my people not only in securing munition nitrates, but to furnish fertilizers more cheaply to the farmers of the country. So, Mr. Speaker, my selfishness is not like that of the Armor Trust and the Powder Trust, who wish to make enormous profits out of the Government, but my selfishness is a desire to serve the patriotic farmer, that he may be supplied with fertilizer to aid him in his efforts to prosper. On his prosperity the success of our country depends. In time of war the farm furnishes the great bulk of brave men who shoulder their arms and lead on to victory. When the farmer prospers the merchant, banker, manufacturer, and every enterprise are thrilled with prosperity.

There is no war in this country, and yet we have a fertilizer famine. Nitrates are selling at \$85 per ton. This is twice as much as the cost of nitrates before the European war. As a matter of truth, 40 per cent of the fertilizers used in this country is nitrogen. We have nothing to do but reach out into the space above our heads and gather it by chemical process. Our farms are unprofitable in many places for lack of proper fertilization, and yet with all this nitrogen in the atmosphere above us there is not one plant in this country producing nitrogen. Nitrogen is produced in many foreign countries from the atmosphere at one-half the cost we are forced to pay for Chilean nitrates in time of peace. The farmers of Germany use about four times as much nitrogen and phosphates as the farmers of this country, and while their land is by no means as fertile as the farms of this country the yield in Germany is twice as much per acre as in the United States. It is proposed to produce at this plant nitrogen products used as munitions for war and fertilizer. This bill provides for an appropriation of \$20,000,000 to produce these products. Compare that outlay with \$75,000,000 spent in 1914 in the United States for farm nitrates. The Government can reduce the price of fertilizers more than one-half, thereby enabling the farmer to use more fertilizer to the acre, producing greater yield at less cost. I mean to say nitrates extracted from the air should cost not more than one-half the price of Chilean nitrates before the war. The price before the war was \$42 a ton; now it is \$85.

The reduction in price of munition nitrates for Army and Navy would save the Treasury many millions annually, in addition to furnishing fertilizers to the farmer. When the war began in Europe, and Germany was blockaded, she was ready for the emergency. The Government was producing nitrates and phosphates sufficient for munitions of war and also to fertilize farms at reasonable price. The farmer in Germany continues to produce his abundant yield because the Government furnishes him cheap fertilizer, and consequently the farms continue to feed the people and the army. If Germany had not prepared for this emergency, the ring of the cavalry horse's hoofs of the French Army would have been heard on the streets of Berlin before this day. Nitrogen is absolutely necessary in time of war. I use Germany as an illustration because of the blockade forcing that country to rely on her own resources. The Government provides fertilizer and the farmer by his abundant yield with cheap nitrates feeds the most powerful army ever organized in the history of the world.

Mr. Speaker, this is a serious proposition, both for war purposes and farm advancement. Chilean mines lie south of the Panama Canal, and should we be cut off from that source the plight of this great and wealthy country would be serious beyond conjecture.

Mr. Speaker, let us construct the plant with Government money, supply the Army and Navy, and furnish our farmers cheap fertilizers. If the farmers can secure cheap fertilizers from the atmosphere above our heads, the South especially will blossom and prosper as no country on earth prospers in agricultural resources.

This is a Government function, and I can not understand this opposition on the ground of "Government ownership." The Government controls the water power and also controls the atmosphere above us. The material is abundant; in fact, unlimited. The Government can make it available for the wants of mankind. Without Government action, I fear it will lie dormant.

My honest opinion is that the Government can furnish all the nitrogen required for munitions and for farm use for one-half the price charged before the European war. Frequently I hear the appeal, "Back to the farm, young man." Mr. Speaker, the reply to that appeal is, make the farm more profitable. We have it in our power right now to do the farmer a great service, and I appeal to you to respond to the promises many of you have made to help the farmer to become more prosperous.

We have the same air above our heads as the Germans have, and yet not one plant in all the United States producing nitrates. The supply is inexhaustible. The atmospheric nitrogen above

1 square mile of land, amounting to 20,000,000 tons, is equivalent to what the world would require in the next 50 years. Atmosphere consists chiefly of nitrogen—78 per cent volume. The leading European countries are producing nitrogen. Shall we as a Government stand in the way of development and let the scare of Government ownership retard progress?

We have the same opportunities of producing potash that Germany has. The kelp beds on the Pacific Ocean would produce an inexhaustible supply of phosphate, and yet no effort is made to utilize them.

Mr. Speaker, I trust that this famine of fertilizers and necessary ingredients for munitions of war will hasten action on the part of our Government to supply these demands. I am opposed to further delay pending investigation. In ordinary times the German farmer pays one-half as much for nitrogen (commonly called ammonia) as the American farmer pays. This is because of the fact that nitrogen is extracted from the air in European countries. There is one small nitrogen plant in Canada.

It is proposed to establish one plant and spend \$20,000,000, and men marvel at the amount. Since the outbreak of the war Germany has spent \$100,000,000 on the nitrogen industry.

We have lessons before us, and why allow our preconceived idea of Government ownership stand in the way of contributing real and substantial aid to the farmer? If I can help relieve the hardships of the farm and add some little assistance to the prosperity and happiness of the farming people, among whom I was reared and who trusted me to make their laws, I shall feel that my life has not been entirely wasted. We have all kinds of Government manufactories and are establishing more. This is the most-needed Government plant in the entire list of Government-owned manufactories, because it will not only supply the needs of Army and Navy but will add to the peace, prosperity, and happiness of the entire country by making farming more profitable and attractive. [Applause.]

Mr. KAHN. Mr. Speaker, I yield three minutes to the gentleman from Oklahoma [Mr. FERRIS].

Mr. HAY. Mr. Speaker, I yield five minutes to him.

The SPEAKER pro tempore. The gentleman from Oklahoma is recognized for eight minutes.

Mr. FERRIS. Mr. Speaker, the gentleman from Wisconsin [Mr. LENROOT] has rendered no small patriotic service toward the adoption of efficient, well-poised, well-arranged water-power policy in this country. As chairman of the Committee on the Public Lands, I willingly acknowledge my debt of gratitude to him for the help and patriotic service he has given, but at the same time the gentleman from Wisconsin is suffering to-day from one or two things. He is suffering from too much pride in his own opinion and his own words. His amendment is not greatly at variance with the amendment offered by the gentleman from Virginia [Mr. HAY], except in one particular, and that particular is remedied by the amendment of the gentleman from Illinois [Mr. FOSTER]. The language in the amendment offered by the gentleman from Virginia [Mr. HAY] provides that surplus power may be sold, and that is followed with a proviso that it must be sold for cyanamide or fertilizer purposes. Those two provisions of the Hay amendment are clearly mistakes. Those provisions if agreed to, I want to say to you gentlemen who are so solicitous for the farmers, will mean that they will buy their fertilizers from the cyanamide companies and not direct from the Government; but if you want to do your farmers some real service vote, first, for the Hay substitute plus the Dr. Foster amendment, and you will have then, first, nitrates made by the Government for war purposes, and, second, cyanamide made by the Government of the United States for farming purposes, and there is no mistake about it. There will be no middlemen. There will be no entangling alliances with water-power men. It will be a straight Government proposition and there will be nothing to have doubts and fears about. [Applause.] I take it the great majority of this House would, if they could, first vote for a clean, square, fair proposition for a Government-owned munition plant, because it is my firm belief that the belief is prevalent in this House that the Du Pont Powder Co. and the other ammunition companies are meddling too much to-day in national affairs. [Applause.]

If you believe that, vote for the Hay substitute, and you will have a Government-owned munition plant, and no man can gainsay it. If you believe that the Government ought to make cyanamide and ought to sell fertilizer for the impoverished soil of this country, vote for the Foster amendment, which perfects the Hay amendment, and does all that the majority of this House would hope to do to-day, if they could properly understand it.

What does the amendment of the gentleman from Wisconsin [Mr. LENROOT] do? Largely the same thing, but cumbersome, making it more ponderous, by providing for a long circuitous investigation before anything is done. It is not the wish of the great majority of this House, if they understand this proposition, to vote for any circuitous investigation. It is not kind words, it is not kisses and caresses that they want, but they want a provision that will and does deliver the goods. Will you adopt a meandering, circuitous, ponderous, cumbersome proposition like that of the gentleman from Wisconsin, or will you really go about the task of doing the thing the majority of the House wants to do? [Applause.] What are the facts? The facts are plain and our duty is plain. If you ask me if this is a comprehensive water-power plan I say no, it does not even squint at it. If you ask me if we have any chance to get a comprehensive water-power bill through Congress this year I answer I do not know. The House wants one. The House has twice passed one, each time it was allowed to die at the other end of the Capitol. This one may die, too, but I do not want the blood of delay to be on our hands; I do not want us to be charged with failing in our duty. Nearly always I am in accord with the gentleman from Wisconsin. He is a clear-headed, good lawyer, a far-seeing man, but to-day he is tinged a little too much with pride of opinion, and he is wandering into details rather than going to the substance, and we ought not to follow him when he leaves the beaten path.

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

Mr. FERRIS. Yes.

Mr. HARDY. What difference is there between the Hay amendment as amended by the Foster amendment and the Senate amendment as sent to us?

Mr. FERRIS. The Senate amendment, if I understand it, and I may be in error about it, provides—and I will read it so that I do not make any mistake—how much time have I, Mr. Speaker?

The SPEAKER pro tempore. The gentleman has two minutes and a half.

Mr. HARDY. Do not read it; just tell us what it is, in brief.

Mr. FERRIS. The Senate amendment provides this, without reading—I only wish I could. It provides this plant shall be created for two things only, for Army and Navy purposes. Now, there is a direct limitation. You will find at page 207, in the last paragraph on the page—read it yourself—it provides that it can only be used for Army and Navy purposes. This excludes any Government-made fertilizer for the farmers. This is not what you want. You farmers and farmers' friends think you are going to get fertilizers out of that? You are mistaken. You will not, but all the surplus power under that amendment will necessarily have to be sold to the American Cyanamide Co., and they, in turn, will sell to the farmer for their own sweet price. Such procedure is not aiding the farmer; such a provision will prove wanting in all that is expected of it.

Mr. SHERLEY. If the gentleman will permit, there is no provision to sell the surplus power; only surplus products.

Mr. FERRIS. That is right, but there is no power in the Government or the President or the Secretary of War to make cyanamide. They can only make products strictly for Government use, and of course cyanamide manufacture is not a Government function. There is where the danger lies.

Mr. SHERLEY. I agree with the gentleman in that.

Mr. GALLAGHER. Will the gentleman tell the House where this plant is to go when established?

Mr. FERRIS. I have not the slightest idea. I rather think it will be established at Muscle Shoals, on the Tennessee River, in Alabama. I am not blinking at that, because I think it is the best location in the United States to-day. There is nothing about Muscle Shoals to frighten me if we have a proper provision and proper safeguards.

Mr. GALLAGHER. Where could they get the land to locate that plant?

Mr. SHERLEY. What is the gentleman's objection to the Foster amendment, which would prevent the sale of power but would permit them to make fertilizers as well as nitrates?

Mr. FERRIS. I am very earnestly in favor of the Foster amendment, and counseled with him in reference to it. I am heartily in favor of it. It is precisely what the House ought to adopt. In fact, I was there when it was born. It is precisely what the House desires to do, if they can understand it properly.

Mr. SHERLEY. Then I have no quarrel with the gentleman.

Mr. FERRIS. The great bulk of the House will not be able to-day to understand fully the hydroelectric proposition, and I

do not expect them to. It is a study for an ardent student that would cover years to accomplish. I do not pretend to know but little about it myself, although I have studied it ardently for the past four years. It is a great subject; in my judgment, the greatest economic subject of the day and hour. If the farmers want cyanamide to improve their impoverished farms, I ask you to vote for the Foster amendment to the Hay substitute, and then adopt the Hay substitute, and you will get the thing you are after. If you believe that a Government munition plant is justified, as distinct from the Du Pont and other privately owned munition plants, you will vote for the Hay substitute, and you will not be mistaken in doing so. I am getting letters—so are you—from the Du Pont Co. and other munition people, urging us not to adopt a Government-owned plant. As the gentleman from Wisconsin says, the power people are here. So they are, and they have been here for two or three years; but, on the other side, so are the Du Pont and munition people here, too, by letter, if not in person. The thing to do when there is such a stress of circumstances, when three-fourths of the world's map is at war, is to build our own munition plant and thereby legislate the profit out of war and war material. We can do it under this substitute amendment and, at the same time and by the same plant furnish cyanamide to American farmers at cost. [Applause.] I yield back the balance of my time.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. FOSTER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. HAY. Mr. Speaker, I yield three minutes to the gentleman from South Carolina [Mr. RAGSDALE].

[Mr. RAGSDALE addressed the House. See Appendix.]

Mr. KAHN. Mr. Speaker, I yield three minutes to the gentleman from Kansas [Mr. ANTHONY].

Mr. ANTHONY. Mr. Speaker, the present method in which the House is considering this very important amendment is really a reflection upon our way of doing business. This House is now considering whether or not it shall appropriate fully \$20,000,000 through substitutes and amendments that have not even been printed, and doubtless not one-tenth of the membership of the House really know what they are going to vote upon—that is, the language of the amendments and the substitutes.

Now, I am not afraid of this talk about lobbies; I am not afraid of any graft in this nitrate proposition. I believe we need a nitrate plant in this country. Furthermore, I believe that any one of these amendments, any one of these substitutes, which puts power into the hands of the President or the Secretary of War to carry out the purposes of the amendment will be fulfilled in a manner satisfactory to the American people. I do not care whether it is a Democratic President or a Republican President; any such authorization can be safely intrusted in his hands.

Now, I have prepared a substitute which I believe embodies some business principles that have not been put in the other amendments or the other substitutes. In brief, the substitute I have offered provides for the appointment of a commission of three Engineer officers, who shall report to the President of the United States upon the feasibility of this proposition. Authority is then conferred upon the President, if he deem advisable, for the construction of a water-power plant. Then further authority is conferred upon the President to make such a contract as he may deem advisable with some private corporation for the manufacture of nitrates and fertilizers, with the proviso that the corporation shall pay not less than 3 per cent to the Government on the value of such water power and moneys as are invested by the Government. And, furthermore, that the Government reserves the right to regulate the price at which the products of such a plant shall be sold. I hope that some practical proposition of this kind shall be adopted by the House. [Applause.]

Mr. KAHN. I yield four minutes to the gentleman from Delaware [Mr. MILLER].

Mr. MILLER of Delaware. Mr. Speaker, I intend to support the Lenroot amendment, because, in my opinion, the United States Government will have its interests looked after in the best manner, with respect to this proposed nitrate plant, if it is adopted.

As a preface to what I intend to say in the few minutes of my time, I beg to state that I favor a Government nitrate plant if Uncle Sam is going to come out ahead on it; I favor a Govern-

ment powder factory if Uncle Sam comes out ahead on it; I favor a Government armor-plate factory if Uncle Sam comes out ahead on it. That is plain English; it can not be misunderstood, and I mean it. With all due respect to my friend from Oklahoma [Mr. FERRIS] he did an unfair thing, in my opinion, when he brought up the bugbear of the Du Pont Powder Co., stating that they were opposing and fighting this nitrate proposition. He put them up as a straw man and knocked them down in order to get votes for his proposition.

Now, I know whereof I speak, because I have taken the trouble to acquaint myself with the truth and facts, in view of the attacks and accusations made against this company, when the nitrate proposition was considered in the Senate. The Hay bill went through the House with section 82—the nitrate proposition—voted out of it by a vote of 224 to 179.

One hundred and eighty Republican Members voted against it, as did 44 Democrats, while 174 Democrats and 5 Republicans voted to retain it. When it was taken up in the other body a very distinguished Senator, a man whom I look up to as possessing marked ability and integrity, saw fit to look after the interests of a certain water-power company in his particular locality, and in doing this he made similar accusations, namely, that the Du Pont Co. was fighting the nitrate proposition. In the few minutes that I have I can not bring out all the points in the controversy that ensued between this company and the distinguished Senator, but if gentlemen will read what was said in answer to the remarks that he made on the floor you will see a complete refutation of the statements made by my friend from Oklahoma [Mr. FERRIS] and other gentlemen on the floor to-day.

It was stated a few minutes ago that the Du Ponts were writing letters, I presume to Members of Congress and other officials, in opposition to this nitrate plant. On March 28, 1916, a letter was addressed by the president of the Du Pont company to the Secretary of War. This letter can be found in the CONGRESSIONAL RECORD of March 30, which was the first time I was aware of it. There is nothing in that letter that smacks of opposition to this nitrate amendment. On the other hand, it offers to put up, free of charge, a plant and to deliver to the United States for military or naval purposes all or any part of the output of nitric acid at a price which shall include such profit as the Secretary of War shall determine to be reasonable. The only other letters of which I am aware is the correspondence between Senator UNDERWOOD and various officers and employees of the company which the Senator so graciously inserted in the CONGRESSIONAL RECORD, and which were an answer to the charges he had made against them. These letters which, as I have said, are part of the CONGRESSIONAL RECORD and therefore accessible to anyone, show that there is absolutely no basis to the charge that the powder company was fighting and opposing this proposition. Coming from Delaware, it is probable that my remarks will not be taken with the weight that they would if I came from another part of the country. I want to say to you that there is not a pound of smokeless powder, not a pound of war munitions made within the State of Delaware by these people. They are made down in the district of the gentleman from Virginia [Mr. WATSON] and in the State of the gentleman from New Jersey [Mr. BROWNING], and, as the Speaker aptly said one day, some are made in his district. I just heard a voice ask where the money goes. The money goes into the hands of the workmen who vote in those districts referred to. This company work their men on eight-hour shifts and they are paid 20 per cent for a bonus besides their wages.

Mr. Speaker, I am not controlled or sent down here by anyone. I make this statement because some gentlemen have seen fit to make that reference on the floor of the House before. If they were familiar with conditions in my district they could not and would not make that charge. But I am down here to see that the fair thing is done, and especially when anything in my State is concerned. With all due respect to my friend from Oklahoma [Mr. FERRIS], and anyone else—I dare say there are a good many of you who have that idea in your minds—this does not in any way control or form my action in the House.

Mr. FERRIS. Will the gentleman yield?

Mr. MILLER of Delaware. I can not yield.

Mr. FERRIS. The gentleman misquoted me.

Mr. MILLER of Delaware. I will not yield. If you want to break up my time, keep it up.

My reference to the gentleman from Oklahoma relates to his charge that the powder company was fighting this proposition.

The distinguished gentleman in the other body to whom I have referred quoted as his authority one R. B. Carter, whom, it was alleged, was an employee of the powder company. It was stated that this man went to dinner with certain officials and employees of the powder company and gained the impres-

sion that the company was fighting this proposition; you will read what was said in the CONGRESSIONAL RECORD. I purposely, of my own free will, went to find out who he was. I found that he was a former labor foreman at their Hopewell, Va., plant and later on a guard. He was fired for passing worthless checks on some of his friends at Hopewell, and warrants are now out against him. Needless to say, the story he told was a fabrication, and I say, with all due respect to the distinguished Senator, that he was imposed upon at that time, and later he inserted in the CONGRESSIONAL RECORD in the other body statements that absolutely refute and knock out the bugbear brought up here to-day by certain Members. [Applause.]

Mr. MONDELL. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. MONDELL. Mr. Speaker, some of the real friends of the people and of the Public Treasury have been in hopes that there would be an opportunity to vote on an amendment in the form of a substitute providing for an investigation by four of the heads of the departments of the Government and a report to Congress on this subject—this and nothing more.

Mr. HAY. Mr. Speaker, I make a point of order.

Mr. MONDELL. We hoped to have an opportunity to do that on the amendment offered by the gentleman from South Carolina [Mr. LEVER]. My parliamentary inquiry is, Is it in order to present such an amendment at this time?

The SPEAKER. It is not.

Mr. MONDELL. Then, Mr. Speaker, I ask unanimous consent to offer such an amendment, to be voted on at the proper time.

The SPEAKER. The gentleman from Wyoming asks unanimous consent to reoffer the substitute or amendment, or whatever it was, of the gentleman from South Carolina [Mr. LEVER].

Mr. MANN. Why is it not in order, if unanimous consent was given to offer amendments? Why is it not in order for him to offer it?

Mr. BUTLER. Without any further unanimous request?

The SPEAKER. The Chair guesses it is in order under that language. [Applause.]

Mr. HAY. Mr. Speaker, I yield three minutes to the gentleman from South Carolina [Mr. LEVER].

The SPEAKER. The gentleman from South Carolina [Mr. LEVER] is recognized for three minutes.

Mr. LEVER. Mr. Speaker, I shall vote for the Hay amendment as amended by the Foster amendment; and if these amendments are defeated, I shall vote for the amendment that has now been suggested by the gentleman from Wyoming [Mr. MONDELL]—my own amendment, which was offered by me in the first instance on the theory that possibly everything else would go out and this might be held in, and thus make better the situation for the final attainment of a Government nitrate plant.

Now, Mr. Speaker, the situation is this. We have an opportunity, in voting for the Hay amendment as amended by the Foster amendment, both to provide for a munition plant controlled and operated by the Government and at the same time to provide a source of fertilizer for the farmers of this country. Speaking for the agricultural interests, I wish to call the attention of gentlemen of the House to the fact that we are spending in this country \$75,000,000 a year for nitrogen products. We are absolutely dependent for nitrates upon Chile, and nitrates go into the manufacture of nitric acid, which is necessary in the manufacture of munitions. I am more concerned, naturally, with the proposition of controlling nitrogen for fertilizer purposes in the interest of agriculture in this country. As it is now, the rates on fertilizer are absolutely controlled, in my judgment, by a few great concerns. The farmers are absolutely at the mercy of these great concerns, and if in the program of preparedness we can find some method of furnishing both nitric acid for munition purposes and at the same time nitrogen for fertilizer purposes, it seems to me we have accomplished two of the great purposes of preparedness in this country, because, gentlemen of the House, you must not forget that preparedness is more comprehensive than the mere matter of military preparedness. The Army and Navy of this country can not be any stronger than the economic forces which feed and clothe the Army and the Navy, and it is necessary for us in the promotion of agriculture to furnish to our farmers the cheapest possible ingredients that go into fertilizer.

I wish it were in order, I wish it were possible at this time that we might include potash in this proposition; but it is not, and therefore I shall vote for the Hay amendment plus the Foster amendment, and if they are beaten I shall vote for my proposition. [Applause.]

The SPEAKER. The time of the gentleman from South Carolina has expired.

Mr. HAY. Mr. Speaker, I yield such time as he needs to the gentleman from Mississippi [Mr. QUIN].

The SPEAKER. The gentleman from Mississippi [Mr. QUIN] is recognized.

Mr. QUIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Mississippi [Mr. QUIN] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. HAY. Mr. Speaker, we have but one speech on this side.

Mr. KAHN. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. HULBERT].

The SPEAKER. The gentleman from New York [Mr. HULBERT] is recognized for five minutes.

Mr. HULBERT. Mr. Speaker, a great deal has been said to-day in the consideration of the conference report on the Army reorganization bill upon the subject of preparedness. I venture the prediction that the action of this House, if it adopts any one of the amendments which have already been offered and read to section 122 of the bill, will not square up before the people of the country with the previous action of this House on the two previous amendments authorizing the enlistment of 250,000 men and the organization of the volunteer army, respectively, which were rejected. Gentlemen have urged here this afternoon the importance and the necessity of the adoption of this amendment, either in the form proposed in the bill as it came back from the Senate or in the form of any one of the several amendments which have been proposed thereto this afternoon; and yet, while as one gentleman said a few moments ago, with three-fourths of the countries upon the map of the earth at war and evidencing the necessity that we should vote ourselves into a position where we would be prepared to produce and have at our disposal a sufficient quantity of nitrogen for the manufacture of ammunition, if my recollection serves me aright, that gentleman and a large number of the gentlemen who will vote for this amendment voted against that provision of the Chamberlain bill, the purpose of which was to provide the men to use the ammunition which you say is so essential. [Applause on the Republican side.]

Mr. Speaker, when I became a member of the Committee on Rivers and Harbors that committee had already paid its visit to Muscle Shoals, and in view of the adoption by the committee of the rule that there would be no new projects in the rivers and harbors bill I did not, as I intended to do at that time, take up the consideration of the testimony on the hearings held on that project. So far as I have been able to find since this matter came back from the Senate there is not another committee in this House which has given this matter consideration from the standpoint of military necessity, and even before the Committee on Military Affairs, both in the House and in the Senate, there were no hearings on that point, and the only testimony I have been able to find bearing directly on section 122 is contained in the hearings before the Committee on Agriculture and Forestry in the United States Senate in the present Congress and at the present session on the bill S. 4971, which is practically in the same phraseology as section 122 incorporated in this bill.

Now, I believe there is a necessity for a nitrate plant. I believe there is not only a necessity from the standpoint of preparedness, so far as the Army and Navy are concerned, but I believe there is also a necessity to promote and advance our agricultural interests. But I am one of those who believe that before this House acts upon a proposition in which there will be spent upward of \$18,000,000 of the people's money it is a necessity in the discharge of our duty that we should conduct public hearings upon this point. [Applause on the Republican side.]

I hope, Mr. Speaker, that gentlemen of this House will act with wisdom in voting upon the amendments successively that we may have the opportunity to pass upon, and, I trust, adopt the amendment suggested by the gentleman from South Carolina [Mr. LEVER], and reoffered by the gentleman from Wyoming [Mr. MONDELL].

Mr. SMITH of Michigan. Mr. Speaker, will the gentleman yield for a question?

Mr. HULBERT. Yes; I yield for a question.

Mr. SMITH of Michigan. Are you sufficiently informed upon the subject, so that you can tell us whether or not the Government already owns enough water power to manufacture nitrates or anything else it wants to manufacture?

Mr. HULBERT. I am not; and therefore I say I can not conscientiously discharge my duty to the people who have sent me here until I have had an opportunity to inform myself, as I believe all you gentlemen ought and I trust the majority of you desire to have an opportunity to inform yourselves, upon this important subject.

THE SPEAKER. The time of the gentleman from New York has expired.

MR. HAY. Has the gentleman from California [Mr. KAHN] used all his time?

THE SPEAKER. The gentleman has used all his time.

MR. HAY. I yield the remainder of my time to the gentleman from Alabama [Mr. DENT].

THE SPEAKER. The gentleman from Alabama [Mr. DENT] is recognized for 13 minutes.

MR. DENT. Mr. Speaker, after listening to the debate on this proposition to-day, it seems to me that the House is thoroughly agreed upon the proposition that this Government at this time ought to take care of itself so far as may be necessary in providing a sufficient supply of nitrogen for its uses. The only question at issue is the method by which this should be done. I have heard gentlemen on the floor of this House talk about a lobby. I listened with a great deal of interest to the remarks of the gentleman from Wisconsin [Mr. LENROOT] in regard to a water-power lobby that had infested this House upon this proposition. Why, Mr. Speaker, there is no doubt, if you want to use the word "lobby" in an inoffensive sense, that there has been a lobby on both sides of this proposition. There is no doubt of the fact that the Du Pont powder people have interested themselves in opposition to a water-power proposition. There is no doubt of the fact that certain people having an interest in water-power sites have concerned themselves in talking to Members of Congress about this matter. There is no doubt also of the fact that the Farmers' Union and the National Grange have had their representatives here in Congress talking to the Members of Congress about this proposition. [Applause.] I do not understand, and I can not understand, therefore, why gentlemen will make an argument about a great big proposition simply on the ground that a lobby has been present on one side or the other of this question.

The question is, What is best for the Government of the United States to do in the matter of supplying itself with nitric acid and supplying itself with a sufficient amount of explosives for use in the event of war and for practical purposes in time of peace?

MR. KELLEY. Will the gentleman yield?

MR. DENT. I will yield for a question only.

MR. KELLEY. What part of this \$20,000,000 is intended to be used for the building of the dam?

MR. DENT. Fifteen million dollars. Now, Mr. Speaker, the simple proposition is this: If you adopt the Lenroot amendment, you appoint a commission, which postpones the action of Congress upon the most important proposition in the matter of preparedness that has been presented to Congress. [Applause.]

MR. LENROOT. Will the gentleman yield?

MR. DENT. I will yield to the gentleman for a question.

MR. LENROOT. I know that the gentleman does not want to misrepresent me. My amendment does not call for any further action of Congress.

MR. DENT. The gentleman need not state that I do not wish to misrepresent him. Of course, I do not.

MR. LENROOT. I want to ask the gentleman whether he understands that my amendment calls for any future action of Congress?

MR. DENT. It does not call for any future action of Congress, as I understand it.

MR. LENROOT. Certainly not.

MR. DENT. But it calls for an investigation, which postpones the matter.

MR. LENROOT. No; it calls for going ahead under this amendment to construct the plant.

MR. DENT. Well, the effect of it will be to postpone it, as everybody knows. The effect of it will be to postpone it, as every other commission of that kind that has ever been appointed by Congress has done. [Applause.]

MR. FERRIS. And is it not also true that this matter has been before Congress for the last 10 years, and that this House has twice, by unanimous consent, passed a water-power bill?

MR. DENT. Why, certainly, that is true; and there is no necessity for any further investigation of the subject. Every committee of Congress charged with this proposition has been fully advised on the subject, and if we do not know now how to act, then the Lord only knows when we can act. [Applause.] I have discussed this matter with gentlemen who entertained all kinds of views upon the subject. My desire as a conferee on the part of the House is to get something that will give the Government a nitrogen plant and that will give the farmer a cheap fertilizer. [Applause.]

MR. OGLESBY rose.

MR. DENT. I can not yield to the gentleman now, because my time is limited. The only difference between the Hay proposition and the proposition of the gentleman from Illinois [Mr.

FOSTER] is this: The Hay proposition proposes that the Government shall establish its own plant for the manufacture of its own munition supplies, so as to give the Government a sufficient supply of powder in time of peace or in time of war; and in time of peace, when this power is not necessary, the Hay amendment authorizes the President to dispose of the surplus power to some party or parties who will establish a plant of their own and not utilize the Government plant, but establish a plant of their own, and buy from the Government the use of the power that it has constructed under the provision to supply itself with munitions of war. And in doing this the President of the United States is absolutely authorized to fix the terms upon which any private concern that may establish this plant and agree to purchase this power shall pay for it to the Government of the United States; and it goes farther and authorizes the President of the United States to fix the price at which it shall sell its fertilizer products.

Now, what can be better for the farmers of the United States than a provision of that character? In simple words, then, the difference is this: Under the provisions of the proposition of the gentleman from Illinois [Mr. FOSTER] the sale of the products will have to be conducted by a multitude of agents appointed by the Government of the United States to sell the surplus products, whereas under the Hay provision the Government simply utilizes the plant for the purpose of manufacturing that which it uses only in its own business, and sells the surplus power under restrictions upon the purchaser as to what price the purchaser shall pay for the power and receive for the product thus manufactured. [Applause.] Now, Mr. Speaker, that is the simple proposition that is submitted to this House. This is the simple difference between the Hay amendment and the Foster amendment that is presented to the House. We all agree that the greatest question of preparedness to-day relates to furnishing powder with which men can shoot. You may build up an Army as big as that of Xerxes, you may have millions of men in your Infantry and Cavalry and Artillery and Cost Artillery, but unless you have the powder with which to shoot they are helpless. We are dependent to-day, absolutely dependent, upon the plains of Chile for nitrate to supply the Army and the Navy. Shall we omit this one opportunity, this one great advantage of bringing to this country a hydroelectric plant that will concentrate the production of nitrate in such quantities and in such amounts that it can never be exhausted? Shall we omit this one great opportunity when we are trying to prepare the people against war?

MR. OGLESBY. Will the gentleman yield?

MR. DENT. I will.

MR. OGLESBY. The gentleman stated that a bill to establish a water power at Muscle Shoals had twice passed the House. Will the gentleman be kind enough to tell us what was the purpose—

MR. DENT. Oh, the gentleman is mistaken; I did not make any such statement. I have not said anything about any bill relating to Muscle Shoals. The whole trouble about every proposition of this nature has been that it is attributed to Muscle Shoals. Muscle Shoals is in the State of Alabama, and has made a great showing, and I hope is not objectionable on that account. [Applause.]

Now, so far as I am concerned, I do not care where you establish the plant. I do not care what the plant may be. I have demonstrated this by yielding to a suggestion of the gentleman from Illinois to the effect that if there could be found any product, method, or process by which the Government of the United States could obtain a sufficient supply of nitrate without being dependent upon the plains of Chile I would support it, and that is the proposition I have advocated from the beginning to the end.

I ask this House to-day not to neglect its greatest opportunity that it has had on the subject of preparedness. I plead with this House, as a humble Lieutenant of the greatly admired chairman of the Military Committee, Mr. HAY [applause] to give us the privilege of bringing in something that will be substantial. [Applause.]

THE SPEAKER. All time has expired, and the Clerk will report the amendment.

MR. HAY. Mr. Speaker, I understand the first vote will be on the amendment of the gentleman from Wisconsin, and that has been reported to the House.

MR. MANN. But the amendment offered by the gentleman from Wyoming has not been reported.

THE SPEAKER. The Clerk will report the amendment offered by the gentleman from Wyoming [Mr. MONDELL].

The Clerk read as follows:

Strike out all of section 122, after the word "That," on the first line of the section, and insert the following: "the Secretary of War, the Secretary of the Navy, the Secretary of the Interior, and the Secretary of Agriculture are constituted a commission whose duty

it shall be to ascertain the practicability and best means of producing within the United States nitrogen compounds by the fixation of atmospheric nitrogen or otherwise for use in the manufacture of munitions of war and fertilizers.

"The commission may utilize the various agencies of the Government and may cooperate with States and with private persons or agencies in carrying out its purposes and shall report to Congress as early as practicable, not later than the first day of the next regular session of this Congress, the facts ascertained, together with recommendations for action by Congress and the draft of a bill to carry out such recommendations.

"The commission may elect a chairman, and the funds appropriated for its use shall be paid out on warrants signed by him, or by an acting chairman designated by him, drawn on the Secretary of the Treasury.

"There is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, available until expended, the sum of \$50,000, to enable the commission to carry out its purposes, including the hire of experts, clerks, and other employees, and payment of rent, traveling and other expenses within and outside the District of Columbia."

Mr. OGLESBY. Mr. Speaker, I rise to ask unanimous consent that the Lever-Mondell substitute be voted on first.

Mr. HAY. I object.

The SPEAKER. The gentleman from Virginia objects, and the first vote will be taken on the Lenroot amendment.

The question was taken; and on a division (demanded by Mr. LENROOT) there were 112 ayes and 132 noes.

Mr. LENROOT. Mr. Speaker, I demand the yeas and nays.

The question was taken, and 62 Members having arisen in favor thereof, the yeas and nays were ordered.

The question was taken; and there were—yeas 158, nays 194, answered "present" 5, not voting 76, as follows:

YEAS—158.

Anderson	Elston	Kinkaid	Rowe
Beales	Esch	La Follette	Russell, Ohio
Bennet	Farley	Lehmbach	Sanford
Britt	Farr	Lenroot	Scott, Mich.
Britten	Fess	Lobeck	Scott, Pa.
Browne	Fitzgerald	Loft	Sells
Browning	Focht	Loud	Siegel
Bruckner	Foss	McCracken	Sinnott
Burke	Frear	McCulloch	Slemp
Butler	Gallagher	McDermott	Sloan
Campbell	Gallivan	McKenzie	Smith, Idaho
Cannon	Gardner	McKinley	Smith, Mich.
Capstick	Garland	Madden	Snell
Carew	Gillett	Magee	Snyder
Carter, Mass.	Glynn	Mann	Stafford
Cary	Gould	Mapes	Steenerson
Chandler, N. Y.	Gray, Ind.	Miller, Del.	Stephens, Cal.
Charles	Greene, Mass.	Miller, Pa.	Stiness
Chipfield	Greene, Vt.	Mondell	Stone
Cooper, W. Va.	Griffin	Moore, Pa.	Sulloway
Cooper, Wis.	Hadley	Moores, Ind.	Sweet
Copley	Hamilton, Mich.	Moss, W. Va.	Swift
Cox	Haskell	Mudd	Tague
Crago	Haugen	Nelson	Temple
Cramton	Helgesen	Nolan	Tilson
Curry	Hernandez	Oakey	Timberlake
Dale, Vt.	Hicks	Oglesby	Tinkham
Dallinger	Hill	Olney	Treadway
Danforth	Hollingsworth	O'Shaunessy	Volstead
Darrow	Huddleston	Paige, Mass.	Walsh
Dempsey	Humphrey, Wash.	Parker, N. J.	Wason
Denison	Husted	Parker, N. Y.	Wheeler
Dillon	Johnson, Ky.	Phelan	Williams, T. S.
Dooling	Johnson, S. Dak.	Porter	Wilson, Ill.
Dowell	Johnson, Wash.	Pratt	Winslow
Drukker	Kelley	Rainey	Wood, Ind.
Dunn	Kennedy, Iowa	Ramseyer	Woods, Iowa
Dyer	Kennedy, R. I.	Reavis	Young, N. Dak.
Edmonds	Kent	Roberts, Nev.	
Ellsworth	King	Rogers	

NAYS—194.

Abercrombie	Connelly	Goodwin, Ark.	Kincheloe
Adair	Crisp	Gordon	Kitchin
Adamson	Crosser	Gray, Ala.	Konop
Aiken	Cullop	Green, Iowa	Lazaro
Alexander	Dale, N. Y.	Gregg	Lever
Almon	Davenport	Guernsey	Lewis
Anthony	Davis, Minn.	Hamlin	Lieb
Ashbrook	Davis, Tex.	Hardy	Linthicum
Aswell	Decker	Harrison	Lloyd
Austin	Dent	Hastings	London
Ayres	Dewalt	Hawley	McAndrews
Bailey	Dickinson	Hay	McClintic
Barkley	Dies	Hayes	McFadden
Barnhart	Dill	Hefflin	McGillicuddy
Beakes	Dixon	Heim	McKellar
Bell	Doolittle	Helvering	McLaughlin
Black	Doremus	Henry	McLemore
Blackmon	Dupré	Hensley	Matthews
Booher	Eagle	Hinds	Mays
Buchanan, Ill.	Edwards	Holland	Meeker
Buchanan, Tex.	Emerson	Hood	Montague
Burgess	Estopinal	Houston	Morgan, La.
Byrnes, S. C.	Evans	Howard	Morgan, Okla.
Byrns, Tenn.	Ferris	Hughes	Morrison
Callaway	Fields	Hubert	Moss, Ind.
Candler, Miss.	Finley	Hull, Iowa	Murray
Caraway	Flood	Hull, Tenn.	Humphreys, Miss.
Carlton	Foster	Neely	Nicholls, S. C.
Carter, Okla.	Gandy	Igoe	Oldfield
Church	Gard	Jacoway	Oliver
Cline	Carner	Kahn	Padgett
Coady	Garrett	Keating	
Collier	Glass	Key, Ohio	Page, N. C.

Park	Patten	Rucker	Steele, Iowa
Pou	Powers	Russell, Mo.	Steele, Pa.
Quin	Ragsdale	Sabath	Stephens, Miss.
Raker	Randall	Schallenberger	Stephens, Nebr.
Rauh	Rayburn	Sherley	Stephens, Tex.
Reilly	Ricker	Shouse	Sherrill
Ricketts	Roberts, Mass.	Sims	Stout
Rodenberg	Rouse	Sisson	Summers
Rubey	Rubey	Small	Taggart
		Stedman	Talbott
		Stedman	Taverne
		Stedman	Taylor, Ark.
		Stedman	Taylor, Colo.
		Stedman	Thomas
		Stedman	Thompson
		Stedman	Tilman

Cantrill	Clark, Fla.	ANSWERED "PRESENT"—5.	
Cooper, Ohio	Fuller	Cooper, Ohio	McArthur

NOT VOTING—76.

Allen	Good	Kreider	Peters
Bacharach	Graham	Lafean	Piatt
Barchfeld	Gray, N. J.	Langley	Price
Borland	Griest	Lee	Riordan
Brumbaugh	Hamill	Lesher	Rowland
Burnett	Hamilton, N. Y.	Liebel	Schall
Caldwell	Hart	Lindbergh	Scully
Casey	Hayden	Littlepage	Sears
Coleman	Heaton	Longworth	Shackelford
Conry	Hilliard	Maher	Smith, Minn.
Costello	Hopwood	Martin	Sparkman
Doughton	Howell	Miller, Minn.	Sutherland
Driscoll	Hutchinson	Mooney	Switzer
Eagan	James	Morin	Vare
Fairchild	Jones	Mott	Ward
Flynn	Kearns	Nichols, Mich.	Watkins
Fordney	Keister	North	Watson, Pa.
Freeman	Kettner	Norton	Williams, Ohio
Godwin, N. C.	Kiess, Pa.	Overmyer	Wilson, Fla.

So the Lenroot amendment was rejected.

The Clerk announced the following additional pairs:

On the vote:

Mr. FREEMAN (for Lenroot amendment) with Mr. JONES (against).

Mr. GOOD (for Lenroot amendment) with Mr. BORLAND (against).

Mr. MCARTHUR (for Lenroot amendment) with Mr. HAYDEN (against).

Mr. FAIRCHILD (for Lenroot amendment) with Mr. LEE (against).

Mr. HAMILTON of New York (for Lenroot amendment) with Mr. HUDDLESTON (against).

Mr. PETERS (for Lenroot amendment) with Mr. HILLIARD (against).

Mr. LONGWORTH (for Lenroot amendment) with Mr. LITTLEPAGE (against).

Mr. BACHARACH (for Lenroot amendment) with Mr. SHACKLEFORD (against).

Mr. GRAY of New Jersey (for Lenroot amendment) with Mr. BURNETT (against).

Until further notice:

Mr. CLARK of Florida with Mr. FULLER.

Mr. PRICE with Mr. HEATON.

Mr. KETTNER with Mr. HOWELL.

Mr. OVERMYER with Mr. MILLER of Minnesota.

Mr. SCULLY with Mr. GRAHAM.

Mr. DOUGHTON with Mr. MOTT.

Mr. DIXON with Mr. PLATT.

Mr. BRUMBAUGH with Mr. WATSON of Pennsylvania.

Mr. WILSON of Florida with Mr. KEARNS.

Mr. OVERMYER. Mr. Speaker, I desire to vote "no."

The SPEAKER. Was the gentleman in the Hall listening when his name was called?

Mr. OVERMYER. Mr. Speaker, I was called to the telephone.

The SPEAKER. Was the gentleman in the Hall?

Mr. OVERMYER. I was at the telephone in the cloakroom.

The SPEAKER. The gentleman does not bring himself within the rule.

Mr. MCARTHUR. Mr. Speaker, I voted "aye" on this roll call, but I am paired with the gentleman from Arizona, Mr. HAYDEN, and I wish to withdraw that vote and answer "present."

The name of Mr. MCARTHUR was called, and he answered "Present."

Mr. MILLER of Minnesota. Mr. Speaker, I desire to vote "aye."

The SPEAKER. Was the gentleman in the Hall listening when his name was called?

Mr. MILLER of Minnesota. I was not in the Hall until just after my name had been passed. I was in the Hall after that.

The SPEAKER. The gentleman does not bring himself within the rule.

Mr. KEARNS. Mr. Speaker, I desire to vote "aye."

The SPEAKER. Was the gentleman in the Hall listening when his name should have been called?

Mr. KEARNS. I was not in the Hall. I came in just as the Clerk was concluding the call of the roll.

The SPEAKER. The gentleman does not bring himself within the rule.

The result of the vote was announced as above recorded.

The SPEAKER. The next vote will be taken on the Sterling amendment to perfect the text.

Mr. STERLING. Mr. Speaker, I ask unanimous consent that the Clerk read the portion to be stricken out of the bill under my amendment.

The SPEAKER. Without objection, the Clerk will read.

The Clerk read as follows:

On page 207, strike out lines 20 to 23, which are as follows:

"That the plant or plants provided for under this act shall be constructed and operated solely by the Government and not in conjunction with any other industry or enterprise carried on by private capital."

The SPEAKER. The question is on agreeing to the Sterling amendment.

The question was taken, and the amendment was rejected.

The SPEAKER. The next vote will be taken upon the Mondell amendment. The question is on agreeing to the Mondell amendment.

The question was taken; and on a division (demanded by Mr. MANN) there were—ayes 134, noes 145.

Mr. POWERS. Mr. Speaker, I demand the yeas and nays.

Mr. MANN. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 173, nays 176, answered "present" 6, not voting 79.

SENATE BILLS REFERRED.

YEAS—173.

Anderson	Focht	Kinkaid	Rogers
Beales	Foss	La Follette	Rowe
Bennet	Frear	Lehmbach	Russell, Ohio
Britt	Freeman	Lenroot	Sanford
Britten	Gallagher	Loft	Scott, Mich.
Browne	Gallivan	Loud	Scott, Pa.
Browning	Gardner	McCracken	Sells
Bruckner	Garland	McCulloch	Siegel
Butler	Gillet	McDermott	Sinnett
Campbell	Glynn	McFadden	Slayden
Cannon	Gould	McKenzie	Siemp
Capstick	Gray, Ind.	McKinley	Sloan
Carew	Green, Iowa	McLaughlin	Smith, Idaho
Carter, Mass.	Greene, Mass.	Madden	Smith, Mich.
Charles	Greene, Vt.	Magee	Snell
Chiperfield	Griffin	Mann	Snyder
Cooper, Ohio	Guerney	Mapes	Stafford
Cooper, W. Va.	Hadley	Matthews	Steenerson
Cooper, Wis.	Hamilton, Mich.	Meeker	Stephens, Cal.
Copley	Haskell	Miller, Del.	Stiness
Cox	Haugen	Miller, Minn.	Stone
Cramton	Hawley	Mondell	Sullivan
Curry	Hayes	Moore, Pa.	Sweet
Dale, N. Y.	Helgesen	Moores, Ind.	Swift
Dale, Vt.	Hernandez	Nolan	Tague
Dallinger	Hicks	Temple	Tilson
Danforth	Hill	Oakey	Tilson
Darrow	Hinds	Oglesby	Timberlake
Dempsey	Hollingsworth	Olney	Tinkham
Denison	Howell	O'Shaunessy	Towner
Dillon	Hubert	Paige, Mass.	Treadway
Dooling	Hull, Iowa	Parker, N. J.	Volstead
Dowell	Humphrey, Wash.	Parker, N. Y.	Walsh
Drukker	Husted	Phelan	Wason
Dunn	Johnson, Ky.	Platt	Wheeler
Dyer	Johnson, S. Dak.	Porter	Williams, T. S.
Edmonds	Johnson, Wash.	Powers	Wilson, Ill.
Ellsworth	Kahn	Pratt	Winslow
Elston	Kearns	Ramseyer	Wood, Ind.
Emerson	Kelley	Reavis	Woods, Iowa
Esch	Kennedy, Iowa	Ricketts	Young, N. Dak.
Farr	Kennedy, R. J.	Roberts, Mass.	
Fess	Kent	Roberts, Nev.	
Fitzgerald	King	Rodenberg	

NAYS—176.

Abercrombie	Byrnes, S. C.	Dewalt	Gregg
Adair	Byrns, Tenn.	Dickinson	Hamlin
Adamson	Callaway	Dies	Hardy
Aiken	Candler, Miss.	Dill	Harrison
Alexander	Caraway	Dixon	Hastings
Almon	Carlin	Doolittle	Hay
Anthony	Carter, Okla.	Doughton	Hefflin
Ashbrook	Cary	Edwards	Helm
Aswell	Church	Estopinal	Helvering
Austin	Clark, Fla.	Evans	Henry
Ayres	Cline	Farley	Hensley
Bailey	Coady	Ferris	Holland
Barkley	Coller	Fields	Hood
Barnhart	Connally	Flinley	Howard
Beakes	Crago	Flood	Hughes
Bell	Crisp	Foster	Hull, Tenn.
Black	Crosser	Gandy	Humphreys, Miss.
Blackmon	Culllop	Garner	Igoe
Booher	Davenport	Garrett	Jacoway
Buchanan, Ill.	Davis, Minn.	Glass	Keating
Buchanan, Tex.	Davis, Tex.	Goodwin, Ark.	Kettner
Burgess	Decker	Gordon	Key, Ohio
Burke	Dent	Gray, Ala.	Kincheloe

Kitchin	Neely	Sabath	Talbott
Konop	Nicholls, S. C.	Saunders	Taynner
Lazaro	Oldfield	Shallenberger	Taylor, Ark.
Lever	Oliver	Sherley	Taylor, Colo.
Lewis	Overmyer	Sherwood	Thomas
Liel	Padgett	Shouse	Thompson
Linthicum	Page, N. C.	Sims	Tillman
Lobeck	Park	Sisson	Tribble
London	Pou	Small	Van Dyke
McAndrews	Quin	Smith, N. Y.	Venable
McClinic	Ragsdale	Smith, Tex.	Vinson
McGillicuddy	Rainey	Steagall	Walker
McKellar	Raker	Stedman	Watson, Va.
McLemore	Randall	Steele, Pa.	Webb
Mays	Rauch	Stephens, Miss.	Whaley
Moon	Reburn	Stephens, Nebr.	Williams, W. E.
Morgan, La.	Reilly	Stephens, Tex.	Wilson, La.
Morgan, Okla.	Rouse	Sterling	Wingo
Morrison	Rubey	Stout	Wise
Moss, Ind.	Rucker	Summers	Young, Tex.
Murray	Russell, Mo.	Taggart	The Speaker

ANSWERED "PRESENT"—6.

Cantrill	Fuller	Montague	Steacle, Iowa
Dupré	McArthur		

NOT VOTING—79.

Allen	Godwin, N. C.	Lafean	Patten
Bacharach	Good	Langley	Peters
Barchfeld	Graham	Lee	Price
Boorland	Gray, N. J.	Lesher	Riordan
Brumbaugh	Griest	Liebel	Rowland
Burnett	Hamill	Lindbergh	Schall
Caldwell	Hamilton, N. Y.	Littlepage	Scully
Casey	Hart	Lloyd	Sears
Chandler, N. Y.	Hayden	Longworth	Shackford
Coleman	Heaton	Maher	Smith, Minn.
Conry	Hilliard	Martin	Sparkman
Costello	Hopwood	Mooney	Sutherland
Doremus	Houston	Morin	Switzer
Driscoll	Huddleston	Moss, W. Va.	Vare
Eagan	Hutchinson	Mott	Ward
Eagle	James	Mudd	Watkins
Fairchild	Jones	Nelson	Watson, Pa.
Flynn	Keister	Nichols, Mich.	Williams, Ohio
Fordney	Kiess, Pa.	North	Wilson, Fla.
Gard	Kreider	Norton	

So the Mondell amendment was rejected.

The Clerk announced the following additional pairs:

For this vote:

Mr. BACHARACH (for Mondell amendment) with Mr. SHACKFORD (against Mondell amendment).

Mr. LONGWORTH (for Mondell amendment) with Mr. LITTLEPAGE (against).

Mr. PETERS (for Mondell amendment) with Mr. HILLIARD (against).

Mr. HAMILTON of New York (for Mondell amendment) with Mr. HUDDLESTON (against).

Mr. FAIRCHILD (for Mondell amendment) with Mr. LEE (against).

Mr. GOOD (for Mondell amendment) with Mr. BORLAND (against).

Mr. GRAY of New Jersey (for Mondell amendment) with Mr. BURNETT (against).

Mr. FULLER (for Mondell amendment) with Mr. CLARK of Florida (against).

Mr. MCARTHUR (for Mondell amendment) with Mr. HAYDEN (against).

Mr. NELSON (for Mondell amendment) with Mr. DUPRE (against).

Mr. STEELE of Iowa (for Mondell amendment) with Mr. HUTSON (against).

Mr. MUDD (for Mondell amendment) with Mr. MONTAGUE (against).

Until further notice:

Mr. PATTEN with Mr. CHANDLER of New York.

Mr. LLOYD with Mr. VARE.

Mr. COADY with Mr. MARTIN.

Mr. EAGLE with Mr. SMITH of Minnesota.

Mr. JONES with Mr. HOPWOOD.

Mr. GARD with Mr. NICHOLS of Michigan.

Mr. DOREMUS with Mr. MORIN.

Mr. WILSON of Florida with Mr. KREIDER.

Mr. HOUSTON. Mr. Speaker, I desire to be recorded "no."

The SPEAKER. Was the gentleman in the Hall listening?

Mr. HOUSTON. No, sir; I was not.

The SPEAKER. The gentleman does not bring himself within the rule.

Mr. MONTAGUE. Mr. Speaker, I voted "no." I am paired with the gentleman from Maryland [Mr. MUDD], and I desire to withdraw my vote and to be recorded "present."

The name of Mr. MONTAGUE was called, and he answered "Present."

Mr. MCARTHUR. Mr. Speaker, I voted "aye" on the first roll call. I am paired with the gentleman from Arizona [Mr. HAYDEN]. I desire to change my vote to "present." I desire to say I am paired with the gentleman from Arizona [Mr.

HAYDEN], and not the gentleman from New York [Mr. LONDON], as read by the Clerk.

Mr. DUPRÉ. Mr. Speaker, is the gentleman from Wisconsin [Mr. NELSON] recorded as voting?

The SPEAKER. He is not.

Mr. DUPRÉ. Then I desire to withdraw my vote of "no," being paired with the gentleman from Wisconsin, and to answer "Present."

The name of Mr. DUPRÉ was called, and he answered "Present."

The SPEAKER. The Clerk will call my name.

The name of Mr. CLARK of Missouri was called, and he answered "No."

The result of the vote was announced as above recorded.

Mr. HAY. Mr. Speaker, I accept the amendment of the gentleman from Illinois [Mr. FOSTER] and call for a vote on it.

The SPEAKER. The question is on the Foster amendment.

Mr. MANN. By unanimous consent, I suppose, that amendment is agreed to.

The SPEAKER. Without objection, the Foster amendment is agreed to. [After a pause.] The Chair hears none. The vote is on the Hay amendment.

Mr. HAY. Mr. Speaker, the gentleman from North Carolina [Mr. SMALL] offers an amendment to the text, which I also accept.

The SPEAKER. The Chair understood all the time—he may have been dead wrong—that the Small amendment was an amendment to the Hay substitute.

Mr. HAY. Yes, sir; that is correct. I ask the Clerk to report the amendment.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

Amendment offered by Mr. SMALL to the amendment offered by Mr. HAY: On line 7 of the amendment, after the word "other," strike out the word "power" and insert the word "method."

The SPEAKER. The question is on the amendment of the gentleman from North Carolina [Mr. SMALL].

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

Mr. FOSTER. Mr. Speaker, I ask for a division.

The SPEAKER. The gentleman from Illinois [Mr. FOSTER] asks for a division.

Mr. SMALL. Mr. Speaker, I ask unanimous consent to withdraw the amendment.

The SPEAKER. The gentleman does not have to have unanimous consent. The gentleman from North Carolina withdraws his amendment. The question is on the Hay substitute as amended by the Foster amendment.

The substitute as amended was agreed to.

Mr. HAY. Mr. Speaker, I ask that the Senate amendment be disagreed to.

The SPEAKER. Wait a moment. There is one more vote to be taken—a vote on the Anthony substitute.

Mr. ANTHONY. Mr. Speaker, I ask to withdraw it.

The SPEAKER. The gentleman from Kansas withdraws it.

Mr. HAY. Mr. Speaker, I move that the House further insists on its disagreement to the Senate amendment.

Mr. MANN. We have to vote now on the original motion. By unanimous consent that can be voted down.

The SPEAKER. There has to be a vote on the motion of the gentleman from Virginia [Mr. HAY] to concur.

Mr. MANN. The sense of the House—

The SPEAKER. The sense of the House is to concur in the amendment as modified by the Hay substitute.

Mr. MANN. To concur in the original amendment. It is only to express the sentiment of the House. The vote is upon the original motion.

Mr. HAY. The question is to take the sense of the House on section 122 of the Senate amendment as amended by the substitute which the House has just adopted.

The SPEAKER. That is just exactly what the Chair said five minutes ago.

Mr. MANN. That is not it.

Mr. HAY. What is it?

Mr. MANN. We have expressed the sense of the House on the Hay substitute, but now we are required to express the sense of the House on the original Senate amendment as it stands. It is an easy proposition.

Mr. HAY. As I understand it, the question is on section 122 of the Senate amendment.

The SPEAKER. As modified by the Hay substitute.

Mr. MANN. That is the original proposition.

Mr. SHERLEY. Mr. Speaker, if the Chair will permit, it was necessary under the terms of the agreement for the gentleman from Virginia [Mr. HAY] to move to concur in the Senate

amendment No. 122. It was also in order to offer various amendments, which were offered. Now, the House having expressed by its vote a preference for an amendment, the thing in order is the motion of the gentleman to concur in No. 122, which ought to be voted down.

Mr. MANN. Certainly.

Mr. FITZGERALD. Mr. Speaker, if the gentleman will permit me, the House has substituted the Hay provision with the Foster amendment.

Mr. MANN. The House could not express its sense.

The SPEAKER. The question is on the Hay motion, that it is the sense of the House that section 122 of the Senate amendment be concurred in.

The question was taken, and the motion was rejected.

Mr. HAY. Mr. Speaker, I move that the House do further insist on its disagreement to the Senate amendment and ask for a conference.

The motion was agreed to.

The SPEAKER announced the following conferees: Mr. HAY, Mr. DENT and Mr. KAHN.

HOUR OF MEETING TO-MORROW.

Mr. KITCHIN. 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 North Carolina asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow. Is there objection? [After a pause.] The Chair hears none.

MINORITY VIEWS ON SHIPPING BILL.

Mr. GREENE of Massachusetts. Mr. Speaker, I ask unanimous consent to have five legislative days in which to file minority views on the bill H. R. 10500, the shipping bill.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent for five legislative days in which to file minority views on the bill H. R. 10500, the shipping bill. Is there objection? [After a pause.] The Chair hears none.

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

Senate Bills Referred.

Under clause 2 of 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. 2517. An act for the relief of Edward W. Whitaker; to the Committee on Military Affairs; and

S. 4371. An act authorizing the Sioux Tribe of Indians to submit claims to the Court of Claims; to the Committee on Claims.

EXTENSION OF REMARKS.

Mr. KAHN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

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

There was no objection.

Mr. SMALL. 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.

The SPEAKER. Is there objection?

There was no objection.

Mr. COADY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the stadium bill.

The SPEAKER. The gentleman from Maryland asks unanimous consent to extend his remarks in the RECORD on the stadium bill. Is there objection?

There was no objection.

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

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

There was no objection.

Mr. GREENE of Massachusetts. Mr. Speaker, I understood that the bill to which I referred (H. R. 10500) had been reported to-day. The chairman tells me it has not been reported.

The SPEAKER. The gentleman can file his views within five legislative days, anyhow.

Mr. CARY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

Mr. BARNHART. Reserving the right to object, Mr. Speaker, I would like to inquire of the gentleman from Wisconsin what the nature of his remarks will be?

Mr. CARY. On the embargo resolution which I introduced. Mr. BARNHART. Is it an original speech?

Mr. CARY. Yes, sir.

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

JOSEPH GURNEY CANNON (H. Doc. No. 1092).

Mr. MANN. Mr. Speaker, I ask unanimous consent that there may be printed as a House document the usual number of copies of the proceedings of last Saturday relating to former Speaker CANNON, including the prayer of the Chaplain.

The SPEAKER. The gentleman from Illinois asks unanimous consent to make a House document of the proceedings in honor of former Speaker CANNON last Saturday. The Chair will take the liberty of making this remark, that if that is done, he wants whoever edits it to edit out the "15 months" and make it "5 months," as I wrote it, in my reference to Senator Allison. Is there objection to the request of the gentleman from Illinois?

Mr. BARNHART. Reserving the right to object, Mr. Speaker, I would like to ask the gentleman from Illinois if this is not an unusual proceeding?

Mr. MANN. It is a very unusual proceeding for me to make such a request.

Mr. GARRETT. And it was a very unusual day.

Mr. KITCHIN. I hope no one will object.

Mr. MANN. I think it would be proper to print 10,000 copies of it. I have not asked for that, however.

Mr. BARNHART. I have no objection to that, but I think the gentleman from Illinois understands that it is an unusual proceeding, so that hereafter when he does object to a request he will remember that this was an extraordinary occasion and an extraordinary proceeding.

Mr. MANN. I will remember that; and I will modify my proposition by asking that 10,000 copies be printed, to be distributed through the folding room. I make that request, Mr. Speaker, that 10,000 copies be printed and distributed through the folding room.

The SPEAKER. The gentleman from Illinois modifies his request and asks that 10,000 copies be printed and distributed through the folding room. Is there objection to either one of these requests?

There was no objection.

Mr. MANN. I amend my request, Mr. Speaker, and ask that on this document the portrait of Mr. CANNON be printed.

The SPEAKER. The gentleman also asks that the portrait of former Speaker CANNON be printed on this document. Is there objection?

There was no objection.

EXTENSION OF REMARKS.

Mr. JOHNSON of Kentucky. Mr. Speaker, I ask unanimous consent to extend my remarks on the Army reorganization bill.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to extend his remarks in the RECORD, as indicated. Is there objection?

There was no objection.

Mr. ABERCROMBIE. Mr. Speaker, I make the same request.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. BARKLEY. I make the same request, Mr. Speaker.

The SPEAKER. Is there objection?

There was no objection.

Mr. DOUGHTON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a speech delivered at Durham, N. C., by R. F. Beasley, of Monroe, N. C., on the subject of taxation.

Mr. BARNHART. Reserving the right to object, was the gentleman a former Member of the House?

Mr. DOUGHTON. I think not.

Mr. BARNHART. Was he a former governor of the State?

Mr. DOUGHTON. Not that I know of.

Mr. BARNHART. Then I think I shall object to that, Mr. Speaker.

The SPEAKER. The gentleman from Indiana [Mr. BARNHART] objects.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I renew my motion to adjourn. The motion was agreed to; accordingly (at 5 o'clock and 45 minutes p. m.) the House adjourned, pursuant to the order previously made, until to-morrow, Tuesday, May 9, 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 estimate of an emergency appropriation for spring repairs to the road system in the Yellowstone National Park to be used prior to June 30, 1916, and to be deducted from the appropriation for maintenance and repair for the fiscal year ending June 30, 1917 (H. Doc. No. 1082); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of War, submitting a change in the wording of the estimate of appropriation to cover repair of roads within the arsenal grounds, West Troy, N. Y., so as to read "for the repair of roads within and of one public road running through the arsenal grounds, \$20,000" (H. Doc. No. 1083); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Secretary of War, submitting draft of legislation to be inserted in the bill making appropriations for the service of the War Department under the heading, "Transportation of the Army and its supplies" (H. Doc. No. 1084); to the Committee on Military Affairs and ordered to be printed.

4. A letter from the Secretary of the Treasury, submitting a tentative draft of legislation relating to auditor's statement to the Secretary of the Treasury, of all checks issued which shall have then been outstanding and unpaid for three years or more (H. Doc. No. 1085); to the Committee on Expenditures in the Treasury Department and ordered to be printed.

5. A letter from the Secretary of War, submitting an addition to the estimates heretofore submitted under the heading "Panama Canal," subhead "Fortifications, Panama Canal" (H. Doc. No. 1086); to the Committee on Appropriations and ordered to be printed.

6. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Albert G. Lewis v. The United States (H. Doc. No. 1087); to the Committee on War Claims and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. WEBB, from the Committee on the Judiciary, to which was referred the bill (H. R. 15314) prohibiting threats against the President of the United States, reported the same without amendment, accompanied by a report (No. 652), which said bill and report were referred to the House Calendar.

Mr. DILL, from the Committee on Indian Affairs, to which was referred the bill (H. R. 12123) to appropriate money to build and maintain roads on the Spokane Indian Reservation, reported the same with amendment, accompanied by a report (No. 653), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HAYDEN, from the Committee on Irrigation of Arid Lands, to which was referred the bill (H. R. 10116) for the relief of certain settlers under reclamation projects, reported the same with amendment, accompanied by a report (No. 654), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. O'SHAUNESSY, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 204) to promote the efficiency of the Public Health Service, reported the same without amendment, accompanied by a report (No. 655), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. STEPHENS of Texas, from the Committee on Indian Affairs, to which was referred the bill (H. R. 11958) to provide for the sale of certain Indian lands in Oklahoma, and for other purposes, reported the same with amendment, accompanied by a report (No. 656), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GANDY, from the Committee on the Public Lands, to which was referred the bill (H. R. 12889) authorizing the Secretary of the Interior to convey certain land to the town of Newell, S. Dak., and for other purposes, reported the same with amendment, accompanied by a report (No. 657), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R.

15295) granting an increase of pension to Henry Borghardt, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills and resolutions were introduced and severally referred as follows:

By Mr. ALEXANDER: A bill (H. R. 15455) to establish a United States shipping board for the purpose of encouraging, developing, and creating a naval auxiliary and naval reserve and a merchant marine to meet the requirements of the commerce of the United States with its Territories and possessions and with foreign countries; to regulate carriers by water engaged in the foreign and interstate commerce of the United States; and for other purposes; to the Committee on the Merchant Marine and Fisheries.

By Mr. DYER: A bill (H. R. 15456) to amend section 1754 of the Revised Statutes of the United States; to the Committee on Reform in the Civil Service.

By Mr. GREGG: A bill (H. R. 15457) for a site and building for customs and other Government offices at Galveston, Tex.; to the Committee on Public Buildings and Grounds.

By Mr. MURRAY: A bill (H. R. 15458) to provide credit for farm-home societies; to the Committee on Banking and Currency.

By Mr. STEELE of Iowa: A bill (H. R. 15459) authorizing the Secretary of War to deliver to McDowell Post, 391, Grand Army of the Republic, Early, Iowa, two condemned bronze or brass cannon with their carriages and suitable outfit of cannon balls; to the Committee on Military Affairs.

By Mr. TINKHAM: A bill (H. R. 15460) to provide for the payment of assessments for benefits for the opening of streets, avenues, roads, and alleys in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. TRIBBLE: A bill (H. R. 15461) to pay to Confederate soldiers and to the widows of Confederate soldiers \$50 per month during the remainder of their lives; to the Committee on Invalid Pensions.

By Mr. HUGHES: A bill (H. R. 15462) to create a commission to be known as the Federal Motion Picture Commission, and defining its powers and duties; to the Committee on Education.

By Mr. MURRAY: A bill (H. R. 15463) to protect private property taken for public use in Porto Rico; to the Committee on Insular Affairs.

By Mr. VAN DYKE: A bill (H. R. 15464) to repair and remodel the post-office and courthouse building at St. Paul, Minn.; to the Committee on Public Buildings and Grounds.

By Mr. LOUD: A bill (H. R. 15465) to establish a United States shipping board, for the purpose of encouraging, developing, and creating a naval auxiliary and naval reserve and a merchant marine to meet the requirements of the commerce of the United States with its Territories and possessions and with foreign countries; to regulate carriers by water engaged in the foreign and interstate commerce of the United States; and for other purposes; to the Committee on the Merchant Marine and Fisheries.

By Mr. WALKER: A bill (H. R. 15491) to regulate the labeling of cotton fabric sold in the District of Columbia, the District of Alaska, and the Territories of the United States, or shipped in interstate commerce, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. GREEN of Iowa (by request): Resolution (H. Res. 227) for printing 5,000 copies of the record of the investigation of the Interstate Commerce Commission of the financial affairs of the Chicago, Rock Island & Pacific Railway Co.; to the Committee on Printing.

By Mr. FULLER: Resolution (H. Res. 228) to amend the rules; to the Committee on Rules.

By Mr. JOHNSON of Kentucky: Resolution (H. Res. 229) authorizing the Committee on the District of Columbia to investigate and inquire into the condition of the financial relations between the United States and the District of Columbia; to the Committee on Rules.

By Mr. SCOTT of Pennsylvania: Joint resolution (H. J. Res. 220) to create a joint subcommittee from the membership of the Senate Post Offices and Post Roads Committee and the House Post Office and Post Roads Committee to investigate the condition of and the recent changes in the Rural Mail Delivery Service in the United States; to the Committee on the Post Office and Post Roads.

By Mr. KENT: Concurrent resolution (H. Con. Res. 36) authorizing the printing of the bulletin prepared by the Department of Agriculture entitled "Testing Grape Varieties in the

Vinifera Regions of the United States"; to the Committee on Printing.

By Mr. FREAR: Concurrent resolution (H. Con. Res. 37) limiting appropriations for flood control; to the Committee on Flood Control.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and a resolution were introduced and severally referred as follows:

By Mr. BEALES: A bill (H. R. 15466) to correct the military record of Daniel M. Witmyer; to the Committee on Military Affairs.

By Mr. BELL: A bill (H. R. 15467) granting a pension to Ernest P. Summer; to the Committee on Pensions.

By Mr. DEMPSEY: A bill (H. R. 15468) granting an increase of pension to Phebe A. Talcott; to the Committee on Invalid Pensions.

By Mr. FOSTER: A bill (H. R. 15469) granting a pension to Sylvester F. Gilmore; to the Committee on Invalid Pensions.

By Mr. GREGG: A bill (H. R. 15470) granting a pension to Frank Hall; to the Committee on Invalid Pensions.

By Mr. HAMILTON of Michigan: A bill (H. R. 15471) granting an increase of pension to Edwin P. Arnold; to the Committee on Invalid Pensions.

By Mr. KIESS of Pennsylvania: A bill (H. R. 15472) granting an increase of pension to David Morehart; to the Committee on Invalid Pensions.

By Mr. KREIDER: A bill (H. R. 15473) granting an increase of pension to Samuel A. Pye; to the Committee on Invalid Pensions.

By Mr. LAFEAN: A bill (H. R. 15474) granting an increase of pension to Alexander Monroe; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15475) granting an increase of pension to Israel Marshall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15476) granting an increase of pension to Elizabeth Strayer; to the Committee on Invalid Pensions.

By Mr. McFADDEN: A bill (H. R. 15477) granting an increase of pension to George W. Kilmer; to the Committee on Invalid Pensions.

By Mr. OVERMYER: A bill (H. R. 15478) granting a pension to Florence Woodward; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15479) granting a pension to Margaret C. Dunlap; to the Committee on Pensions.

By Mr. POWERS: A bill (H. R. 15480) to remove the charge of desertion from the military record of Porter Hill; to the Committee on Military Affairs.

By Mr. RAUCH (by request): A bill (H. R. 15481) granting a pension to Margaret M. Zurmehly; to the Committee on Pensions.

Also, a bill (H. R. 15482) granting a pension to Simeon H. Johnston; to the Committee on Pensions.

Also, a bill (H. R. 15483) granting a pension to William F. Randle; to the Committee on Pensions.

Also, a bill (H. R. 15484) granting an increase of pension to Lewis A. Huddleston; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15485) granting a pension to William T. Murphy; to the Committee on Pensions.

By Mr. SCULLY: A bill (H. R. 15486) granting a pension to Annie M. France; to the Committee on Invalid Pensions.

By Mr. SMITH of New York: A bill (H. R. 15487) granting an increase of pension to James A. Thompson; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Arkansas: A bill (H. R. 15488) granting a pension to Samuel Hoover; to the Committee on Invalid Pensions.

By Mr. VAN DYKE: A bill (H. R. 15489) for the relief of Richard T. Ishmael; to the Committee on Military Affairs.

By Mr. THOMAS S. WILLIAMS: A bill (H. R. 15490) granting a pension to Mary Bruce; to the Committee on Invalid Pensions.

By Mr. LENROOT: Resolution (H. Res. 230) for the relief of Frank Murray; to the Committee on Claims.

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 National Society of the Daughters of the American Revolution, in reference to proposed legislation affecting the Daughters of the American Revolution; to the Committee on the District of Columbia.

By Mr. ASHBROOK: Papers to accompany House bill 15324, for relief of Quincy A. Cheadle; to the Committee on Invalid Pensions.

By Mr. BAILEY: Petition of M. Kaufman & Son, favoring House bill 13916; to the Committee on Interstate and Foreign Commerce.

Also, petitions of sundry citizens, in reference to our foreign relations; to the Committee on Foreign Affairs.

By Mr. BENNET: Memorial of New York City Board of Aldermen, in regard to preparedness; to the Committee on Military Affairs.

By Mr. CURRY: Petition of 112 citizens of Sacramento, Cal., against passage of House bill 652, to provide for the closing of barber shops in the District of Columbia on Sunday; to the Committee on the District of Columbia.

By Mr. DALE of New York: Memorials of various clubs and organizations, favoring reporting the Susan B. Anthony suffrage amendment from the Judiciary Committee; to the Committee on the Judiciary.

Also, petition of sundry citizens in re preparedness; to the Committee on Military Affairs.

Also, memorial of Peiton Water Wheel Co., of New York, in re Shields bill; to the Committee on Interstate and Foreign Commerce.

Also, memorial of Chamber of Commerce of New York, in re House bills 8665 and 8677; to the Committee on Labor.

Also, memorial of Chamber of Commerce of New York, in re rural-credit banking; to the Committee on Agriculture.

By Mr. DALE of Vermont: Petition of 46 residents of Jamaica, East Jamaica, and West Townshend, Vt., protesting against the passage of House bill 652; to the Committee on the District of Columbia.

Also, petition of 53 residents of Jamaica, East Jamaica, and West Townshend, Vt., protesting against the passage of House bill 6468; to the Committee on the Post Office and Post Roads.

Also, memorial of Granite Polishers, of Barre, Vt., indorsing House resolution No. 137, providing for a commission to investigate the dairies and dairy products of the United States; to the Committee on Rules.

By Mr. DANFORTH: Petition of R. H. Wonderly and 34 others of Rochester, N. Y., favoring House bill 8661, to regulate the method of directing the work of Government employees; to the Committee on Labor.

Also, petition of Christian Roeyink and 13 others of Rochester, N. Y., against House bill 13048, to amend an act creating a juvenile court in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of Oliver L. Hardy and 12 others, of Rochester, N. Y., against House bills 491 and 6468, to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. DAVENPORT: Petition of citizens of church of Inola, Okla., favoring the passage of House joint resolutions 84 and 85; to the Committee on the Judiciary.

By Mr. DENISON: Petition of certain citizens of Cairo, Ill., in favor of an embargo on the shipment of arms; to the Committee on Foreign Affairs.

By Mr. DILLON: Petitions of sundry citizens of South Dakota, in reference to foreign relations and favoring maintaining friendly relations with Germany; to the Committee on Foreign Affairs.

By Mr. DYER: Memorial of Benjamin Franklin Council, No. 6, Junior Order United American Mechanics, opposing House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

By Mr. EAGAN: Memorial of citizens of New Orleans, favoring the maintaining of friendly relations with Germany; to the Committee on Foreign Affairs.

Also, memorial of the Farmers' Educational and Cooperative Union of America, in re legislation; to the Committee on Military Affairs.

By Mr. FLYNN: Memorial of Chamber of Commerce of the State of New York, in re House bills 8665 and 8677; to the Committee on Labor.

Also, memorial of Citizens' Peace Committee of New Orleans, La.; to the Committee on Foreign Affairs.

Also, memorial of Chamber of Commerce of State of New York, in re rural-credit banking; to the Committee on Agriculture.

Also, memorial of Farmers' Educational and Cooperative Union of America and of the National Grange, in reference to proposed legislation; to the Committee on the Public Lands.

By Mr. FOCHT: Papers to accompany House bill 10165 for relief of George P. Vance; to the Committee on Pensions.

Also, papers to accompany House bill 7080 for relief of John C. Kuhn; to the Committee on Invalid Pensions.

By Mr. HILL: Petition of Central Labor Union of Norwalk, Conn., of 12 members in reference to House bill 8665; to the Committee on Labor.

Also, memorial of St. Peter's Council, No. 1303, Knights of Columbus, of Stamford, Conn., in favor of House bill 6915, for the retirement of superannuated postal employees; to the Committee on the Post Office and Post Roads.

By Mr. KIESS of Pennsylvania: Petitions of citizens of Williamsport, Pa.; St. John's Lutheran Church, of Renovo, Pa.; and Salem Lutheran Church, of Williamsport, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. LAFEAN: Memorial of city commission of Jackson, Mich., favoring pension for Federal employees after 25 years of service; to the Committee on Reform in the Civil Service.

By Mr. LONDON: Petition of Socialist Party local, Tonopah, Nev., requesting that the American expeditionary forces in Mexico be withdrawn, and protesting against the sending of any more military forces into Mexico; to the Committee on Foreign Affairs.

By Mr. LOUD: Petition of E. S. Chaffee and 39 other voters of Greenwood Township, Clare County, Mich., favoring passage of House joint resolutions 84 and 85; to the Committee on the Judiciary.

By Mr. McDEHANOTT: Petition of Messrs. Williard Landers, Walter L. Knise, C. M. Rapp, and others, all of Chicago, Ill., favoring the passage of the Lobeck classification bill; to the Committee on Agriculture.

By Mr. MAPES: Petition of members of Grand Haven (Mich.) Union of Christian Endeavor, urging the passage of the bill to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of Grand Haven (Mich.) Union of Christian Endeavor, favoring the Smith-Hughes bills for Federal censorship of films; to the Committee on Education.

By Mr. MATTHEWS: Protest of 36 residents of Paulding County, Ohio, against American citizens traveling on armed merchant vessels and against the President's last ultimatum to Germany; to the Committee on Foreign Affairs.

By Mr. NOLAN: Petition of O. A. Longley, of Oakland, Cal., and sundry other citizens of Oakland, favoring the passage of House bill 5792, by Representative LOBECK, in behalf of the employees of the Bureau of Animal Industry; to the Committee on Agriculture.

Also, resolutions of the representative women of the city of Sacramento, Cal., favoring the submission to the State legislatures for ratification the Sutherland-Mondell woman suffrage amendment; to the Committee on the Judiciary.

Also, petition of the North Danish Methodist Episcopal Church Sunday School, of San Francisco, Cal., and sundry other citizens of California, for the passage of the Webb-Smith prohibition resolution; to the Committee on the Judiciary.

By Mr. OVERMYER: Petition of 21 citizens of Tiffin, Ohio, favoring the enactment of House bill 8665, to discontinue and prevent the establishment of the Taylor and similar systems in Government workshops; to the Committee on Labor.

By Mr. RANDALL: Petition of Mrs. L. I. Davis and 16 others, of Hillsboro, Oreg., opposing bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, memorial of mass meeting held on the grounds of the Panama-Pacific International Exposition at San Diego, Cal., favoring woman suffrage; to the Committee on the Judiciary.

Also, memorial of City Commission of Jackson, Mich., favoring the passage of a bill for pensions for Federal employees; to the Committee on Reform in the Civil Service.

By Mr. RIVERA: Petitions of temperance and Christian Endeavor organizations in Porto Rico, asking for prohibition; to the Committee on Insular Affairs.

By Mr. ROBERTS of Massachusetts: Petition of Industrial Lunch Commission of Merrimac, Mass., for passage of House joint resolutions 84 and 85; to the Committee on the Judiciary.

Also, petition of a committee of Massachusetts women, relative to the action of the British Government in prohibiting the shipment of Red Cross supplies to the central powers; to the Committee on Foreign Affairs.

By Mr. ROBERTS of Nevada: Petition of numerous citizens of Reno, Washoe County, Nev., favoring the adoption of a prohibition amendment to the Constitution; to the Committee on the Judiciary.

Also, memorial of Woman's Baptist Mission Circle, of Reno; McKinley Park Mothers' Club, of Reno; the Women's Faculty Club of the University of Nevada, at Reno; and the Ladies' Aid of the Methodist Episcopal Church of Reno, Nev., favoring national constitutional prohibition amendment; to the Committee on the Judiciary.

Also, memorial of Orvis Ring Mothers' Club, of Reno, Washoe County, Nev., favoring national constitutional prohibition; to the Committee on the Judiciary.

By Mr. ROWE: Memorial of Marine Engineers' Beneficial Association, favoring House bill 8036; to the Committee on the Merchant Marine and Fisheries.

Also, memorial of United Boards of Business Agents of Greater New York and Long Island Building Trades, favoring Senate bill 3457 and House bill 8826; to the Committee on Labor.

Also, petition of sundry citizens, favoring peace with Germany; to the Committee on Foreign Affairs.

By Mr. SHOUSE: Petition of citizens of Waterloo, Kans., to prohibit the importation, manufacture, and sale of intoxicating liquors in the island of Porto Rico; to the Committee on Alcoholic Liquor Traffic.

Also, petition of citizens of Ford County, Kans., for an amendment to the Constitution of the United States providing for national prohibition; to the Committee on the Judiciary.

Also, petition of the Ministerial Association of Reno County, Kans., for the prohibition by Congress of the importation, manufacture, and sale of all intoxicating liquors in the island of Porto Rico; to the Committee on Alcoholic Liquor Traffic.

By Mr. SMITH of Michigan: Additional papers to accompany House bill 14897, for relief of Eliza C. Spears; to the Committee on Invalid Pensions.

Also, petition of Elirra Bourne and 41 citizens of Ceresco, Mich., favoring Smith-Webb national prohibition resolution; to the Committee on the Judiciary.

Also, petition of Rev. Henry W. Ellenger and 17 citizens of Sunfield, 5 citizens of Lake Odessa, and 4 citizens of Portland, all in the State of Michigan, favoring Smith-Webb national prohibition resolution; to the Committee on the Judiciary.

Also, petition of E. A. Moore and 24 citizens of Allen, Mich., favoring Smith-Webb national prohibition resolution; to the Committee on the Judiciary.

Also, petition of G. Cross and 43 citizens of Oxford, Mich., favoring Smith-Webb national prohibition resolution; to the Committee on the Judiciary.

Also, petition of Rev. A. R. Johns and 65 citizens of Albion, Mich., favoring Smith-Webb national prohibition resolution; to the Committee on the Judiciary.

Also, petition of O. W. Thompson and 13 citizens of Ransom, 14 citizens of Osseo, 9 citizens of Waldron, and 3 citizens of Pittsford, all in the State of Michigan, favoring Smith-Webb national prohibition resolution; to the Committee on the Judiciary.

Also, petition of A. H. Coors and 73 citizens of Bellevue, Mich., favoring Smith-Webb national prohibition resolution; to the Committee on the Judiciary.

Also, petition of J. F. Phillips and Methodist Episcopal Church of Allen, Mich., favoring Smith-Webb national prohibition resolution; to the Committee on the Judiciary.

Also, petition of Fred Phelps and 58 citizens of Climax, Mich., favoring Smith-Webb national prohibition resolution; to the Committee on the Judiciary.

Also, petition of L. H. Draper and 4 citizens of Montgomery, 10 citizens of Quincy, and 2 citizens of Reading, all in the State of Michigan, favoring Smith-Webb national prohibition resolution; to the Committee on the Judiciary.

Also, petition of Mrs. Mary Burnett and 34 citizens of Union City, Mich., favoring Smith-Webb national prohibition resolution; to the Committee on the Judiciary.

Also, petition of Addie McConnell and 40 citizens of Charlotte, 3 citizens of Vermontville, and 3 citizens of Potterville, all in the State of Michigan, favoring Smith-Webb national prohibition resolution; to the Committee on the Judiciary.

Also, petition of A. D. Jones and 26 citizens of Bellevue, Mich., favoring Smith-Webb national prohibition resolution; to the Committee on the Judiciary.

Also, petition of George J. Lamb and 31 citizens of Vermontville, 2 citizens of Nashville, and 7 citizens of Chester, all in the State of Michigan, favoring Smith-Webb national prohibition resolution; to the Committee on the Judiciary.

Also, petition of N. E. Palmiter and 20 citizens of Battle Creek, 6 citizens of Penfield, and 7 citizens of Ceresco, all in the State of Michigan, favoring Smith-Webb national prohibition resolution; to the Committee on the Judiciary.

Also, petition of Walter S. Vaughn and 22 citizens of Reading, Mich., favoring Smith-Webb national prohibition resolution; to the Committee on the Judiciary.

Also, petition of W. G. Shane and 45 citizens of Grand Ledge, Mich., favoring Smith-Webb national prohibition resolution; to the Committee on the Judiciary.

Also, petition of E. R. Fish and 26 citizens of Homer, Mich., favoring Smith-Webb national prohibition resolution; to the Committee on the Judiciary.

Also, petition of Earl E. Hayward and 25 citizens of Battle Creek, Mich., favoring Smith-Webb national prohibition resolution; to the Committee on the Judiciary.

Also, petition of S. E. Brown and 16 citizens of Pittsford and 9 citizens of Prattville, both in the State of Michigan, favoring Smith-Webb national prohibition resolution; to the Committee on the Judiciary.

Also, petition of Fred C. Throop and 20 citizens of Lansing and 5 citizens of Grand Ledge, both in the State of Michigan, favoring Smith-Webb national prohibition resolution; to the Committee on the Judiciary.

Also, petition of H. E. Holmes and 24 citizens of Quincy and 1 citizen of Litchfield, both in the State of Michigan, favoring Smith-Webb national prohibition resolution; to the Committee on the Judiciary.

Also, petition of Frank Beckwith and 27 citizens of Quincy, 2 citizens of Montgomery, and 2 citizens of Reading, all in the State of Michigan, favoring Smith-Webb national prohibition resolution; to the Committee on the Judiciary.

Also, petition of Robert Smith and 21 citizens of Montgomery and 2 citizens of Coldwater, both in the State of Michigan, favoring Smith-Webb national prohibition resolution; to the Committee on the Judiciary.

Also, petition of Mrs. Eliza Holcomb and 9 citizens of Hillsdale, 4 citizens of Allen, and 14 citizens of Reading, all in the State of Michigan, favoring Smith-Webb national prohibition resolution; to the Committee on the Judiciary.

Also, petition of J. B. Edmonson of Hillsdale and 38 citizens of Osseo, both in the State of Michigan, favoring Smith-Webb national prohibition resolution; to the Committee on the Judiciary.

Also, petition of Alfred Hart and 34 citizens of Tekonsha, Mich., favoring Smith-Webb national prohibition resolution; to the Committee on the Judiciary.

Also, petition of L. E. Perry and 25 citizens of Coldwater, Mich., favoring Smith-Webb national prohibition resolution; to the Committee on the Judiciary.

Also, petition of C. Fremont Mosher and 77 citizens of Battle Creek, Mich., favoring Smith-Webb national prohibition resolution; to the Committee on the Judiciary.

Also, petition of W. A. Howard and the congregation of Methodist Episcopal Church of Tekonsha, Mich., favoring Smith-Webb national prohibition resolution; to the Committee on the Judiciary.

Also, petition of J. B. Edmonson and congregation of Free-will Baptist Church of Osseo, Mich., favoring Smith-Webb national prohibition resolution; to the Committee on the Judiciary.

Also, petition of Carl L. Doolittle and the Baptist Sunday School of Tekonsha, Mich., favoring Smith-Webb national prohibition resolution; to the Committee on the Judiciary.

Also, petition of L. E. Perry, by church and Sunday School of Wesleyan Methodist Church, of Coldwater, Mich., favoring Smith-Webb national prohibition resolution; to the Committee on the Judiciary.

Also, petition of C. Fremont Mosher and the Washington Heights Methodist Episcopal Church, of Battle Creek, Mich., favoring Smith-Webb national prohibition resolution; to the Committee on the Judiciary.

Also, petition of J. G. Phillips and the Methodist Episcopal Church of Allen, Mich., favoring Smith-Webb national prohibition resolution; to the Committee on the Judiciary.

Also, petition of F. E. Dunning and congregation of Methodist Episcopal Church of Homer, Mich., favoring Smith-Webb national prohibition resolution; to the Committee on the Judiciary.

Also, petition of Frank Holcomb and church and Sunday School of Reading, Mich., favoring Smith-Webb national prohibition resolution; to the Committee on the Judiciary.

Also, petition of W. R. Tyrill and Baptist Sunday School of Reading, Mich., favoring Smith-Webb national prohibition resolution; to the Committee on the Judiciary.

Also, petition of Jacob Van der Meulen and congregation of Bethany Reformed Church, of Kalamazoo, Mich., favoring Smith-Webb national prohibition resolution; to the Committee on the Judiciary.

Also, petition of H. Liddicost and Methodist Episcopal Church of Osseo, Mich., favoring Smith-Webb national prohibition resolution; to the Committee on the Judiciary.

Also, petition of William J. Coates and congregation of the Upton Avenue Methodist Episcopal Church, of Battle Creek, Mich., favoring Smith-Webb national prohibition resolution; to the Committee on the Judiciary.

Also, petition of W. H. Rowe and congregation of the First Methodist Church of Union City, Mich., favoring Smith-Webb

national prohibition resolution; to the Committee on the Judiciary.

Also, petition of E. R. Clafin and Methodist Episcopal Sunday School, of Charlotte, Mich., favoring Smith-Webb national prohibition resolution; to the Committee on the Judiciary.

Also, petition of A. D. Jones and Baptist Church of Bellevue, Mich., favoring Smith-Webb national prohibition resolution; to the Committee on the Judiciary.

Also, petition of E. W. Stevens and the First Methodist Episcopal Church and Sunday School of Vermontville, Mich., favoring Smith-Webb national prohibition resolution; to the Committee on the Judiciary.

Also, petition of F. Merritt and Sunfield Methodist Episcopal Sunday School, of Sunfield, Mich., favoring Smith-Webb national prohibition resolution; to the Committee on the Judiciary.

Also, petition of C. H. Palmatier and congregation of Methodist Sunday School of Climax, Mich., favoring Smith-Webb national prohibition resolution; to the Committee on the Judiciary.

Also, petition of H. S. Herseff and Methodist Episcopal Sunday School of Sherwood, Mich., favoring Smith-Webb national prohibition resolution; to the Committee on the Judiciary.

Also, petition of J. R. Wooten, pastor, and the public congregation of the Methodist Episcopal Church of Grand Lodge, Mich., favoring Smith-Webb national prohibition resolution; to the Committee on the Judiciary.

Also, petition of Rev. H. R. Strong and Methodist Episcopal Church of Pittsford, Mich., favoring Smith-Webb national prohibition resolution; to the Committee on the Judiciary.

Also, petition of Rev. V. M. Meeds and the members of Second Baptist Church of Battle Creek, Mich., favoring Smith-Webb national prohibition resolution; to the Committee on the Judiciary.

Also, petition of Rev. M. B. Kelley and Maple Street Methodist Episcopal Church, of Battle Creek, Mich., favoring Smith-Webb national prohibition resolution; to the Committee on the Judiciary.

Also, petition of Rev. O. P. Beston and the congregation of the Baptist Church of Ceresco, Mich., favoring Smith-Webb national prohibition resolution; to the Committee on the Judiciary.

Also, petition of Rev. R. S. Brown and the congregation and Sunday School of the Methodist Episcopal Church of Bronson, Mich., favoring Smith-Webb national prohibition resolution; to the Committee on the Judiciary.

By Mr. TAYLOR of Arkansas (by request): Petition of Mr. R. Malley and many others, of Pine Bluff, Ark., favoring House bill 8665, to prohibit stop-watch or other time study; to the Committee on Labor.

By Mr. TIMBERLAKE: Petition of 18 members of the Second Presbyterian Church of Colorado Springs, Colo., praying for a Christian amendment to the Constitution; to the Committee on the Judiciary.

Also, memorial of Ladies' Aid Society of the Methodist Episcopal Church of Greeley, Colo., favoring adoption of constitutional amendment prohibiting polygamy; to the Committee on the Judiciary.

Also, petition of citizens of Boulder, Colo., protesting against House bill 652, providing for the closing of barber shops in the District of Columbia; to the Committee on the District of Columbia.

By Mr. VAN DYKE: Petition of sundry citizens, opposing House bills 6468 and 491; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of St. Paul, Minn., and Ramsey, Minn., favoring national prohibition; to the Committee on the Judiciary.

SENATE.

TUESDAY, May 9, 1916.

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

Almighty God, all Thy blessings wait upon the changeless and eternal order of the divine mind. Thou hast spoken to us by all that Thou hast made. The earth about us and the heaven above us speak to us in the same language, reveal to us the same God, whisper to our hearts the blessedness of hope and of good cheer.

We bless Thee that Thou dost lead us on. Thou hast put responsibility upon human life. May we think Thy thoughts after Thee. We pray that this day we may be enabled to go forward under the inspiration of Thy holy spirit. May the laws that are made in this Congress be a transcript of the

divine will. May blessings come because we are following the divine order in all our national life. We ask for Christ's sake. Amen.

The Journal of the legislative day of Friday, May 5, 1916, was read and approved.

LAND IN THE DISTRICT OF COLUMBIA.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of War, relative to the acquisition by the Government of certain property in the city of Washington fronting on the Anacostia River, which was referred to the Committee on the District of Columbia.

YELLOWSTONE NATIONAL PARK (H. DOC. NO. 1082).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of War, requesting an emergency appropriation of \$15,000 for spring repairs to the road system in the Yellowstone National Park, which was referred to the Committee on Appropriations and ordered to be printed.

LIST OF CLAIMS (S. DOC. NO. 435).

The VICE PRESIDENT laid before the Senate a communication from the chief clerk of the Court of Claims, transmitting, pursuant to the order of the court, a list of causes referred to the Court of Claims by the United States Senate and dismissed by that court, which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

CHARLES E. CURRIER V. UNITED STATES (S. DOC. NO. 436).

The VICE PRESIDENT laid before the Senate a communication from the chief clerk of the Court of Claims, transmitting a certified copy of the findings of fact and conclusion filed by the court in the cause of Charles E. Currier v. United States, which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

WILLIAM J. LAUCK ET AL. (S. DOC. NO. 434).

The VICE PRESIDENT laid before the Senate a communication from the chief clerk of the Court of Claims, transmitting a certified copy of the order of the court filed by the court in the cause of William J. Lauck et al., heirs of James F. Lauck, deceased, v. United States, which was referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the joint resolution (S. J. Res. 119) to permit the issuance of medical and other supplies to the American National Red Cross for a temporary period.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12766) to increase the efficiency of the Military Establishment of the United States, further insists upon its disagreement to the amendments of the Senate to the bill, asks a further 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 further conference on the part of the House.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

S. 4726. An act to permit issue by the supply departments of the Army to certain military schools and colleges;

S. 4603. An act to authorize the Jackson Highway Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Tombigbee River at Princes Lower Landing, near Jackson, Ala.;

S. 4432. An act to amend section 8 of an act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914; and

H. R. 3575. An act to amend section 5234 of the Revised Statutes of the United States so as to permit the Comptroller of the Currency to deposit upon interest the assets of insolvent national banks in other national banks of the same or of an adjacent city or town.

NATIONAL DEFENSE.

Mr. CHAMBERLAIN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12766) to increase the efficiency of the Military Estab-