

By Mr. SMITH of Idaho: Petition of citizens of Idaho, against passage of bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, memorial of Woman's Christian Temperance Union of New Meadows, Idaho, favoring national prohibition; to the Committee on the Judiciary.

Also, memorial of Challis Commercial Club, favoring the creation of the Sawtooth National Park; to the Committee on the Public Lands.

Also, papers to accompany House bill 8491; to the Committee on the Public Lands.

Also, memorial of women's mass meeting at Pocatello, Idaho, relative to woman suffrage; to the Committee on the Judiciary.

SENATE.

THURSDAY, June 22, 1916.

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

Almighty God, we lift our hearts to Thee for Thy guidance and blessing in a troublous time. In the midst of the first rude conflict, a time that tests the great moral and spiritual ideals of the Nation, we turn back to the God of our fathers and seek Thy favor. We know that it will profit us nothing if we as a Nation gain the whole world and lose our own soul. To Thy hand we commit our interests. As Thou hast guided us in the years past ever onward and upward in the achievement of the purposes of our civil organization, so we pray that Thou wilt guide us still. At this time may we not allow ourselves either in the vanity of power or in the conceit of safety to rest secure, but grant, we pray, that in all diligence we may give ourselves to the seeking of those lines of peace and justice and righteousness that exalt a nation and that will give us even larger influence among the nations of the world. May we show ourselves a self-mastered people. To this end do Thou guide us by Thy holy spirit. For Christ's sake. Amen.

The Secretary proceeded to read the Journal of the proceedings of the legislative day of Tuesday, June 20, 1916, when, on request of Mr. SWANSON, and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House disagrees to the amendments of the Senate to the bill (H. R. 13383) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1917, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. FLOOD, Mr. CLINE, and Mr. COOPER of Wisconsin managers at the conference on the part of the House.

PETITIONS AND MEMORIALS.

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

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

He also presented a petition of Fenimore Council, No. 249, United Commercial Travelers of America, of Mitchell, S. Dak., praying for the enactment of legislation to provide an investigation into conditions surrounding the marketing of dairy products, which was referred to the Committee on Agriculture and Forestry.

He also presented petitions of sundry citizens of South Dakota, praying for an increase in armaments, which were ordered to lie on the table.

He also presented a memorial of sundry citizens of Worthing, S. Dak., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

Mr. SHERMAN presented a memorial of Local Branch No. 6, Post Office Clerks' Association, of Chicago, Ill., remonstrating against the transfer of temporary employees in the Auditor's Office of the Post Office Department to the money-order division of the Chicago post office, which was referred to the Committee on Post Offices and Post Roads.

Mr. PHELAN presented a memorial of the Board of Supervisors of Butte County, Cal., remonstrating against the imposition of a Federal tax on inheritances, which was referred to the Committee on Finance.

He also presented a petition of the Health Officers' Association of Los Angeles County, Cal., praying for Federal aid in the treatment of tuberculosis, which was referred to the Committee on Public Health and National Quarantine.

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

He also presented a petition of the Franklin Printing Trades Association, of San Francisco, Cal., praying for the enactment of legislation to prohibit the exportation of manufactured papers and materials used in the making of paper, which was referred to the Committee on the Judiciary.

Mr. MYERS presented petitions of sundry citizens of Great Falls, Helena, and Miles City, in the State of Montana, praying for Federal censorship of motion pictures, which were referred to the Committee on Education and Labor.

He also presented petitions of sundry citizens of Helena and Miles City, in the State of Montana, praying for the enactment of legislation to forbid interstate transmission of race-gambling odds and bets, which were referred to the Committee on Interstate Commerce.

He also presented a petition of the Commercial Club, of Great Falls, Mont., praying for Federal aid in the construction of good roads, which was ordered to lie on the table.

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

Mr. POINDEXTER. I present a joint memorial of the Legislature of Washington relating to legislation for the relief of settlers on unsurveyed Northern Pacific Railway lands, which I ask may be printed in the RECORD and referred to the Committee on Public Lands.

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

UNITED STATES OF AMERICA,
The State of Washington, Department of State.

To all to whom these presents shall come:

I, I. M. Howell, secretary of state of the State of Washington and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of senate joint memorial No. 1, passed January 18 and 19, 1915, with the original copy of said memorial now on file in this office, and find the same to be a full, true, and correct copy of said original and of the whole thereof, together with all official indorsements thereon.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Washington. Done at the capitol, at Olympia, this 24th day of February, A. D. 1915.

[SEAL.]

I. M. HOWELL,
Secretary of State.
By J. GRANT HINKLE,
Assistant Secretary of State.

(Senate joint memorial 1.)

To the Hon. FRANKLIN K. LANE,
Secretary of the Interior, Washington, D. C.:

Your memorialists, the Senate and House of Representatives of the State of Washington, in legislative session assembled, would most respectfully represent:

That the Hon. A. A. Jones, First Assistant Secretary of the Interior, on December 13, 1913, in submitting his report to the Senate Committee on Public Lands on Senate bills Nos. 2801 and 3087, made the following recommendation:

"I recommend the amendment of the act of July 1, 1898 (30 Stat., 597), extending the right of selection to settlement claims arising prior to July 1, 1913."

That there are pending at this time in the United States Senate certain bills looking for the relief of settlers on Northern Pacific Railway lands, on which bills the Senate Committee on Public Lands has requested a report from the Interior Department.

Therefore, we, your memorialists, most earnestly and respectfully pray that your honorable department submit its further report regarding a proposed amendment of the act of July 1, 1898, extending relief to settlers whose settlement claims were prior to July 1, 1913, causing to be introduced in Congress legislation in conformity with its report, if it should be ascertained that such legislation be not already pending.

And your memorialists will ever pray.

Passed the senate January 18, 1915.

LOUIS F. HART,
President of the Senate.

Passed the house January 19, 1915.

W. W. CONNER,
Speaker of the House.

Mr. POINDEXTER presented the memorial of Carolyn Davis and sundry other citizens of Seattle, Wash., and the memorial of Mrs. George Woolf and sundry other citizens of Colville, Wash., 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 the memorial of Willard Fay and sundry other citizens of Colville, Wash., and the memorial of Mary A. W. Paxton and sundry other citizens of Hassan, Wash., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which were ordered to lie on the table.

Mr. TOWNSEND presented a memorial of sundry citizens of Alpena, Mich., remonstrating against the enactment of legislation

for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

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

He also presented memorials of sundry citizens of New Bedford and Fairhaven, in the State of Massachusetts, 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.

CONSTRUCTION OF SUBMARINES.

Mr. SWANSON. From the Committee on Naval Affairs I report back favorably without amendment the bill (H. R. 13670) amending an act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1916, and for other purposes," relating to the authorization of fleet submarines, and I submit a report (No. 526) thereon. I ask for the immediate consideration of the bill.

The VICE PRESIDENT. The Senator from Virginia asks unanimous consent for the present consideration of the bill.

Mr. OLIVER. I should like to hear the bill read.

The VICE PRESIDENT. The Secretary will read the bill.

The Secretary read the bill, as follows:

Be it enacted, etc., That the provision of the act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1916, and for other purposes," which reads as follows: "Two submarines, to be of seagoing type, to have a surface speed of 25 knots or more if possible, but not less than 20 knots, to cost, exclusive of armor and armament, not exceeding \$1,500,000 each," is hereby amended to read as follows: "Two submarines, to be of seagoing type, to have a surface speed of 25 knots or more if possible, but not less than 19 knots, to cost, exclusive of armor and armament, not exceeding \$1,500,000 each."

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

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

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

REPORTS OF THE COMMITTEE ON PUBLIC LANDS.

Mr. WORKS, from the Committee on Public Lands, to which was referred the bill (H. R. 348) to establish the Lassen Volcanic National Park in the Sierra Nevada Mountains in the State of California, and for other purposes, reported it without amendment and submitted a report (No. 536) thereon.

Mr. MYERS, from the Committee on Public Lands, to which was referred the bill (S. 5612) providing additional time for the payment of purchase money under homestead entries of lands within the former Fort Peck Indian Reservation, Mont., reported it with amendments and submitted a report (No. 535) thereon.

BENJAMIN F. ROBINSON AND JOHN DOWS.

Mr. MYERS. On the 20th day of this month the bill (H. R. 11286) for the issuance of a patent for certain Government land to Benjamin F. Robinson and John Dows was read the first and second times and referred to the Committee on Public Lands, and I report it back favorably.

Mr. CUMMINS. I ask unanimous consent for the present consideration of the bill.

The VICE PRESIDENT. The Secretary will read the bill.

The Secretary read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to cause to be issued to Benjamin F. Robinson and John Dows a patent for lots 8, 9, 10, and 11, in section 22, township 99 north, range 32 west of the fifth principal meridian, Iowa: *Provided*, That within three months after the passage of this act they shall have presented their application therefor and made payment for said tracts at the rate of \$1.25 per acre: *Provided further*, That nothing herein contained shall have the effect of defeating the rights of any other person or persons which may have attached to the land or to any part thereof.

Mr. CUMMINS. There is a similar Senate bill, which was passed by the Senate. There is no difference whatever between the Senate bill and the House bill, save by a mistake the House passed the House bill instead of the Senate bill, and on the floor a very trifling amendment was made substituting for the words "approval hereof" the words "passage of this act." I therefore ask unanimous consent for the present consideration of the bill now reported.

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

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

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

LAND IN PORT ANGELES, WASH.

Mr. MYERS. From the Committee on Public Lands I report back favorably without amendment the bill (S. 5900) providing for the disposal of certain lands in block 69, in the city of Port Angeles, State of Washington, and I submit a report (No. 533) thereon.

Mr. JONES. That is a very short bill, and as it is purely local I ask that it may have immediate consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It grants to the city of Port Angeles, in the State of Washington, for municipal purposes, lots 1 and 2, 17 and 18, in block 69, and authorizes the Secretary of the Interior to issue patent to the proper city authorities for said lots, conditioned that the same shall be used for municipal purposes.

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

LAND IN ST. AUGUSTINE, FLA.

Mr. MYERS. From the Committee on Public Lands I report back favorably without amendment the bill (S. 3699) to donate to the city of St. Augustine, Fla., for park purposes, the tract of land known as the powder-house lot, and I submit a report (No. 532) thereon.

Mr. FLETCHER. I ask unanimous consent for the immediate consideration of the bill.

The VICE PRESIDENT. Is there objection?

Mr. WALSH. I ask that the bill be read.

The Secretary read the bill, as follows:

Be it enacted, etc., That the tract of land situate in the city of St. Augustine, Fla., known as the powder-house lot, heretofore set aside as a military reservation of the United States, and lately abandoned as such military reservation, be, and same is hereby, donated to the municipality of the said city of St. Augustine, in the State of Florida, to be used by said municipality for public-park purposes.

SEC. 2. That the Secretary of the Interior is hereby directed to execute and deliver to the duly constituted authorities of the said city of St. Augustine, Fla., such conveyances as may be necessary to vest the fee-simple title to said powder-house lot in the said city of St. Augustine, Fla., attaching to such conveyances the condition that whenever the said powder-house lot shall cease to be used by the city for public-park purposes, then and in that event title to the said powder-house lot shall revert to the Government of the United States.

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

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

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

SOUTHERN STATES LUMBER CO.

Mr. MYERS. From the Committee on Public Lands, I report back favorably without amendment the bill (S. 5439) for the relief of the Southern States Lumber Co., and I submit a report (No. 534) thereon.

Mr. FLETCHER. I ask unanimous consent for the immediate consideration of the bill.

The VICE PRESIDENT. The Secretary will read the bill.

The Secretary read the bill.

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

Mr. WALSH. I object.

The VICE PRESIDENT. The bill goes to the calendar.

RED RIVER BRIDGE, OKLAHOMA.

Mr. SHEPPARD. From the Committee on Commerce, I report back favorably without amendment the bill (H. R. 7613) to authorize the Terral Bridge Co. to construct a bridge across the Red River near Terral, Jefferson County, Okla., and I submit a report (No. 528) thereon. I ask for the immediate consideration of the bill.

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

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

DIXIE HIGHWAY BRIDGE.

Mr. SHEPPARD. From the Committee on Commerce, I report back favorably with amendments the bill (S. 6242) authorizing the counties of Nassau, Fla., and Charlton, Ga., to construct a bridge across the St. Marys River between Florida and Georgia, and I submit a report (No. 527) thereon. I ask for the consideration of the bill.

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

The amendments were, on page 1, line 6, before the words "Kolars Ferry," to insert "a point suitable to the interests of

navigation, at or near," and in the same line to strike out the words "a point," so as to make the bill read:

Be it enacted, etc., That the consent of Congress is hereby granted to the counties of Nassau, Fla., and Charlton, Ga., to build, maintain, and operate a bridge across the waters of the St. Marys River at a point suitable to the interests of navigation, at or near Kolars Ferry, about 2 miles below the Atlantic Coast Line Railway bridge, between the States of Florida and Georgia, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

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

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

WABASH RIVER BRIDGE.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 13689) to authorize the county of Wabash, in the State of Indiana, to construct a bridge across the Wabash River, at the city of Wabash, Ind., and I submit a report (No. 529) thereon. I ask for the immediate consideration of the bill.

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

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

GRAND CALUMET RIVER BRIDGES.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 15007) to authorize the board of commissioners of Lake County, Ind., to construct a bridge across the Grand Calumet River, in the State of Indiana, and I submit a report (No. 531) thereon. I ask for the immediate consideration of the bill.

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

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

Mr. SHEPPARD. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 15006) to authorize the board of commissioners of Lake County, Ind., to construct a bridge across the Grand Calumet River, in the State of Indiana, and I submit a report (No. 530) thereon. I ask for the present consideration of the bill.

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

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

EXPERIMENTS IN DRY-LAND AGRICULTURE.

Mr. STERLING. From the Committee on Public Lands I report back favorably without amendment the bill (H. R. 393) to authorize an exchange of lands with the State of North Dakota for promotion of experiments in dry-land agriculture, and for other purposes. A similar bill has already passed the Senate, being Senate bill 592. I ask unanimous consent for the consideration of the House bill.

Mr. SMOOT. I will ask the Senator if the bill has been referred to the committee.

Mr. STERLING. It has been referred to the Public Lands Committee, and I have been authorized to report it.

Mr. OVERMAN. Let the bill be read so that we may see what it is.

Mr. SMOOT. Let it be read.

Mr. STERLING. It is identically the same as Senate bill 592, which was reported favorably and which has passed the Senate. House bill 393 was also referred to the Committee on Public Lands, and I now report it back.

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

Mr. OVERMAN. Let it be read. I think it is all right, but we ought to see what it is.

The VICE PRESIDENT. The bill will be read.

The Secretary read the bill, as follows:

Be it enacted, etc., That upon receipt of a proper deed from the State of North Dakota, executed under authority of the act of its legislative assembly approved February 5, 1915, reconveying to the United States title to section 16, township 138 north, range 81 west, fifth principal meridian, the Secretary of the Interior is authorized to issue patents to said State for such vacant, surveyed, unreserved, unoccupied, nonmineral public lands as may be selected by said State within its boundaries, not exceeding 1,280 acres in aggregate area; and said section when so reconveyed shall not be subject to settlement, location, entry, or selection under the public-land laws, but shall be reserved for the use of the Department of Agriculture in carrying on experiments in dry-land agriculture at the Northern Great Plains Field Station, Mandan, N. Dak.

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

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

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

BILLS INTRODUCED.

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

By Mr. HITCHCOCK:

A bill (S. 6415) providing for the classification of salaries of veterinary inspectors and lay inspectors (grades 1 and 2) employed in the Bureau of Animal Industry, Department of Agriculture; to the Committee on Agriculture and Forestry.

By Mr. PHELAN:

A bill (S. 6416) authorizing the Secretary of Commerce to lease certain property.

The VICE PRESIDENT. If there be no objection, the bill will be referred to the Committee on Public Lands.

Mr. SMOOT. Mr. President, is the bill just introduced by the Senator from California for the purpose of authorizing one of the departments of the Government to lease certain lands?

The VICE PRESIDENT. The Secretary will read the bill.

The Secretary read as follows:

Be it enacted, etc., That authority be, and is hereby, given to the Secretary of Commerce to lease, at his discretion, for a period not exceeding 25 years, such unoccupied and unproductive property of the United States under his control for the leasing of which there is no authority under existing law, and such leases shall be reported annually to Congress.

Mr. NELSON. Mr. President, the subject matter of that bill is under the jurisdiction of the Treasury Department, and it should be referred to the Committee on Commerce. I therefore ask that it be so referred.

The VICE PRESIDENT. The bill will be referred to the Committee on Commerce.

By Mr. WARREN:

A bill (S. 6417) granting a pension to George J. Ham (with accompanying papers); to the Committee on Pensions.

By Mr. JOHNSON of South Dakota:

A bill (S. 6418) granting an increase of pension to Nathan J. Way (with accompanying papers);

A bill (S. 6419) granting an increase of pension to Enoch Jones (with accompanying papers); and

A bill (S. 6420) granting an increase of pension to John W. Torrance (with accompanying papers); to the Committee on Pensions.

By Mr. SHERMAN:

A bill (S. 6421) granting a pension to Mary E. Sargent;

A bill (S. 6422) granting a pension to John Zilkie;

A bill (S. 6423) granting a pension to Margaret Jeffrey; and

A bill (S. 6424) granting a pension to Eliza Hiser; to the Committee on Pensions.

By Mr. BORAH:

A bill (S. 6425) granting a pension to Rittie Wilson (with accompanying papers); to the Committee on Pensions.

By Mr. JONES:

A bill (S. 6426) granting an increase of pension to Sarah A. Carroll (with accompanying papers); to the Committee on Pensions.

By Mr. POINDEXTER:

A bill (S. 6427) granting an increase of pension to Edward T. McClannahan (with accompanying papers); and

A bill (S. 6428) granting a pension to John W. Munsell (with accompanying papers); to the Committee on Pensions.

By Mr. O'GORMAN:

A bill (S. 6429) to correct the military record of George M. Barry (with accompanying papers); and

A bill (S. 6430) directing the reexamination of the accounts of the late Peter G. S. Ten Broeck (with accompanying papers); to the Committee on Military Affairs.

By Mr. LEE of Maryland:

A bill (S. 6431) to provide aid for the dependents of enlisted men of the National Guard mustered into or serving in the service of the United States; to the Committee on Pensions.

By Mr. SMITH of Maryland:

A bill (S. 6432) for the relief of Pearl Street Perpetual Savings and Building Association, No. 2, of Baltimore, Md.; and

A bill (S. 6433) for the relief of The Pearl Street Perpetual Savings and Building Association of Baltimore City, Baltimore, Md.; to the Committee on Claims.

By Mr. REED:

A bill (S. 6434) granting a pension to Emma Runyan (with accompanying papers);

A bill (S. 6435) granting a pension to Louisa Henrietta Kleemeier (with accompanying papers);

A bill (S. 6436) granting an increase of pension to Jonathan J. Ragner (with accompanying papers); and

A bill (S. 6437) granting an increase of pension to Nancy J. Tanner (with accompanying papers); to the Committee on Pensions.

By Mr. PAGE:

A bill (S. 6438) granting an increase of pension to Charles Ainsworth (with accompanying papers); to the Committee on Pensions.

By Mr. JOHNSON of Maine:

A bill (S. 6439) to regulate the admission into the United States of agricultural products raised on Daigle Island in the St. John River free of duty; to the Committee on Finance.

A bill (S. 6440) granting a pension to Wilmont L. Farnsworth (with accompanying papers); and

A bill (S. 6441) granting a pension to Laura J. Grant (with accompanying papers); to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. PHELAN submitted an amendment proposing to appropriate \$700,000 to construct and equip two steam Coast Guard cutters for service on the Pacific coast and the Alaskan waters, etc., intended to be proposed by him to the naval appropriation bill (H. R. 15947), which was referred to the Committee on Naval Affairs and ordered to be printed.

Mr. FLETCHER submitted an amendment proposing to appropriate \$60,000 for the payment of transportation of teams authorized by the Secretary of War to participate in the national matches, etc., intended to be proposed by him to the Army appropriation bill (H. R. 16460), which was referred to the Committee on Military Affairs and ordered to be printed.

He also submitted an amendment proposing to appropriate \$300,000 to establish and maintain indoor and outdoor rifle ranges for the use of all able-bodied males capable of bearing arms, etc., intended to be proposed by him to the Army appropriation bill (H. R. 16460), which was referred to the Committee on Military Affairs and ordered to be printed.

Mr. SHEPPARD submitted an amendment authorizing the Secretary of War to cause to be made a survey to determine the causes of erosions taking place on the southern side of Galveston Island, Tex., etc., intended to be proposed by him to the fortifications appropriation bill (H. R. 14303), which was referred to the Committee on Military Affairs and ordered to be printed.

Mr. SAULSBURY submitted an amendment proposing to appropriate \$2,500 out of the appropriation for the eradication of the foot-and-mouth and other contagious diseases of animals so as to enable the Secretary of Agriculture to ascertain and pay the loss caused George P. Frederick, of Newport, Del., resulting from disinfecting his premises by Government inspectors during the outbreak of the foot-and-mouth disease during the fall of 1914, intended to be proposed by him to the Agricultural appropriation bill (H. R. 12717), which was ordered to lie on the table and be printed.

Mr. SMOOT submitted an amendment proposing to appropriate \$18,000 for the salaries of nine stenographic clerks for the Chief Justice and Associate Justices of the Supreme Court, etc., intended to be proposed by him to the sundry civil appropriation bill (H. R. 15836), which was referred to the Committee on Appropriations and ordered to be printed.

AMENDMENT OF THE RULES.

Mr. JONES. I submit an amendment intended to be proposed by me to Senate resolution 195, to amend the standing rules of the Senate relative to closing debate in the Senate. I ask that the amendment lie on the table and be printed, and that it also be printed in the Record.

There being no objection, the amendment was ordered to lie on the table and be printed, and also to be printed in the Record, as follows:

On page 1, line 4, strike out all after the words "Provided, however" and insert the following:

"That if 16 Senators, after a measure has continued the unfinished business of the Senate during one calendar week, present to the Senate a signed motion to bring to a close the debate upon such measure, the presiding officer shall at once state the motion to the Senate, and at the close of the morning hour on the following calendar day lay the motion before the Senate and direct that the Secretary call the roll, and, upon the ascertainment that a quorum is present, the Chair shall, without debate, submit to the Senate by an aye-and-nay vote the question:

"Is it the sense of the Senate that the debate shall be brought to a close?"

"And if that question shall be decided in the affirmative by a two-thirds vote of those present as determined by the vote and announcement of pairs, then said measure shall be in order to the exclusion of all other business, except what may be taken up by unanimous consent, and except a motion to recess or adjourn.

"Thereafter no Senator, except by unanimous consent, shall be entitled to speak more than one hour on the bill, nor more than 10

minutes on any amendment thereto or motion affecting the same, and it shall be the duty of the Chair to keep the time of each Senator who speaks. All points of order and appeals from the decisions of the Chair shall be decided without debate."

WAGES OF RAILROAD EMPLOYEES.

Mr. NEWLANDS. I introduce a joint resolution and ask that it be read.

The joint resolution (S. J. Res. 145) to investigate wage conditions on railroads, was read the first time by its title and the second time at length, as follows:

Whereas the controversy that has arisen between the railroads and certain of their employees relating to a shortening of the hours of labor without corresponding decrease in pay, and for increased compensation for any service performed in excess of the daily period prescribed, may lead to a serious interruption of the railroad service, with disastrous effect upon the public welfare and upon the commerce of the Nation: Now, therefore be it

Resolved, etc., That the Interstate Commerce Commission be, and it is hereby, directed immediately to investigate and to report to the Congress as soon as practicable the minimum, maximum, and average wage paid, with hours of service, to each class of railroad employees in the United States, and, so far as they are comparable, the minimum, maximum, and average wage, with hours of service, paid in other industries where similar skill and risk are involved, the relation of wages to railroad revenues, the question of whether railroad revenues based on existing rates for transportation will admit of equally favorable terms to all classes of railroad employees, and any other matter in this connection that the commission may deem relevant; and be it further

Resolved, That it is the sense of the Congress that the railway companies, their officers and employees, should give their hearty support and cooperation to the Interstate Commerce Commission in its investigation, deferring pending controversies over questions at issue until that commission may be able to complete its investigations and make its report to the Congress.

Mr. NEWLANDS. Mr. President, I desire to make a brief statement.

The joint resolution which I have offered provides in brief that the Interstate Commerce Commission shall proceed immediately to investigate and report to Congress upon the minimum, maximum, and average wage paid, with hours of service, to each class of railroad employees in the United States, and, so far as they are comparable, the minimum, maximum, and average wage, with hours of service, paid in other industries where similar skill and risk are involved, the relation of wages to railroad revenues, the question whether railroad revenues, based on existing rates for transportation, will admit of equally favorable terms to all classes of railroad employees, and any other matter that the commission may deem relevant.

In form it originates with a committee of the Chamber of Commerce of the United States, composed of 12 members, which has been making a study of the railroad situation, under instructions received from the annual meeting of the national chamber last February. The resolution in this form has been submitted to a referendum vote of all the commercial bodies in the United States affiliated with the national chamber. It has been indorsed by the largest vote that has been cast on any referendum. Three hundred and sixty-six organizations, situated in 43 States, the District of Columbia, and Hawaii, filed ballots. At the end of the forty-fifth day allowed for consideration the result was 987½ votes in favor and 29½ votes against, each organization being allowed from 1 to 10 votes, according to the number of its members.

I ask leave to insert in the Record the referendum pamphlet containing the report of the committee, the arguments for and against the resolution, and the ballot, which were sent to each organization to vote upon, and also a bulletin, dated June 16, giving the result of the vote and the actual vote of every organization that took part in the balloting, arranged by States and cities.

On March 29, 1916, the four brotherhoods, comprising all the men employed on moving trains, presented their demands for an eight-hour day and pay at the rate of time and a half for overtime. Before the usual 30 days had expired, the brotherhoods requested a conference with the railroad managers, which took place in New York beginning June 1. One week ago the conference came to an abrupt close when the railroad operators, in reply to a question of the brotherhoods as to whether they would accede to the demands, refused to do so. The brotherhoods are now engaged in taking a strike vote, which, when accomplished, within a period of four to six weeks, if favorable, will grant to the four leaders the power, in their discretion, to call a strike.

The resolution is drawn from the point of view of the public as an interested party in the controversy. It would be difficult to exaggerate the calamity that would result from a tie-up of freight of all the railroads of the United States in one week. No legislation exists on the statute books for preventing such a calamity should either party refuse to submit to arbitration. Neither can maintain its position, if, when the facts are presented, public opinion based on these facts is against it. It is

with a view to ascertaining a just conclusion through a non-partisan quasi judicial body which has the necessary facilities for doing the work expeditiously that this resolution is introduced.

I ask that the matter referred to be inserted in the Record. The VICE PRESIDENT. Is there any objection?

Mr. REED. Mr. President, I have tried very hard to hear all that the Senator said, but was unable to do so on account of the confusion. What is the matter which the chamber of commerce voted on?

Mr. NEWLANDS. The matter that the chamber of commerce voted on was whether Congress should be called upon to act upon a certain resolution presented to the various chambers of commerce and boards of trade throughout the United States, which resolution I have just offered. That resolution provides for an inquiry. Does the Senator wish me to state the resolution itself, or did he hear it?

Mr. REED. No; I did not hear it. The substance of it is all I want.

Mr. NEWLANDS. Well, the substance of the resolution is that the Interstate Commerce Commission be directed immediately to investigate and report to Congress as soon as practicable the minimum, maximum, and average wage paid, with hours of service, to each class of railroad employees in the United States, and, so far as they are comparable, the minimum, maximum, and average wage, with hours of service, paid in other industries where similar skill and risk are involved; the relation of wages to railroad revenues; the question of whether railroad revenues based on existing rates for transportation will admit of equally favorable terms to all classes of railroad employees; and any other matter in this connection that the commission may deem relevant.

Mr. REED. Mr. President, I have no objection to the Interstate Commerce Commission making that kind of a report, but I understand the Senator wants to introduce into the Record the entire proceedings of the New York Chamber of Commerce—

Mr. NEWLANDS. Not the New York Chamber of Commerce. This is the National Chamber of Commerce of the United States of America.

Mr. REED. Together with the literature which they sent out and the votes of each of the subsidiary organizations. Is that the document the Senator has in his hand?

Mr. NEWLANDS. Yes; it is the document.

Mr. REED. It is about as large as a copy of the daily CONGRESSIONAL RECORD in itself, is it not?

Mr. NEWLANDS. Oh, no; it is a document of about 10 pages only and in very large print. It will not take much space, and I think it is simply a fair statement, so far as I have read it, of both sides of the controversy, without any attempt to take sides regarding it.

Mr. REED. A fair statement of both sides of the controversy made by the chamber of commerce?

Mr. NEWLANDS. Yes; made by the committee of twelve, which has been engaged in investigating the matter for some time.

Mr. REED. It seems to me that to put in the arguments sent out by a committee of that kind and to put in the votes in detail would be to cumber the Record unnecessarily. It would be on a par with putting into the Record something that the Federation of Labor might send out and then putting in the action of each labor organization, which would take a vast amount of space. The original action of either one of these bodies might be proper, but the detailed vote, it seems to me, is wholly unnecessary.

Mr. OVERMAN. I call for the regular order.

Mr. REED. I do not wish to object to the Senator's proposition, but it seems to me—

Mr. NEWLANDS. I can not imagine anything that is objectionable in this, and I state that I think it will be informative. So far as I am concerned, I should be very glad to see any action of the labor organizations themselves—

The VICE PRESIDENT. The regular order is the request of the Senator from Nevada to have the resolution submitted to the Senate now.

Mr. NEWLANDS. No; I do not ask that the resolution be submitted to the Senate now. I ask that it be referred to the Interstate Commerce Committee. All that I ask is that this memorandum may be inserted in the Record.

The VICE PRESIDENT. Is there objection to the insertion in the Record of the document referred to by the Senator from Nevada?

Mr. VARDAMAN. Mr. President, I should like to ask the Senator from Nevada what is the purpose of having it inserted in the Record?

Mr. OLIVER. I object, Mr. President.

Mr. OVERMAN. I call for the regular order.

The VICE PRESIDENT. There is an objection.

Mr. NEWLANDS. Then, Mr. President, I move that this matter be printed in the Record. It is some 10 pages in length.

Mr. VARDAMAN. I should like to have the Senator from Nevada answer my question.

Mr. NEWLANDS. I will do so. I will state what this pamphlet consists of.

Mr. LODGE. Mr. President, is not this debate out of order?

The VICE PRESIDENT. It is clearly out of order.

Mr. LODGE. I make the point of order, then, that it is out of order.

The VICE PRESIDENT. But there is no way in which the Chair can stop it when Senators will not stop speaking at the request of the Chair.

Mr. NEWLANDS. Is it out of order for me to reply to the inquiry of the Senator from Mississippi?

The VICE PRESIDENT. The whole debate, after there was an objection, has been out of order.

Mr. NEWLANDS. Would it be in order for me to move that this matter be inserted in the Record?

The VICE PRESIDENT. The Chair rules that there is no way to move to put anything into the Record. It either goes in by unanimous consent, or, at an appropriate time, the Senator must read it into the Record.

Mr. REED. Mr. President, in the interest of getting this matter cleared up, does the Chair understand that I made an objection?

The VICE PRESIDENT. No. The objection was to the further continuance of the discussion and a demand for the regular order.

Mr. VARDAMAN. The Senator from Pennsylvania [Mr. OLIVER] objected.

PRICE OF ANTHRACITE COAL.

Mr. HITCHCOCK. I submit a resolution and ask that it be read.

The resolution (S. Res. 217) was read, as follows:

Resolved, That the Federal Trade Commission be, and it is hereby, requested to make an immediate investigation into the operations and accounts of the leading companies producing anthracite coal, for the purpose of ascertaining the facts concerning the recent increase in the price of anthracite coal, and report the same to the Senate during the present session of Congress, if possible.

Resolved, That the commission be requested to include in its report a showing of the relation between the cost of labor and the price of anthracite coal prior to said increase and at the present time.

Mr. HITCHCOCK. I ask unanimous consent for the present consideration of the resolution.

The resolution was considered by unanimous consent and agreed to.

Mr. HITCHCOCK subsequently said: Mr. President, this morning the Senate, on my motion, adopted a resolution requesting the Federal Trade Commission to make a certain investigation of the prices of anthracite coal. I ask unanimous consent to have printed in the Record, immediately following the resolution, certain correspondence between the Federal Trade Commission and the Attorney General and the report of a telephone conversation following the last letter.

The PRESIDING OFFICER (Mr. CLAPP in the chair). Is there objection to the request? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., May 6, 1916.

The FEDERAL TRADE COMMISSION,
Washington, D. C.

GENTLEMEN: It has been stated in the public press, with apparent authority, that having agreed to an advance in wages the railroad coal companies will now use that as an excuse for materially increasing the price of anthracite coal to consumers.

It has been brought out in the various legal proceedings against the anthracite railroads that on similar occasions in the past when wages have been advanced the railroad coal companies, on the pretext of increasing prices for the purpose of meeting the increased cost of production resulting from the higher wages, have made much greater increases than were necessary for that purpose.

Since January 1, 1900, there have been three general advances in the wages of mine workers in the anthracite regions, exclusive of the present advance.

In October, 1900, wages were advanced approximately 10 per cent. In the fiscal year immediately preceding this advance (July 1, 1899–June 30, 1900) the cost of production of the Philadelphia & Reading Coal & Iron Co., whose mines are amongst the most expensive to operate, was \$1.67 per ton. In the fiscal year immediately following (July 1, 1900–June 30, 1901) its cost of production was \$1.826 per ton, an increase of \$0.156 per ton, which includes not only the increase due to the advance in wages but the increase due to all other factors. On the other hand, the same company (the others following suit) increased prices by \$0.232 per ton on all sizes, making the excess of price increase over cost increase \$0.076 per ton.

On November 1, 1902, there was another general advance in wages of approximately 14 per cent. In the fiscal year immediately preceding this advance (July 1, 1901–June 30, 1902) the cost of production of the Philadelphia & Reading Coal & Iron Co. was \$2.066 per ton. In the fiscal year immediately following (July 1, 1902–June 30, 1903) its cost

of production was \$2.199 per ton, an increase of \$0.133 per ton, which includes not only the increase due to the advance in wages but the increase due to all other factors. On the other hand, the same company (the others following) increased prices by \$0.494 per ton on all sizes, making the excess of price increase over cost increase \$0.363 per ton.

Undoubtedly the prices immediately following the wage increase in 1902 were abnormally high, due to the scarcity of coal in consequence of the long strike. It will be fairer, therefore, to take the prices prevailing in the fiscal year ended June 30, 1904, as the basis for comparison. This would show an excess of price increase over cost increase of \$0.245 per ton.

In 1912 another advance in wages took place, amounting to about 5.6 per cent net. Again prices were increased on the pretext of meeting the resulting increase in the cost of production. On this occasion the House of Representatives directed the Bureau of Labor to make an investigation. The bureau found that whereas the advanced wages increased the cost of production only \$0.09 per ton, prices were increased \$0.25 per ton, making the disparity between price increase and cost increase \$0.16 per ton.

The report of the Bureau of Labor states:

"Following the agreement of May 20, 1912, the wholesale price of anthracite coal was advanced by the mining companies about 25 cents per ton when all sizes are taken into consideration. The advance in miners' wages under the above agreement and the increase in wages granted to men not specifically covered by the agreement was equivalent to an increase of between 8 and 10 cents per ton in the cost of labor, or an average increase of about 9 cents per ton for the anthracite region as a whole. Deducting this increase in labor cost from the increase in the selling price per ton, it will be seen that the prices realized by the coal-mining companies were increased about 16 cents per ton more than was required by the new scale of wages alone." (H. Doc. No. 1442, p. 33.)

As the total consumption for some years past has been in the neighborhood of 75,000,000 tons, this excess of price increase over cost increase following the advance in wages in 1912 meant a surtax upon consumers of about \$12,000,000 annually.

In view of these facts, I take the liberty of suggesting that if the advance in wages just agreed upon shall be followed, as in the past, by an increase in the price of coal to consumers the Federal Trade Commission, under the authority of section 6 of the act creating it, institute a searching investigation into the operations and accounts of the great producing companies for the purpose of ascertaining all the facts upon which such increase in price may be based, including the relation between any increase in the cost of production due to advance of wages and the increase of profits caused by the increase in price.

Very truly, yours,

T. W. GREGORY,
Attorney General.

MAY 9, 1916.

HON. THOMAS W. GREGORY,
Attorney General, Washington, D. C.

SIR: The commission has given careful consideration to your letter of May 6 pertaining to the anthracite-coal industry.

If the situation should develop as you suggest, the commission will be glad to take the matter up with you further, with a view to making such investigation as the public interest may require.

By direction of the commission.

Very respectfully,

BRACKEN, Secretary.

An inquiry at the office of the Federal Trade Commission is answered by the information that since the above correspondence, about June 1, wages were increased about 12 cents per ton and the wholesale price of coal about 30 cents per ton.

AFFAIRS IN MEXICO.

Mr. WORKS. Mr. President, on the 14th of January last I introduced a joint resolution (S. J. Res. 78) authorizing intervention in the Republic of Mexico. That has been now something over five months ago. The joint resolution was referred to the Committee on Foreign Relations. In view of the inquiry which I desire to make in respect to it, and in order to refresh the memory of the Senate, I should like to have the joint resolution read.

The VICE PRESIDENT. The Secretary will read the joint resolution.

The joint resolution (S. J. Res. 78) authorizing intervention in the Republic of Mexico was read as follows:

Whereas the Republic of Mexico is and has been for a long time without a government, and as a consequence her territory has been devastated, her laws set at defiance, her people robbed, murdered, and driven from their homes and their property destroyed; and Whereas American citizens residing and sojourning in Mexico have been murdered and robbed, their wives and daughters outraged, and their property confiscated and destroyed; and Whereas our people have no protection from any power or authority in Mexico and none from their own country; and Whereas it is the duty of this Government to protect its citizens in their lives, their liberty, and their property at home and abroad: Now therefore be it

Resolved, etc., That the President of the United States is hereby authorized and directed to intervene in the Republic of Mexico for the protection of the lives and property of American citizens residing and sojourning therein and for the establishment and maintenance, as long as it may be necessary, of a stable government in Mexico, adequate for the protection of the lives, the liberty, the independence, and the property of its people.

Second. That the President, as Commander in Chief of the Army and Navy, be, and he is hereby, authorized and directed to use the Army and Navy forces, or so much thereof as may be necessary, to carry out the objects and purposes above set forth.

Third. That when a stable and efficient government is firmly established in Mexico, adequate for the protection of its people in their rights, and of citizens and subjects of foreign nations therein, it shall be the duty of the President and of Congress to withdraw and surrender such government to the people of Mexico upon such conditions and under such guaranties of continued protection to American citizens and citizens and subjects of other nations residing or sojourning therein as are just and reasonable.

Mr. WORKS. Mr. President, I have been content up to this time to allow this joint resolution to remain in the Committee on Foreign Relations without action. It seems to me, however, that the time has now come when this matter should not be left to action by the Executive Department of the Government, but that some action should be taken by Congress. I think it is exceedingly important, if we are forced to enter Mexico, that we should do it under a declaration of Congress as to what the purpose of going into that country is, and what our intentions are; so that not only the people of our own country, but the people of other nations may know and understand what the purpose and the object of the United States are in taking this very important step.

My purpose in bringing the matter before the Senate this morning is to inquire of the chairman of the Committee on Foreign Relations [Mr. STONE] as to what action has been taken by the committee upon the joint resolution, and what may be expected in the near future?

Mr. STONE. Mr. President, the Committee on Foreign Relations have not taken any action on the joint resolution. It is still before the committee. It has not been reached in the course of its business in a way that the committee felt that any affirmative action should be taken; at least none has been taken. What the committee may do with the joint resolution I am not prepared to say.

Mr. WORKS. Mr. President, I did not call up this matter this morning with any intention of precipitating debate about it. It seemed to me, however, that we have reached a point in our relations with Mexico when something should be done by Congress.

It was intimated—I do not know whether or not it is true—that the President intended to address Congress on the subject. I have no official notification of that fact. I had determined to present the matter in this way before having that intimation. It may be that the President will come before Congress, and then we may act more intelligently respecting the matter.

I myself feel very strongly that the conditions in Mexico are such that we can not justly delay this matter longer. I want now, in connection with my remarks, to submit what I said at the time I introduced this resolution, which was very brief, explaining my views on the subject. I did not want to take up time in repeating what I then said.

The VICE PRESIDENT. Without objection, permission to do so will be granted.

The matter referred to is as follows:

"Mr. WORKS. Mr. President, I do not desire to discuss the merits of the resolution I have offered at this time. I only want to say that up to this time the whole responsibility of dealing with the Mexican situation has been allowed to rest upon the President. It is a grave responsibility. He has been severely criticized for his policy of watchful waiting. I think we have all sympathized with the President in his hope that conditions in Mexico would right themselves without forcible interference on our part. I very much fear that that hope no longer has any foundation to rest upon.

"Congress alone has power to declare war, and that is what intervention in Mexico means. Therefore Congress should courageously assume responsibility for whatever is to be done in that unfortunate country, and not leave it to rest upon the Executive Department of the Government.

"I have offered the resolution in such form as to present the direct issue involved. There is no reason why we should seek to divide the responsibility with any other country or impose it upon the President. It is our responsibility, and we should meet it calmly and courageously, and that without delay.

"Mr. President, I assume entire responsibility for the resolution that I have offered. The Republican Party is not responsible for it. Not a single Senator on this side of the Chamber except myself is responsible, directly or indirectly, for the resolution that has been offered. I join in the hope expressed by the Senator from Missouri that this question may not be made a political one.

"The resolution was not offered with any idea or intention of criticizing the conduct of the President in dealing with this grave and important question. I think it is unfair to the President that Congress should sit idly by and do nothing more than to criticize the course of the President, because I think the responsibility rests upon us and not upon the President of the United States.

"Something should be done in this emergency by somebody to relieve the situation as it exists to-day. American citizens are losing their lives in Mexico day after day as the result of the

conditions that prevail there. If Congress comes to the conclusion that we should leave matters as they are without affording protection of any kind to our citizens in that country, well and good. If, on the other hand, it should be believed by Congress that steps should be taken, even to the extent of intervention, to protect our citizens in Mexico, then I think it is a matter that Congress should deal with and not the President.

"I have been one of those who have been exceedingly reluctant to take strong measures in dealing with affairs in Mexico. I have sympathized very much with the view of the President that we should resort to all proper means in advance to prevent intervention or war, but I must confess that I see no hope ahead of us at this time except through that means. If other Senators, if Congress, can find some better means of protecting our citizens in Mexico than that of resorting to force, and that shall be successful, nobody will be more gratified than myself; but my position about it is this: We have been talking about this question and agitating it day after day since Congress met in this session. We are accomplishing nothing by that means. Senators on the other side are contending that it is an attack upon the President of the United States, and are defending it upon that theory alone. But, Senators, that is not the question to be determined. It is not a question whether the President is right or wrong. The question is—and we should assume the responsibility of it—What shall be done by the American Government in order to protect its citizens in Mexico? We have no right to shift that responsibility upon the executive department or upon any other country. It is a question that we should deal with frankly and courageously and determine what the country ought to do under these circumstances.

"I have submitted this resolution for the purpose of making that direct and positive issue for Congress to determine whether we shall do the one thing or the other, and I am quite content to leave it in the first instance to the Committee on Foreign Relations and finally to the Congress of the United States."

Mr. WORKS. Mr. President, I wish to say to the chairman of the Committee on Foreign Relations that I hope this joint resolution will receive consideration; and if it does not within a reasonable time, I may feel called upon to move to discharge the committee from its consideration in order to bring it before the Senate. Of course I am not disposed to do this until the committee has had full opportunity to consider the joint resolution.

SOURCES OF NITROGEN COMPOUNDS (S. DOC. NO. 471).

Mr. LODGE. Mr. President, I ask leave to have printed as a public document a paper by Chester G. Gilbert, of the Smithsonian Institution, on the sources of nitrogen compounds in the United States. It is a short and a very valuable paper.

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

REFORM OF JUDICIAL PROCEDURE.

Mr. JONES. I have an article in the Southwestern Law Review relating to the reform of judicial procedure. It seems that there is a bill on the calendar dealing with that subject. It is an article by Hon. Lewis R. Works, judge of the superior court of Los Angeles County, Cal. It is not very long. I think it is a very clear and concise article with reference to this important subject, and I ask that it may be printed in the Record.

Mr. SMOOT. What is the subject?

Mr. JONES. It is on the reform of judicial procedure. We have a bill on the calendar relating to the subject, one that has already passed the House. I think it is a very valuable contribution to that proposition.

Mr. SMOOT. Why not have it printed as a public document?

Mr. JONES. I want to have it in the Record. Then I will know where to get it.

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

The article referred to is as follows:

THE REFORM OF JUDICIAL PROCEDURE.

[By Hon. Lewis R. Works, judge of the superior court of Los Angeles County, Cal.]

The courts of the United States, whether State or Federal, enjoy in some respects the confidence, while in others they rest under the severe displeasure of the people of the country. Our court system, headed as it is by the Supreme Court of the United States, the greatest judicial tribunal of earth, is justly considered to be an excellent one, if we ask only whether its pronouncements are righteous and just. By this it is not meant to be asserted that the courts have reached perfection in the subject matter of their decrees; but only that in that regard they exhibit as high a degree of efficiency as properly may be expected in a human institution of such a character. But when we come to consider the methods employed and, more especially, the time wasted in the courts, on the way to decree or judgment, the situation is entirely different. The people justly complain of the wearying grind and circumspection of judicial procedure. And this complaint is, after all and in practical effect, a complaint which goes to the sum total of the effectiveness of the courts in their work, for it boots but little that controversies are in the abstract justly decided if they are so long

in being decided that the end does not do entire, or at least substantial, justice for the victor and against the loser. If the mills of the courts do "grind exceedingly small," they often grind so slowly that it were better, in particular cases, if they had not been called upon to grind at all, and many a "successful" litigant finds himself at the end of a course of years much in the position of an actual loser, because of the great time expended on his cause, together with the worry incident to such an expenditure.

ENCROACHMENTS UPON THE FUNCTIONS OF THE COURTS.

The feeling that the courts move at a snail's pace, long ago perceived, has lessened gradually and is lessening daily the respect of the public, not only for the courts themselves, but for the administration of justice generally. And in more recent years the feeling has inspired a course of legislation throughout the country the effect of which is to deprive the courts of considerable portions of their time-honored jurisdiction. The Congress and the legislatures of the different States have passed laws confiding to various boards and commissions the solution of large classes of controversies originally cognizable by the courts. It is to be remarked that the central and naturally the attractive attribute of these boards and commissions in the exercise of their functions is that of speed, and speed is secured through the operation of systems of procedure which in a large measure are unclogged and untrammelled by forms, and which are direct and positive in their movements. In short, the machinery of these boards and commissions has been made particularly strong in the respects in which the machinery of the courts has been shown to be particularly weak.

These encroachments upon the functions of courts are likely to increase unless court procedure is greatly simplified until the ordinary judicial tribunals are left with little to do. In an address delivered at Portland, Oreg., in August, 1915, Herbert Harley, secretary of the American Judicature Society, after urging and predicting an effective reform of judicial procedure, said of what may be termed the "board and commission" movement:

"If we looked only upon this swiftly growing movement we might easily forecast a day not far distant when our courts, still dignified and ritualistic, would be holding an empty bag, good for nothing but spanking delinquent juveniles, keeping books for dead men, sorting out crazy folk, marrying spoozy couples, and collecting bills for the grocer and the butcher. But we may defer despondency until we shall have tried further the development of the business management principle."

There is at present a stimulated movement throughout the country for the reform of judicial procedure, but it is somewhat sad to assert that the movement is not altogether uninfluenced by the fear of the legal profession that the "board and commission" movement is destined to shear the courts of much of their powers and thus curtail the activities, not to say the incomes, of lawyers unless they proceed, both speedily and vigorously, to "clean house."

THE HISTORY OF REFORM IN JUDICIAL PROCEDURE.

We must not be led, however, into the belief that this country is the only place nor the present the only time in which a reform of judicial procedure has been found necessary. The need for such a reform has existed in every country and in every age. In his admirable "History of the Reign of Ferdinand and Isabella," Prescott says, after referring to various reforms inaugurated by the young sovereigns, after their accession:

"Whatever reforms might have been introduced into the Castilian judicatures, they would have been of little avail without a corresponding improvement in the system of jurisprudence by which their decisions were to be regulated. This was made up of the Visi-Gothic code, as the basis, the fueros of the Castilian prince, as far back as the eleventh century, and the 'Siete Partidas,' the famous compilation of Alfonso the Tenth, digested chiefly from maxims of the civil law. The deficiencies of these ancient codes had been gradually supplied by such an accumulation of statutes and ordinances as rendered the legislation of Castile in the highest degree complex, and often contradictory. The embarrassment resulting from this occasioned, as may be imagined, much tardiness, as well as uncertainty, in the decisions of the courts who, despairing of reconciling the discrepancies in their own law, governed themselves almost exclusively by the Roman."

The promulgation of the codes, pandects, and institutes of Justinian, of the Code Napoleon, the passage of the English judicature act of 1873, the inauguration by David Dudley Field in New York, in the middle of the last century, of the movement for the codification of the law in the various States of the Union, while in some instances covering reforms of substantive as well as of adjective law, are but instances, most of them exceedingly tardy and long delayed, in which attempts have been made to relieve against the pressure of constant but little varying need for reform in judicial procedure.

THE FORMAL REQUIREMENTS OF PROCEDURE.

The reason for such a state of affairs is not far to seek. The courts can discharge their functions only subject to the limitations and restrictions imposed by regulations purely formal, purely "adjective," in their character and necessarily more or less complex. Jones says at the first and second pages of his work on the Law of Evidence:

"However desirable it might be in legal controversies involving the rights of property or the liberty of the citizen, if every fact which might have the slightest bearing on the issue could be adduced, it is manifest that the limitations which surround judicial tribunals render this impossible. Courts are so organized that there must be some limit to the facts which may be given in evidence, as there must be an end of litigation. * * * It is true the reformers have zealously attacked and broken down many of the artificial barriers which formerly prevented suitors from bringing the facts on which they relied to the ear of the court or jury; but it is hardly possible that the courts of civilized countries will ever seek to administer justice without the use of fixed, and to some extent arbitrary rules of evidence."

The principles requiring the existence of rules of evidence equally demand some formal limitations upon the manner of commencing actions, the number and character of persons who may sue or be sued, either singly or together, the manner of stating causes of action or defenses, the manner or propriety of joining different causes of action or different defenses in the same pleading, upon the forms and kinds of motions and demurrers, and upon the many other steps incident to the prosecution and defense of actions from complaint in a trial court to remittitur from an appellate court. In short, the work of the courts is to a great extent necessarily built upon form, form, form.

The existence of so prominent a percentage of formal procedural requirements in the law unavoidably renders the vigorous reform of procedure a perennial need. The practice of the law differs from the practice of all other professions in a most remarkable respect. In every endeavor of the lawyer in the judicial forum he is pitted against

an active adversary of his own kind. What the first wants and earnestly strives for, the second as earnestly opposes. If we take the other great learned professions for purposes of comparison, we at once realize that no such contests occur in the practice of medicine. In his individual cases no physician is opposed by another physician who strives mightily to nullify and reverse the efforts of the first. In such a profession there is no attempt to "win" upon the part of one as against another who is equally determined to win. In the law the very essence of its practice lies in the query, "Who shall win?" To the lay mind, at least, and in the minds of many lawyers, the able and successful attorney is the attorney who wins a high percentage of his contests. Verily, with the lawyer, to the victor belongs the spoils: Emolument, reputation, honor. On this account and also because of the very nature of the feelings engendered in the human mind by the spirit of present contest, even the lawyer of high ideals is under constant temptation, against which he has as constantly to fight, to regard a lawsuit as a game of skill, the blood-stirring end of which is a verdict or decisions favorable to him. Here, indeed, there appears a similarity between the practice of the law and of medicine. The physician, and perhaps more especially the surgeon, is in danger of regarding the human body as an insensate mechanism upon which he may tinker; the lawyer, of seeing in his client but a pawn in a fascinating game.

If this pitfall may be seen in the way of the high-minded lawyer, what may be said of that considerable percentage in the profession who know naught of the courts in their true relation to the problems of mankind, as tribunals for the parceling out of justice, and not for the registration of victories. To these men it is everything to win. What golden opportunities are afforded them in a maze of procedural rules. They may resort to forms to embarrass their adversaries, they may hide behind forms to protect and screen themselves. Under such practices forms are added to forms; and conflicting constructions of forms, and ever-ramifying rules adding to or explaining them, constantly spring into being and ever-increasing confusion results. Forms erected by one generation in aid of the administration of justice become, ere a new generation has appeared upon the scene, grossly glaring instruments of injustice and of delay.

THE NATIONAL DEMAND FOR REVISION.

If it be true that all other times and all other countries have known the need of a reform of judicial procedure, it can not be gainsaid that this time and Nation do know such a need. California, together with most of the other States in the Union, is actually suffering under the demand. Our Code of Civil Procedure, which went into effect in 1873, 43 years ago, has never had a systematic revision. It has been amended in various of its sections many times, however, during the intervening years, but the work has been partial, unsystematic, and unscientific. The code is to-day both obsolete and an alarming piece of patchwork.

At the 1915 convention of the California State Bar Association a motion was adopted for the naming of a committee, to report at the session of 1916 "upon the advisability of changing the practice act so that purely procedural matters may be prescribed by rule of the supreme court rather than by legislative enactment." The committee consists of R. S. Gray, Garrett W. McEnerney, Percy V. Long, and Walter Perry Johnson, of San Francisco, and Joseph P. Loeb and Lewis R. Works, of Los Angeles, although William J. Hunsaker, of the latter place, was but recently also a member, having been forced to resign because of the press of his practice. It will be noted that this committee, under its strict powers, can only report upon the advisability of delegating to the supreme court of the State the power to govern and regulate procedure by rules of court. Nevertheless, it is quite possible that the body will present a list of advisable procedural reforms, either as a part of its report or as an appendix to it. The committee has such a plan under actual consideration.

It hardly seems worth while to present an epitome of the respects in which judicial procedure requires reforming, as the changes which might be wrought are exceedingly numerous, and range from matters of great moment and of wide scope to things of the smallest import, although no rule or point of procedure is so unimportant as not to deserve being made exactly right, if it can be so made. Nevertheless, there may be pointed out, with profit, a few of the salient reforms now being urged by the modern thought upon the subject.

THE SIMPLIFICATION OF PLEADINGS.

It may truly be said that every lawsuit in California is unduly delayed by the rules regarding pleading. The system we use, and which is used in nearly all the other States, is archaic and should not much longer be borne. As far back as 1873 the courts of England were put under a system of pleading much in advance of the complex one under which we now labor; and the celebrated municipal court of Chicago, a wonderfully efficient and businesslike tribunal, was a few years ago erected upon a foundation, so far as pleading is concerned, equally as simple and direct. Speaking of that court, Herbert Harley said, in the address already mentioned:

"Judge Stephen Foster was sent to London to learn of the modern English practice, and upon his return a few simple rules, 34 in number, were drafted. They have not been changed since, and under them the miracle of freeing pleading from deadly formality has been fully accomplished. The essence of the rules lies in plain common sense. The plaintiff must at the beginning set forth the substantial facts upon which he bases his claim in an informal and brief statement, supported by affidavit in all cases of liquidated damages. The defendant, then, in order to get a footing in court, must show under oath that he has meritorious defense. Every year thousands of causes are determined by entering judgment on default because the defendant dare not file the affidavit of merits. In other Illinois courts these actions would clog the calendars for months or years.

"While the simple pleadings have tremendously reduced the amount of time wasted in trying incidental issues, it has not been possible to change the rules of evidence, so that simple trials may take an entire day and more involved ones a week or more, in this court as in others."

PROPOSED ABOLITION OF THE DEMURRER.

Another great reform in the field of pleading lies in the impending extirpation of the demurrer, the handmaiden of delay and the enemy of justice. It is no uncommon thing to hear it asserted that the special demurrer should be abolished, and that relic of the past doubtless will soon be no more, in most jurisdictions at least; and it is now occasionally, and with great reason, demanded that the general demurrer should likewise be laid to rest.

THE JURY SYSTEM.

The time-honored "bulwark of liberty," the jury system, is the target of many of those who demand less of form and less of delay in

the procedure of the courts. Various plans are proposed as conducive to the speedier selection of juries and the proponents of jury reform measures range from those who suggest plans of the character just mentioned to those who inveigh against the continuance of the jury system in any form whatever, at least in civil cases; and the names of the latter, if they are not legion, make a most respectable list.

In a report to the National Economic League, made by a committee consisting of Charles W. Elliot, Louis D. Brandeis, Moorfield Storey, Adolph J. Rodenbeck, and Roscoe Pound, it is said:

"It is probable that we make too much use of the jury as a tribunal for ordinary civil causes. The delay and expense involved in jury trials are very great, and wherever the volume of litigation is large and courts are in session continually, service upon juries has become a grave burden upon the citizen. It is worthy of consideration whether there are advantages in jury trial of ordinary causes upon debt or contract and commercial cases to compensate for the expenditure of time and money which such trial requires. Even in actions upon tort, now that workmen's compensation acts are removing from the forum cases in which plaintiffs looked to juries to mitigate the law, it may be doubted whether jury trial should be used so widely."

THE NEED FOR EFFICIENCY IN THE CONDUCT OF COURTS.

With the mention of these two or three points which have been selected from the myriad suggestions of needed reforms, within the strict realm of procedure, properly so-called, we may turn to one or two proposals affecting the interior conduct and management of the courts themselves. The demand for expert business management, startling as it may seem, has been made and is being made upon the tribunals of justice, and if there be places in which expert business management should not be the order of the day, it is certainly not in the courts, it being understood that the term is applied to the true business or administrative side of courts and to no such part of their activities as would interfere with due and proper deliberation, without delay, in arriving at decisions.

In the first place, every trial court consisting of more than one judge should specialize in its work to as high a degree as the various kinds of causes submitted for its decision will permit. Where each judge on such a bench is working upon a particular line of litigation and bending his energies to the mastering of the problems continually involved in that line, a high degree of contribution to the efficiency of the court must necessarily result. In most courts composed of a number of judges, there are usually criminal branches, probate branches, and the juvenile court, and sometimes other specializations, but there are probably no courts in this country, with the exception of the municipal court of Chicago, in which a proper degree of specialization has been attained. Of that court Herbert Harley says:

"At the beginning the Chicago court had the same measure of specialization that was common in other cities. Certain judges sat in police court and others took their quota of civil causes. It soon became evident that certain classes of causes could be segregated upon special calendars and handled separately to advantage. One judge, for instance, could take care of all the replevin, attachment, and garnishment causes, and become so expert that no lawyer could excel him in knowledge of the statute law and decisions. To another judge was assigned all the actions for the recovery of possession of real estate. The quasi-criminal actions brought under city ordinance by summons were also segregated. The court was becoming organic. Judges were becoming specialists. Increased output of a higher quality was observable. For the first time the conspicuous need for specialist judges in a unified court, as against specialized tribunals with hit-or-miss judges, was met."

In the second place, and notwithstanding the fact that each judge of a trial court must sit by himself and must be responsible for the handling of the causes distributed to him, there should rest in a presiding judge, or in the majority of the court, the authority to remove individual judges from the performance of work for which they are not fitted; and that authority should not merely rest, it should be vigorously and fearlessly exercised. Authority to handle all other business or administrative affairs of the court, not having to do with the duty of each judge as to his individual causes, should be similarly vested and exercised. Upon these questions the act creating the municipal court of Chicago provides as follows:

"The chief justice, in addition to the exercise of all the other powers of a judge of said court, shall have the general superintendence of the business of said court; he shall preside at all meetings of the judges, and he shall assign the associate judges to duty in the branch courts from time to time, as he may deem necessary for the prompt disposition of the business thereof, and it shall be the duty of each associate judge to attend and serve at any branch court to which he may be so assigned. * * * The chief justice shall also superintend the preparation of the calendars of cases for trial in said court and shall make such classification and distribution of the same upon different calendars as he shall deem proper and expedient. * * * It shall be the duty of the chief justice and the associate judges to meet together at least once in each month * * * and at such other times as may be required by the chief justice, for the consideration of such matters pertaining to the administration of justice in such court as may be brought before them. At such meetings they shall receive and investigate or cause to be investigated, all complaints presented to them pertaining to the said court, and to the officers thereof, and shall take such steps as they may deem necessary or proper with respect thereto."

This act, in this and in other provisions which might be quoted, vests the chief justice of the court with most unusual powers, it must be confessed; and it may be questioned whether the great and acknowledged success of these and other provisions of the act in the conduct of the business of the court may not be due to the dominating and, at the same time, persuasive character of the justly celebrated Harry Olson, who has been the presiding justice of the tribunal since its organization; and whether it may not be doubted to be safe or advisable to vest such powers in one judicial officer designed to work hand in hand with a number of associates.

In passing, it may be remarked that the judges of the superior court of the State of California in and for the county of Los Angeles, now 18 in number, have long held regular monthly meetings, and hold frequent special meetings to consider the business of the court, and that a majority of them frequently exercise most of the powers vested by the language above quoted in the chief justice of the Chicago court.

THE UNIFICATION OF THE JUDICIAL SYSTEM.

There is another proposed reform in the constitution of courts, not relating to their interior management nor subject to their internal control which may be mentioned. It is the movement for "unified

courts," so called, and the principle behind it may be stated in the language of Prof. Roscoe Pound, dean of the Harvard University Law School, as follows:

"The whole judicial power of each State * * * should be vested in one great court, of which all tribunals should be branches, departments, or divisions. The business as well as the judicial administration of this court should be thoroughly organized so as to prevent not merely waste of judicial power but all needless clerical work, duplication of papers, records, and the like, thus obviating expenses to litigants and cost to the public."

The idea of a high degree of specialization in the work of judges, already mentioned in this paper, is at the base of the movement for unified courts. In the report of the National Economic League, above referred to, Prof. Pound and his associates said:

"Effective administration of justice in the urban communities of to-day requires a unification of the judicial system whereby the whole judicial power of the State shall be vested in one organization, of which all tribunals shall be branches or departments or divisions. In organizing the personnel of this unified judicial department, the cardinal idea should be to permit the entire judicial force of the Commonwealth to be employed in the most effective manner possible upon the whole judicial business of the Commonwealth, aiming to have specialist judges rather than specialized courts. Multiplication of tribunals is the first attempt of the law to meet the demand for specialization and division of labor. Yet it is at best a crude device. The need is for judges who are specialists in the class of causes with which they have to deal. This need may be met by specialized courts with specialized jurisdiction. But it may be met also by a unified court with specialist judges, to whom special classes of litigation are assigned."

It needs but another quotation from Prof. Pound to complete a very general view of the character of the movement now under mention:

"To achieve the end of specialist judges rather than specialized courts, the entire judicial power should be committed to one court. This court should be constituted in three chief branches: (1) County courts or municipal courts; (2) a superior court of first instance; and (3) a single ultimate court of appeal."

The unified court plan was put into operation in Great Britain under the Judicature acts of 1873 and 1875 and the American Judicature Society, a strong organization with headquarters at Chicago, is devoted to the work of procuring its adoption throughout the United States and has prepared a carefully formulated judicature act to be used generally in prosecuting the work.

HIGHER STANDARDS OF LEGAL EDUCATION DESIRABLE.

It is time to curtail mention of further phases of the movement for the reform of procedure and of the business of the courts, a movement which is receiving such careful attention throughout the land; but it yet remains to note a few general features basic to the need for such reforms. The principal reasons for the existence of so many courts, with so many judges, and for the heavy volume of business in their hands, lie in the frailties of human nature. A vast percentage of the causes which reach the courts should never find place there. Compromise of difficulties, instead of litigation, should be the rule; but we probably may not justly expect warfare in the courts to end until long after the world shall have become satiated with the more sanguinary kind of war. Nevertheless, there are certain questions having to do with the alarming mass of causes in our courts which, in justice to humanity, we may not overlook.

Much ill-advised litigation is launched through the sheer incompetency of lawyers, and the statement is not surprising, for it requires considerable ability to determine, in many instances, whether a would-be plaintiff has a meritorious cause, and the best of lawyers will frequently commence actions which are without merit. Therefore, to the end that our courts may not be clogged with foolish litigation and that the number of our judges may increase in a lessening ratio to the increase in our population, as well as to the end that the poor layman may not unduly suffer from "the slings and arrows of outrageous" advice, let us dedicate ourselves to the idea that the standards of legal education and the requirements for admission to the bar be maintained at a high mark.

But it is not merely from the incompetent lawyer that we suffer in the matter of foolish litigation. We have with us his wiser but less praiseworthy brother, the man who commences the unmeritorious action, knowing that it is not meritorious, or at least doubting its merit, in order to secure the fee involved. He is the man who knows naught of the administration of justice, but who sees in every court room but another Monte Carlo in which he may conduct his games of chance. To protect ourselves from these gentry we should see to it that the profession is kept pure and that its standards are ever kept on high.

It would not be amiss for every lawyer to keep constantly before him the thought, too often utterly forgotten, that he is an "officer of the court," that the court is a place in which justice, with all the sacred meaning of the word, is to be administered. He might also well remember that, upon his admission to practice the law, he took an oath to support the Constitution and laws of the land, and that his oath, as well as the traditions of his calling, imposes upon him a serious, almost holy, moral obligation.

SPEECH OF REAR ADMIRAL BENSON.

Mr. THOMAS. Mr. President, I have a copy of the speech delivered by rear Admiral William S. Benson, United States Navy, Chief of Naval Operations, in response to the toast "The Navy" at a dinner to the alumni given by the Naval Academy Graduates' Association on Thursday evening the 1st instant. I ask unanimous consent that it may be inserted in the Record.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The speech referred to is as follows:

SPEECH OF REAR ADMIRAL WILLIAM S. BENSON, UNITED STATES NAVY, CHIEF OF NAVAL OPERATIONS, IN RESPONSE TO THE TOAST "THE NAVY," AT A DINNER TO THE ALUMNI GIVEN BY THE NAVAL ACADEMY GRADUATES' ASSOCIATION, ON THURSDAY EVENING, JUNE 1, 1916.

Mr. Toastmaster, fellow graduates, and guests, in calling upon me to answer to the toast "The Navy," the object of the graduates' association is, I take it, to satisfy, perhaps, the expectation of the service that I give an account of my stewardship as Chief of Naval Operations.

I may preface my remarks by saying that, as time has gone on and the work of the office has developed, more distinctly outlining some of the vast problems involved, I have become more and more fully con-

vinced that those who conceived the idea of creating by law a Chief of Naval Operations have, in the establishment of this office "built better than they knew." In speaking on this subject, I do so without any intention of making odious comparisons and without any desire to attempt to enlarge upon the importance of the work or to magnify what has been already accomplished; and yet, in order to be quite sincere and candid I must say that upon taking up this work a little over one year ago I started practically from the ground. There were then certain elements of routine being carried out which might in a way be called the fragments of organization, but certainly nothing more. There was no data from which the chief of the office could obtain information at short notice. Only a few hours after assuming office it was necessary that a vessel of a certain class be sent from Hampton Roads to New York, and it took hours to find out just what vessels were available in that vicinity, and particularly what ones were suitable for the duty to be performed. There was no definite data at hand relating to matériel or personnel. In order to find out about matériel it was necessary to send to some other office and get information piecemeal. Information as to personnel and as to the relation between personnel and matériel could only be obtained by consulting the several bureaus' files. In fact no information except what was given in certain regular publications was available to show the relative strength of the various nations of the world. So it was necessary literally to begin at the bottom. It is true there were some efforts at organization which had been carried forward nearly to completion. A board for the organization of the radio service had made its report and recommended an organization for adoption, but this report had not been approved, and the older unformed system in the radio service was still in vogue. Messages for radio transmission were sent out by telephone to Arlington, if received during ordinary office hours, and were given attention by the Arlington operators at their convenience. Messages received at night from Arlington or elsewhere had to await the opening of the office the next morning before being decoded and delivered.

Such facts as these serve to indicate the conditions formerly existing and are recounted simply that the service may know what has been done since the establishment of this office and what is being done now, and I want especially to emphasize them in order that the service may have a true estimate of the situation and not be led astray or unduly influenced by what seems to have been a persistent effort during the past year or so on the part of certain persons and in certain elements of the press to try to create the impression, not only in the mind of the public but even in the minds of naval officers themselves, that nothing has been done in the department to improve conditions. And let me state here that the conditions which I have found to exist could not in any degree be laid at the door of the Secretary. He has at all times shown the most earnest interest and the most cordial sympathy in all the various features recommended for the development of this office, and he has given particular attention to every measure tending to increase its efficiency and the efficiency of the service in general.

The report of the board on the organization of communications, which I have already mentioned, has since been approved and is now in operation, and I do not hesitate to express the firm belief that it is the most thorough and efficient organization of its kind to be found either in the service or out of it. The office space occupied by the Chief of Naval Operations and his staff has been expanded from its formerly overcrowded condition to include nine rooms. These rooms have been cleaned, renovated, and equipped, and they are now kept in a condition that leaves little more to be desired. One of these rooms has been fitted up especially to meet the needs of the communication service. A soundproof compartment has been constructed in which the radio operators are on constant watch day and night, and a space adjoining this compartment has been fitted for the telegraph and telephone operators. A commissioned officer day and night keeps watch to code and decode and to receive and send messages of every character without delay.

The subject of extending communications throughout the world has been given careful attention and, under the direction of Capt. Bullard, the superintendent of the naval radio service, phenomenal progress has been made toward the establishment of a system by which communication within our own country may be developed and improved and, in cooperation with the systems in Pan American countries, expanded throughout the Western Continent. The subject of radio telephony has, through the cooperation of Capt. Bullard and his men with the telephone companies, reached a development little short of marvelous. At the instance of the superintendent of radio, the various companies interested in this question agreed to mobilize their utilities and hold a demonstration which would show to what extent their systems of communications could be used. Some two weeks ago, when this demonstration took place, I sat in my office and within the short space of time of less than two hours I transacted business by land wire and radio telephone with the commandant at the Puget Sound Navy Yard, the commanding officer at Yerba Buena, San Francisco, the commandant at the Mare Island yard, the naval station at New Orleans, the aeronautic station at Pensacola, the commandant of the Charleston Navy Yard, the commanding officer of the *New Hampshire*, then at sea off the Capes of Virginia, the commandant of the Philadelphia yard, the president of the war college at Newport, and the commandant of the Boston yard. Communication was most satisfactory and conversation between myself and the officers with whom I talked was taken down by a stenographer in my office, so that a complete record of all business transacted was available at once.

Soon after the appointment of the Chief of Naval Operations the duties of the aid for material were transferred by the order of the Secretary of the Navy to the cognizance of the Chief of Naval Operations and were placed immediately in the hands of one of his assistants. This change has served to provide positive means for the Chief of Naval Operations constantly to keep in touch with the material condition of the fleet and with the preparedness of individual vessels for active service. Work of the material bureaus is quickly coordinated under the immediate knowledge and assistance of the office of operations.

A plan of organization of the fleet on a large scale has been worked out and is now in operation. This plan is so arranged as to provide an organization for the entire naval force of the United States, or for any portion of it in any part of the world. The various elements of the fleet have been given definite organization and flag officers have been detailed to the command of each, so that it may be justly said that the fleet is for the first time completely and thoroughly organized. One of the first steps taken for the improvement of the organization of the fleet was with a view to the betterment of the submarine service, and to this end an officer of high rank has been detailed to command the submarine flotilla.

The subject of aviation also has been given especial attention and every effort has been directed toward concentrating the development of

aircraft toward a definite service. Aircraft have been placed in the same category as other craft, and the various bureaus have been assigned specific duties bearing upon their construction and development and have assumed the responsibility for the work coming within the cognizance of each.

A thoroughly digested and well-developed plan of mobilization for the entire fleet in the event of war has been submitted to the department and approved. Each bureau and office in the department has been assigned its particular duties in connection with this plan and reports quarterly to the department giving in detail the progress of each toward preparedness to accomplish its task in mobilization.

The General Board has deliberated on the list of available merchant vessels useful for naval purposes in case of war and has determined the characteristics required for the special assignment of each. Guided by these requirements, the board of inspection and survey is now engaged in making a careful inspection of these merchant vessels, reporting for each the necessary alterations and equipment to fulfill the duty to which they have been assigned in the naval auxiliary service. Each merchant vessel inspected is assigned to a certain yard, where, in the event of need, it would be altered and equipped for naval service and where it would be supplied and repaired. The necessary equipment and supplies for such vessels are being sent as rapidly as possible to the yards at which these ships would be outfitted, so that in the case of emergency or war this work will be accomplished in the least possible time. Records are being kept at the department in such condition that complete data are immediately available showing just what vessels could be used, what alterations would be necessary, and in preparation for the event all details, even to the drawing up of contracts, are being perfected in advance.

In past years the organization of naval districts has been merely a nominal one. The plan for the organization of naval districts has within the year been taken in hand and has been worked out in every detail. Each naval district will be organized according to a common scheme, and the general plan, together with a sample organization for one district, will be furnished to each naval district for filling in all data as to number and class of vessels, the organization and duty of personnel, etc. The question of mine localities within our ports and along our shores has been studied, and the number of mines for each district and for our outlying defenses has been determined. Officers have been assigned to the various duties in the district for war service, and the distribution of vessels for the district defenses has been made, each vessel being assigned to its well-defined function in the defense.

Plans have been completed for the mobilization of the Naval Militia, and detailed instructions have been prepared providing that each step in the mobilization shall proceed without interruption and with the utmost expedition. In addition, special attention has been directed to peace-time training of the Naval Militia, and arrangements have been made for sending the Naval Militia to sea this summer on board nine of the older battleships not attached to the active fleet. Arrangements have also been made for a cruise with citizen volunteers for training on the general principle of the Plattsburg encampments conducted by the Army, and during four weeks in the latter part of August and the first half of September these volunteers will cruise at sea and will exercise during the last week with motor boats in conjunction with the battleships, destroyers, and submarines, working out such problems as would arise in time of war.

The organization of the ships in reserve has been given special attention. Not only have the complements been increased, but special attention has been paid to the ratings of the men on board, so that the important stations will at all times have a sufficient number of well-trained men properly to break in the additional personnel that would be required to fill the complements. The ships are kept in material readiness, so that it will be necessary only to fill the complements in order that they may be ready to join the active fleet. A system of periodical inspection of every ship belonging to the Navy has been established, and its good results are already apparent.

Regulations have been drawn up by a joint board for the proper control of the Coast Guard, which automatically comes under the Navy in time of war.

In response to the request of the department, the General Board has been indefatigable in making out the plans and selecting the locations for advanced bases and in determining the location of submarine bases and working out the detailed plans for their development.

The annual period of overhaul for vessels has been discontinued. The old system, under which for 3 months (and often for a longer period) in every 15 vessels of the fleet lay at a navy yard unready in material respects and demoralized in personnel. These demoralizing influences, due to stagnation at navy yards, were well known to every officer, and it will be appreciated that they must have had a very bad effect upon the Navy. It was only natural under the old system of lengthy overhauls that spare parts would be used up and important work postponed that could have and should have been done at once in order to keep the ships in first-class condition. Such prolonged periods of inactivity at a repair yard during which the unavoidable disorder incident to the pressure of large numbers of workmen on board, and sometimes with the added discomfort of climate, could not help but have a very serious and detrimental influence upon the ships' personnel, besides immensely increasing the expense of maintaining the fleet.

At the present time practically every vessel of the fleet is ready to perform its designed duty, except possibly the *Georgia*, which is to have new boilers installed, and the *Connecticut*, which is having extended boiler work done, one or two of the earlier submarines now being utilized for experimental purposes and some of the later destroyers.

The equipment of my office has been greatly improved and added to. Data on all essential subjects have been collected and kept near at hand, and are constantly being added to. Because of this improvement, I was able, when called before the House Naval Committee during the present session, to give full and exact information of our own and the other principal navies of the world, and was able to show not only in figures but graphically to the eye the number and type of ships of each of the principal navies of the world. Photographic silhouettes of the ships of the several navies were made and pinned upon sheets in groups according to type, so that a clear idea of the relative strength of the various fleets could be obtained at a glance. These sheets will eventually be placed upon the walls of one of the offices.

An annual program of operations of the fleet has been worked out and adopted, and has so far been followed without difficulty. There is no reason to believe that it can not be successfully followed as a standard yearly program. In my office there are kept data and records from which, at a moment's notice, one can determine the whereabouts of every vessel of the service, and within a very few minutes the position of any merchant vessel can be located. On the walls of the office general

charts and charts of places of special interest throughout the world are kept on chart rolls in the most convenient manner for easy reference. In another office there is a roll on which are maps showing the interior subdivisions of various countries and giving almost every kind of desirable information connected with the naval service.

Cooperation between the various bureaus and offices of the department with the office of the Chief of Naval Operations has been most cordial and complete, and the practical result has been all that could be desired. One day in each week the Secretary holds in his office a council composed of the chiefs of bureaus, heads of the various offices, the Assistant Secretary of the Navy, and the Chief of Naval Operations. At these meetings various questions of importance affecting the whole service are considered, the progress of work on ships discussed, new enterprises gone into, and a decision arrived at under the most favorable circumstances for wise action. Through these councils all are kept informed of important work and a hearty cooperation followed by satisfactory execution of the Secretary's decisions is the result. In addition to this weekly council, the Secretary of the Navy, through his own efforts, has organized a naval advisory council, known as the Naval Consulting Board, which, with his approval and sympathy, is collecting vast stores of information regarding the industrial resources of the country and is perfecting a plan for the utilization of these industries for the support and assistance of the Army and Navy for the defense of the country in time of need.

A thoughtful consideration of the work that has been accomplished will show that all is being done now that could reasonably be expected from a so-called General Staff. In my opinion, the organization that exists in the department and that is now in successful operation is accomplishing in a purely American and businesslike manner all that could possibly be expected from the creation of a general staff, and is, I believe, doing this in a much more satisfactory way. It is folly to talk of or to advocate clothing a Chief of Staff or a Chief of Naval Operations with authority independent of the head of the Navy. Such independent authority would lead only to confusion and would do great harm. The fact that the bureaus as now constituted represent the different sections of the General Staff, that they have their special appropriations, and are responsible for the proper expenditure of moneys under their control and of the proper development and operation of the various parts of the Naval Establishment under their cognizance, gives, in my opinion, to the organization of the Navy Department a distinctive strength and an added efficiency not possible under a so-called General Staff organization. The present organization should be made stable and permanent, and if legislation is necessary to make this absolutely sure, then there can be no doubt that such legislation should be enacted, but in considering any legislation care should be taken that too great restriction is not imposed upon the freedom of action of the head of the Navy.

I desire to add that all the results I have related have been accomplished with the Secretary's assistance. No new legislation has been necessary, and all that has been required of me has been to present the need and desirability of changes and improvements in order to receive the Secretary's sympathetic attention. He does not blindly yield to suggestions, but gives them the most earnest and thoughtful consideration. As the Secretary has often reiterated, his only requirement is that the proposed change shall add to the efficiency of the Navy, in order that both the Navy's personnel and matériel may be capable of rendering and may be made to render 100 per cent efficiency. This policy of 100 per cent efficient service has been the basic creed of the Office of Operations, and when we shall have fulfilled that policy every unit of the fleet will at all times be ready to perform its functions, whatever the occasion that may require its service.

WATER-POWER DEVELOPMENT.

Mr. WEEKS. Mr. President, I ask unanimous consent that an extract from an address delivered by Daniel W. Mead, professor of hydraulic and sanitary engineering, University of Wisconsin, Madison, Wis., on "The practical side of water-power development," be printed as a public document.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and it is so ordered.

Mr. FLETCHER. Mr. President, I think that article ought to go to the Committee on Printing for action. That is the usual course.

The VICE PRESIDENT. Is there an objection? Does the Senator from Florida object?

Mr. FLETCHER. I ask to have it go to the committee.

The VICE PRESIDENT. It will go to the Committee on Printing.

THE FUTURE OF CULEBRA.

Mr. WARREN. Mr. President, I have here an article from the New York Sun of June 18, 1916, entitled "Are subterranean gases cause of Panama Canal slides," written by Hon. Thomas Kearns, of Utah, formerly a member of this body, which, with the editorial comment upon it by the Sun, I should like to have printed as a public document, omitting the pictures but including two diagrams. I regard the article an interesting and valuable contribution to the subject on which it treats.

Mr. FLETCHER. I ask to have the article go to the Committee on Printing.

Mr. WARREN. I ask that none of the illustrations be inserted except a diagram.

The VICE PRESIDENT. There being an objection, the article will be referred to the Committee on Printing.

WIND RIVER RESERVATION, WYO.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 733) providing for patents to homesteads on the ceded portion of the Wind River Reservation in Wyoming, which was to strike out all after the enacting clause and insert:

That any person who, prior to the passage of this act, made homestead entry on the ceded portion of Wind River Reservation, in

Wyoming, who has not abandoned the same, whose entry is still existent and of record, and who has been unable to secure water for the irrigation of the land covered by his entry, may secure title to the same upon the submission of satisfactory proof that he has established and maintained actual bona fide residence upon his land for a period of not less than eight months, and upon payment of all sums remaining due on said land, as provided for by the act of March 3, 1905.

Mr. WARREN. The House has amended the Senate bill, and I move that the Senate concur in the amendment of the House. The motion was agreed to.

EVA M. BOWMAN.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 136) for the relief of Eva M. Bowman.

Mr. CLAPP. I move that the Senate disagree to the amendment and request a conference with the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to, and the Vice President appointed Mr. ASHURST, Mr. LANE, and Mr. CLAPP conferees on the part of the Senate.

COURT OF PRIVATE LAND CLAIMS.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 1840) to amend an act entitled "An act to establish a court of private land claims and to provide for the settlement of private land claims in certain States and Territories," approved March 3, 1891, and the acts amendatory thereto, approved February 21, 1893, June 27, 1898, and February 26, 1909, which was, on page 2, line 7, to strike out "section."

Mr. GALLINGER. On behalf of the Senator from New Mexico [Mr. CATRON] and at his request I move that the Senate concur in the amendment of the House.

The motion was agreed to.

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 June 21, 1916:

S. 4401. An act to conduct investigations and experiments for ameliorating the damage wrought to the fisheries by predaceous fishes and aquatic animals.

On June 22, 1916:

S. 377. An act providing for the establishment of a term of the district court for the middle district of Tennessee, at Winchester, Tenn.;

S. 142. An act for the relief of Mrs. George A. Miller;

S. 1326. An act for the relief of Vilhelm Torkildsen;

S. 1793. An act granting to the State of Kansas title to certain lands in said State for use as a game preserve;

S. 3861. An act to amend an act entitled "An act to amend an act entitled 'An act for the withdrawal from bond tax free of domestic alcohol when rendered unfit for beverage or liquid medicinal uses when mixed with suitable denaturing materials,'" approved March 2, 1907;

S. 4550. An act granting to the Portland, Vancouver & Northern Railway Co. a license to cross the Vancouver Barracks Military Reservation, at Vancouver, Wash.;

S. 4760. An act to authorize the change of name of the steamer *Normania* to *William F. Stifel*;

S. 5310. An act to authorize the county commissioners of Walla Walla and Franklin Counties, Wash., to construct a bridge across the Snake River between Pasco and Burbank; and

S. J. Res. 47. Joint resolution authorizing the Secretary of Commerce to sell skins taken from fur seals killed on the Pribilof Islands for food purposes.

On June 22, 1916:

S. 5805. An act permitting the Riverview Ferry Co. to construct, maintain, and operate a bridge across the Yellowstone River, in the State of Montana;

S. 5841. An act to authorize the Perdido Bay Bridge & Ferry Co., a corporation existing under the laws of the State of Alabama, to construct a bridge over and across Perdido Bay from Lillian, Baldwin County, Ala., to Cummings Point, Escambia County, Fla.;

S. 5851. An act to extend the time for constructing a bridge across the Eastern Branch of the Elizabeth River, in Virginia; and

S. 6041. An act granting the consent of Congress to Jackson County, Miss., to construct a bridge across West Pascagoula River, at or near Pascagoula, Miss.

STATUE OF ZEBULON BAIRD VANCE.

Mr. OVERMAN. Mr. President, in accordance with a notice which is found upon the calendar, given some two weeks ago, and also in accordance with a resolution adopted by the Sen-

ate, I send forward a letter from his excellency the governor of North Carolina, and ask that it may be read.

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

The Secretary read as follows:

STATE OF NORTH CAROLINA,
EXECUTIVE DEPARTMENT,
Raleigh, June 20, 1916.

To the Senate and House of Representatives of the
United States, Washington, D. C.

GENTLEMEN: I have the honor to inform you that the General Assembly of North Carolina, by joint resolution, directed that the governor and council of state procure a statue of her illustrious citizen, Zebulon Baird Vance, governor, Member of the House of Representatives, and Senator, to be placed in Statuary Hall, the Capitol, Washington, D. C., pursuant to the act of Congress. By virtue of said resolution the governor, with the approval of the council of state, appointed William A. Hoke, Mrs. M. V. Moore, Miss Laura Lindsay Carter, Clement Manly, and John Henry Martin a commission to procure and have said statue erected.

I am informed by the commission that the statue, made by Gutzon Borglum, has been duly placed in position and is now ready to be presented to you. As governor of the State of North Carolina, it affords me pleasure to present to the people and Government of the United States the statue of Zebulon Baird Vance, distinguished soldier, citizen, and statesman.

Your obedient servant,

LOCKE CRAIG, Governor.

Mr. OVERMAN. Mr. President, I offer a concurrent resolution, and ask that it be read. Later I shall ask unanimous consent for its present consideration.

The resolution (S. Con. Res. 24) was read, as follows:

Resolved by the Senate (the House of Representatives concurring), That the statue of Zebulon Baird Vance, presented by the State of North Carolina to be placed in Statuary Hall, is accepted in the name of the United States, and that the thanks of Congress be tendered to the State of North Carolina for the contribution of the statue of one of its most eminent citizens, illustrious for the high purpose of his life, and his distinguished services to the State and Nation.

Second. That a copy of these resolutions, suitably engrossed and duly authenticated, be transmitted to the governor of the State of North Carolina.

Mr. OVERMAN. Mr. President, with the completion of the two wings added to the old Capitol, one now occupied by the House of Representatives and the other by the Senate, the old House of Representatives was left deserted and silent. The scenes enacted there in that old Chamber for 50 years were only a precious memory, and the echoes made by the noise of footsteps only recalled the eloquent voices which had once so stirred the Members who sat there to make laws for their country.

For the utilization of this deserted Chamber many plans were submitted. The late Senator Morrill, then a Member of the House, finally submitted the following plan, which was approved and became a law on the 2d day of July, 1869:

The President is authorized to invite all the States to provide and furnish statues, in marble or bronze, not exceeding two in number for each State, of deceased persons who have been citizens thereof and illustrious for their historic renown or for distinguished civic or military services, such as each State may deem to be worthy of this national commemoration; and when so furnished the same shall be placed in the old Hall of the House of Representatives, in the Capitol of the United States, which is set apart, or so much thereof as may be necessary, as a national Statuary Hall for the purpose herein indicated.

His remarks in speaking to the passage of this bill are worthy to be quoted here, and were as follows:

Congress is the guardian of this fine old Hall, surpassing in beauty all the rooms of this vast pile, and should protect it from desecration. Its noble columns from a quarry exhausted and incapable of reproduction—

Nature formed but one,
And broke the die in molding.

Its democratic simplicity and grandeur of style and its wealth of association, with many earnest and eloquent chapters in the history of our country, deserve perpetuity at the hands of an American Congress. It was here that many of our most distinguished men, whose fame "the world will not willingly let die," began or ended their career.

It appears to me eminently proper, therefore, that this House should take the initiative in setting apart with reverent affection the Hall, so charged with precious memories, to some purpose of usefulness and dignity. To what end more useful or grand, and at the same time simple and inexpensive, can we devote it than to ordain that it shall be set apart for the reception of such statuary as each State shall elect to be deserving of this lasting commemoration? Will not all the States with generous emulation proudly respond, and thus furnish a new evidence that the Union will clasp and hold forever all its jewels—the glories of the past, civil, military, and judicial—in one hallowed spot where those who will be here to aid in carrying on the Government may daily receive fresh inspiration and new incentives?

"To scorn delights and live laborious days?" and where pilgrims from all parts of the Union, as well as from foreign lands, may come and behold a gallery filled with such American manhood as succeeding generations will delight to honor, and see also the actual form and mold of those who have inerascably fixed their names on the pages of history.

North Carolina, one of the old original thirteen States, now claims her roll and the happy privilege to place in that gallery of renowned statesmen, heroes, soldiers, and patriots one of her foremost citizens, illustrious and distinguished for his services to his State and his country, both in peace and in war—a patriot and a leader among men, idolized by all his people.

For 50 years the State of North Carolina failed to avail herself of this generous offer of Congress. But when the time came to make selection of him to be so greatly honored and revered, among all the great and noble men of the State from its early history, distinguished Americans, patriots, statesmen, lawyers, judges, builders of the State and country, great Senators and governors, as they all passed in review the eyes of the people instinctively turned upon one man, and with one accord, without a dissenting voice, selected the great commoner, Zebulon Baird Vance.

As the beautiful mountains in which he first saw the light towers over the lovely valleys lying below, as Mount Mitchell, the highest peak east of the Rocky Mountains, towers over the other peaks of the Appalachian Range, out of which it lifts its lofty head, at the foot of which Senator Vance built his beautiful home, so in the hearts of his countrymen he towers over all the great array of men who had become distinguished in the State and our country's history. He had loved them, led them, and suffered with them in the dark days, in the days of distress and gloom, amid the storms, their distress, and defeat; and then after the storm was over, after the disaster, the suffering, the distress, and defeat he led them in sunshine and to triumphant victory.

He had faithfully represented them in the House of Representatives. He had led them and fought with them upon the bloody field of battle. He had served them in the executive chair so ably and conspicuously that he became far and wide renowned as the greatest of the war governors; and when the clouds had passed away and the evil days had gone, again as their governor upon its ruins had helped to rebuild the old State, and with great ability and eminent statesmanship for more than 12 years had served them in the Senate, and finally had died at his post of duty. He loved the people and the people loved him as few public men had ever been loved.

His heroic statue now stands in Statuary Hall with Washington and Lincoln, Lee and Grant, Webster, Clay, Calhoun, and with other renowned statesmen and patriots whose States have placed them there for our countrymen to admire and revere, and that they may derive "fresh inspiration and new incentives" to their country's honor and glory.

In this age of commercialism we are inclined to forget the men whose high ideals and devotion to duty have aided in the upbuilding of this great Government and the preservation of the immortal principles upon which it was founded. In the mad rush for place and position it is well to have just such object lessons as are found in that gallery of statesmen to remind us that our happiness and the blessings of liberty we enjoy are interwoven with the efforts, hardships, and the accomplishments of those who have lived before us. The history of those lives is the history of our country.

Senator Vance's ancestors were of Scotch-Irish descent. They settled in North Carolina before the Revolution, and both his paternal and maternal ancestors fought in that great struggle for independence—one at Valley Forge with Washington and the other at Ramseurs Mill and Kings Mountain. Both aided in the erection of this wonderful superstructure which guarantees political liberty and individual freedom. From them he inherited his great courage, his patriotism, and his rugged honesty. Senator Vance had combined in him the humor and known wit of the Irish, and the logic, the perseverance, the insight, and love of liberty of the Scotch. Upon the hustings, in the office, the social circle, in every company and on every occasion he enlivened it with his wit, brightened it with his humor, and charmed it with his jovial good nature.

He was born in the county of Buncombe, on the 13th day of May, 1830, in the Blue Ridge Mountains, near the French Broad River, whose waters dash, sing, and roar over the rugged rocks on through the great forests between the great mountains on to the sea.

He spent his early life upon the farm. He acquired a good education in the village school, and when prepared he attended Washington College, Tennessee, and then one year at the university of the State; read law and received his license to practice, and soon thereafter was elected county attorney.

At the age of 21 he was elected county attorney, at the age of 24 he was elected to the house of commons, at the age of 28 he was elected to Congress, and at the age of 30 was reelected to Congress for a second term. At the age of 31, in 1861, he volunteered for the war and was elected captain and then colonel of the famous fighting Twenty-sixth Regiment North Carolina State troops in the Confederate Army. At the age of 32 he was elected governor of the State of North Carolina, and at the age of 34 he was reelected governor for a second term. At the age of 40 he was elected United States Senator, but was denied admission upon the ground that his political disabilities had not

been removed. At the age of 46 he was again elected governor of his State. At the age of 49 he was again elected to the United States Senate and took his seat, and every six years thereafter was reelected to the Senate until his death in this city at the age of 64 years, having been elected four times to this great body. Thus step by step, from his early manhood, higher and higher his people heaped promotions and honors upon him and elevated him to positions of confidence and trust, in all of which positions he achieved distinction. He never betrayed his people. He served them in all these positions with fidelity and great ability and never a breath of scandal or criticism of his integrity and honesty was ever made against him by either friend or foe.

While at the front fighting with his regiment to one of his constituents who was urging him to give his consent for the people of his district to elect him to the Confederate Congress, he replied as follows:

You remember well the position I occupied upon the great question which so lately divided the people of the South. Ardently devoted to the old Union and the forms which the Federal fathers established, I clung to it so long as I thought there was a shadow of a hope of preserving, purifying, or reconstructing it. And you will also remember that in the last official communication I had the honor to make to my constituents as their Representative I pledged myself in case all our efforts for peace and justice at the hands of the North should fail, that their cause was mine, their destiny was my destiny, and that all I had and was should be spent in their service. Those hopes did fail, as you know, signally and miserably fail; civil war was thrust upon the country and the strong arm of northern despotism was stretched out to crush and subdue the southern people. I immediately volunteered for their defense, in obedience not only to this promise, but also, as I trust, to patriotic instincts; and I should hold this promise but poorly fulfilled should I now, after having acquired sufficient knowledge of military affairs to begin to be useful to my country, escape its obligations by seeking or even accepting a civil appointment.

He had been elected to Congress in 1854 as a State Rights American. At home and in Congress he was an outspoken Union man. He loved the flag his fathers had fought to establish, but he also believed, as he had been taught, that his first duty was to his State. When his State, which had voted in April, 1861, to stay in the Union, finally had to take her choice whether to fight with and for her neighbors or against them, on the 20th of May, a month following, unhesitatingly seceded from the Union, he, as was his duty to do, went with his people and at once volunteered to fight in their defense, and he went into the war with his whole heart and soul. He was making a speech at Asheville, in his district, for the preservation of the Union when Mr. Lincoln's proclamation arrived and was handed him. His hand came down and his voice raised for volunteers for the war.

Some time after this the people of the State began to hold meetings and in the press began to call upon him to consent to allow them to run him for governor. Time and again he was importuned to do so, and then from the battle front he wrote to a friend as follows:

Believing that the only hope of the South depended upon the prosecution of the war at all hazards and to the utmost extremity so long as the foot of an invader pressed Southern soil, I took the field at an early day, with the determination to remain there until our independence was achieved. My convictions in this regard remain unchanged. In accordance therewith I have steadily and sincerely declined all promotion save that which placed me at the head of the gallant men whom I now command. A true man should, however, be willing to serve wherever the public voice may assign him. If, therefore, my fellow citizens believe that I could serve the great cause better as governor than I am now doing, and should see proper to confer this great responsibility upon me, without solicitation on my part, I should not feel at liberty to decline it, however conscious of my own unworthiness.

In thus frankly avowing my willingness to labor in any position which may be thought best for the public good, I do not wish to be considered guilty of the affectation of indifference to the great honor which my fellow citizens thus propose to bestow upon me. On the contrary, I should consider it the crowning glory of my life to be placed in a position where I could most advance the interests and honor of North Carolina, and, if necessary, lead her gallant sons against her foes. But I shall be content with the people's will. Let them speak.

He was elected governor in 1862 and was reelected in 1864, and during this most stormy, trying, and saddest period of the State's history he served with the highest executive ability and exhibited a degree of wisdom, far-seeing sagacity, and ability for organization rarely ever seen in any man. He equipped and sent to the Confederate Army more troops than any other Southern State. Her soldiers were better clad and her people had more comfort at home.

All the ports of the South had been blockaded and soon after his inauguration he conceived the idea of "running the blockade," and organized a fleet of blockade runners from Wilmington, N. C., to European and South American ports, by means of which he was enabled to export cotton and receive in exchange shoes, cloth, cotton cords, and other necessities of life for the soldiers and people at home, which he successfully carried on during nearly the entire war. In every county he organized relief societies to save the poor from starvation, and did every-

thing possible that could be done to care for the women and children while his soldiers were away fighting in defense of the State. He upheld the rights of the courts and the individuals, and refused to suspend or allow to be suspended the great writ of habeas corpus.

At the close of the war he was arrested and confined in the old Capitol Prison, but when the records were shown of his kind treatment of the 10,000 starving Union soldiers confined at Salisbury, in his State, his appeal to his own people to share their scanty subsistence with them, and his appeal to the authorities of the North for an exchange of prisoners, he was granted an early discharge. He returned home, sad at heart, to share with his people their poverty and defeat. He began the practice of the law for a livelihood, but his people called upon him again to serve them and lead them.

In the great campaign of 1876, when the people of the State determined to rid themselves from carpetbag misrule and the rottenness and corruption that then obtained in high places, from the insult and oppression of the misguided negro—their former slaves—from the chaotic conditions that then prevailed in the State, they again called upon Gov. Vance to be their Moses to lead them out of the wilderness of their troubles and humiliation; and the Democratic Party, with which he had allied himself, selected him as their standard bearer and nominated him for governor. The Republicans had nominated one of the ablest debaters in that State, and then in joint canvass they began one of the ablest, bitterest, and most exciting campaigns ever known or ever will be known again in that State.

Mr. President, although quite a young man, I was with him occasionally in that campaign and with others followed him to his different appointments in the State. I saw the great multitude of men, women, and children who flocked to see him and hear him. I saw the great cavalcades that came cheering to welcome him and escort him on the highways to his appointments. Many of them would follow him about from appointment to appointment and never tire of hearing him. I have seen that great form rise to speak and then the wild cheering. I have heard him address the multitude, at times moving them to tears, at times moving them to uncontrollable laughter at his sallies of wit and humor; have heard those delightful anecdotes with which he clinched some of his strongest points, heard his unanswerable logic, his fierce invective, ridicule, and sarcasm, and his flow of eloquence, and altogether, like a mighty torrent, it would carry the crowd with him and would so warm their hearts that with mighty cheers—

They threw their hats
As they would hang them on the horns of the moon,
Shouting their exultation.

"They heard him with rapture and exultant joy." I have seen that magnificent presence of his rise when the masses, wrought up to great excitement, like the waves of the sea in a great storm wrought up to wildest fury, when it seemed they were almost ready to mob his opponent, lift his arm and wave his hand for order, and in a moment they were as quiet as the grave and were listening in respectful silence to the great speech of his opponent. He always had wonderful control of his audience. It was one triumphant march from the mountains to the sea. He was elected. Nothing could stop the great victory which came to him.

With his election came peace, race antagonism was in a measure allayed, and the old Commonwealth started on its onward march upward to happiness and prosperity. Red strings, Ku Klux, and secret political societies of all kinds were heard of no more. Frequent murders, arson, rape, riots, and rapine ceased. Justice was administered to all alike by the courts, good order was restored, and the people who build this great Commonwealth came into their own again.

He began at once to plan for the settlement of the great debt that was burdening the people, to provide for the education of the white people and the black people alike, to provide for the care of the insane, the deaf, dumb, and blind, and relieve the people of the terrible burdens under which they were then suffering, all of which, in a measure, matured. He called a great meeting of the colored men of the State to meet at the capitol and addressed them in words of wisdom and tenderness, advising them that he was their governor; and the kindly advice he then gave had its effect to this day and accounts somewhat for the cordial relations which now exists between the races in that State.

He honored me with a position, with his confidence and his friendship. I was closely associated with him and knew him in the executive office and in the home circle. I loved him for his uniform kindness. I admired him for his genius, his great courage and patience under most trying circumstances. I en-

joyed his brilliant conversation and his rich, rare, and racy fund of anecdotes, his humor, and jovial disposition. While his soul was full of wit and humor, he was serious and often engaged in the deepest thought, and found time to write his celebrated lecture upon the "Scattered Nation."

Perhaps the only thing for which he was seriously criticized while governor was his too free use of the pardoning power. I have seen the little blind girl pleading for the pardon of her aged father, the wife pleading for her husband, and the mother for her boy bring him to tears. His great tender heart could not resist their appeals. Tenderness, sympathy, and mercy were part of his nature. He would often yield when he knew that his action was taken in the face of adverse opinion. Free from egotism, he was one of the most approachable of men, and the executive chamber was always open to all comers without regard to their standing in life. His majestic form, his resonant voice, his long flowing locks, the merry twinkle of the eye, and his simple manners, his open-heartedness, impressed everyone who came in his presence. They felt they stood in the presence of a great man, but were unafraid and at once felt at home.

His people would not permit him to remain long in the executive chair, and two years after he had been inaugurated governor he was elected to the Senate and was sworn in as a Member of this body on the 4th day of March, 1879. He at once took high rank in this body and was recognized as one of its greatest debaters. He was on some of the most important committees, but his greatest work was upon the Finance Committee. Perhaps his greatest speech here was upon the tariff question. He carefully attended to the wants of his constituents, was very industrious, and contributed by his wisdom to many important public measures.

His great reputation had preceded him here, and he suffered not by his close associations with his colleagues, in his service here, or by his activities in the Nation's councils.

Imbued with the doctrine of State rights, loving the South, her people and her tradition with a fervor amounting to passion, he viewed with distrust and suspicion every measure which seemed to him to point to a centralization of power in the Federal Government.

Imbued with the spirit of chivalry, with high ideals of honor and a lover of the truth, he was ever on the side of right and justice, and the cause of the people found in him a bold and steadfast champion.

Among his colleagues in the Senate there were great men of great minds and great ability; statesmen of long and large experience, but with them he suffered not by comparison.

He was a great reader of the Bible and had an abiding faith in the truth of the Christian religion and the immortality of the soul. Not in years, but worn with cares, duties, honors, and responsibilities of a long life of arduous service to his people and his country, having completed his work, his great soul passed into eternity, and the people of his State without regard to party, race, sex, or creed bowed their heads in sorrow. Women wept and strong men shed tears as they walked along the streets.

Three times governor of a great State; twice elected to the House of Representatives; four times elected to the United States Senate. Can there be found in the annals of our history such a record?

To perpetuate his memory his native county has erected a great monument to him in the city of Asheville, his people a bronze statue of him in the beautiful capitol grounds, and his State now has placed in the abiding place of the Nation's immortals, in bronze, his chiseled form and features in memory of the deeds of the past and to be an inspiration to those who come after us to kindle the fires of patriotism and stir the hearts of the youth of the land to greater and nobler endeavor for the glory and honor of our great country.

Like a granite pillar chiseled from his own native quarries, his life rises above us, lofty and massive, and yet graceful. It rises above the clouds of troubles and hardships he endured, and, sun kissed, it stands in the light of heaven, a monument of a glory that is past and a guide to that which is to be.

The potentates on whom men gaze,
When once their rule has reached its goal,
Die into darkness with their days.
But monarchs of the mind and soul,
With light unfailing and unspent,
Illumine fame's armanent.

Mr. LODGE. Mr. President, when I entered the Senate, in March, 1893, Senator Vance was one of its ablest, best-known, and most popular Members. My acquaintance with him was necessarily brief, because within a year after my coming into the Senate Senator Vance died. It is no slight evidence, how-

ever, of the power of his personality and of his personal attraction that I felt that by his death I had lost a friend, for he had made me his friend in those few short months. I was a young man and on the other side, politically, but nevertheless he dwells with me now as one of the most vivid memories of my early days in the Senate and stands out a marked and gracious figure in my visions of the past.

Others far better qualified than I will trace here his distinguished career, both in war and in peace. All that I can hope to give is the impression made upon me during the brief year in which I knew him. He had a strong personality, as I have already said; but, unlike some strong personalities, his carried with it nothing but a sense of kindness and humor, for which delightful qualities indeed he was conspicuous. When he died the feeling that came uppermost, I think, in the minds of all who knew him in the Senate was not of the eminent public man or of his services in the field and in public life. It was that we had lost a friend, a man who had awakened in us the warm feelings of affection. But there was another side to Gov. Vance, far more important even than this, and which I see now more clearly than I did at the time. He was a fine example of a certain type of man who had fought on the Confederate side during the Civil War. There were many of these men in the Senate in those days; now, alas! there are very few. Then for the first time I was brought into personal contact with them. I had been bred in an atmosphere of intense hostility to the principles for which they had fought. I widely disagreed with most of their political views; but I was not long in the society of these men in the Senate—these men of whom Gov. Vance was such an admirable example—without learning keenly to appreciate their strong qualities. Their theories of political action which had guided them in the past, and which guided them then, were not mine and never could be; but they were men of principle and of conviction, and for their principles they had not only fought but they were ready to sacrifice themselves to them if need came in the less dangerous but more insidious trials of public life. They were men of traditions. They had the old American traditions strong within them, as did the men from the North, who fought against them. What I mean precisely by this it would take more time to explain than I have to give, but I think everyone who knows and loves our history will understand what I mean.

Above all, Gov. Vance and those who shared his principles and had fought with him in the Civil War, were men who believed profoundly that there were certain things for which the individual life ought to be sacrificed, and that there were higher ideals to be followed than living in comfort and safety with opportunity to accumulate money. They were to the fullest extent like those whom they met in arms upon the battle fields of the Civil War, of the race of men who fought the Revolution, and they resented dishonor or humiliation for their country as they would have resented it for themselves. Rather than have their Nation undergo humiliation or be dishonored, rather than sacrifice principles in which they believed, they were ready to fight, and if need be give their lives. They and the men who fought for the Union, however they differed, went to war in the same spirit, which has, I believe, at all times ever been the true American spirit. When it is extinguished, then the end of the Republic is not far off.

In Gov. Vance one saw first his wit and humor, his geniality and good comradeship, and everyone loved him for these most attractive qualities. But as one came to know him better one felt that he was a representative of those by whose toil and sacrifice and courage great nations are made. Nobody could doubt for a moment that Gov. Vance would die rather than be

One of a Nation, who, henceforth, must wear
Their fetters in their souls.

Therefore North Carolina does well to give his statue to the Nation, and we do well to honor and recall his memory here.

Mr. SMITH of Georgia. Mr. President, citizens of North Carolina have made records for patriotism, from the days of the Mecklenburg Declaration of Independence on down to the present time, unsurpassed in the annals of history. Her sons have rendered distinguished service as lawyers, as soldiers, and as statesmen.

The bench has never been occupied by greater jurists than Gaston, Iredell, Ruffin, and Pearson. To the brilliant galaxy of American soldiers North Carolina contributed, among others, Gens. Graham, McDowell, Hoke, and Hill. Her statesmen have given splendid service to the entire country, and from among their number may be mentioned Macon, Mangum, Graham, and Merriman.

When the question arose in North Carolina of selecting from her distinguished sons one whose statue should grace the Na-

tional Statuary Hall, the citizens of that State found many worthy of the place. It might well have been expected that difficulty of decision would develop, but there was no division of sentiment as to who should be chosen. With one voice North Carolinians named him, Zebulon B. Vance, and no one questions that the naming was justly made.

I knew him from my childhood to the hour of his death. He was devoted to the University of North Carolina and visited that institution frequently. There he was always a guest of my father, who was a professor of the university. I was at his bedside through the long, long night when he died. It is a privilege to join with North Carolinians and pay tribute to his memory.

He was a great executive officer. He was governor of North Carolina during the Civil War, and as a result of his calm, forceful, determined administration of the affairs of the State, North Carolina's troops were the best clad and the best fed of any of the troops of the Southern States.

Of him it can justly be said he was the most successful and valued governor of a Southern State during the Civil War. But I do not believe North Carolinians for this reason selected his statue for the Hall of Fame.

He was a great legislator, wise, thoughtful, tireless, progressive, practical. If his public services had been limited to his legislative career he would rank among the first, but I do not believe North Carolinians for this reason selected his statue for the Hall of Fame.

He was a wonderful orator. With powerful logic he could array facts in simple language, clear and convincing. With a humor and a wit never equaled, he could delight his audience, while he charmed them with his pathos and won them with his logic. But I do not believe North Carolinians for this reason selected his statue for the Hall of Fame.

If I may name what I believe placed Zebulon B. Vance above all others with his constituents, I would say it was his intense, all-controlling, all-sustaining love for his State and his people. He loved them with a great, unflinching love. It was a love which unselfishly led him in his every thought and act, which dominated his life, which was his very life. There never was a moment when that love failed to control and inspire him in their service or when he would not willingly have died for his people and his State.

North Carolinians knew how he loved them, and they almost worshipped him in return. Great deeds make great men, but a great, unselfish love for his people made every act of the life of this wonderful man an act of loyal, joyous service to the people of North Carolina and to his fellow men.

He had faith in the power of love and rejoiced in the service which it produced; and if he were here to speak to-day, and were permitted to select from his marvelous record a tribute to his memory to account for the honor which his constituents have given him, I believe he would have us say, "His whole life was given to the service of his people, he loved them so; he loved his fellow men."

The beautiful lines of Leigh Hunt suggest, but do not adequately present, the love of this son of the old North State:

ABOUT BEN ADHEM AND THE ANGEL.

About Ben Adhem (may his tribe increase!)
Awoke one night from a deep dream of peace,
And saw, within the twilight in the room,
Making it rich, like a lily in bloom,
An angel writing in a book of gold.
Exceeding peace had made Ben Adhem bold,
And to the presence in the room he said,
"What writest thou?" The vision raised its head,
And with a look made of all sweet accord
Answer'd, "The names of those who love the Lord."
"And is mine one?" said Abou. "Nay, not so,"
Replied the angel. Abou spoke more low,
But cheerily still, and said, "I pray thee, then,
Write me as one who loves his fellow men."
The angel wrote and vanish'd. The next night
It came again with a great wakening light,
And show'd the names whom love of God had blest;
And lo! Ben Adhem's name led all the rest!

Mr. OVERMAN. Mr. President, I ask for the adoption of the concurrent resolution which I have heretofore submitted and which has been read.

The concurrent resolution was unanimously agreed to.

Mr. OVERMAN. Mr. President, I now offer the concurrent resolution which I send to the desk.

The VICE PRESIDENT. The Secretary will read the concurrent resolution submitted by the Senator from North Carolina.

The concurrent resolution (S. Con. Res. 25) was read, considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound, under the direction of the Joint Committee on Printing, the proceedings in Congress, together with the proceedings at the unveiling in Statuary Hall, upon the acceptance of the statue of Zebulon Baird Vance presented by the State of North Carolina, 10,500 copies, with suitable illustration, of which

5,000 shall be for the use of the Senate and 10,000 for the use of the House of Representatives, and the remaining 1,500 copies shall be for the use and distribution of the Senators and Representatives in Congress from the State of North Carolina.

SENATORS IN NATIONAL CONVENTIONS.

Mr. MYERS. Mr. President, I move that the Senate proceed to the consideration of the calendar under Rule VIII.

Mr. MARTINE of New Jersey. If the Senator will pardon me, with his permission, I ask unanimous consent to make a few observations, utterly nonpartisan in character, with reference to the activities of the members of the great parties of the United States in the recent political conventions.

The VICE PRESIDENT. The Chair hears no objection.

Mr. MARTINE of New Jersey. Mr. President, we have but just returned from the great nominating conventions held by the two great political parties. What a superb demonstration their action presented of how we, in free democratic America, change our rulers! Be it said to the everlasting credit and honor of our country, these conventions have placed before the people four honorable and patriotic citizens as nominees for President and Vice President.

Mr. President, we have been quite accustomed to hear that the United States Senate, as a body, has outlived its usefulness; that its Members cut no figure at home and have little or no influence abroad. In order to dispel such an impression and to discount, to some degree at least, the somewhat prevalent but unjust estimate that the Senate of the United States is a useless and antiquated institution, without much influence at home and of slight regard abroad, I think it will be of some interest to recount the part taken by the Members of the Senate in the recent conventions of the great political parties. This hastily prepared recital may seem inadequate and possibly invidious, and yet no possible slight is intended for any of my colleagues who figured to any extent in the proceedings of these great national gatherings.

In the first place, the presiding officer of the Senate, the Hon. THOMAS R. MARSHALL, was renominated for Vice President of the United States by the Democratic national convention. He was presented in a ringing speech by the honored Senator from Indiana [Mr. KERN]. Four distinguished Members of the Senate—Messrs. WEEKS, SHERMAN, CUMMINS, and LA FOLLETTE—were active candidates for the presidential nomination in the Republican convention. The claims of each for the honor were duly set out in splendid nominating speeches, and each received a respectable number of votes from loyal supporters.

A Member of the Senate, Mr. HARDING, of Ohio, was both the temporary and permanent presiding officer of the Republican convention, and had the honor of sounding his party's so-called "keynote" for the campaign.

Another Member of the Senate—Mr. JAMES, of Kentucky, was the permanent presiding officer of the St. Louis convention, and covered himself with glory and reflected honor upon his party while serving in that most responsible position.

Senator LODGE, of Massachusetts, was chairman of the committee on platform, and had much to do with the drawing of that important pronouncement in the Republican convention. He had associated with him upon the subcommittee of that committee Senators SUTHERLAND, of Utah; BORAH, of Idaho; OLIVER, of Pennsylvania; WADSWORTH, of New York; and FALL, of New Mexico. Thus the Senate Members comprised two-thirds of the membership of the subcommittee, and thereby absolutely framed and formulated the chart of party faith.

Senator STONE, of Missouri, was chairman and master spirit of the committee on platform in the St. Louis convention. He chose four of his colleagues upon this floor as members of the subcommittee, as follows: Mr. WALSH, of Montana; Mr. HOLLIS, of New Hampshire; Mr. MARTIN, of Virginia; and Mr. POMERENE, of Ohio. Upon the committee proper there were also Senators THOMPSON, of Kansas; RANDELL, of Louisiana; JOHNSON, of Maine; WILLIAMS, of Mississippi; and PITTMAN, of Nevada. Also the keen and active service of the junior Senator from Indiana [Mr. TAGGART] was everywhere apparent.

Upon the important committee on credentials, and at its head, always controlling its decisions and directing its counsels, in the Republican convention, was Senator SMOOT, of Utah. This service by no means measures the activities of that Senator in the great gathering, for he was chairman of the special conference committee appointed by the convention to confer with a like committee from the Progressive convention that sought to formulate a basis for a harmonious reunion of the divergent bodies, at one time so wide apart. He had with him upon this delicate mission Senator BORAH, of Idaho. There is no question that these gentlemen had a most potent influence in bringing about a much better understanding between the once belligerent factions of Republicanism. There is little question that they

drew the diplomatic report of the all-night harmony conference that Senator SMOOT later on read in the Republican convention.

In this connection it may be well to note the friendly visit of Senator BORAH to the Progressive convention, which he was invited to address. If ever a better speech was delivered upon a like occasion, or one better calculated to bring about a friendly feeling and disposition for harmony, I have not read it.

In the St. Louis convention, appearing before the subcommittee on platform in argument for or against certain planks, and everywhere casting rays of sunshine and inspiration, were Senators JOHN SHARP WILLIAMS, of Mississippi, and FRANCIS G. NEWLANDS, of Nevada.

In the conferences, manipulations, harmony proceedings, and real nominee-making circles of the Chicago Republican gathering there were prominent always Senators PENROSE, of Pennsylvania; WADSWORTH, of New York; SUTHERLAND, of Utah; BRANDEGEE, of Connecticut; LIPPITT, of Rhode Island; SMITH, of Michigan, and, unquestionably, others whose names do not now occur to me as marking the ante and extra convention proceedings.

In the suffrage debate at St. Louis the eloquent voices of Senators WALSH, of Montana, and PITTMAN, of Nevada, rose triumphantly above the din, and these splendid advocates were rewarded by the adoption of that plank in the platform.

Senator REED, of Missouri, was one of the eloquent gentlemen who addressed the great St. Louis love feast upon a universal demand for his appearance on the platform.

Senators SAULSBURY, of Delaware, and TILLMAN, of South Carolina, were also there.

Mr. President, let me refer to a number of ex-Senators who played an important part in the Republican convention, namely, Senator Fairbanks, Senator W. Murray Crane, Senator Chauncey Depew, Senator Elihu Root, Senator Theodore E. Burton, Senator William P. Jackson, and also Senators CATRON, PENROSE, and SMOOT.

At the Democratic convention it was Senator HUSTING who introduced a resolution on Americanism. Then, too, it was Senator OWEN who was mentioned as a candidate for the Vice Presidency, but he most graciously withdrew in favor of our honored and efficient Vice President, Hon. THOMAS R. MARSHALL.

It was Senator THOMPSON who moved to suspend the rules in order that Hon. William J. Bryan might address the convention.

Senator JOHN SHARP WILLIAMS for a time presided as chairman of that great convention.

Several Senators are named upon the committees of both conventions that are to formally advise the nominees of the actions of the respective bodies.

Who, in the face of this array of facts, will ever hereafter proclaim that the United States Senate is a lifeless and unimportant body and that it cuts no figure in national politics? This record is fairly astounding. History has heretofore recorded nothing like it.

Let us gird up our loins, hold up our proud heads, and march onward to yet greater accomplishments.

ORDER OF BUSINESS.

Mr. MYERS. Mr. President, I renew my motion, made before I yielded to several Senators, that the Senate proceed with the calendar under Rule VIII.

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

The PRESIDING OFFICER (Mr. CLAPP in the chair). The absence of a quorum being suggested, the Secretary will call the roll.

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

Ashurst	Hitchcock	Page	Smoot
Bankhead	Husting	Phelan	Sterling
Beckham	James	Pittman	Swanson
Brady	Johnson, Me.	Poincxter	Thomas
Bryan	Johnson, S. Dak.	Pomerene	Thompson
Chamberlain	Jones	Randell	Townsend
Clapp	Lane	Reed	Underwood
Clark, Wyo.	Lewis	Saulsbury	Vardaman
Culberson	McLean	Shafroth	Walsh
Cummins	Martin, Va.	Sheppard	Warren
Curtis	Martine, N. J.	Sherman	Williams
Dillingham	Myers	Shields	Works
Fletcher	Newlands	Simmons	
Gallinger	Norris	Smith, Ga.	
Harding	O'Gorman	Smith, Md.	

Mr. MARTINE of New Jersey. I beg to announce the absence of the senior Senator from West Virginia [Mr. CHILTON] on important public business.

Mr. ASHURST. I wish to announce that my colleague [Mr. SMITH of Arizona] is absent from the Senate by reason of illness in his family.

The PRESIDING OFFICER. Fifty-seven Senators having answered to their names, a quorum is present.

Mr. CUMMINS. Mr. President—

Mr. MYERS. Mr. President, I ask that my motion be put.

Mr. CUMMINS. I rose to suggest an amendment to the amendment that is now pending, which is the pending question.

Mr. MYERS. I must make a point of order that the question which is before the Senate should be put.

Mr. BANKHEAD. I will say to the Senator from Iowa that the Post Office bill is not yet before the Senate.

The PRESIDING OFFICER. The Chair will state to the Senator from Iowa that the Senator from Montana has the floor.

Mr. CUMMINS. The Senator from Iowa stands corrected. I assumed that it was after 2 o'clock.

Mr. MYERS. I renew my motion.

The PRESIDING OFFICER. It has been moved that the Senate proceed to the consideration of the calendar under Rule VIII.

Mr. SMOOT. Mr. President, it is 10 minutes to 2 o'clock, and we could do nothing with the calendar in that time; so what is the use of wasting that 10 minutes?

Mr. SMITH of Georgia. Mr. President, possibly that may be true for the day; but there are a number of us who think that the process of recessing has involved a waste of time. The unfinished business does not hold the Senate until 6 o'clock. The Senators in charge of it on the floor of the Senate get tired before proper adjourning time, and we quit an hour before proper adjourning time. We have taken an hour, then, out of the morning hour—

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

The PRESIDING OFFICER. The Senator from Washington raises a point of order, which he will state.

Mr. POINDEXTER. I demand the regular order.

Mr. SMOOT. Then we can vote on the motion; that is all.

Mr. SMITH of Georgia. I was just speaking in behalf of the regular order.

Mr. MYERS. I ask for a vote on my motion. I think that is the only thing in order.

The PRESIDING OFFICER. Unless objection is made—

Mr. BANKHEAD. Mr. President, as there seems to be some confusion in the Chamber about what is in order and what is not, I move that the unfinished business be laid before the Senate.

Mr. MYERS. Mr. President, I object to that, and make the point of order that it is not in order. I have made a motion which is pending, and it is not a motion for which a substitute motion may be offered.

Mr. BANKHEAD. If I am out of order, I will withdraw the motion.

Mr. MYERS. I ask for a vote.

The PRESIDING OFFICER. The question is on the motion of the Senator from Montana that the Senate proceed to the consideration of the calendar under Rule VIII. Those in favor of the motion will say "aye." [A pause.] Those opposed will say "no." [A pause.]

Mr. MYERS. I ask for the yeas and nays, Mr. President.

Mr. POINDEXTER. Mr. President, I object to that, and make the point that it is out of order, and that the rules provide for taking up the calendar under Rule VIII at the conclusion of the morning business.

Mr. WILLIAMS. I call for the regular order.

Mr. MYERS. I ask for a division on the vote.

Mr. POINDEXTER. I demand the regular order.

Mr. MYERS. I join the Senator from Washington in demanding the regular order. This is the regular order. I only made the motion to keep somebody else from making a different motion.

The PRESIDING OFFICER. The regular order would be the consideration of the calendar under Rule VIII.

Mr. MYERS. Then I call for the regular order.

Mr. SMOOT. Mr. President, what was the decision of the Chair as to the vote on the motion of the Senator from Montana?

The PRESIDING OFFICER. The Chair was rather of the opinion, although not very decisively, that the "ayes" had it.

Mr. SMOOT. If that is the decision of the Chair, then, of course, the regular order is the calendar under Rule VIII, unless a motion is made to take up the unfinished business.

THE CALENDAR.

The PRESIDING OFFICER. The Secretary will report the first bill on the calendar.

PUBLICATION OF LAND-OFFICE NOTICES.

The first business on the calendar was the bill (S. 1062) relating to the duties of registers of United States land offices and the publication in newspapers of official land-office notices.

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

Mr. MYERS. I move that the Senate proceed to the consideration of the bill, notwithstanding the objection.

The PRESIDING OFFICER. The Senator from Montana moves that the Senate proceed to the consideration of the bill, notwithstanding the objection. Those in favor of the motion will say "aye." [A pause.] Those opposed will say "no." [A pause.]

Mr. MYERS. I ask for a division, Mr. President.

The PRESIDING OFFICER. The Chair is of the opinion that the "noes" have it. A division is asked for. Those in favor of proceeding with the consideration of the bill will please stand while they are counted by the Secretary. [A pause.] Those who are opposed will now stand. [A pause.]

Mr. MYERS. I ask for the yeas and nays, Mr. President.

The PRESIDING OFFICER. One thing at a time.

Mr. MYERS. If I wait a moment, I will be too late. [Laughter.] I demand the yeas and nays on the question, Mr. President.

The PRESIDING OFFICER. The "ayes" have it.

Mr. MYERS. Then I withdraw my motion.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1062) relating to the duties of registers of United States land offices and the publication in newspapers of official land-office notices.

The PRESIDING OFFICER. The Senate has previously had this bill under consideration as in Committee of the Whole. The bill is still in Committee of the Whole and open to amendment.

Mr. SMOOT. Mr. President, I ask the Secretary to state the amendment which was offered by the Senator from New Mexico [Mr. FALL].

The PRESIDING OFFICER. The Chair has been advised that that amendment has already been acted upon and has been rejected.

Mr. SMOOT. I wish to say to the Senator from Montana that the Senator from New Mexico [Mr. FALL] was interested in this bill and desired to speak upon it.

Mr. MYERS. May I interrupt the Senator for a minute? I can clear all that up.

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

Mr. SMOOT. I do.

Mr. MYERS. On the last day when that bill was considered—the Senator from Utah was not here—the amendment of the Senator from New Mexico [Mr. FALL] was put to a vote and defeated.

I asked the Senator from New Mexico on the floor if he would oppose the further consideration of the bill, even in his absence, and he repeatedly stated, as the CONGRESSIONAL RECORD will show, in the very plainest and strongest possible terms, that he waived all objection and had no objection to its coming up at any time hereafter, either in his absence or otherwise. That is all in the CONGRESSIONAL RECORD and is a matter of public record. It all occurred right here on the floor of the Senate.

Mr. SMOOT. I will say that I have no objection to the bill personally, but—

Mr. MYERS. I was satisfied that the Senator would not object personally.

Mr. SMOOT. But I do know that the Senator from New Mexico asked me not to allow the consideration of the bill.

Mr. MYERS. That is all done away with. I call the Senator's attention to the CONGRESSIONAL RECORD of the 3d day of June, 1916. He will find the whole thing set forth there, and the disclaimer of the Senator from New Mexico of a desire for any further delay.

Mr. SMOOT. I will take what the Senator from Montana says as being the fact.

Mr. MYERS. I am very glad to have the Senator do so.

Mr. SMOOT. Therefore I shall not offer any further objection to the consideration of this bill.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the bill will be reported to the Senate.

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

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

CIRCUIT AND DISTRICT JUDGES.

The bill (S. 706) to amend section 260 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, was announced as next in order.

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

The PRESIDING OFFICER. The bill will be passed over on objection.

Mr. SMITH of Georgia. I move that the Senate proceed with the consideration of the bill without regard to the objection.

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

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

Mr. SMITH of Georgia. Mr. President, we will have to lay aside the bill at 2 o'clock, and there are only two minutes left. It would take that time to call the yeas and nays, so—

Mr. SMOOT. We might as well call them, because we want a quorum here when we take up the bill, anyhow.

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

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

Mr. SMITH of Georgia. I will renew this motion to-morrow morning.

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

Bankhead	Johnson, Me.	Phelan	Smoot
Brady	Johnson, S. Dak.	Pittman	Sterling
Bryan	Jones	Poindexter	Thomas
Chamberlain	Kern	Pomerene	Thompson
Clapp	Lane	Ransdell	Townsend
Culberson	McLean	Reed	Walsh
Cummins	Martine, N. J.	Shafroth	Warren
Fletcher	Myers	Sheppard	Williams
Harding	Newlands	Sherman	Works
Hardwick	Norris	Simmons	
Husting	Overman	Smith, Ga.	
James	Page	Smith, Md.	

Mr. CUMMINS. My colleague [Mr. KENYON] is absent from the city on account of severe illness in his family. I make this announcement for the day.

Mr. KERN. I desire to announce the unavoidable absence of my colleague [Mr. TAGGART]. This announcement may stand for the day.

Mr. MARTINE of New Jersey. I desire to announce that the Senator from West Virginia [Mr. CHILTON] is unavoidably absent on official business and also that the Senator from Kentucky [Mr. BECKHAM] is likewise absent on official business.

The PRESIDING OFFICER. Forty-five Senators have answered to the roll call. There is not a quorum present. The Secretary will call the names of the absentees.

The Secretary called the names of absent Senators and Mr. O'GORMAN, Mr. SAULSBURY, Mr. UNDERWOOD, and Mr. VARDAMAN answered to their names when called.

Mr. CURTIS, Mr. DILLINGHAM, Mr. LA FOLLETTE, Mr. LEWIS, Mr. LEE of Maryland, Mr. BORAH, Mr. SHIELDS, Mr. HITCHCOCK, Mr. MARTIN of Virginia, and Mr. SWANSON entered the Chamber and answered to their names.

The PRESIDING OFFICER. Fifty-nine Senators have answered to their names. A quorum of the Senate is present.

DIPLOMATIC AND CONSULAR APPROPRIATIONS.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 13383) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1917, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. OVERMAN. I move that the Senate insist upon its amendments; agree to the conference asked for by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer appointed Mr. OVERMAN, Mr. LEA of Tennessee, and Mr. JONES conferees on the part of the Senate.

POST OFFICE APPROPRIATIONS.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is House bill 10484, the Post Office appropriation bill.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10484) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1917, and for other purposes.

The PRESIDING OFFICER. The pending amendment is the amendment offered by the Senator from Iowa [Mr. CUMMINS].

Mr. CUMMINS. Just before adjournment last evening an amendment was made to the pending amendment in the first line, the intention of which was to limit the application of the amendment to railways. In order to make the amendment consistent, there will have to be a slight change in the phraseology in other parts of the amendment. So I ask to perfect my amendment by inserting, after the word "matter," in line

1, page 2, the words "by railway common carriers"; also by inserting, in line 9, page 2, after the word "all," the word "railway"; also by inserting, after the word "any," in line 12, page 8, the word "such," and by inserting, in line 21, after the word "any," the word "such."

These changes will make the amendment apply only to railway mail common carriers, and I take the privilege of modifying the amendment accordingly.

The PRESIDING OFFICER. Without objection, the modification will be made.

Mr. NEWLANDS. Mr. President, I concur most heartily in the amendment suggested by the Senator from Iowa. I think this change ought to have been made years ago. I believe that the Interstate Commerce Commission as a quasi-judicial body acting as the instrumentality of Congress in the regulation of interstate commerce should be called upon to determine all questions relating to the charges of carriers whether to individuals or to the public itself. It is the only fair way of regulating railway carriers and regulating the pay that is to be paid to the railway carriers for carrying the mail. Congress organized this tribunal for the purpose of determining such questions, and there seems to be no reason why it should not submit the question of railway-mail pay as it has all other questions relating to the compensation of carriers to this tribunal of its own creation.

Mr. President, I shall not dwell further on that subject for I believe it is the sense of the Senate that that amendment should be adopted.

I will bring up again the matter which I brought up this morning relating to the contemplated strike by a portion of the employees of the railroads of the country, some 300,000 in number, who are employed now upon freight trains, and constituting, I believe, about one-fifth of all the railway employees. I offered this morning a resolution which had been framed by the National Chamber of Commerce after a referendum address to all the member bodies some weeks ago, and which was almost unanimously indorsed by those bodies.

I asked this morning to have inserted in the RECORD a few pages from their report upon this matter containing the reasons for their support of the resolution and giving an outline of arguments in favor of the committee's report and another outline of arguments against the committee's report. The whole matter seems to have been very fairly considered by this chamber of commerce in the public interest, and without any expression as to the merits of the controversy, but simply as to the desirability of having this question settled without a lockup of transportation such as is threatened. The insertion in the RECORD was objected to by the Senator from Missouri [Mr. REED] and the Senator from Pennsylvania [Mr. OLIVER]. I saw them afterwards and they told me they had no objection to its insertion, and I will ask leave to insert these pages from the report of the Chamber of Commerce of the United States in connection with my remarks during the morning hour.

Mr. LA FOLLETTE. Mr. President, the Senator of course can put the document which he has in his hand into the CONGRESSIONAL RECORD by reading it, but I object most emphatically to its going into the RECORD except it be read in. I can not make objection to that. If I could I would, because I understand exactly what this Chamber of Commerce of the United States is doing. It is taking the place of the old and discredited associations of manufacturers of the United States. It sent out one of these prepared arguments for and against the seamen's bill some months ago to the local chambers of commerce throughout the country. It was a most partisan presentation of the subject.

I have not examined the document which the Senator from Nevada has in his hand, but if the arguments pro and con on the seamen's bill is any measure of the fairness of the arguments presented on this measure, then, Mr. President, the votes of the various local chambers of commerce of the country, based upon what was presented to them, would be entirely misleading as a record of fair public opinion.

Of course, the only purpose in submitting this document is to influence the action of Congress, and any Senator can readily understand that the crux of the whole matter is the fairness of the presentation of both sides.

The Chamber of Commerce of the United States of America, meeting here in Washington from time to time, takes up public questions, and for the purpose of influencing public opinion it prepares a statement on one side and a statement upon the other side of questions of importance. Then it sends out those statements to the chambers of commerce of the different cities of the country, and upon the presentation made by this chamber of commerce the various local bodies vote for or against the measure.

Anyone can readily see, Mr. President, that the action of the local chambers of commerce over the United States will depend entirely upon how this question is presented to them, whether it be presented faithfully, whether it presents all the arguments upon both sides. So that gets to be the kernel, the marrow, of the whole business; and the only purpose of taking this census of the local chambers of commerce and the only purpose of putting it in the CONGRESSIONAL RECORD is to influence congressional action.

So, Mr. President, knowing that in one instance at least the chambers of commerce of the United States acted in the interest of the Shipping Trust of this country and secured a condemnation of the seamen's bill which gave freedom to the seamen of this country and which is helping more than any one other one act, more than subsidies can help to build up an American merchant marine—knowing, sir, that they secured by a partisan and biased statement of the seamen's bill a condemnation of it from these local chambers of commerce, I am suspicious of their action here.

I suppose I am trespassing upon the patience of the Senator from Nevada, who has the floor.

Mr. NEWLANDS. I am very glad to hear the statement of the Senator.

Mr. LA FOLLETTE. And probably I am trespassing upon the patience of the Senate; but I have a good deal within me which I am going to present at an opportune time on this question of the increase in the wages of the trainmen of the country.

Mr. President, I look with a good deal of suspicion upon anything that might be used to muzzle and handicap the men who run the trains on railroads in this great country of ours from securing a limitation of their hours of service to eight hours.

It fell to me to present to the Congress of the United States the first limitation that was ever put by law upon the hours that these trainmen can be compelled to work. I fought on this floor for days to get the consideration of a bill limiting the work hours of these men.

I sometimes feel almost ashamed, Mr. President, that I ever stood here to put a 16-hour limitation upon that service; but at the time the records in the Interstate Commerce Commission showed that engineers, conductors, and train crews were being compelled to run from 30 to 70 and even 100 hours without a moment's rest. The columns of the papers of this country were filled with accounts of accidents and the slaughter of innocent people. I did not mean to go into this at all, but, Mr. President, influences were strong enough on this floor in the interest of the railroads, so that when I presented the proposition 10 years ago to limit the hours of service to 16 hours it required days and days of effort to secure consideration for the bill. Senators would appear on this floor, respond to a roll call on a quorum call, and retire almost in a body to the cloakrooms, so that when the vote was taken upon the question of taking the bill up for consideration a quorum would not vote. I can cite Senators to that record. It is one of the black pages in the history of the Senate. Again and again was that thing repeated here, Senators running back into the cloakrooms to break a quorum, so that the bill could not even be considered, and then returning to answer to their names when the roll was called to determine whether a quorum was present or not. Finally by persistence there was wrested from this body an agreement to consider the bill at the next session and to vote upon it, and of course when it came to a vote nobody dared go on record against it. It passed overwhelmingly, and a limitation was put upon the work hours of train crews of this country of 16 hours. It has been partly observed and it has been often violated by the railroads.

Now, the men who sit in the cramped positions in engine cabs, with their hands on the throttle, every faculty concentrated, every nerve tense for eight hours, on whom depend the lives of the people who are being transported by the trains, are contending for a limitation of eight hours' continued service.

Mr. President, those men ask for an eight-hour limitation. It is a reasonable limitation. All the scientific investigations made in this country with respect to accidents, not only on railroads but in all places where dangerous machinery is used, is to the effect that as the wear and tear and concentration of mind and of muscle and of nerve begin to tell upon the man accidents begin to multiply. In any factory in the United States where the strain is prolonged, if you take the time schedule of accidents, you will find the accidents multiply enormously late in the day. So it is with these trainmen.

Mr. President, of course the engineers and the conductors are pretty well paid, as compared with some employments, but it is to be remembered that they serve under exceptional conditions. I do not know of many men who are employed on a wage scale in this country upon whom such a responsibility rests as upon the engineers and the conductors and the train-

men. I do not know of many men who serve in employments that are hazardous who break down so early in life as do these men, more especially, perhaps, the engineers, sitting hour after hour in a cramped and strained position, taking the hard jars that they must take of the engine, with all its weight, as it thunders over the rails. Mr. President, I do not know of any set of men in this country who relatively suffer to so great an extent loss of life and horrible bodily mutilation in accidents as do these men.

The referendum vote taken by the chamber of commerce and set forth in the document proposed to be inserted in the RECORD is based upon a statement very ingeniously contrived to show that engineers receive more in wages than some men who are not employed in such hazardous and exacting service, but not taking into account the limitation of their life of effective service; not taking into consideration the strain, exactions, and concentration required in that service; and not taking into consideration the fact that they are compelled to give up the home life, that they have to live on the road, that they have to meet expenses that men differently employed do not have to meet.

I might occupy the attention of the Senate for a considerable period in reciting the differences between the exactions made of these trainmen and those with whom this document, from the little that I glean from its reading, would make comparison. I merely suggest that, Mr. President, without going into details; but the difference between the statement set forth in the document and the just demands of these trainmen which are not presented in the document, and which were not considered and were not suggested for the consideration of the various boards of trade of the country, in a measure will tend to show how imperfect and how short of meeting the fair requirements of a justly argued proposition upon both sides is this method of submitting a referendum to the boards of trade of the United States and using the result in an effort to influence the action of Congress.

Mr. President, I can not stop the document from going into the CONGRESSIONAL RECORD; but, in this imperfect and far from exhaustive statement, I have set out some things which I think may tend in a measure to balance the effect of its publication in the RECORD.

Mr. NEWLANDS. Mr. President, the Senator from Wisconsin complains that upon a similar referendum made by the National Chamber of Commerce regarding the shipping bill a prejudiced and unfair statement of the facts was made with a view to influencing public opinion, and particularly the action of the constituent chambers of commerce of the National Chamber of Commerce. I know nothing of that controversy; I never saw the document constituting that referendum; and it is impossible for me to make any answer regarding it. I can only say that I believe that every respectable organization in the United States that seeks to mold public opinion upon any subject is entitled to a hearing, and that a national chamber of commerce, composed of the representatives of all of the boards of trade and chambers of commerce in the country, is, by reason of its intimate connection with the business and transportation of the country, entitled to be heard upon a subject so important as that of transportation, the tying up of which involves also the tying up of the commerce of the entire country. I think it is quite proper that such an organization should give consideration to such an important question, and that it is quite right that it should present its views respectfully to the Congress of the United States upon the subject. Other organizations are entitled to the same hearing. It is only by discussion that a sound public opinion can be formed.

I am aware that chambers of commerce are sometimes subjected to attacks in legislative bodies as representing selfish interests and of seeking to impress upon legislation such selfish interests. I have no doubt the charge is sometimes, perhaps often, true; and yet that fact would not prevent me from presenting to the Congress of the United States an expression of opinion by such a body, any more than some discreditable things that are said with reference to labor organizations and the terrorism which they inspire would prevent me from presenting their views and conclusions for the consideration of Congress. In presenting such views I do not indorse them.

What, however, is the matter which the National Chamber of Commerce has had under consideration? The question as to whether it is proper or humane to establish an eight-hour day? No; they do not pretend to enter into that inquiry. Let me say that, so far as my individual views are concerned, I have always been for an eight-hour law, and I have voted gradually to extend it wherever I had the opportunity; for I believe that eight hours is a sufficient time for a man to work in any matter involving the labor of the hands. The question which this National Chamber of Commerce is considering is the pos-

sible effect of a tie-up of transportation; and they are seeking to avert that tie-up by having a quasi-judicial inquiry made as to all the facts that relate to the employment of labor by the great common carriers of the country.

Thus far we know that only a part of the labor employed by common carriers—less than a third, I believe—has been able by concerted action to secure from their employers recognition of their just claims, and that outside of them stand over a million of unorganized laborers, who thus far have been unable to present in any concrete form their demands.

This is becoming a very important question, first, as to whether these increases are being proportionately distributed among all the laborers of the railroads instead of being apportioned only to a favored portion. The National Chamber of Commerce wishes an inquiry to be made with reference to all labor. They doubtless realize, as every business man realizes to-day, that, as a result of a constant increase in taxes, of a constant increase in wages, of a constant increase in the cost of supplies, the expenses of the railway carriers are increasing. If their income increases in the same proportion, it will have no effect upon dividends; but if the increase in income does not keep pace with the increase in these various operating expenses—the increase in the cost of supplies, the increase in the cost of interest paid, and so forth—then it must have an effect upon dividends. Well, many say these dividends have been swollen and that they ought to be reduced. That may be so; and yet to my knowledge we have had no judicial or quasi-judicial inquiry as to that fact. I dare say it is so with reference to some railroads, and that it is not so with reference to others.

There is a commission organized with a view to determining such questions, but it never has started upon such a general inquiry. That commission is the Interstate Commerce Commission. We all know, however, that, as a result of the constant increase in fixed charges and in operating expenses, it has been much more difficult of late for the railways to get money for development and improvement than it has been in the past.

Mr. BORAH. Mr. President—

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

Mr. NEWLANDS. Yes.

Mr. BORAH. As a practical proposition, in view of the tremendous amount of work which now devolves upon the Interstate Commerce Commission, and in view of the fact that we are daily or weekly passing provisions here, such as are found in the pending Post Office appropriation bill, imposing upon them other great burdens, how long would it take the Interstate Commerce Commission to make this proposed investigation?

Mr. NEWLANDS. I should say it would take them a couple of months to do so.

Mr. BORAH. I had supposed it would take five or six months.

Mr. NEWLANDS. It might take more than a couple of months. I can not say. But, at all events, it is an investigation which should be made.

Mr. BORAH. But the thought occurred to me—

Mr. NEWLANDS. Mr. President—

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

Mr. NEWLANDS. I yield to the Senator.

Mr. BORAH. I was simply going to say that as a practical proposition the thought had occurred to me that there ought to be some way by which to make the investigation, if it is going to be made, within such time as the men who are in the employment of railroad companies could afford to give to the investigation. They would not want to have it turned over to a body whose duties forbid them investigating it within any reasonable length of time.

Mr. NEWLANDS. Mr. President, I may say that there will come up before the Interstate Commerce Committee, when the joint resolution is referred to it, the question as to whether the Interstate Commerce Commission shall make this inquiry, or whether some special commission shall make it, or whether the Board of Mediation and Conciliation shall make it, or whether Congress through a special committee shall make it. That is a mere matter of method, but there is no doubt that the inquiry must at some time be made.

We can perhaps endure it if the railways themselves are the only sufferers, if the stockholders are the only sufferers; but if there is a reflected injury to the entire public, arising out of the fact that railway building is stayed and railway development and improvement are checked by reason of these conditions, the public and the entire commerce of the country suffer.

Mr. HITCHCOCK. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Nebraska?

Mr. NEWLANDS. Certainly.

Mr. HITCHCOCK. I should like to ask the Senator if the law which was enacted a year or two ago, largely at the instance of the Senator from Nevada, does not make it the duty of the Board of Mediation and Conciliation to act in such cases as the one which has now arisen? Is it not now the duty of that board to offer its services and to take the proper steps to investigate this controversy, which threatens the prosperity of the country?

Mr. NEWLANDS. It is the duty of the board, and, as I understand, that board has already been at work between the contending parties; and one of the contending parties, the railroads themselves, has made an unconditional refusal to consider the question of this increase. How much further the Board of Mediation is going I do not know.

Mr. HITCHCOCK. Will it not simply result in confusion to institute independent proceedings by another commission already overburdened with work, when the law provides that the Board of Mediation and Conciliation is the proper body to carry on the investigation and to act as intermediaries?

Mr. NEWLANDS. That may be so, Mr. President, and the Committee on Interstate Commerce may so conclude. I am not prepared to say to-day that I shall vote for this resolution; but I thought it well to introduce it as a starting point for investigation by the Interstate Commerce Committee, with a view to determining, first, whether now is the time to legislate upon the subject at all, and, second, if so, through what agency.

Mr. CUMMINS. I rise to a parliamentary inquiry. What is the pending question?

The PRESIDING OFFICER. The pending question is the amendment proposed by the Senator from Iowa [Mr. CUMMINS] to the bill known as the Post Office appropriation bill.

Mr. CUMMINS. I thought it was the request made by the Senator from Nevada for the insertion of certain matter in the Record.

The PRESIDING OFFICER. That was objected to.

Mr. NEWLANDS. It will be necessary for me to read that matter, inasmuch as the Senator from Wisconsin [Mr. LA FOLLETTE] has objected.

Mr. CUMMINS. Was there objection made, I ask?

The PRESIDING OFFICER. There was objection made to the insertion of the matter without reading.

Mr. CUMMINS. Mr. President, I wish to appeal to the Senator from Nevada, who is eminently a just man, and ask him whether he thinks it is quite fair to interject this discussion, which is entirely removed from the amendment which is the pending question, into the debate on the amendment which I have offered? I do not underrate the importance of the matter to which the Senator from Nevada is addressing himself, but will there not be a more appropriate time for the consideration of the subject which he is now presenting?

Mr. NEWLANDS. I will state that I had no expectation when I brought this matter up that it would take so much time. I had no idea that any objection would be interposed to the insertion of this matter in the Record, as the objections made this morning have been disposed of, but the Senator from Wisconsin has objected.

Mr. OLIVER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Pennsylvania?

Mr. NEWLANDS. Yes.

Mr. OLIVER. May I ask the Senator if the only objection that has been made to the insertion of the matter was the objection made this morning?

Mr. NEWLANDS. Oh, no.

Mr. OLIVER. Mr. President, I am deeply impressed with the necessity of expediting the business of this Chamber, and, in order to save time and to enable the Senate to proceed with its business in order, I will withdraw the objection, so far as I am concerned.

The PRESIDING OFFICER. The Chair will state that a subsequent objection was made to the insertion of this matter in the Record without reading.

Mr. NEWLANDS. Mr. President, it is only fair to myself now that I should go on and read this statement. If it were the prejudiced statement which the Senator from Wisconsin suspects, I might be under criticism for intruding it upon the attention of Congress, but I wish to put it in the Record, so that the Senate can judge for itself. I will read from it; it is not long:

REPORT OF THE COMMITTEE ON THE RAILROAD SITUATION.

APRIL 10, 1916.

TO THE BOARD OF DIRECTORS OF THE CHAMBER OF COMMERCE OF THE UNITED STATES:

The railroad committee, whose appointment was authorized by the chamber of commerce at its annual meeting in February, 1916, having painstakingly pursued its inquiry into the subject assigned to it, begs leave to submit the following report:

Your committee is profoundly impressed with the gravity of the existing situation and with the importance of having the people of the

United States realize how seriously every interest will be affected by the threatened interruption of railroad traffic.

Your committee is also convinced that, notwithstanding the burdens at present resting upon the Interstate Commerce Commission, there is no more important service which the commission could undertake in the public interest than that hereafter proposed, nor is there any other existing agency which enjoys the confidence of the men, the railroads, and the public, and is in every respect qualified to conduct an accurate and impartial investigation of the questions involved in the present controversy.

Your committee therefore recommends that the board of directors of the Chamber of Commerce of the United States take steps to secure immediately by referendum a vote from its constituent members approving the introduction into the Senate and the House of Representatives of a joint resolution, substantially as follows:

"Whereas the controversy has arisen between the railroads and certain of their employees relating to a shortening of the hours of labor without corresponding decrease in pay, and for increased compensation for any service performed in excess of the daily period prescribed, may lead to a serious interruption of the railroad service with disastrous effect upon the public welfare and upon the commerce of the Nation: Now, therefore, be it

"Resolved, etc., That the Interstate Commerce Commission be, and it is hereby, directed immediately to investigate and to report to the Congress as soon as practicable the minimum, maximum, and average wage paid, with hours of service, to each class of railroad employees in the United States, and, so far as they are comparable, the minimum, maximum, and average wage, with hours of service, paid in other industries where similar skill and risk are involved, the relation of wages to railroad revenues, the question of whether railroad revenues based on existing rates for transportation will admit of equally favorable terms to all classes of railroad employees, and any other matter in this connection that the commission may deem relevant; and be it further

"Resolved, That is the sense of the Congress that the railway companies, their officers, and employees should give their hearty support and cooperation to the Interstate Commerce Commission in its investigation, deferring pending controversies over questions at issue until that commission may be able to complete its investigations and make its report to the Congress.

COMMITTEE ON THE RAILROAD SITUATION,
HARRY A. WHEELER, *Chairman*.

OUTLINE OF ARGUMENTS IN FAVOR OF THE COMMITTEE'S REPORT.

I. The public has a paramount interest in having before it an authoritative and nonpartisan statement of the facts regarding wages paid by the railroads to their employees; the public is a deeply interested party to any dispute between railroads and their employees, and is entitled to a clear and authoritative statement of the facts.

The United States has more than 250,000 miles of railway operated as a public utility. In dependence upon the lines of railway the agriculture, mining, manufacturing, and merchandising of the whole country have been developed in such a way that unimpaired and uninterrupted railroad service is vital to every business and every community. With the exception of the Great Lakes, no inland waterways are extensively utilized; for use even of the Great Lakes transportation by rail is ordinarily essential at either the eastern or the western terminus of the water route.

As consumers as well as in the position of producers all members of the public are interested in the operation of the railroads. In the hearings of the Five Per Cent case, decided in 1914, it was estimated that each year the railroads haul 12 tons for every person in the United States; on these 12 tons the freight charges are in the neighborhood of \$23. If these estimates are correct, the annual freight bill for each head of a household is about \$100.

Not only are there most important national interests in the railroads as public utilities which daily perform the services by law required of such utilities, but a large number of persons have a proprietary interest through ownership of stock and bonds. This proprietary interest, divided among hundreds of thousands of persons with little or no information regarding the details of railroad operation, can probably be estimated conservatively at \$15,000,000,000; at least the most recent statistics of the Interstate Commerce Commission, for 1912, indicate the total railway capital at \$20,000,000,000, and the National Securities Commission in 1911 stated that over 20 per cent of outstanding capital was held by the railroads themselves.

The public interest in means of transportation has been emphasized by the courts. Some of the expressions of the United States Supreme Court have been: "Railroad corporations being the recipients of special privileges from the State, to be exercised in the interest of the public * * * their business is deemed affected with a public use." "A common carrier can not be exonerated from his duties by anything except the clearly expressed assent of the parties concerned." "A common carrier exercises a sort of public office, having public duties to perform from which he can not be excused without the consent of those concerned."

The public character of the railroads of the country, in which the interest of the public in uninterrupted and efficient operation is transcendent, makes it highly important that authoritative information should at once be placed before the public regarding any controversies between employers and employees out of which detriment to great national interests might come.

II. Information regarding the relations of the railroads in all respects other than with their employees is available, or is being gathered; there should be no exception with respect to the relation of employer and employee.

The Interstate Commerce Commission publishes monthly a statement of the revenues and the operating expenses of railroads which are of such a size as to have general interest. Every year it publishes for each of the important roads detailed statistics in a large volume, the preliminary abstract of which, issued in advance of the completed volume, contains for each road some 500 items ranging from the rentals received from locomotives and the expenditures for fences along the right of way to the tons of freight moved and the number of coal cars which are owned. Statistics are published to show the number of employees in train service who at any time have been on duty more than 16 consecutive hours, with an indication of the causes which led to long hours of service. Repeatedly, at the direction of Congress, investigations have been made into the finances and the management of railroads, and special reports published. Since 1913, and at a present yearly public expense of \$3,000,000 or more, the original cost and the cost of reproduction new are being ascertained for all the railroads of the country.

Information which is now made available or is being assembled shows the degree of safety with which railroads are operated, the equipment with which they undertake to perform their public duties, the disposal in expenses, interest, dividends, etc., of the freight charges and passenger fares they collect, and the value of the property upon which they can ask a reasonable return through their charges to the public. Nevertheless, the wages and salaries paid to their employees and officers are made public only in gross sums and in general averages, and the public, unaccustomed to the complex form in which wages for many kinds of railroad services are customarily stated, has no means of knowing the purport of requests made for increased wages and no data by which it can compare either existing or proposed wages in railroad service with wages in other occupations.

III. In having railroad wages adequate to obtain efficient service and to return a proper compensation in view of American standards and in knowing that freight and passenger revenues are not dissipated in extravagant wages the public has a special interest because of the service it has a right to exact and the rates it pays.

The cost of operating a railroad, in which expenditures for wages form a great part, has repeatedly been held by the Interstate Commerce Commission to be a proper element for consideration when it is determining whether or not the rates charged for service to the public are reasonable; the element of cost of operation, however, is not necessarily controlling. For example, in 1912 the commission said it could not, from the point of view of public policy and humanity, ignore the wages and standard of living of railway employees or of miners when it was examining the freight rates on coal.

To the necessity of having railroads so manned and equipped as to provide adequate service the Interstate Commerce Commission has several times referred. In 1910 it said: "We must be conscious in our consideration of these rate questions of their effect upon the policy of the railroads and, ultimately, upon the welfare of the State. This country can not afford to have poor railroads, insufficiently equipped, unsubstantially built, carelessly operated." In the Five Per Cent case of 1914 the commission pointed out that the railroads "must provide a prompt and safe service, and they are held to a strict responsibility for injuries to travelers using their facilities and for losses or damage to property which they undertake to carry."

IV. The Interstate Commerce Commission is the proper body to make the investigation and the report proposed.

By law the commission now requires detailed reports from the railroads regarding their activities, revenues, and items of expenditure; the commission also has authority to require the railroads to make "specific answers to all questions upon which the commission may need information." Accordingly, the commission already has in its files much material for such a report as is proposed. It has organized and experienced staffs for investigation and for compilation of statistics, and it has power to gather from the railroads such additional information regarding wages as it may need. In 1914, when considering the Five Per Cent case, it did not hesitate to require the roads to prepare from waybills specific data concerning the corn, hay, cattle, lumber, etc., they carried in a certain month, and to go into details regarding their disposal of old wheels.

Under a Federal policy now well recognized, questions of banking and questions of railroad transportation are segregated from other questions and are referred to expert bodies. The gathering and presentation for public information of data regarding wages paid in railroad service should not be made an exception to this policy, but should be placed with the Interstate Commerce Commission.

No other independent Federal agency organized to be nonpartisan and with a record of actual abstention from partisanship is prepared to undertake the immediate investigation proposed. No new agency could be created which would command the same respect from all parts of the public or which could proceed without delay. The Interstate Commerce Commission is so well equipped to undertake the task in question that the commission would be justified, in the event it found such a course necessary, in temporarily ceasing from some of its usual activities in order that it might assume this investigation.

I will call the attention of the Senator from Wisconsin to the fact that then follows the outline of arguments against the committee's report, which seems to be fairly balanced.

OUTLINE OF ARGUMENTS AGAINST THE COMMITTEE'S REPORT.

I. The Interstate Commerce Commission already has too much work and should not be asked to assume more duties.

Under existing law the commission has so many duties and such a volume of work that on April 17, 1916, the House of Representatives passed a bill enlarging the membership from seven to nine. In the last year for which the commission has reported, the year ending with October, 1915, it received 6,500 informal complaints, decided 902 formal cases, conducted 1,500 hearings in which 200,000 pages of testimony were taken, carried on a number of special investigations which included such important matters as the readjustment of transcontinental and intermediate rates in connection with the new route created by the Panama Canal, received and scrutinized 149,000 changes in rates filed by the railroads, and conducted the valuation of railroad properties which is in progress. Even this statement is not a complete summary of the activities of the commission, which in many respects need more of its attention rather than less.

II. Wages are connected with operation; the commission has never had jurisdiction with respect to operation, and consequently is not especially prepared for the task.

Aside from investigation into the efficiency of block signals and a limited jurisdiction in connection with the law which fixes maximum hours of consecutive duty for train-service employees and telegraphers, the commission has had little to do with the physical operation of the roads to which any question of wages is related. The ordinary jurisdiction of the commission, with respect to rates, concerns the traffic department of railroad management; the operating department is separate and distinct, with problems peculiarly its own.

III. The usefulness of the commission in performing its present duties could not be increased by the inquiry proposed, and it might be impaired.

Any attempt by a public body to make an investigation into facts which are the basis of an existing controversy, in which the public is not as yet directly a party, contains many possibilities of biased and partisan criticism. As such criticism directed against the commission in connection with the investigation proposed would not relate to its ordinary duties, the general acceptance of its conclusions in its proper sphere might be seriously impaired and public detriment result.

IV. Congress is expected to enact at this session a provision for an investigation of the conditions relating to interstate commerce and the necessity of further regulation.

The joint congressional committee which is proposed in a pending bill, introduced to follow a suggestion made by the President last December, could at once consider whether or not new agencies are needed to furnish the sort of information which it is proposed to gather, or itself might undertake to obtain and publish the data.

If Congress preferred not to leave the question of having information gathered to the joint committee, it could create a new agency, since the relation of employer and employee in the case of a public utility with 2,000,000 persons on its salary lists and pay rolls, and paying in salaries and wages yearly sums upward of a billion and a quarter dollars, may properly be considered worthy of the attention of a separate agency of the Government.

If an existing agency is to be used, the Federal Board of Mediation and Conciliation might be appropriate. Its members and staff have acquired much information and experience relating to railway wages; for this agency is maintained under special statutes for the express purpose of endeavoring to prevent disputes between railroads and their employees from interfering with the rights of the public to have unimpeded transportation facilities.

Mr. President, it strikes me that that is a fair statement of both sides of the controversy, without taking either side, except in favor of an investigation by a quasi judicial body; and surely the chamber of commerce can not be charged with lack of wisdom in recommending that the tribunal that should make this inquiry should be the tribunal which has been organized as the servant of Congress for the purpose of aiding it in the exercise of its power with reference to the regulation of interstate commerce.

Mr. President, it is perfectly obvious that a great public wrong will be done if the operation of the railroads is in any way interfered with. A controversy has arisen between the railroads and one-tenth of their employees, 300,000 in number, having the capacity to paralyze absolutely the transportation of the country; and they announce that they are about to determine now, by a referendum vote addressed to every one of these organizations throughout the country, the question whether their four representatives shall have the power at any moment of time to tie up and to paralyze the commerce of the country. If they have that power and are willing to exercise it, then the public is in great danger; and the question is, How can that danger be averted? By legislation which will make every employee of a common carrier a public servant, the abandonment of whose job would be an act of disloyalty to the public itself and to the Government? We are not prepared for that. The only way in which we can avert this great danger is by reason and persuasion, and reason and persuasion must be based upon facts.

What facts have we? Has there ever been any classification of the railway employees of the country, their wages, and their hours? None whatever that I know of. What effect will this proposed diminution in hours have upon the increase of the operating expenses of the railways? No one knows.

The railway employees say that it will increase those operating expenses only \$20,000,000 annually. The railroads say that it will increase them \$100,000,000 annually. Which one is right?

If the increase in the cost of operation of the railways is \$100,000,000 annually, is that hundred million dollars to come out of the dividends of the stockholders, the profits to which they think themselves entitled, or is it to come out of the public, by reason of the imposition of increased rates?

Mr. THOMAS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Colorado?

Mr. NEWLANDS. Certainly.

Mr. THOMAS. The Senator says that the contention of the railroads in this controversy is that if the demands of the men are granted it will result in an increase of railway expenses of \$100,000,000 annually. Is not that just about the amount which certain banking interests in New York City, in their manipulation of the New York & New Haven road, took from that road?

Mr. NEWLANDS. I am not informed as to that.

Mr. THOMAS. And whose was the loss of that manipulation?

Mr. NEWLANDS. It should be the loss of the men who made the manipulation.

Mr. THOMAS. Unquestionably; but does it not also fall upon consumption? Now, I am not prepared to talk about this subject very much at present, but it seems to me that if the present methods of railroad manipulation are to go on, and these enormous sums are to be extracted from the railway interests, it will be quite as well to have some of it go to the men who operate these roads as to have all of it go to a small combination of men who use the credit of the railroads for the purpose of destroying them.

Mr. NEWLANDS. I quite agree with the Senator that as between the money which is to go to favored stockholders by manipulation and the money that is to go to the operatives by increase of wages, I much prefer the latter. What I say, however, is that we have no accurate data upon the subject. There must be, then, an inquiry by somebody, because if we are to engage in reason and persuasion instead of a resort to absolute power over the operatives of the roads we must have the facts; and if the claims of the men are just, their demands should be granted upon those facts; and if they result in an increase of the operating expenses of the railroads, some arrangement must be made by which the railroads shall receive an income sufficient to cover these operating expenses, unless the railroads are now enjoying an income above what they are entitled to; yet we have no proof with reference to either of these questions.

I imagine that the cost of labor on these railroads must be a very large percentage of the total operating expenses; I do not know how much. The Supreme Court decision requires the Interstate Commerce Commission, in fixing the rates, to take into consideration the value of the roads, the amount of stock and bonds issued, the operating expenses, the taxes, and other considerations; and yet we have never reduced these considerations to any definite data. We do not know yet, to-day, the value of the roads. We are ascertaining it, and it will take five years longer to ascertain it. We complain that there have been overissues of stocks and bonds, but we do not know how much. But the fact remains that as a result of these uncertainties the investment in railway securities has almost ceased within the past year or two.

Mr. BANKHEAD. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Alabama?

Mr. NEWLANDS. I do.

Mr. BANKHEAD. I want to ask the Senator if he would not be willing now to postpone the remainder of his very interesting address until we can consider for a short time the matter before the Senate, the unfinished business? In that connection I desire to remind the Senator that this bill must be passed before the 1st of July, if it is possible. I hope we shall be able now to proceed to its consideration, if the Senator from Nevada will kindly consent to that course.

Mr. NEWLANDS. Mr. President, I think the Senator from Alabama has a right to complain of this intrusion. It was not my purpose to intrude so long a discussion upon this subject. I simply thought I would get this matter in the RECORD. The Senator from Wisconsin [Mr. LA FOLLETTE], however, made some remarks regarding the substance of this paper itself, and made some observations which I thought rather reflected upon me for intruding this matter at all upon the attention of Congress; and I felt that I owed it to myself to make a fair statement. I will not take more than a few moments longer. I will close in three minutes.

Mr. BANKHEAD. Very well. In that connection I wish to suggest that I thought the Senator from Wisconsin was mistaken in his generalship when he objected to printing this matter in the RECORD. If it had been printed in the RECORD I will almost guarantee that no Senator would have read it. Now, they have been compelled to listen to it. Therefore it has gotten some publicity.

Mr. LA FOLLETTE. I might observe, Mr. President, that very few of them have listened to it.

Mr. NEWLANDS. Well, that is true of most debates in the Senate.

Mr. President, I believe that this matter ought to be looked into now by the Interstate Commerce Committee. I am not prepared to say that the action provided for by this resolution is the right action, but it seems to me that it is the time now for this committee to summon before it the chiefs of these great railway organizations and the chiefs of the railways themselves, and ask them what objection they have to an investigation of this kind, so that we will obtain the facts upon which we can base an appeal to the reason and the judgment of both the carriers and their employees. I can not but believe that such a discussion at this time will bring both sides to a realization of the fact that the public has some rights in this matter; that at a time when we are engaged in serious difficulties with a neighboring country and in diplomatic controversies with countries abroad, and when the economic conditions are such as to make everybody view with apprehension any derangement of interstate commerce, it is, above all, incumbent both upon the employers and the employees to keep their heads, to get the facts, to appeal to the reason and the judgment of the entire American people, so that public opinion will back up the proper determination of this matter.

Mr. LA FOLLETTE. Mr. President, I regret very much that my objection did not exclude from the Record the matter which the Senator from Nevada has taken the time to read into the Record. That makes it necessary for me to follow it with some facts which, I think, will supplement somewhat the side of the employees, which is very unfairly and very imperfectly stated in the matter which the Chamber of Commerce of the United States sent out to the local chambers of commerce of the country in order to get just the votes that would be satisfactory to the great railroad interests.

Now, Mr. President, I am going to ask the indulgence of the Senate, or so many of its Members as are represented here this afternoon, while I record a few facts which I think are pertinent to this subject. The purpose—I will not say the only purpose, but the effect—of the insertion in the Record of this matter from the Chamber of Commerce of the United States is to influence public opinion, and therefore I desire that there shall go along with it some data which will more evenly balance the matter which has been presented.

I begin, Mr. President, by reading a brief statement, published in a very unbiased magazine of the country, to which I contributed.

Mr. NEWLANDS. Mr. President—

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

Mr. LA FOLLETTE. With very great pleasure.

Mr. NEWLANDS. May I ask the Senator, with a view to sparing the feelings of my friend the Senator from Alabama [Mr. BANKHEAD], whether it will suit his convenience to have the matter to which he refers inserted in the Record?

Mr. LA FOLLETTE. Oh, no; oh, no! I can make it so much more impressive, Mr. President, by reading it.

Mr. THOMAS. And interesting.

Mr. LA FOLLETTE. And much more interesting; and it is pretty well written, too, for I wrote it myself. [Laughter.] It appears in La Follette's Magazine of April, 1916:

AN EIGHT-HOUR DAY FOR TRAINMEN.

In the second session of the Fifty-ninth Congress I made a long fight for a 16-hour limit as a maximum working day for trainmen. Senators opposed to the measure resorted to a protracted filibuster to defeat it. That legislation was in the interest of fairer treatment for the men and greater safety for the traveling public. Like the opposition of the steamship companies to the seamen's bill, it illustrates the blind greed of corporate monopoly in resisting every measure to secure decent and humane conditions, reasonable hours, reasonable compensation for employees, and an utter disregard for the lives of patrons whenever it interferes with profits.

The 16-hour law for trainmen afforded some small measure of relief where its provisions were observed, but it has been shamefully evaded. The reports of the Interstate Commerce Commission for the year ending June 30, show that there were 261,332 cases where 16 hours of continuous service was exceeded by train and engine men. Each violation involves a crew of five men, hence more than a half a million were compelled to work more than 16 hours in continuous service last year. Five thousand were on duty 27 hours and 800 were forced to remain on duty in nerve-racking train service more than 65 hours continuously.

The railway employees are engaged in a public service. It is the business of the public to redress their wrongs. Reasonable working hours for trainmen lie at the foundation of safe and efficient service. It is the most fundamental basis for the slogan, "Safety first."

For the first time in history, the several railroad brotherhoods are a united organization—400,000 strong—asking for an eight-hour day and "time and a half pay" for overtime.

This is a reasonable demand. The railroads are very prosperous. Their employees are entitled to a fair share in this prosperity. The Bureau of Railway Economics, speaking for the railroads, announces that the net operating income of the railroads of the United States for November, 1915, as compared with the same months for five preceding years, increased 45 per cent.

With the increased size of engines and length of trains and the improved devices for handling freight, labor costs the railroads less now—even though they pay more wages—than it did 20 years ago. The labor cost for an engineer per ton-mile unit was one and six-sevenths times greater in 1890 than in 1913.

The railroads claim, as always, that they are entitled to all this gain, but they are not. They are public servants. The court has determined they are entitled to a fair return on the money invested.

They are receiving much more than a fair return on the money invested. They can afford to divide profits with their employees.

Nearly all the leading trades and industries have adopted the eight-hour day. When the struggle was on the employers almost universally contended, as the railroads are now contending, that the shorter day would be ruinous. But experience demonstrates that the shorter workday makes for greater efficiency and increased output of a better product. This is especially true in all occupations of continuous concentrated effort under exacting mental and physical strain.

Extra pay for overtime is conceded in most of the great lines of industry.

Some 18 railroads are now working their employees on an eight-hour basis. These roads are prosperous.

Many railroads have been wrecked in the last decade through dishonest financial operations. The New Haven is a notable example.

These roads have not suffered loss through shorter hours or better pay of employees.

A thorough reorganization of railroad operation upon the sound basis of a sufficient force of men to handle the business within a reasonable working day, will make for higher efficiency, greater safety, and less delay in train operation.

An eight-hour statute, with extra pay for overtime, will make the law self-enforcing.

The railroads are circularizing the farmers, arguing that because farm labor is performed with no limit to the hours of service, railway employees require no statutory protection.

This is a cunning appeal. But the farmer will not be caught by it. He knows that the elementary reason for limited hours of service lies in the character of the service. The trainmen are employed in a business of great hazard, severely exacting in the draft which it makes upon certain mental and physical functions. The engineer, confined to a space scarce larger than a coffin, grasping throttle and lever, his eyes fixed upon the track ahead, mind and senses alert, concentrated for hours without relaxation or change, exhausts his vital forces in less than half the time that they would be overtaken by another occupation where the conditions are wholly different. So, in a measure, with the firemen, conductors, and brakemen in their respective lines of labors and responsibility.

The companies also contrast the wages of the railway employees with the amount paid for farm labor. But the farmer knows that he feeds and houses his farm hands, while the railway employee must pay rent and maintain his home, besides buying all his own meals in the eating houses and railway hotels along the run, making heavy inroads upon his earnings every month.

And finally the farmer understands, as the public does generally, that better pay for 400,000 railroad employees means better homes for their families, better opportunities for their children, and, indirectly, a measure of increased prosperity well distributed over the country.

The demands of this body of 400,000 industrious, efficient, intelligent men should be granted without contest. The great masses of the people are behind them.

The facts here presented bear upon the statement and the observations submitted by the Senator from Nevada as to whether or not the railroads were sufficiently prosperous to meet this demand of their employees. I say, in this editorial:

This is a reasonable demand. The railroads are very prosperous. Their employees are entitled to a fair share in this prosperity.

I do not know that Senators are aware of the fact that some years ago the railroads of the country established here in Washington an organization, very strongly equipped with statisticians and economists, known as the Bureau of Railway Economics. They issue bulletins from time to time, presenting statistics which will support railway contentions for increased transportation charges upon the people of this country. They are very watchful. They have drawn into their service some of the ablest economists of the country, some men who have made reputations as writers and as authors of works upon the public side of railway control, who have been weaned from their earlier devotion to public interest to enlist in the better-paid service of these corporations.

There is, Mr. President, no organization, no bureau of information, no aggregation of economists and statisticians issuing matter from month to month for the protection of the public, presenting the side of the shipper and the consumer, but here in this Capital City of our Nation is builded up a powerful railroad organization that presents a lopsided statement of facts and statistics to influence not only public opinion and Congress but for the effect that it shall have upon the very tribunal which the Senator from Nevada would make the arbiter in this contest between the railway employees and the railroads of the country.

Now, I am going to quote just a word from this Bureau of Railway Economics as to the profits of the railroads of the country:

The Bureau of Railway Economics, speaking for the railroads, announces that the net operating income of the railroads of the United States for November, 1915, as compared with the same month for five preceding years, increased 45 per cent.

Do Senators get that? In 1910 the railroads of this country applied to the Interstate Commerce Commission for an advance in rates, particularly in western territory. There was a prolonged investigation. The Interstate Commerce Commission of that time was the strongest, I believe, and I think it is the consensus of opinion that it was then the strongest that it has been in its history, unless it be compared with the commission as originally organized. After a most thorough and comprehensive investigation, the Interstate Commerce Commission in 1910 rendered a decision covering an enormous field of traffic in this country, denying any advance in rates and ruling that the railroads were receiving all that they were entitled to. November, 1910, is one of the five months embraced within the five-year period covered by the Bureau of Railway Economics which I have just read. Some of the other years, if not all of them—and I think all of them except one—recorded the highest net earnings of the railroads of this country of any years since the establishment of the Interstate Commerce Commission.

So, Mr. President, that statement of the Bureau of Railway Economics boasts that the net income of the railroads of the United States for November, 1915, as compared with the same months for five preceding years, showed an increase of 45 per cent in net earnings.

If November, 1915, was 45 per cent better in net earnings than November, 1910, then it is fair to assume that the whole year of 1915 was very much better than the whole year of 1910. Yet when the railroads attempted to raise their rates in 1910 the

Interstate Commerce Commission denied their application on the ground that they were earning enough. If they were earning enough in 1910, how about their earnings in 1915, when their own bureau states that they were 45 per cent above the average of the same months for five years preceding?

Mr. President, it is true that the railroads in what is known as official classification territory, seizing upon an extraordinary situation late in 1914, made their application for an increase in railway rates from the Interstate Commerce Commission and secured from that commission an advance in rates. I have been reluctant, sir, to comment upon that decision on this floor, a decision in what is known as the Five Per Cent Advance Rate case.

I have regarded it for many years, sir, as important, if possible, that the Interstate Commerce Commission should hold the confidence of the people of this country as an unbiased and unprejudiced body before whom these great issues might be tried out. But, sir, when it is made necessary I am bound to say that the decision rendered by the commission in that case has made me reluctant to submit to the Interstate Commerce Commission any more propositions or questions of importance than the law brings before them in the ordinary course of its administration.

I was a member of the House of Representatives when the original Interstate Commerce Commission act was passed. I supported as best I could by voice and vote the enactment of that law. I have given many years of my life to the study of the problems involved in railway transportation. I have in some measure been instrumental in building up in one of the States of this Union the most thoroughly scientific regulation of transportation by a commission that any organized Government in the world can exhibit. Here and elsewhere, for many years, I have been a supporter and defender of the Interstate Commerce Commission.

But, Mr. President, we have witnessed changes in the commission and changes in its decisions since it denied the application of the railroads to advance rates in 1910.

The so-called Five Per Cent Rate case of 1913 and 1914, in which the railroads finally succeeded in getting a favorable decision from the Interstate Commerce Commission, is a notable instance of the change which has come. Since that time there have been many other advances in rates.

The Five Per Cent Rate case was instituted before the commission in May, 1913.

It was thoroughly investigated by the commission. Mr. Brandeis was employed to assist in the work. More than a year was given in preparation and trial of the case.

It was then decided against the railroads on July 29, 1914. Some time thereafter the commission reopened the case, upon the application of the railroads, and decided it in their favor December 15, 1914, by a divided commission.

While this case was before the commission, the railroads organized a nation-wide conspiracy to influence the commission to decide the case in its favor.

It had its inception at a meeting of railroad presidents held April 30, 1913, just two weeks before the application for an advance in rates was filed with the commission.

They established bureaus in Philadelphia and elsewhere from which they supplied false and misleading material for publication in newspapers throughout the country.

They enlisted the services of bankers' associations, the chambers of commerce of the country, commercial clubs, and merchants and manufacturers' associations to pass and forward resolutions addressed to the Interstate Commerce Commission, making special, partisan pleas in support of an increase in rates for the railroads.

Inspired by the railroads, thousands of personal letters and telegrams were written and sent by influential business men to members of the commission, to persuade or drive them to decide the case for the railroads.

Through the insidious and powerful influence of the railroads the metropolitan press, the magazines, and the weekly papers were induced to print articles and editorials—in all, something like 22,000—to coerce the judgment of the commission in favor of a decision increasing rates, and prepare the public mind to accept such a result without revolt.

The mail of the Interstate Commerce Commission was loaded down with marked copies of these articles and editorials.

In the hope that an exposure of the iniquitous proceeding might afford some protection to the commission and the public against its continuance in this case, I introduced and secured the passage of a Senate resolution calling upon the commission to transmit all such communications received up to that time to the Senate.

Senators who were then present will remember that I addressed the Senate upon the subject of the organized campaign

which was being systematically conducted by the railroads through such means to influence a decision in their favor by the commission. I laid a great mass of the letters, telegrams, editorials, magazine articles, resolutions, and marked press clippings before the Senate; and, in order that the public might be fully advised of the great wrong, printed the material in the CONGRESSIONAL RECORD. It covered 358 pages of the RECORD.

The law makes it the duty of the commission to require proof before increasing rates. The law presumes that the existing rates are high enough. It requires specific evidence establishing the fact that any rate or rates are so low as to be unjust and unreasonable before the commission is warranted in making an order to increase such rates. To increase the rates without the specific proof, to permit fear or favor to influence a decision, is to violate the law which the commission is chosen to administer.

Mr. President, it was a body blow to railway regulation when the Interstate Commerce Commission reversed the decision which it had rendered July 29, 1914, denying the application for an increase in rates and granted the increase in rates on the 15th of December, 1914.

Mr. President, railroad regulation by commission has had no better friend, if I say it myself, on this floor or anywhere in this country than I have been. Throughout my public life I have advocated railway regulation by a commission clothed with power not only to regulate railway rates but to be so thoroughly and so scientifically informed that it could intelligently pass upon all questions affecting rates and service.

Sir, when I entered the Senate of the United States, January, 1906, the law regulating interstate commerce required the commission to ascertain and fix reasonable rates, but there was nowhere in the law any measure of reasonable rates, or any means provided by or through which the commission could ascertain a reasonable rate.

Upon what must a reasonable rate be based? Upon first the cost of operation; second, the cost of maintenance; and third, a fair valuation of the property. The interstate commerce act of 1887 provided that the commission should be informed as to the cost of operation, and as to the cost of maintenance. But the law withheld, and every time the law was revised Congress carefully withheld from the Interstate Commerce Commission the most important element essential in ascertaining a reasonable rate, namely, the fair value of the property. It is no more possible to determine a reasonable rate which the railroads should be permitted to charge, than to determine what would be a fair profit for a manufacturing business to pay without knowing the amount of capital invested in the business. Mr. President, when I entered the Senate and proposed that the Interstate Commerce Commission be authorized to secure the value of the railroads of the country, Senators rebuked me by leaving the Chamber in a body. I pressed the subject upon the attention of the Senate at every opportunity from 1906 until 1913. Finally in March, 1913, with an organized public opinion behind it, the bill for the valuation of the railway property of the country passed the Senate without a dissenting vote.

The Interstate Commerce Commission is at present engaged in the great undertaking committed to them by that bill. The time of the commission is fully occupied with its regular duties to which is added the burden of ascertaining the value of railway property. No special investigation should be referred to them by Congress at this time. There is no rational basis for them to find a true economic answer to rates or wages until they determine the fair value of railroad property.

Mr. GORE. There is no sea level.

Mr. LA FOLLETTE. My epigrammatic friend from Oklahoma suggests that there is no sea level to measure by. Of course there is not.

You may send this proposition, I will say to the Senator from Nevada, as to what the railroads can afford to pay in wages to the men who operate their trains, to the Interstate Commerce Commission, but the commission have no data from which they can determine the profit of the railroads. They guess at every question submitted to them.

Mr. NEWLANDS. Mr. President, may I ask the Senator from Wisconsin whether it does not follow from his reasoning that the Interstate Commerce Commission ought never, during this entire period, to have made either an increase or a reduction in rates?

Mr. LA FOLLETTE. Mr. President, it follows from my reasoning that the Interstate Commerce Commission never had any accurate scientific data from which to determine whether a rate per se was a reasonable rate. All they could do was to measure any rate that was questioned by the rates that the railroads were fixing for other hauls like in distance and char-

acter and make the best guess they could as to whether the rates were relatively equal. They never had, and the Senator must know that they never had, the information upon which to determine whether the rates were reasonable in fact or not.

Mr. NEWLANDS. Mr. President, I will say with reference to that that I have always concurred in the view so insistently advocated by the Senator from Wisconsin that a valuation of all our railways was essential in order to enable the Interstate Commerce Commission to perform its functions. All I can say is that if the Interstate Commerce Commission has not during this intervening period had the data upon which it could fix an increased rate it has not had the data upon which it could fix a reduction of rate, and hence it follows logically that no action whatever should have been taken by the Interstate Commerce Commission during this period. I admit the difficulties under which the Interstate Commerce Commission has operated.

Mr. LA FOLLETTE. If the Senator from Nevada so early and so insistently contended that the valuation of the railroads was an essential to the determination of reasonable rates, it might be asked by some student of his record why he, as a member of the Interstate Commerce Committee, failed to demand legislation for railway valuation. The Interstate Commerce Commission was declaring in every annual report which it made from 1903 down to 1913 that it was impossible for them to fix reasonable rates without first ascertaining the value of the railroad property, and appealing in each of those reports in 1903, 1904, 1905, 1906, and on down through the years for authority from Congress to get the valuation of the railway property of the country.

Mr. NEWLANDS. I will state that I do not recall a time during the time that I have been a member of the Interstate Commerce Committee when I have not favored and advocated a valuation of the railroads.

Mr. LA FOLLETTE. I will say that the CONGRESSIONAL RECORD does not show that the Senator from Nevada ever raised his voice in favor of the valuation of the railways of the country until after 1906, when I made a two days' appeal on this floor for railway valuation. In 1903 the Interstate Commerce Commission appealed in its report to Congress for power and for an appropriation upon which to get the value of the railroads of the country, saying that they could not fix a reasonable rate without it. In 1904 they repeated it, in 1905 they repeated it again, in 1906 they repeated it again; and then in 1906 the Interstate Commerce Committee, of which the Senator from Nevada was a member, reported out a bill which omitted that great fundamental requirement for railroad valuation for which the Interstate Commerce Commission had pleaded with Congress from 1903. Those are historical facts.

Mr. NEWLANDS. Will the Senator state when he entered the Senate?

Mr. LA FOLLETTE. I entered the Senate on the 4th day of January, 1906. I was sworn in on that day.

Mr. NEWLANDS. All I can say is that I certainly gave very hearty support to the Senator's measure and that prior to that time whatever bills were presented were presented not by the present party in power but by the opposite party.

Mr. LA FOLLETTE. Yes; but in 1906—

Mr. NEWLANDS. Now, I can not recall whether or not I moved any amendment.

Mr. LA FOLLETTE. I can.

Mr. NEWLANDS. But the Senator is certainly very unfair in indicating that I have not been always uniformly for the valuation of the railways.

Mr. LA FOLLETTE. I do not say the Senator was opposed to it. I say the record of his committee and the record of Congress does not show, and he can not show, that he ever supported it prior to 1906. When I advanced it in 1906 on this floor the Senator was particularly solicitous to know what it was going to do to the people who had invested in railroad securities.

I said in answer to the Senator at that time it did not make much difference to me; that they bought as they would buy any other speculative property, under the rule of caveat emptor; that it was their business to know the value of the securities in which they invested; and that the Government was not obligated to insure to speculative investors in railroad securities a profit at the unjust expense of the people of this country.

Mr. LEWIS. May I interrupt the Senator from Wisconsin?

Mr. LA FOLLETTE. Certainly; I yield.

Mr. LEWIS. I was attracted by the statement of the Senator calling attention to the 5 per cent increase, and subsequently to an additional increase of rate ordered by the Interstate Commerce Commission within the last year and the year before. I will ask the Senator from Wisconsin if his attention has been attracted in the last few days to a report emanating, or

charged to come, from the Interstate Commerce Commission showing that the railroads have made \$1,000,000,000—

Mr. LA FOLLETTE. I have seen that.

Mr. LEWIS. In one year.

Mr. LA FOLLETTE. I have seen it.

Mr. LEWIS. If such is approximately true, upon what basis of justification can it be urged that there was any necessity for the increase to which he referred, which was granted by the Interstate Commerce Commission?

Mr. LA FOLLETTE. I thank the Senator for his interruption. It but emphasizes what I say. There was no justification for that increase. It was made upon a spurious showing. No man need to do more than read the briefs of the attorneys upon both sides and the testimony to be convinced of that.

Two of the strongest members of that commission dissented from the increase, Mr. Chairman Harlan and Mr. Commissioner Clements, both of them saying what no living man can dispute, that in granting the increase the majority of the commission violated the law of their organization; that the law which created it empowered the commission to advance rates or to decrease rates only upon a convincing showing that the existing rate was unreasonable; that it was either too high and should be reduced or too low and should be increased. The two members of the commission who dissented from that opinion stated in their dissenting opinions that there was no testimony before the commission and no evidence taken by the commission tending to show that a single one of the great body of rates that were advanced was unreasonable at the time.

The commission introduced into the opinion which they rendered, speculations about the effect of the European war upon railway securities, that interest rates might be advanced. They wrote into that opinion considerations which Congress might properly take into account as a legislative policy in dealing with problems induced by the European war. But, sir, it is the function of the Interstate Commerce Commission to administer the law under the rules prescribed in the act which gave it being. It is never the province of an administrative commission to declare a legislative policy of government.

The reason why Congress fixed the rule for the Interstate Commerce Commission that rates should be reasonable was because Congress could not delegate to the Interstate Commerce Commission the right by its decisions to determine a legislative policy. That is what they did in that decision. They decided that because a great world war was creating a disturbance in transportation, and might affect interest rates on railroad securities, that the Government of the United States ought to guarantee railroads a certain profit on their business. Of course, other lines of business were likewise temporarily suffering inconvenience and loss. And other lines of business had to meet the conditions without Government aid. But the commission decided to protect the railroads at the expense of the people.

The law did not give them that power and there is no justification for their action.

Mr. CUMMINS. Mr. President—

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

Mr. LA FOLLETTE. I do.

Mr. CUMMINS. If the Senator from Wisconsin will pardon me, I think it ought to be stated with reference to the decision to which he has just referred, and which was rendered upon the record made up in the proceedings of 1913, which took into account the revenues of the railway companies at their low point, that the aggregate revenues of all the railways then under consideration were sufficient after paying the cost of maintenance, operation, taxes, all fixed charges, including interest upon bonds, to pay 8.2 per cent upon the common stock of all these railways; and it was that earning which the commission held to be inadequate.

Mr. LA FOLLETTE. Well, the commission did not in the first decision hold the earnings of the railroads to be inadequate. It decided against the increase for which the railroads applied. Then, when the war came on, the railroads applied for a rehearing of the case, and upon the rehearing the increase of which I have just been speaking was granted.

Mr. CUMMINS. That is true, Mr. President; but I simply wanted it to appear in the RECORD at this point that the revenues as a whole were shown to be sufficient to pay 8.2 per cent upon the common stock of all the railways, and I never could understand how anyone could reach the conclusion that under such earnings the rates as a whole ought to be advanced.

Mr. LA FOLLETTE. Mr. President, I think the Senator from Iowa may be correct in his figures, as based upon the brief of Mr. Thorne, but as based upon the findings of the commission it is not my recollection that the findings of the com-

mission are in agreement with the figures which are given by the Senator. It was, however, apparent, Mr. President, as I now remember, that there was some evidence that the small areas, described as "central classification territory"—

Mr. CUMMINS. Western freight association territory.

Mr. LA FOLLETTE. No; I mean the small areas within the official classification territory, known as "central classification territory."

Mr. CUMMINS. That is in the official classification territory.

Mr. WEEKS. Mr. President—

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Massachusetts?

Mr. LA FOLLETTE. I do.

Mr. WEEKS. I rose to ask the Senator from Iowa [Mr. CUMMINS] to the earnings of what year he referred in the statement which he made. I might suggest to the Senator from Wisconsin [Mr. LA FOLLETTE] that the attorney of the Interstate Commerce Commission, notwithstanding this \$100,000,000 to which he has just referred, I understand, reported that he thought that the rate ought to be increased.

Mr. LA FOLLETTE. Mr. President, if the Senator from Massachusetts voted against the confirmation of L. D. Brandeis upon any such flimsy pretext as that, he voted without any evidence upon which to rest his vote. Brandeis, as the attorney for the Interstate Commission, contended from first to last that, while in order to adjust the rates and to equalize them, certain passenger rates in "central classification territory" ought to be advanced, if they would cut off the free services the railroads would not need any additional revenue.

Mr. WEEKS. Mr. President, that was not the reason I voted against Mr. Brandeis. There were other reasons which seemed to me to be sufficient.

Mr. LA FOLLETTE. And which perhaps were no better.

Mr. WEEKS. However, in order to correct the record and to have the record complete, I want to ask the Senator from Iowa to what year he was referring?

Mr. CUMMINS. I referred principally to the year 1913. This proceeding was begun early in 1913. The original decision was rendered, I think, in June, 1914.

Mr. LA FOLLETTE. It was rendered July 29, 1914.

Mr. CUMMINS. It was rendered in July, 1914. A rehearing was applied for shortly thereafter, and the decision upon the rehearing occurred probably some time in July or August.

Mr. LA FOLLETTE. Oh, no. The declaration of war in Europe in 1914 came on the 1st day of August, and the application for a rehearing and the decision were all after that period.

Mr. CUMMINS. I think it was after the 1st of August, 1914.

Mr. LA FOLLETTE. It was a considerable period after that time; and, as the Senator will remember, the war was referred to in the decision which was rendered.

Mr. CUMMINS. The decision upon the rehearing occurred some time, I think, in the latter part of 1914, did it not?

Mr. LA FOLLETTE. That is correct. The decision in favor of the railroads was rendered on December 15, 1914.

Mr. CUMMINS. And the earnings that were taken into account principally were those for 1913, supplemented by those of the early months of 1914; and those were the months of low earnings upon the part of the railway companies.

Mr. WEEKS. My recollection is that the Interstate Commerce Commission figures for the fiscal year 1914 show an earning of 4½ per cent on the capital stock of the railroads of the United States, and I think an investigation will show that those figures are correct, as reported by the commission.

Mr. CUMMINS. Mr. President, the Senator from Massachusetts is mistaken about the matter, I am sure. He is now referring to all the railways in the United States.

Mr. WEEKS. Yes; I am.

Mr. CUMMINS. I referred to the railways of the official classification territory, concerning whose earnings the testimony was very full and exhaustive. While I may not be correct about it, I think the Senator from Wisconsin may be in error, for I believe that the railway companies themselves admitted that the net revenues—there was some dispute about the adjustment and bookkeeping—that the net revenues of the railways in this territory would pay more than 8 per cent upon the common stock. I am not now speaking of 8 per cent upon the entire capitalization, for there was deducted from the gross earnings the rate of interest which they were actually paying upon the bonds, which represented about one-half of the entire capitalization.

Mr. LA FOLLETTE. What about the preferred stock?

Mr. CUMMINS. There was deducted on account of the preferred stock the rate of dividend that was actually paid.

Mr. LA FOLLETTE. Mr. President, it is not of particular value in this discussion for the Senator from Massachusetts

[Mr. WEEKS], the Senator from Iowa [Mr. CUMMINS], and myself to split hairs or to make fine distinctions about the rates which the railroad companies were earning upon their stock in that year. Their stock represented no investment. The stock of the railroads of the country, as a whole, have been issued without one dollar of investment represented in the issue. The railroads of this country have been built, and can be rebuilt to-day, even with the advance in the cost of material, upon which the Senator from Nevada [Mr. NEWLANDS] has dwelt at such length, for the bonded indebtedness of the railroads of the United States. It is the history of all railroad building, sir, that the people have furnished the capital that built the railroads. The Senator from Massachusetts shakes his head in dissent. I give this as the uniform method of railroad construction. If there be exceptions to it, my study—and it has been reasonably diligent, beginning back thirty odd years ago—has missed it.

Railroads are built in this way: A company is organized and secures a right of way. The right of way is gotten with the payment of but little money. Communities, counties, States are stimulated to believe that the building of the railroad will be a tremendous advantage to them. Their cooperation is secured in the bonding of the towns, in the bonding of the cities, in the bonding of the counties. In many cases farmers have given farm mortgages to promote the building of railroads in this country. The right of way is secured—secured by gifts, by donations. On top of it the bonds of the communities are offered.

Then, Mr. President, a construction company is organized. The construction company takes over the company that secured the right of way, and takes over all it has. Then the construction company proceeds to carry out the construction of the road in a very rough and elemental way. Then it presents to the financiers the proposition of bonding the entire enterprise. It is the history of railroading in the United States that the amount of bonds which have been issued upon each of these enterprises has been sufficient to cover all the expenses of securing the right of way, all the expenses of organization, all the expenses of agents to work upon public sentiment; every dollar of expense is included in the amount for which the property is finally bonded.

The bonds are issued, the railroad is built; and stocks are then issued, which represent no dollar of money, which go into the hands of the promoters of the enterprise as a clear gift.

Then, what follows, Mr. President? After the construction company has again passed over its organization and its titles to another organization that is finally named the railroad corporation, as it operates the property, the operation of the road begins. It begins upon a rate basis that requires the public to pay interest upon the bonds, which represent all the capital put into the business, dividends upon the stock which represent no dollar of investment; and enough more to create a surplus. The surplus is made the basis of a sinking fund ultimately to redeem the bonds, thus making the public pay for all the capital, and enough more to build the property over again and make it a real railroad, and to provide for permanent improvements. The surplus which the railroads of the country have created under the rates which they have been able to tax the people of this country have been sufficient to make the permanent improvements which they have made. The tunnel under the Hudson River was built out of surplus. The great Pennsylvania depot—

Mr. OLIVER. Mr. President—

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Pennsylvania?

Mr. OLIVER. I can not allow that statement to be made without challenging it. The tunnel under the Hudson River, built by the Pennsylvania Railroad Co., was built out of stock subscriptions issued at from 20 to 40 per cent above the par value; in other words, the par value of the stock being \$50 a share, the Hudson River Tunnel was built by additional stock issued at a minimum of \$60 a share.

I want to say also that from the very day the Pennsylvania Railroad was incorporated—I think it was in 1846—there never has been a single share of stock issued that did not represent at least \$50, the par value thereof, in cash. I can not allow such misstatements to be made on the floor of the Senate without raising my voice in protest.

Mr. LA FOLLETTE. I am glad to have yielded, although not asked to do so by the Senator from Pennsylvania, to enable him to make his protest. It signifies nothing. Although the accuracy of his statement is in nowise admitted as correct, it signifies absolutely nothing. Every single improvement which has been made by the railroads of this country has been made out of exactions upon the public in unreasonable railroad rates,

Mr. WEEKS. Mr. President—

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Massachusetts?

Mr. WEEKS. May I call the Senator's attention to the fact that there has not been a railroad security issued in the State of Massachusetts for 25 years which has not been issued under the direction of the public-service commission and at a price fixed by the public-service commission, and that probably nine-tenths of the railroad stock issued in Massachusetts or under Massachusetts law during the past 25 years has been issued at a premium?

Mr. LA FOLLETTE. Mr. President, what does that signify in a State which has permitted the public to be exploited by the New Haven system, robbing everybody in sight? You may put upon the transaction—

Mr. LIPPITT. Mr. President—

Mr. LA FOLLETTE. Wait just a moment; just one of you at a time.

Mr. LIPPITT. Well—

Mr. LA FOLLETTE. Just hold yourself in restraint for a few moments. You may put upon the face of these transactions the sanction of an appearance of compliance with decent business methods, but, Mr. President, it ill behooves the representatives from New England, who have been on this floor at all times the apologists and the defenders of the system that prevails in that section, which is exemplified by the operations of the New Haven Railroad Co.—

Mr. LIPPITT. Will the Senator yield?

Mr. LA FOLLETTE. Not quite yet. Can you wait a moment?

Mr. LIPPITT. I can; but the Senator is continually making misstatements. He has already been corrected in two.

Mr. LA FOLLETTE. Will the Senator wait until I yield before he takes the floor?

The VICE PRESIDENT. The Senator from Wisconsin has the floor.

Mr. LIPPITT. I will not take the floor at all if the Senator objects.

Mr. LA FOLLETTE. Of course, the Senator can not take it, if I object, until I get through.

Mr. LIPPITT. I will not try to do so, if the Senator objects.

Mr. LA FOLLETTE. I do not object if the Senator will wait until I indicate that I have answered his colleague from New England.

Mr. President, I remember some years ago that I arraigned the railroad policy of New England, that I even ventured to criticize on this floor—and it was the first public criticism of that road made on the floor of the Senate—the operations of the New Haven Railroad, and I recall that the Senator from Rhode Island and the Senator from New Hampshire, who is not present now, I regret to say, came quickly to the defense of that institution, with the statement that there was not any suggestion of monopoly rates in that section and that nobody in New England was complaining. Why, at the very time that these gentlemen were on their feet making that statement, I had in my possession thousands of pages of testimony, taken in Boston, in a hearing by the Interstate Commerce Commission of shippers all over that section complaining that their rates had been unjustly advanced; that they were being denied fair treatment by the railroads in the matter of furnishing cars; that they were suffering in every conceivable way from the injuries which monopoly can impose upon any community when monopoly is entrenched.

Mr. President, I am not surprised that I got a "rise" from New England. Her representatives on the floor of the Senate have been the defenders of a system in New England which permitted, sir, in violation of the Sherman Antitrust Act, and in violation of the act of the Massachusetts Legislature, the New Haven Railroad to absorb the Boston & Maine Railroad, which was its chief rival and competitor in that territory and which permitted the New Haven Railroad to buy up every trolley line, every traction line, every electric line of any description operating throughout New England territory and between that territory and New York.

Mr. THOMAS. And every steamboat line.

Mr. LA FOLLETTE. Aye; and as suggested by the Senator from Colorado, they did not stop with that, but, when they had consolidated transportation under the one single control of the New Haven Road through all that territory by land, what did they do next? They went out, in violation of the Sherman antitrust law and bought up all the water transportation from Maine to New York. They swept the sea of any competition, gathered it into the control of the same organization—

Mr. WEEKS. Mr. President—

Mr. LA FOLLETTE. I am not prepared to yield yet. I will yield when I get to a good resting place.

Mr. WEEKS. I am afraid I will forget some of the misstatements the Senator is making.

Mr. LA FOLLETTE. Take them down; but do not interrupt me to interject remarks into my speech improperly and in violation of the rules of the Senate. The Senator knows his rights.

Mr. WEEKS. I do.

Mr. LA FOLLETTE. I say to you, Mr. President, that there came no protest from the Senator from Massachusetts or from the Senator from Rhode Island or from any other Senator from New England while this iniquity was going on in that great section of this country, which subjected all the shippers of manufactured products to a monopoly that enabled the railroad to exact what rates they pleased. The testimony taken by the Interstate Commerce Commission is that they advanced the rates and reduced the service. Those two things always follow when monopoly controls. I care not whether it is monopoly in manufacture or monopoly in transportation, two things logically result: First, an advance in rates. Why? They have the power. Second, the deterioration, if it be a manufactured product, in the quality of the product. Why? Because they have a monopoly and can make the article as poor as they please, and the public, obliged to buy of them, must pay the price. If it be a public-service company, there follows an advance in rates and a deterioration in the service. That is what the shippers of New England complained of in the mass of testimony, a copy of which I have in my possession and have had for years, taken by Mr. Prouty, a member of that commission, and the other members of the commission, who conducted the inquiry in New England at that time.

Mr. President, that was not all that the people of that community suffered. Monopoly, in its greed to be a monopoly, in reaching for power to squeeze the public, does not hesitate at the price which it pays to achieve monopoly; and this New Haven organization paid grossly excessive prices for the various transportation properties which it absorbed, not under its own name always—oh, no; the absorption of the steamboat companies would be made under another name, and the absorption of the trolley, electric, and traction companies under another name. But you found, Mr. President, the evidence of the community of ownership of all these institutions in the interlocking directories; and when investigations came, the investigations conducted by the Interstate Commerce Commission down in Boston and elsewhere in New England, the investigations conducted by the Interstate Commerce Commission under the resolution introduced by the Senator from Nebraska [Mr. NORRIS], who is giving me his attention—when all these investigations were made, Mr. President, it then became very apparent that—I will not say "extravagant," that does not fit the case—that reckless, criminal prices were paid for these properties. It made no difference, to those who were buying them, what they paid. One piece of railroad which the New Haven acquired, the name of which does not just at this moment come to me, of 15 miles, to complete its dominion over a certain territory, was paid for at the rate of \$250,000 a mile, as I remember.

Mr. NORRIS. The Westchester.

Mr. LA FOLLETTE. The Westchester, as the Senator from Nebraska suggests. What did they care if the public had to "pay the piper"? And when monopoly completes its dominion over any territory, its reign is absolute; the people are helpless.

Mr. President, the railroads of this great country have exactly the same history as the New Haven disclosed when it came to be investigated in court and investigated before the Interstate Commerce Commission.

The Frisco, the Rock Island, the Illinois Central—go where you will, throughout the land, if you had an investigation, and the cover had been ripped off, you would find the same scheme of public robbery. All this time we have had the Interstate Commerce Commission, to which the Senator from Nevada is so anxious to refer this question of wages, in order that we may get an equitable adjustment between the companies and the employees who are now some of them being compelled to sit in the cabs of their engines and hold on to the lever and the throttle, as shown by what I have read to you, a period sometimes of 65 hours, in violation of a law that is upon the statute books.

Now, if the Senator from Massachusetts would like to get in for a little while, I will yield. That will be quite satisfactory to me. Indeed, I think that is a better order of the day.

Mr. WEEKS. I think so myself.

Mr. LA FOLLETTE. I remember very well that the venerable Senator from Maine, Mr. Frye, said to me one time, in the closing days of his service upon this floor: "There can no

longer be, in the Senate of the United States, important debates upon any question. Speeches prepared with care"—I am not now speaking of my performance, I beg the Senators to believe—"can not be delivered coherently. Instead of arguments we have conversations, and they do not rise much above the level and importance of conversations in the cloakrooms."

I believe that it would contribute much to the dignity and the importance and the value of debate upon this floor if Senators were permitted to make their arguments as they are required to make them in court, where a connected argument contributes to the consideration which the court is to give to the case, and counsel who are to close make their notes upon the statements and the arguments, and follow with arguments against those which have been made.

Mr. LIPPITT. Mr. President, I hope the Senator from Wisconsin has not forgotten that he was going to yield to me. I notice that he agreed to yield to the Senator from Massachusetts, although I think I made a prior request.

Mr. LA FOLLETTE. I will yield to the Senator from Rhode Island if he desires it.

Mr. LIPPITT. I was only going to say—

Mr. BANKHEAD. Mr. President, will the Senator from Rhode Island yield to me for just a moment?

The VICE PRESIDENT. The Senator from Wisconsin has the floor.

Mr. LIPPITT. The Senator from Wisconsin is yielding to me. If it is agreeable to the Senator from Wisconsin—

Mr. LA FOLLETTE. I must yield to the Senator from Rhode Island first.

Mr. BANKHEAD. I just wanted to make an observation.

Mr. LA FOLLETTE. I will yield to the Senator from Alabama for the observation as soon as the Senator from Rhode Island is through.

Mr. BANKHEAD. The Senator from Rhode Island may consume the balance of the session. He may not give us an opportunity during this legislative day.

Mr. LA FOLLETTE. I think it would be courteous for me to yield to the Senator from Rhode Island if he desires to make his observations now.

Mr. LIPPITT. I should like to yield to the Senator from Alabama, but I will not take more than two or three minutes.

When I interrupted the Senator from Wisconsin he had made two statements which had been contradicted upon the floor. Instead of replying to those he started to make another statement in regard to the New Haven Railroad, in which he referred to the robbery of that road. It only occurred to me to suggest, in answer to that statement, that the directors of that road have been tried for those offenses and acquitted by a jury. He followed up that statement by saying that I had supported New Haven monopoly rates on this floor. The Senator is entirely in error in that statement, and he can find no occasion when I supported monopoly railroad rates. So far as I know I have never discussed on this floor the rates that were charged by the New Haven Railroad.

He then followed up that statement by the assertion that the New Haven road, after having absorbed all the trolleys in New England, had proceeded to absorb all the water transportation in New England, and that it was done in violation of the Sherman law. I wish to say to the Senator from Wisconsin that practically all of the water transportation of the New Haven road had been owned by it for years before the Sherman law was passed. Much of it dates from an ownership of 50 years. So far from being against the wishes of the people of New England, and so far from its being the fact that he has in his possession statements of the people of New England desiring that the connection between the railroad and the water transportation should cease, I will say to the Senator that practically every important shipping interest in New England has petitioned the Interstate Commerce Commission to keep intact the relations between water and rail transportation in New England; and a resolution to that effect was passed by a unanimous vote of the Legislature of Rhode Island.

I have seldom heard in 10 minutes so many incorrect statements made upon this floor as I have listened to within the last 10 minutes. They have been contradicted not only by me but by two other Senators. The Senator from Wisconsin thinks he should be allowed to continue indefinitely to make statements of this sort. I have no doubt it would be very convenient for his argument to do that, but I think it does not tend to clarify the argument, or tend to any useful result.

Mr. LA FOLLETTE. Mr. President, it is always the device of those who have the weaker side to inject into a discussion a denial, on the theory that one Senator's denial is as good as another Senator's statement. The Senator from Rhode Island has stated that the New Haven has always owned a majority

of these water transportation lines. I put my statement against his, and I tell him that he has not stated the fact. I put into the CONGRESSIONAL RECORD the acquirement of the lines, naming them, naming the time when they were acquired; and I say to the Senator from Rhode Island—and it is sufficient answer to anything else he says—that the original complaint filed against the New Haven Railroad for violating the Sherman antitrust law charged the acquiring of these water lines as a violation of that law.

Mr. LIPPITT (from his seat). They were mistaken.

Mr. LA FOLLETTE. They were not mistaken; and Mellen came to the White House, after the complaint was drawn in which they were included, and persuaded Roosevelt, as President, to have them taken out of the complaint. He testified to that fact before the Interstate Commerce Commission in its most recent investigation of these affairs. The effect of taking that out of the complaint so weakened the complaint that when the administration changed and Taft came in, Wickersham gave it as his reason for dismissing the case against the New Haven.

Those are the facts. The New Haven did not own those lines. It bought them to get a monopoly; and the records of the courts and the records of the transactions disprove the statements of the Senator from Rhode Island.

I can not at this moment, after two or three years, without delaying the proceedings of the Senate, put my hand upon the Record in which the Senator from Rhode Island stood up here and denied that there was any monopoly control of rates, and defended the rates that the New Haven monopoly was then inflicting upon the people of New England; but it is to be found in the Record—

Mr. LIPPITT. Not from me.

Mr. LA FOLLETTE. From the Senator from Rhode Island, as is the defense made at the same time. I put my statement against that of the Senator.

Mr. LIPPITT. Mr. President, I rise to a question of personal privilege.

The VICE PRESIDENT. The Senator will state it.

Mr. LIPPITT. It is not within the function of any Senator to get up and say that statements I have made are false without at least giving me the opportunity to reply to him. The facts of the case are that what I was talking about was the ownership of the steamship lines by the New Haven Railroad, and not a discussion of railroad rates that were paid or a defense of them.

Mr. LA FOLLETTE. Mr. President, I have not the Record at hand. My recollection of it is very distinct. I can only put my statement against that of the Senator. I know that I was charging at the time on the floor that the New Haven had a monopoly of transportation in the New England section, and the Senator from Rhode Island and the Senator from New Hampshire denied the statement and said that nobody in New England was complaining of transportation conditions, when, at the very time, there was sitting in Boston a section of the Interstate Commerce Commission—Commissioner Prouty—taking testimony; and more than 600 pages of testimony complaining about the monopoly rates and the bad service that this monopoly transportation company was furnishing were of record before that commissioner. Now, that is the fact about it.

Mr. LIPPITT. Mr. President, the Senator is perfectly correct when he says that I demonstrated to the Senate—

Mr. LA FOLLETTE. No; the Senator did not demonstrate anything. He simply denied the statement that I made, just as he is doing to-day.

Mr. LIPPITT. Well, then, I denied the statement that the Senator made, which was incorrect then and is now, that the New Haven had a monopoly of water transportation between New England and New York. I denied that then and I deny it now; but that is not a discussion of rates.

Mr. LA FOLLETTE. Mr. President, I can not prevent the Senator, so long as I extend to him the courtesy of the floor in my time, from continuing to make a misstatement as to what transpired at that time; but he does not give any strength to it by reiteration.

Mr. BANKHEAD. Mr. President—

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Alabama?

Mr. LA FOLLETTE. I will yield to the Senator now for just a moment. I wish to proceed as rapidly as possible.

Mr. BANKHEAD. I merely rise to call the Senator's attention to what happened yesterday evening when we were considering the unfinished business of the Senate, commonly called the Post Office bill. The Senator came to me and said that he was compelled to leave the city at an early hour in the evening—about 5 o'clock or half past 4—and asked me if I would not consent to allow the matter to go over without a vote until to-day,

To oblige him, as I always am glad to do, I did consent, and the Senate adjourned at that time. Now, I did that in the confident belief, and certainly with the hope, that when the Senator came into the Senate to-day he would be willing that the Senate should proceed with the consideration of the unfinished business which was interrupted yesterday evening to oblige him.

The situation is that we lost two hours yesterday and to-day we have lost five hours. The bill has not been touched upon. There has been no consideration of it at all. What I want to do is to appeal to the Senator, as I appealed successfully this morning to the Senator from Nevada [Mr. NEWLANDS], to postpone the further discussion of this subject until some future time and let us proceed for a little while with the consideration of the business that is properly before the Senate. I feel confident that he will do that.

Mr. LA FOLLETTE. When the Senator has concluded I will answer him.

Mr. BANKHEAD. I have concluded.

Mr. LA FOLLETTE. Then the Senator may resume his seat, and I will answer him.

Mr. BANKHEAD. I prefer to stand.

Mr. LA FOLLETTE. The Senator can scarcely expect to curtail the debate by making such a statement as he has made here. When the amendment was pending last night, when the Senator was sitting in the seat where the Senator from North Dakota [Mr. JOHNSON] now sits, I approached and asked whether or not there was to be a vote upon that amendment before the adjournment. He stated there would not be a vote upon it. I told him I was very glad to know it, because I was called from the Chamber to go to a train, and I wanted to vote upon it, but that if there was to be no vote upon the amendment before the adjournment I would feel free to leave. I did leave, and the debate continued. The Senate did not adjourn upon that statement of mine, and the Senator does not state the fact. The Senate continued in session for 30 minutes after I left the Senate Chamber.

Mr. BANKHEAD. Mr. President, I should like to make another—

Mr. LA FOLLETTE. Mr. President, I do not yield just now.

Mr. BANKHEAD. I—

Mr. LA FOLLETTE. Mr. President, I beg the Senator's pardon. I will yield a little later if he desires.

I left the Senate Chamber. I made no contract with the Senator from Alabama that there should be a vote to-day or at any other time upon the amendment pending. I simply said that I wished to vote upon it, and if it was to be voted upon that night I wanted to know it. I left the Chamber 30 minutes before the session ended, and the debate continued 30 minutes, and when the Senate got ready it adjourned.

Mr. President, I have not been at all responsible for the time consumed this afternoon. A matter has been injected into the RECORD that in my opinion was entitled fairly to an offset and to a statement of the other side. I have heretofore taken no time of the Senate upon the Post Office appropriation bill, and I shall conclude as speedily as I can, and the end of the observations I have to submit will be reached very soon unless I am interrupted.

I should be glad to have the attention of the Senator from Nevada [Mr. NEWLANDS], who has dwelt at length upon the greatly increased expense and burden to the railroads of the higher wages that they have to pay their employees. I say to him that the records of this Bureau of Railway Economics, together with the statistics furnished by the Interstate Commerce Commission, show that the labor cost per ton-mile unit of freight transportation is less to-day than it has been for a great many years. The reason for that is that one engine pulls three times the freight to-day that an engine did in 1907. [Reading:]

The Bureau of Railway Economics, speaking for the railroads, announces that the net operating income of the railroads of the United States for November, 1915, as compared with the same months for five preceding years, increased 45 per cent.

With the increased size of engines and length of trains and the improved devices for handling freight, labor costs the railroads less now—even though they pay more wages—than it did 20 years ago. The labor cost for an engineer per ton-mile unit was one and six-sevenths times greater in 1890 than in 1913.

Did you get that, Senators? The labor cost for an engineer per ton-mile unit was one and six-sevenths times greater in 1890 than in 1913.

Mr. President, I have additional material which I would be very glad to incorporate in the RECORD at this time, but I will reserve that material for another occasion should any effort be made later to refer the controversy between the employees and the railroads to the Interstate Commerce Commission.

Mr. WEEKS. Mr. President, I recognize the desire which the chairman of the Committee on Post Offices and Post Roads has to proceed with the consideration of this bill, and every

Senator must feel an equal desire to further the passage of the appropriation bills as rapidly as possible. Recognizing that feeling, I do not care to take the time to discuss a question which has nothing really to do with the pending amendment to the committee amendment of the bill.

I have, innocently enough, I think, afforded the Senator from Wisconsin an opportunity to do what he delights in doing—that is, scolding somebody and using superlatives. When I injected an innocent statement about what the public service commission of Massachusetts had done for 25 years, a statement which he did not attempt to controvert and which no one could deny, he took occasion to attack Massachusetts, the New Haven Railroad, and other matters which relate to the territory which I in part represent.

I am not going at this time to answer or make any comments upon that particular attack. I think I will adopt the policy which he has just announced, and at some future time, and I hope not very far in the future, take occasion to point out some of the errors in the numerous statements which he has made this afternoon, which, to my mind, can be demonstrated as being wrong in principle and wrong in fact.

Mr. POMERENE. Mr. President, the pending amendment is the one offered by the senior Senator from Iowa [Mr. CUMMINS], and I wish to present a few remarks concerning it.

I realize that for some years there has been a serious controversy between the Post Office Department and the railways of the country as to the method of compensation and the amount of compensation. This controversy has extended so long that it has given rise to serious doubt in the minds of Senators and Representatives in Congress as to what should be done, and it may be of interest very briefly to state the situation as I understand it.

Under the present law, the railroads are paid by the rule of weight, and this weight is determined once every four years. In August, 1912, Congress provided for the parcel post. Necessarily this has increased very largely the use of the railroads in distributing this class of mail matter. The Postmaster General in his last report estimated that about 1,000,000,000 parcels were distributed through the Post Office Department each year. If there were any irregularities and any injustice done to the railroad companies or to the Government before this parcel-post law was enacted, with this great increase in the uses of the railroads due to it those irregularities and this injustice must also have increased.

The question is, What plan shall be adopted? Shall the rule of weight continue? Or shall we adopt the rule of space, or a combination of the two? Students of the subject differ. I can understand how a very great injustice might be done under one rule of compensation if all the parcels mailed were ladies' bonnets. I can understand also how another great injustice might be committed if all the parcel-post packages consisted of metallic castings. Now, whether we shall have the one rule or the other, or a combination of the two, I, as one Senator, do not know, and I have not as yet heard an intelligent reason given in favor of the one at the expense of the other, or whether or not there should be a combination of the two.

I take it that this is one of the questions that ought to be determined by experts who have devoted a lifetime of study to the subject.

Now, what are the alternatives that are presented to us? The House in the measure which it has recently passed, and which is now in its amended form pending before the Senate provides the rule of space, but apparently the Members of the House were not contented with this rule, because they have conferred upon the Postmaster General the authority to increase the compensation which may be paid, if in his judgment for any reason that compensation may not be enough, and that increase is to be reported to Congress.

Mr. HARDWICK. If the Senator will pardon me, the House also provided for an appeal to the Interstate Commerce Commission.

Mr. POMERENE. I was just proceeding to that very point. More than that, they cast discredit upon the plan they have adopted by saying we will not only give to the Postmaster General the authority to increase the compensation but we further discredit him by providing that this whole matter shall be referred to the Interstate Commerce Commission. Then they are not content with that course. They would have the findings of the Interstate Commerce Commission reported back to Congress for their further investigation; with the study they have already given, covering a period of months, they have not come to a conclusion which is even satisfactory to themselves. Now, the matter comes to the Senate and it is referred to the Senate Committee on Post Offices and Post Roads. After deliberating upon this subject, giving it every attention, and

with a sincere desire, I have no doubt, to properly solve the problem so as to do exact justice between the Government and the railroads, they provide not a method of compensation but they say that *the present method of weight* shall continue until this matter shall be investigated by the Interstate Commerce Commission, and then their conclusions shall not be controlling, but they shall come back here to Congress for the purpose of further investigation.

The course of this legislation has demonstrated, to my mind, very clearly that with all the information this committee has been able to gather they are not satisfied with the present law, and they are not able to determine what would be a fair compensation between the railroads and the Government.

Now, the Senator from Iowa presents his amendment, and in my judgment it more nearly meets the situation than any other proposal which has been presented to this Chamber or to the other House. What is it? In brief, it is that this subject shall be referred to the Interstate Commerce Commission; that they shall call before them the Postmaster General and the representatives of the railroads and let each side present their case; and then the commission shall determine what shall be a just method and amount of pay as between the Post Office Department and the railroad companies.

I take it for granted that there is not a Member of this Chamber who wants the railroads to be either overpaid or underpaid. We ought to arrive at an exact figure which would give them a reasonable compensation for the service they are rendering to the Government, and that the Government and the people will cheerfully pay.

But, Mr. President, it has been suggested in my hearing several times that there is a very serious objection to this course, growing out of the fact that we are delegating a legislative power to a commission. I recognize the fact that we may go to extremes along that line, but we did not hesitate to delegate the power of legislation, if it is properly so called, to the Interstate Commerce Commission to determine the rates as between the railroads and shippers and passengers. This tribunal was created by the Congress of the United States as a court to which passengers and shippers and the railroads could go to have their grievances redressed; and, humanly speaking, it is as capable as any other tribunal in the determination of questions of this character, because it was first built for that purpose, and it has been filled with and surrounded by men who are expert upon the subject.

We recognize the fact that in all freight matters there are classifications. They may depend in part upon weight, in part upon space, in part upon the value of the thing shipped. The determination of questions of this character is not new to them. They, in my judgment, can arrive at a right conclusion more nearly than we who are not expert upon the subject.

Is the Congress of the United States in a position where it can say to every shipper and to every railroad as between the two the charge for your shipment shall be controlled by the judgment of this tribunal and then in the next breath take the position that we have no confidence whatever in the judgment of this tribunal when it comes to a determination as to what the Government shall pay for services which may be rendered by the railroad companies for the Government?

Mr. President, the only difference, it seems, between the suggestion which is made by the Senate committee and the Senator from Iowa is this: The Senate committee would have the findings of that commission turned back to the Congress for the purpose of approving or disapproving them or of modifying them in whole or in part. The Senator from Iowa says that the findings of this commission ought to be conclusive for the time being. But he goes on further and says that if within six months thereafter or subsequently it shall appear either that the Post Office Department or the railroads themselves are dissatisfied with the rates which have been prescribed by the Interstate Commerce Commission, then there can be a reinvestigation and a new finding.

It seems to me that if we have faith in this tribunal to fix rates for transportation both of passengers and freight we ought to be willing to abide by its judgment when it comes to that portion of the freight which is transported for the Government and which we call mail.

Mr. President, without meaning any reflection whatever upon any Member of the House or the Senate, I do not see how there can be any serious objection made to the suggestion embodied in the amendment of the Senator from Iowa. We do not have the expert knowledge which will enable the Senate to decide this question. The committee in charge has not furnished it. The members admit they have not been able to get it. They suggest the reference of the subject to the Interstate Commerce

Commission, which can get it. Let their conclusions be controlling, or at least until we get better light, and we can then change the rates to be paid. I hope the amendment of the Senator from Iowa will prevail.

Mr. BANKHEAD. Mr. President, I should like to have the attention of the Senator from Iowa [Mr. CUMMINS]. I want to ask the Senator from Iowa if he will not be willing to accept a modification of his amendment on page 2, beginning in line 2, after the word "therewith," to read as follows:

And prescribe the method for the annual ascertainment of such rate or compensation?

Mr. CUMMINS. Mr. President, may I ask if the amendment would then read "and the service connected therewith and prescribe"—what?

Mr. BANKHEAD. It would read "and prescribe the method for the annual ascertainment of such rate or compensation." That is, when they are considering this matter and determining what is a fair and just rate, they may prescribe a method of ascertaining hereafter what it should be.

Mr. CUMMINS. In the understanding of the Senator from Alabama, would that have the effect to give to the department the power to change the rate from year to year?

Mr. BANKHEAD. No. This refers to the Interstate Commerce Commission, and not to the department.

Mr. CUMMINS. Will the Senator please read the amendment as proposed to be modified?

Mr. BANKHEAD. As proposed to be modified, the amendment would read as follows:

The Interstate Commerce Commission is hereby empowered and directed to fix and determine from time to time the fair and reasonable rates and compensation for the transportation of such mail matter and the service connected therewith and prescribe the method of the annual ascertainment of such rate or compensation and to publish the same, and orders so made and published shall continue in force until changed by the commission after due notice and hearing.

That is the modification of the amendment which I submitted to the Senator from Iowa a few days ago.

Mr. CUMMINS. I am not quite able to comprehend just what the modification of my amendment proposed by the Senator from Alabama would accomplish. I will read it for my own enlightenment.

And prescribe the method—

"Prescribe the method" for whom?

Mr. BANKHEAD. Prescribe it for themselves; determine for the railroads and for the department itself; it is a general prescription to determine the method for the annual ascertainment of such rate or compensation; that is, if under the provisions of the Senator's amendment the department or the railroads should conclude that the rates were not exactly fair and just there might be a rehearing, a reascertainment; and while they have made this rate and put it into effect, at the same time they can prescribe the method by which a rehearing or a refixing of rates may be determined.

Mr. CUMMINS. If the Senator from Alabama will observe, the amendment itself provides that—

Either the Postmaster General or any carrier may at any time after the lapse of six months from the entry of the order assailed apply for a reexamination, and thereupon substantially similar proceedings shall be had.

Mr. BANKHEAD. That is true.

Mr. CUMMINS. Is it in the Senator's mind that the commission shall determine whether the compensation shall be based upon space or upon weight?

Mr. BANKHEAD. They may do either.

Mr. CUMMINS. Is that the thought in the Senator's mind?

Mr. BANKHEAD. Yes; they may do either. When they are fixing the rate under the provision, they may fix it on weight or space or a combination of the two or in any other method.

Mr. CUMMINS. I think I suggested to the Senator from Alabama that I saw no objection to his suggestion; but I did not then understand it just as he now proposes it. When the commission shall have fixed the rate or fixed the compensation, it must necessarily have prescribed a method. How could it fix the compensation without prescribing or adopting a method?

Mr. BANKHEAD. They have absolutely done that when they first fix the rate; but if there shall be an occasion for a change of those rates on an application of the department or of the railroads, it is believed that the matter might be very much simplified by some regulation of this sort.

Mr. HARDWICK. Mr. President, if the Senator from Alabama will yield to me, I think I can give the Senator from Iowa an instance in which this language would probably apply. If the commission should determine upon a system of weights, we will say, that would mean annual weighing; that is all. That is what it means as nearly as I can understand it.

Mr. CUMMINS. I assume, therefore, that it must mean that the commission is to prescribe a rule by which or through which the Postmaster General is to determine from time to time how much shall be paid. I am not sure about the scope of the language.

Mr. BANKHEAD. I do not think the matter is so important as to lead to a controversy over it.

Mr. CUMMINS. I am not, however, prepared to accept the suggestion just at this time.

Mr. BANKHEAD. There is another suggestion, Mr. President, that I should like to make, which is on page 3, line 6, of the amendment, immediately after the word "received," to strike out the words "by each carrier," so that it will read "to be received at such stated times as may be named in the order."

Mr. CUMMINS. I have no objection to that, Mr. President. In my opinion, it does not change the sense of the provision at all.

Mr. BANKHEAD. I think not.

Mr. CUMMINS. I am willing that those words shall be stricken out of the amendment.

The VICE PRESIDENT. The Senator from Iowa modifies his amendment to that effect.

Mr. BANKHEAD. Now, on page 4, I should like to suggest to the Senator this modification of the language of his amendment:

The existing law for the determination of mail pay shall continue in effect until the Interstate Commerce Commission under the provisions hereof fixes the fair, reasonable rate or compensation for such transportation and service and determines the method for the annual ascertainment of such rate or compensation.

That, however, is the same modification of the amendment to which the Senator objects, and I do not now insist upon it.

Mr. CUMMINS. I prefer to leave that matter in the hands of the Interstate Commerce Commission, for I can not conceive that the commission can fix the rate without prescribing the method of its procedure.

Mr. HARDWICK. If the Senator will pardon me, the commission should have some general rule and apply it everywhere.

Mr. CUMMINS. I am sure that the amendment gives the commission ample scope in that respect.

Mr. BANKHEAD. Now, on page 3 of his amendment, beginning in line 21, I should like to call the attention of the Senator from Iowa to this provision:

In the case of any carrier which has received directly or indirectly through succession a public-land grant, the value of the grant or donation shall not be considered in determining the value of the railway property.

Under the law as it is and has been for a number of years, Mr. President, when it is ascertained what these land-grant railroads are entitled to receive for carrying the mail, a 20 per cent reduction is made. I should like to ask the Senator from Iowa if, in his opinion, his provision here would be more satisfactory to the Post Office Department or to the Government than the present existing law, which is so well understood and which has been applied for so many years?

Mr. CUMMINS. Mr. President, it is impossible for me to see how a general law can be applied to a carrier and to a rate fixed for the carrier and subordinate the action of the commission to a contract. I have inserted that paragraph because, in my opinion, the value of property which has been contributed by the public through donations—a land grant or other such contribution—ought not to be considered in determining the value of the property which renders the public service.

I think it is the law now, but it is controverted by some very able students of the subject, and I want to put it beyond any controversy. Therefore I can not accept the suggestion that a certain named or prescribed deduction shall be made.

Mr. HARDWICK. Mr. President, if the Senator will pardon me for just a moment, under the existing law when the rates of railway mail pay are fixed for the railroads generally a 20 per cent deduction is made from the compensation paid the land-grant railroads; in other words, we give them 80 per cent of what we give a railroad which has had no land grant from the Government to aid in its construction. The language of the amendment of the Senator might give some trouble along this line. The amendment contains this provision:

In the case of any carrier which has received, directly or indirectly, through succession a public-land grant the value of the grant or donation shall not be considered in determining the value of the railway property.

Does the Senator mean by that the value of the grant for donation at the time the donation was made? It may be greatly enhanced, as the Senator knows, at the time when the valuation is made.

Mr. CUMMINS. That is another subject under dispute.

Mr. HARDWICK. I think the language of the amendment of the Senator leaves it in dispute.

Mr. CUMMINS. In the valuation proceedings now going forward in the Interstate Commerce Commission the railway companies claim that their rights of way, which have been immensely enhanced in value by reason of the development of the country, although given to them or to their predecessors by the Government, shall be valued upon the basis of the cost of reproduction—that is, the cost of acquiring a similar right of way at the present time. Under this rule they hope to very greatly, and, as I think, very improperly, increase the value of the property upon which the public must pay a reward. So far as this matter is concerned, I want to put that dispute at rest, and say that it is our judgment, at least, that they are not entitled to that value in making up the aggregate value of their property.

With regard to the deduction of 20 per cent, however feasible that might be as a matter of contract, if the commission fixes a certain rate for the transportation of mail over a railroad which has received a donation or contribution from the Government, I do not believe it is within our constitutional power to say that, because it has received something from the Government, its pay shall be reduced 20 per cent.

Mr. HARDWICK. If the Senator will allow me to interrupt him right there, every one of these grants contained such conditions. It is a matter of contract between the Government and the railroads. They agreed to carry the mail, I think in most cases, at such rates as the Postmaster General might prescribe.

Mr. CUMMINS. Originally that is, but not from year to year.

Mr. HARDWICK. No; but when the grants were made a condition of that sort was inserted as a matter of contract. I do not think there will be the slightest trouble of the character suggested by the Senator.

Mr. CUMMINS. Mr. President, I have no objection to excepting any contract of that sort from the operation of this amendment, but I do not believe it could be imposed as a matter of law.

Mr. BANKHEAD. Mr. President, I do not think there can be any doubt about the fact at all that the arrangement whereby 20 per cent is deducted from the gross payment to the land-grant railroads is a matter of contract, and my recollection is that it is included in the grant itself.

Mr. HARDWICK. It is in the franchise.

Mr. BANKHEAD. It is in the franchise; and it is also true that the Union Pacific and some of the other land-grant railroads have a similar contract with reference to the transportation of troops.

Mr. CUMMINS. I did not have that thought in mind, and I will be perfectly willing to accept an amendment which will provide that no railroad which enjoyed a land grant shall receive more than it has agreed to receive under the grant.

Mr. HARDWICK. Mr. President, if the Senator will excuse me just a moment, of course the manner in which he has used the word "value" in the amendment might leave open that whole controversy about whether value at the time the grant was made is meant or the present value of the property granted. Why is it not safer to follow the plan now followed by the existing law, which is based on contract in every case, and merely to make a 20 per cent deduction in the case of these railroads?

Mr. CUMMINS. Simply because I do not believe it would be constitutional. I do not believe we have the power to pass a law of that kind.

Mr. HARDWICK. Congress has done it, and it has been sustained. I do not say that the Supreme Court of the United States has passed on it, for the railroads in question have not been in a position to controvert it, because in the franchises which they were granted as a condition of the grant they made an agreement which warranted and authorized that provision.

Mr. CUMMINS. As I said a moment ago, I am entirely willing to accept an amendment that shall retain the full benefit of the contract made under the land grants, and if the Senator from Alabama and the Senator from Georgia will offer such an amendment, I will have no objection to it.

Mr. HARDWICK. I think we can perfect an amendment in the language of existing law providing generally in the case of land-grant railroads that a deduction shall be made of 20 per cent, as now authorized by law. That is what ought to be done.

Mr. CUMMINS. I think that will be satisfactory; but the amendment suggested by the Senator from Alabama does not contain that provision.

Mr. HARDWICK. No; it does not cover that.

Mr. STERLING. Mr. President—

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

Mr. CUMMINS. I do.

Mr. STERLING. I should like to suggest an amendment to the amendment of the Senator from Iowa. It seems to me that the question as to the basis of compensation should be embodied in the amendment proposed by the Senator. I do not think it is so embodied in terms, nor do I think it was quite embodied in the amendment proposed by the chairman of the committee [Mr. BANKHEAD]. It is a proposition, of course, that has been considered by various commissions for the last 35 or 40 years. I refer to the space or the weight system, or a combination of the two. I will indicate where I think such an amendment ought to be made in the amendment of the Senator from Iowa. Beginning in line 7, on page 1, I would have the paragraph read:

The Interstate Commerce Commission is hereby empowered and directed to fix and determine from time to time—

Now, interline the following:

upon such basis as to space or weight, or a combination of the two, as to it may seem just—

Then, following, the language of the Senator's amendment—the fair and reasonable rates and compensation for the transportation of such mail matter—

And so forth.

Mr. CUMMINS. Of course, Mr. President, that raises the same question presented by the amendment suggested by the Senator from Alabama. I can not conceive how the Interstate Commerce Commission can fix the compensation or rate of compensation without adopting either the weight or space basis, or both, and possibly other factors as well.

Mr. STERLING. But let me say to the Senator that heretofore and up to the present time the compensation has been based on weight. The Interstate Commerce Commission might say, "We will consider no other factor than weight in determining the compensation." I should like to see the amendment in such terms as to call upon the Interstate Commerce Commission to consider other factors as a basis for the compensation.

Mr. CUMMINS. I have no objection to an amendment which will require the commission to consider the various bases and other factors as well. I do not want to confine the commission to the space theory or the weight theory, or to a combination of both, because there are other factors. For instance, much will depend upon the speed of the train, the character of the train, and the character of the car. All these things must be taken into account in determining the compensation.

Mr. HARDWICK. They can consider that. The Senator from South Dakota is right, I think, in suggesting to the Senator that it will improve his amendment to provide that the Interstate Commerce Commission shall adopt some system of determining rates, and then shall determine what rates are proper under the system they do adopt. I suggest to the Senator from Iowa the language of the committee amendment, because it is very carefully worked out on that point and meets all the objections he has just urged. Let me read it:

The commission shall also hold hearings and thoroughly investigate the so-called "space" plan and the so-called "weight" plan of railway mail pay, and any combination of the two, and any other plan that may seem to afford an accurate and fair basis for determining what compensation is just and reasonable, both to the Government and the railroads, for the carrying of the mails.

If that language were inserted, I do not think there could be any objection of that sort to it.

Mr. CUMMINS. But that language was intended to apply to a plan that involved a report to Congress on the part of the commission.

Mr. HARDWICK. It can be drafted, though, just as well in the form of an amendment to this.

Mr. CUMMINS. I shall be very glad to look over any amendment; but I think that needs to be rather carefully stated.

Mr. VARDAMAN. Mr. President, I desire to ask the Senator from Iowa a question. As I understand, the Senator's amendment does not prescribe any plan upon which the mail shall be carried. It leaves that entirely with the Interstate Commerce Commission to determine.

Mr. CUMMINS. No; it does not. It leaves it entirely with the Postmaster General. The Postmaster General is to file an application with the Interstate Commerce Commission setting forth the service which he desires, the character of the trains or cars or the speed of the train, the conditions of the service; that is to say, what supplemental service is required from the railway companies with regard to it. All these things are to be determined by the Postmaster General and embodied by him in a petition or application to the Interstate Commerce Commission. Then a hearing ensues, and the commission deter-

mines what the service which the Postmaster General requires of the railway companies is worth; that is, the fair compensation for that service.

Mr. VARDAMAN. It is not left discretionary with the commission to suggest a different service which might be less expensive?

Mr. CUMMINS. No; there is no such authority given in this amendment for the suggestion of a different service. I have assumed that the Post Office Department is the proper department to determine what service is required for the advantage of the people, and I leave it with the Interstate Commerce Commission to say what the Government shall pay for that service.

Mr. VARDAMAN. For the service prescribed by the Postmaster General? I think the commission ought to be permitted, if it is going to be charged with the investigation of this matter at all, to suggest as to the best plan or mode of carrying the mail.

Mr. STERLING. Then, Mr. President, under the theory of the Senator from Iowa, the Postmaster General would be left to settle himself this very much mooted question as to whether we should have the space or the weight system.

Mr. CUMMINS. Not at all; because the space theory and the weight theory are simply factors or standards that are used to determine compensation. They do not relate at all to the character of the service. The Postmaster General desires a 60-foot car on a passenger train or a storage car on a passenger train. Now, whether it is to be paid for according to its weight or whether it is to be paid for according to the space occupied is entirely immaterial so far as the commission is concerned. The commission is simply authorized to say what the Government shall pay for that car moved a certain distance. It may say that it ought to be paid for according to the weight in the car; it may say that it ought to be paid for according to the space that is put at the service of the Government; but it is not a substantive matter. It is simply a part of a process used to ascertain what the compensation shall be.

Mr. HARDWICK. Mr. President, if the Senator will yield now, I think I have this thing drafted so that we can at least submit the idea. I agree entirely with the Senator from South Dakota about this matter. One of the great controversies is as to what system or plan you are going to adopt, and there can be no just determination of rights unless that preliminary question and more general question be first settled—according to my opinion, at least.

Now, let me suggest this—I have drafted it exactly as it appears—I suggest striking out the words in the Senator's amendment, after the word "determine," in line 8 of the first page, "from time to time" and inserting the following:

What system of fixing the rates for railway mail pay is just and reasonable, whether the so-called space plan or the so-called weight plan, or any combination of the two, or any other plan or system that may seem to afford an accurate and fair basis for determining what compensation is just and reasonable both to the Government and to the railroads for carrying the mail, and what are fair and reasonable rates and compensation—

Following the Senator's language. In other words, I would first, if we should put it exactly as I have drawn it there, require them to determine what is the system or plan that they are going to adopt, not confining them to any one plan, not even to one of the two that are most generally discussed, but let them determine which system they will apply, and what are just and reasonable rates under that system. Would the Senator be willing to do that?

Mr. CUMMINS. I will ask the Senator please to read it again, so that I may get the connection.

Mr. HARDWICK. All right. I will start with the Senator's amendment and read just a word or two; then I will read it as it would be amended when I get through. I am reading from the Senator's amendment now:

The Interstate Commerce Commission is hereby empowered and directed to fix and determine what system of fixing the rates for railway mail pay is just and reasonable, whether the so-called space plan or the so-called weight plan or any combination of the two or any other plan or system that may seem to afford an accurate and fair basis for determining what compensation is just and reasonable both to the Government and to the railroads for carrying the mail, and what are fair and reasonable rates and compensation thereunder—

I would insert the word "thereunder"—

for the transportation—

And so forth.

Now, if the Senator will pardon me, I will try to elaborate that just a little.

Mr. CUMMINS. I shall be very glad to hear the Senator.

Mr. HARDWICK. The reason why I suggest that is this: It might be that the Post Office Department would submit to the Interstate Commerce Commission only one plan under the

Senator's amendment, as it stands now. That is a matter of great consequence—whether the weight plan is right, or whether the space plan is right, or whether a combination of both might not be better, which is somewhat larger. By this amendment I would require the Interstate Commerce Commission to pass, first of all, on the preliminary and general question as to what plan or system they are to adopt; and then, having determined that general and preliminary question, I would go on, as the Senator does, and require them to determine what are just and reasonable rates under whatever plan or system they do adopt.

Mr. CUMMINS. Mr. President, to me the proposition seems illogical. The Postmaster General is not given the authority to determine anything about the space plan or the weight plan, or which plan he prefers. The Postmaster General is to say to the Interstate Commerce Commission what service he wants; and it is immaterial to him, under this view of it, whether the Interstate Commerce Commission requires that service to be paid for by space or by weight. I can not conceive how the Interstate Commerce Commission can fix or determine compensation without first determining the basis on which the compensation is to be adjusted.

Mr. HARDWICK. If the Senator will pardon me again, I quite agree with the Senator; and yet the thing that he can not believe there is any trouble about is where all the trouble comes. The railroads say that the plan of the Post Office Department is to force them to a space basis, so that they may load a given amount of space with an unlimited quantity of merchandise, or one limited only by the space, and divert a great deal of their light traffic from ordinary private carriage into the Government parcel post. They insist that under those circumstances nothing is fair and just except the weight basis. Now, I am not indorsing that contention, but I am showing the Senator how it is absolutely necessary to determine how much of that contention is sound and how much of it is unsound before you can go into the more specific question as to what rates are reasonable and just. They say that a space system will do them grave injustice and will ruin a great many of the smaller railroads of the country.

Mr. CUMMINS. Mr. President, I am utterly unable to see just the bearing of the proposed amendment. This is referred to the Interstate Commerce Commission. The Interstate Commerce Commission has up for consideration the inquiry: "How much shall the Government pay for a post-office car or a storage car per mile or per hundredweight in the car?" Now, the Interstate Commerce Commission must adopt a compensation for the service which is based upon some theory. If it adopts the space theory, it will say, "The Government must pay so much for every mile which the car passes over."

Mr. HARDWICK. For a certain amount of space.

Mr. CUMMINS. If it adopts the weight basis, it must say, "The Government shall pay so much per hundredweight in a car transported over a given distance." The Senator is asking that the commission be given the power, theoretically, to adopt one basis or the other.

Mr. HARDWICK. If the Senator will pardon me, I hate to bother him, but we get at the truth better in this way. There is one trouble about that. The reason why it is necessary to specify these things is that under the existing law, which will not be repealed by this amendment of the Senator's nor by the Post Office bill, weight is the only basis adopted. Therefore the commission, in the absence of some sort of legislation on the subject, might feel that they have no right to do anything except to adopt the weight basis; and we do not want them to feel that way.

Mr. CUMMINS. That is the only consideration which appeals to me at all.

Mr. HARDWICK. I want to leave them the full liberty to adopt whichever plan they think is best, and I am afraid they might not have it under existing law as the Senator's amendment stands.

Mr. CUMMINS. I am inclined to say that I have no objection to that amendment.

Mr. HARDWICK. We will try to put it in better shape overnight.

Mr. BRYAN. Mr. President—

The VICE PRESIDENT. Will the Senator from Georgia send the amendment to the desk?

Mr. HARDWICK. If the Senator is willing, I will try to do it in the morning. We are not going to vote on it this evening. I will try to draft it a little more carefully.

The VICE PRESIDENT. It has been so frequently modified that the Secretary has not the exact language of the amendment.

Mr. BRYAN. Mr. President, I offer an amendment to the pending bill and ask that it may be printed.

The VICE PRESIDENT. The amendment will be printed. The pending amendment is the amendment of the Senator from Iowa.

Mr. BRYAN. I offered an amendment, Mr. President. I think it would be the pending amendment now.

The VICE PRESIDENT. The Chair has no knowledge on that point save that the Senator from Florida offered an amendment and asked that it be printed and lie on the table.

Mr. BRYAN. I asked that the amendment be printed. I did not suppose that would prevent it from being read. The amendment is to the pending bill, but it is an amendment to the text of the bill.

Mr. HARDWICK. But it is not in order to displace the other one.

Mr. BRYAN. It has to be voted on first, as I understand.

The VICE PRESIDENT. Is it to the text of the bill?

Mr. BRYAN. It is.

The VICE PRESIDENT. The Secretary will read it.

Mr. HARDWICK. So is the amendment of the Senator from Iowa, if the Chair please.

The VICE PRESIDENT. No; it is to the text of the substitute.

The SECRETARY. It is to the part proposed to be stricken out.

The VICE PRESIDENT. The amendment of the Senator from Florida has precedence, if it is to the House text.

The SECRETARY. On page 54 it is proposed to strike out lines 6 to 26, inclusive. The committee amendment does that.

Mr. BRANDEGEE. Mr. President, are we not now taking up the bill for committee amendments?

The VICE PRESIDENT. Yes; we are considering committee amendments; but the pending committee amendment is an amendment which strikes out a portion of the text, and the rule surely is that where amendments are offered to the text—

Mr. BRANDEGEE. Is this amendment offered to that part of the text which it is proposed to strike out?

The VICE PRESIDENT. It is.

Mr. BRANDEGEE. Oh, very well.

The SECRETARY. On page 54 it is proposed to strike out all of lines 6 to 26, both inclusive, as the committee proposes to do, and in lieu thereof to insert:

The Interstate Commerce Commission is hereby directed to hold hearings and to make a thorough investigation of the justness and reasonableness of the rates of railway mail pay fixed under this section, and if it finds that they are not just and reasonable for the service performed for the Government by the railroad mail carriers it shall make findings of what rates are just and reasonable and shall certify such findings to the Postmaster General, who shall adopt such rates, and, where greater or less than the rates fixed under this section, shall readjust the compensation of the carriers in accordance therewith. No change shall be made in the rates fixed by the Interstate Commerce Commission except by the commission after investigation, which shall be made only upon application of the Postmaster General or the representatives of railroads with an aggregate mileage of at least 25 per cent of the mileage of the railroads carrying mails.

Mr. VARDAMAN. Mr. President, a parliamentary inquiry. What is that amendment? Where is it to come in the bill?

The SECRETARY. It is in lieu of the matter proposed to be stricken out on page 54, beginning with line 6 and ending on line 26.

Mr. HARDWICK. I raise a question of order on the amendment proposed by the Senator from Florida, that, not being a committee amendment, being merely an amendment to the text of the House bill, it is not in order until the committee amendments have been disposed of.

Mr. BRANDEGEE. The pending committee amendment does not commence until page 55.

Mr. BRYAN. This part of the bill is not a committee amendment.

Mr. HARDWICK. It is the House text which the committee proposes to strike out.

Mr. CUMMINS. I rise to a question of order, that the amendment offered by the Senator from Florida is not in order until the pending amendment is disposed of.

The VICE PRESIDENT. The Chair is not in possession of a copy of the bill. Where does the amendment of the committee begin?

Mr. BRANDEGEE. The part for which the amendment of the Senator from Iowa is a substitute is stated on the face of it. It begins at line 1, page 56, and goes to line 11, page 57.

Mr. BRYAN. I am relying on Rule XVIII of the Senate.

Mr. VARDAMAN. The amendment of the Senator from Florida is an amendment to the amendment of the committee.

Mr. HARDWICK. No; it is not.

The VICE PRESIDENT. As the Chair gets this matter, the committee amendment starts in by striking out, commencing after the word "directed," in line 22, on page 42, all the House text down to and including the word "section," in line 5, on page 55, and in lieu thereof it proposes to insert, commencing at

line 6, page 55, down to the end of the bill. The amendment of the Senator from Iowa, of course, is an amendment which is directed to the portion proposed to be inserted by the committee amendment, but the amendment of the Senator from Florida is to the original House text, and under the rule of the Senate it must be in order, because the Senate has a right to perfect the part proposed to be stricken out before it can vote upon the part proposed to be inserted.

Mr. BANKHEAD. Is that question now disposed of?

The VICE PRESIDENT. The ruling of the Chair is disposed of, that the amendment of the Senator from Florida is in order and is now pending.

EXECUTIVE SESSION.

Mr. BANKHEAD. I understand the Senator from Florida does not intend to press consideration of his amendment tonight, but simply wishes to have it printed and pending, to go over until to-morrow. In that case 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 10 minutes spent in executive session the doors were reopened.

RECESS.

Mr. STONE. I move that the Senate take a recess until to-morrow morning at 11 o'clock.

The motion was agreed to; and (at 6 o'clock and 12 minutes p. m.) the Senate took a recess until to-morrow, Friday, June 23, 1916, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate June 22, 1916.

RECORDER OF DEEDS, DISTRICT OF COLUMBIA.

John F. Costello, of the District of Columbia, to be recorder of deeds for the District of Columbia.

PROMOTIONS IN THE ARMY.

QUARTERMASTER CORPS.

Maj. Herbert M. Lord, Quartermaster Corps, to be lieutenant colonel from March 4, 1913, vice Lieut. Col. Beecher B. Ray, whose recess appointment expired by constitutional limitation March 3, 1913.

Maj. Robert S. Smith, Quartermaster Corps, to be lieutenant colonel from March 27, 1914, vice Lieut. Col. George F. Downey, promoted.

MEDICAL CORPS.

Capt. Nelson Gapen, Medical Corps, to be major from May 26, 1916, vice Maj. Deane C. Howard, promoted.

CAVALRY ARM.

First Lieut. Robert F. Tate, Eighth Cavalry, to be captain from June 3, 1916, vice Capt. Francis Le J. Parker, Twelfth Cavalry, detailed in the General Staff Corps.

First Lieut. Sebring C. McGill (Cavalry), Signal Corps, to be captain from June 3, 1916, vice Capt. Harry N. Cootes, Thirteenth Cavalry, detailed in the General Staff Corps.

Second Lieut. Robert S. Donaldson, Thirteenth Cavalry, to be first lieutenant from June 3, 1916, vice First Lieut. Robert F. Tate, Eighth Cavalry, promoted.

COAST ARTILLERY CORPS.

Capt. Edward Kimmel, Coast Artillery Corps, to be major from June 12, 1916, vice Maj. Alston Hamilton, detached from his proper command.

Capt. John R. Proctor, Coast Artillery Corps, to be major from June 12, 1916, vice Maj. Robert E. Wyllie, detached from his proper command.

First Lieut. Clifford L. Corbin, Coast Artillery Corps, to be captain from June 12, 1916, vice Capt. Edward Kimmel, promoted.

First Lieut. Lloyd P. Horsfall, Coast Artillery Corps, to be captain from June 12, 1916, vice Capt. John R. Proctor, promoted.

First Lieut. Charles G. Mettler, Coast Artillery Corps (captain, Ordnance Department), to be captain from June 12, 1916, vice Capt. Philip H. Worcester, detached from his proper command.

First Lieut. Charles B. Gatewood, Coast Artillery Corps (captain, Ordnance Department), to be captain from June 12, 1916, vice Capt. Charles G. Mettler, whose detail in the Ordnance Department is continued.

First Lieut. Joseph H. Pelot, Coast Artillery Corps (captain, Ordnance Department), to be captain from June 12, 1916, vice Capt. Charles B. Gatewood, whose detail in the Ordnance Department is continued.

First Lieut. Morgan L. Brett, Coast Artillery Corps (captain, Ordnance Department), to be captain from June 12, 1916, vice Capt. James H. Pelot, whose detail in the Ordnance Department is continued.

First Lieut. Forrest E. Williford, Coast Artillery Corps, to be captain from June 12, 1916, vice Capt. Morgan L. Brett, whose detail in the Ordnance Department is continued.

Second Lieut. Charles N. Wilson, Coast Artillery Corps, to be first lieutenant from June 12, 1916, vice First Lieut. Clifford L. Corbin, promoted.

Second Lieut. Austin G. Frick, Coast Artillery Corps, to be first lieutenant from June 12, 1916, vice First Lieut. Lloyd P. Horsfall, promoted.

Second Lieut. Sydney S. Winslow, Coast Artillery Corps, to be first lieutenant from June 12, 1916, vice First Lieut. Forrest E. Williford, promoted.

MEDICAL CORPS.

To be captains in the Medical Corps with rank from June 7, 1916, after three years' service, under the act of Congress approved April 23, 1908:

First Lieut. Benjamin B. Warriner, Medical Corps.

First Lieut. William D. Herbert, Medical Corps.

First Lieut. Stephen H. Smith, Medical Corps.

First Lieut. George F. Lull, Medical Corps.

First Lieut. Charles C. Hillman, Medical Corps.

First Lieut. Sidney L. Chappell, Medical Corps.

First Lieut. Fletcher O. McFarland, Medical Corps.

APPOINTMENTS IN THE ARMY.

MEDICAL CORPS.

First Lieut. Frank Wiley Wilson, Medical Reserve Corps, to be first lieutenant in the Medical Corps, with rank from June 7, 1916, vice Capt. William H. Moncrief, promoted May 23, 1916.

PORTO RICO REGIMENT OF INFANTRY.

Arturo Moreno, of Porto Rico, to be second lieutenant in the Porto Rico Regiment of Infantry, with rank from November 25, 1910.

NOTE.—The person named is now serving as second lieutenant in the Porto Rico Regiment of Infantry under the name Arturo Moreno Calderon. This message is submitted for the purpose of changing the name of the nominee.

CHAPLAIN.

Rev. Edmond J. Griffin, of the District of Columbia, to be chaplain, with the rank of first lieutenant, from June 19, 1916, vice Chaplain Alexander P. Landry, Twelfth Cavalry, resigned May 25, 1915.

PROMOTIONS IN THE NAVY.

The following-named midshipmen to be ensigns in the Navy from the 3d day of June, 1916:

Henry M. Mullinnix,

Norman P. Earle,

Ralph E. Davison,

Don P. Moon,

Russell S. Berkey,

Robert C. Bourne,

George F. Hussey, jr.,

Thomas J. Keliher, jr.,

Osborne B. Hardison,

Hugo Schmidt,

Russell S. Hitchcock,

Clinton E. Braine, jr.,

Willis C. Sutherland,

Laurance F. Safford,

Arthur C. Miles,

William M. Fechteler,

Frank W. Wead,

Robert A. Awtrey,

Conrad A. Krez,

Charles A. Baker,

Tuthill Ketcham,

Donald M. Carpenter,

Harris K. Lyle,

Gerald F. Bogan,

Sidney E. Dudley,

Leon S. Fiske,

Earl M. Major,

William F. Loventhal,

Paul R. Glutting,

Harold M. Horne,

Walter E. Borden, jr.,

Arthur T. Emerson,

Arthur C. Geisenhoff,

Grover C. Klein,

William F. Boyer;
 Bartley G. Furey,
 Willard A. Kitts, 3d,
 Bertram J. Rogers,
 Carroll W. Hamill,
 John A. Terhune,
 Clinton H. Havill,
 Lew W. Bagby,
 Byron S. Dague,
 Lyman K. Swenson,
 Frank E. Beatty, jr.,
 Gail Morgan,
 Woodbury E. MacKay,
 Gilbert F. Bunnell,
 Stanton F. Kalk,
 Thorwald A. Solberg,
 Clifford H. Roper,
 Edward P. Sauer,
 Augustus J. Selman,
 John H. Carson,
 Milton O. Carlson,
 Robert B. Carney,
 Arthur W. Radford,
 George F. Martin,
 John A. Vincent,
 Bernard F. Jenkins,
 Boyd R. Alexander,
 Edwin S. Earnhardt,
 Edward L. Ericsson,
 Frederick B. Craven,
 Richard R. Claghorn,
 John M. Bloom,
 John E. Williams,
 Jesse L. Kenworthy, jr.,
 Webster M. Thompson,
 Albert E. Schrader,
 Louis R. Vail,
 William R. Casey,
 Dennis L. Ryan,
 Paul S. Goen,
 Harry Van C. Baugh,
 Andrew De G. Mayer,
 Arnold H. Bateman,
 Charles G. Halpine,
 Charles T. Joy,
 John S. Watters, jr.,
 Alva J. Moore,
 Walter W. Webb,
 Nelson N. Gates,
 Henry L. Phelps,
 Benjamin R. Holcombe,
 Archer W. Webb,
 Charles G. Berwind,
 John E. Reinburg,
 William L. Keady,
 Charles J. Wheeler,
 Theodore T. Patterson,
 John A. Sternberg,
 George P. Brewster, jr.,
 Samuel P. Ginder,
 Henry B. Broadfoot,
 Van H. Ragsdale,
 John Wilkes,
 Robert J. Walker,
 Robert B. Twining,
 Homer L. Grosskopf,
 William P. Bacon,
 Henry N. Fallon,
 Wilbur W. Feineman,
 Maxwell Cole,
 Bruce P. Flood,
 Henry J. White,
 Oscar W. Erickson,
 Gilbert W. Summers,
 Henry C. Merwin,
 James M. Steele,
 Arthur D. Burhans,
 Casper K. Blackburn,
 Amos B. Root,
 Thomas D. Warner,
 Paul W. Rutledge,
 T. De Witt Carr,
 Albert M. Rhudy,
 Charles P. Cecil,
 Calvin T. Durgin,

Humbert W. Zirolli,
 James A. Scott,
 Julius W. Simms,
 William E. Miller,
 George F. Chapline,
 Douglas C. Woodward,
 Armistead C. Rogers,
 John S. Roberts, jr.,
 John D. Price,
 Norman O. Wynkoop,
 James B. Ryan,
 William W. Schott,
 Sidney W. Kirtland,
 Walter B. Cowles,
 Joseph H. Lawson,
 Stanwix G. Mayfield, jr.,
 Richard E. Webb,
 Edwin F. Cochrane,
 Charles T. Gilliam,
 Gilbert C. Hoover,
 Thomas V. Cooper,
 Walter S. Carrington,
 Newbold T. Lawrence, jr.,
 Roy K. Jones,
 Martin B. Stonestreet,
 Heman J. Redfield,
 Richard H. Jones,
 Lowell Cooper,
 Linton Herndon,
 Andrew C. McFall,
 Leon F. Brown,
 Herbert S. Jones,
 Herbert J. Grassie,
 Robert N. Kennedy,
 Isaiah Parker,
 Carl H. Hilton,
 Chaplin E. Evans,
 James K. Davis,
 George D. Price,
 Cassin Young,
 Carlyle Craig,
 Knefler McGinnis, and
 James P. Compton.

Robert B. Greenough, a citizen of Massachusetts, to be an assistant surgeon in the Medical Reserve Corps of the Navy from the 25th day of May, 1916.

Asst. Surg. Charles P. Lynch to be a passed assistant surgeon in the Navy from the 19th day of February, 1916.

Asst. Civil Engineer Glenn S. Burrell to be a civil engineer in the Navy from the 17th day of March, 1916.

Asst. Civil Engineer Henry G. Taylor, with rank of ensign, to be an assistant civil engineer in the Navy, with rank of lieutenant (junior grade), from the 17th day of March, 1916.

Ensign Walter D. La Mont to be a lieutenant (junior grade) in the Navy from the 7th day of March, 1915.

Ensign Nelson W. Hibbs to be a lieutenant (junior grade) in the Navy from the 8th day of June, 1915.

Ensign Harold H. Little to be a lieutenant (junior grade) in the Navy from the 8th day of December, 1915.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 7th day of June, 1916:

James C. Jones, jr.,
 Adolph von S. Pickhardt,
 George W. Wolf,
 Frank L. Johnston,
 John A. Brownell,
 Chapman C. Todd, jr.,
 Paul Cassard,
 George M. Tisdale,
 Wilbur J. Ruble,
 Arthur G. Robinson,
 Frederic W. Dillingham,
 William W. Meek,
 Paulus P. Powell,
 Earl H. Quinlan,
 Clarke Withers,
 Leo H. Thebaud, and
 Gordon Hutchins.

The following-named ensigns to be assistant naval constructors in the Navy from the 7th day of June, 1916:

Everett LeR. Gayhart,
 George A. Andrews,
 Thomas M. Searles,
 Earl F. Enright, and
 Frederick G. Crisp.

First Lieut. Calvin B. Matthews to be a captain in the Marine Corps from the 2d day of June, 1916.

Second Lieut. George W. Van Hoose to be a first lieutenant in the Marine Corps from the 2d day of June, 1916.

The following-named midshipmen to be second lieutenants in the Marine Corps from the 3d day of June, 1916:

Walter H. Sitz,
William G. Hawthorne, and
Oscar R. Cauldwell.

MEMBER OF EXECUTIVE COUNCIL OF PORTO RICO.

José C. Barbosa, of Porto Rico, to take effect July 16, 1916. (Reappointment.)

REAPPOINTMENT IN THE ARMY.

QUARTERMASTER CORPS.

Maj. Gen. James B. Aleshire, Quartermaster General, to be Quartermaster General, with the rank of major general, for the period of four years beginning August 24, 1916, with rank from August 24, 1912.

APPOINTMENT, BY TRANSFER, IN THE ARMY.

Second Lieut. Louis A. Craig, Coast Artillery Corps, to be second lieutenant of Field Artillery, with rank from July 14, 1913.

Second Lieut. Charles L. Kilburn, Third Field Artillery, to be second lieutenant in the Coast Artillery Corps, with rank from July 14, 1913.

SECOND LIEUTENANTS IN THE QUARTERMASTER CORPS.

Under the provisions of section 9 of an act of Congress approved June 3, 1916, the pay clerks herein named, arranged alphabetically, for appointment as second lieutenants in the Quartermaster Corps, with rank from June 3, 1916:

Selden B. Armat.
Francis J. Baker.
Wallace F. Baker.
Stephen R. Beard.
Orva E. Beezley.
John Q. A. Brett.
George C. Brigham.
Dudley M. Brown.
Richard L. Cave.
Jerome Clark.
Eugene Coffin.
Lute E. Collier.
Edward T. Comegys.
Walter D. Dabney.
William F. Daughton.
William M. Dixon.
Guy R. Doane.
Charles B. Eckels.
George Z. Eckels.
Charles F. Eddy.
Edwin F. Ely.
Ed. N. Enders.
Clarence M. Exley.
Horace G. Foster.
Seymour H. Francis.
Otto W. Gralund.
Carl Halla.
James R. Hezmalhalch.
Joseph A. Hill.
Ernest P. Hoff.
Eugene O. Hopkins.
Henry S. Hostetter.
Percy G. Hoyt.
Charles R. Insley.
Franklin C. Kearns.
Montgomery T. Legg.
Claude J. Liebert.
William J. Lisle.
Elmer E. Lockard.
George F. Lovell.
James MacKay.
Alexander C. McKelvey.
William A. MacNicholl.
Herbert A. Main.
Frederick A. Markey.
James A. Marmon.
Alfred J. Maxwell.
Dana W. Morey.
Emmett C. Morton.
Frank T. Neely.
Erskine Neide.
David Nicholson.

Robert G. Nunan.
Arthur A. Padmore.
Frank E. Parker.
Thomas S. Pugh.
Horace G. Rice.
Frank H. Richey.
Harold G. Salmon.
Jerome F. Sears.
Frank B. Shelly.
Harrison W. Smith.
Hastie A. Stuart.
Will T. Taber.
Louis M. Thibadeau.
William W. Thrall.
Walter S. Vidor.
Hardie A. Violland.
Wilhelm P. A. T. Von Hartung.
George N. Watson.
Archie H. Willis.
Horace E. Wilson.
Samuel C. Wilson.

FIRST ASSISTANT COMMISSIONER OF PATENTS.

Robert F. Whitehead, of Virginia (now Assistant Commissioner of Patents), to be First Assistant Commissioner of Patents, effective July 1, 1916, vice James T. Newton, appointed an examiner in chief.

ASSISTANT COMMISSIONER OF PATENTS.

Francis W. H. Clay, of Pittsburgh, Pa., to be Assistant Commissioner of Patents, vice Robert F. Whitehead, appointed First Assistant Commissioner, effective July 1, 1916.

EXAMINER IN CHIEF, PATENT OFFICE.

James T. Newton, of Georgia (now First Assistant Commissioner of Patents) to be an examiner in chief in the Patent Office, effective July 1, 1916, to fill an original vacancy created by the act approved May 10, 1916 (Public, No. 73).

Samuel E. Fouts, of North Carolina (now a second assistant examiner in the Patent Office) to be an examiner in chief in the Patent Office, effective July 1, 1916, to fill an original vacancy created by the act approved May 10, 1916 (Public, No. 73).

POSTMASTERS.

ALABAMA.

Green B. Avery to be postmaster at Lanett, Ala. Office becomes presidential July 1, 1916.

J. Franklin Davis to be postmaster at Andalusia, Ala., in place of James F. Brawner. Incumbent's commission expired January 15, 1916.

Charles B. Searcy to be postmaster at Abbeville, Ala., in place of Augustus L. Hawley, removed.

Charles R. Talbot to be postmaster at Elba, Ala., in place of W. S. Mullins. Incumbent's commission expired January 15, 1916.

CALIFORNIA.

H. O. Blohm to be postmaster at Upland, Cal., in place of James F. Monroe, resigned.

Alpharetta Gilham to be postmaster at Barstow, Cal., in place of C. E. Kendrick. Incumbent's commission expired May 20, 1916.

Edward K. Loosley to be postmaster at Montague, Cal. Office becomes presidential July 1, 1916.

William Weber to be postmaster at Soledad, Cal., in place of H. J. Schumann. Incumbent's commission expires July 18, 1916.

Bessie B. Wightman to be postmaster at Antioch, Cal., in place of James F. Saunders, removed.

W. W. Yandell to be postmaster at Bishop, Cal., in place of Mrs. J. C. Miller. Incumbent's commission expired April 5, 1916.

COLORADO.

Oren F. Frary to be postmaster at Durango, Colo., in place of W. W. Parshall. Incumbent's commission expires July 18, 1916.

James E. Gordon to be postmaster at Springfield, Colo. Office becomes presidential July 1, 1916.

Amy R. Kruchten to be postmaster at Flagler, Colo., in place of Edward H. Kruchten, deceased.

George R. Painter to be postmaster at Telluride, Colo., in place of D. Lee Staley, resigned.

George B. Wick to be postmaster at Las Animas, Colo., in place of John A. Murphy. Incumbent's commission expires July 18, 1916.

DELAWARE.

John H. Gooden to be postmaster at Wyoming, Del., in place of Harry B. Johnson. Incumbent's commission expired April 5, 1916.

John G. Jester to be postmaster at Felton, Del., in place of W. T. Bradley. Incumbent's commission expired June 12, 1916.

FLORIDA.

James Messer to be postmaster at Tallahassee, Fla., in place of Alexander McDougall. Incumbent's commission expired June 7, 1916.

GEORGIA.

Susie McAllister to be postmaster at Fort Gaines, Ga., in place of T. C. Peterson. Incumbent's commission expired June 7, 1916.

T. F. Sykes to be postmaster at Villa Rica, Ga., in place of H. G. Roberds. Incumbent's commission expires July 7, 1916.

H. S. Tucker to be postmaster at Lumber City, Ga., in place of C. B. Beacham. Incumbent's commission expired April 11, 1916.

Herschel S. White to be postmaster at Sylvania, Ga., in place of Mytilene Cooper, resigned.

IDAHO.

F. J. Rodgers to be postmaster at Midvale, Idaho. Office became presidential January 1, 1916.

ILLINOIS.

Martin V. Conklin to be postmaster at Princeville, Ill., in place of H. J. Chesman. Incumbent's commission expires July 18, 1916.

Patrick E. Hughes to be postmaster at Wilmington, Ill., in place of Don A. Spurr. Incumbent's commission expired May 17, 1916.

John Kray to be postmaster at Des Plaines, Ill., in place of Louis Wolfram. Incumbent's commission expires July 18, 1916.

H. Chester McAuliff to be postmaster at Franklin Park, Ill., in place of A. E. Wasson. Incumbent's commission expires July 18, 1916.

INDIANA.

Robert C. Cosby to be postmaster at Cayuga, Ind., in place of Charles Hosford. Incumbent's commission expired June 5, 1916.

John T. Mohere to be postmaster at Kramer, Ind., in place of John Perry. Incumbent's commission expired June 12, 1916.

Theodore W. Englehart to be postmaster at Brazil, Ind., in place of Edward C. Schuetz, deceased.

IOWA.

J. W. Dole to be postmaster at Fairfield, Iowa, in place of William G. Ross, resigned.

Harry C. Graves to be postmaster at Madrid, Iowa, in place of E. P. Dalander. Incumbent's commission expired January 8, 1916.

Bert McKinley to be postmaster at Morning Sun, Iowa, in place of T. J. Ochiltree. Incumbent's commission expired May 17, 1916.

Edgar F. Medary to be postmaster at Waukon, Iowa, in place of Peter S. Narum. Incumbent's commission expired May 17, 1916.

Thomas J. Snodgrass to be postmaster at New Market, Iowa, in place of Isaac W. Abbott. Incumbent's commission expired April 5, 1916.

KANSAS.

E. S. Craft to be postmaster at Lewis, Kans., in place of W. S. Lyman. Incumbent's commission expired June 14, 1916.

B. M. Dreiling to be postmaster at Hays, Kans., in place of Harvey J. Penney, resigned.

A. L. Tear to be postmaster at Sedgwick, Kans., in place of H. S. Mueller. Incumbent's commission expires July 27, 1916.

KENTUCKY.

John D. Hartman to be postmaster at Fleming, Ky. Office becomes presidential July 1, 1916.

Robert J. Scott to be postmaster at Wilmore, Ky., in place of Frank W. Rice. Incumbent's commission expired May 1, 1916.

LOUISIANA.

Lear Mary Linck to be postmaster at Bonami, La., in place of Lear Mary Hesser. Name changed by marriage.

MAINE.

William J. Storer to be postmaster at Wells, Me. Office becomes presidential July 1, 1916.

MARYLAND.

John T. Culver to be postmaster at Forest Glen, Md., in place of George M. Wolfe, resigned.

Arthur H. Uhler to be postmaster at Reisterstown, Md., in place of S. S. Yingling. Incumbent's commission expires July 16, 1916.

MASSACHUSETTS.

James Y. Deacon to be postmaster at Nantucket, Mass., in place of Charles F. Hammond. Incumbent's commission expired December 18, 1915.

John F. McManomin to be postmaster at North Chelmsford, Mass., in place of Charles F. Scribner. Incumbent's commission expired January 18, 1916.

MICHIGAN.

Andrew K. Burrows to be postmaster at Port Austin, Mich., in place of Lee R. Wallace. Incumbent's commission expires July 16, 1916.

John F. McCann to be postmaster at Ypsilanti, Mich., in place of Richard L. Owen. Incumbent's commission expired April 9, 1916.

H. Kirk White to be postmaster at Owosso, Mich., in place of Edmund O. Dewey. Incumbent's commission expired April 5, 1916.

MINNESOTA.

Catherine I. Cashman to be postmaster at Eden Valley, Minn., in place of Peter L. Cashman, resigned.

Byron J. Mosier to be postmaster at Stillwater, Minn., in place of Frank Withrow. Incumbent's commission expires July 29, 1916.

MISSISSIPPI.

J. O. Bennett to be postmaster at Louisville, Miss., in place of Sidney M. Jordan. Incumbent's commission expired May 28, 1916.

John C. King to be postmaster at Senatobia, Miss., in place of John C. Clifton. Incumbent's commission expired June 12, 1916.

Samuel H. Jones to be postmaster at Como, Miss., in place of A. M. Patterson, jr. Incumbent's commission expired May 28, 1916.

MISSOURI.

Thomas F. Donaldson to be postmaster at Kennett, Mo., in place of L. H. Johnson. Incumbent's commission expires July 24, 1916.

John C. Frazier to be postmaster at North Kansas City, Mo., in place of John C. Frazier. Office became presidential April 1, 1915.

Ernest W. Jewett to be postmaster at Shelby, Mo., in place of A. F. Huggins. Incumbent's commission expires July 13, 1916.

A. J. McKinney to be postmaster at Cabool, Mo., in place of Frank A. Hardin. Incumbent's commission expired June 5, 1916.

Ancil Milam to be postmaster at Macon, Mo., in place of C. L. Farrar. Incumbent's commission expires July 13, 1916.

Anthony Thoreson to be postmaster at Concordia, Mo., in place of W. H. P. Walkenhorst. Incumbent's commission expires July 13, 1916.

MONTANA.

William A. Francis to be postmaster at Virginia City, Mont., in place of J. Z. Clem. Incumbent's commission expired June 14, 1916.

NEBRASKA.

Henry Dhooze to be postmaster at Wilber, Nebr., in place of T. J. Taylor. Incumbent's commission expired April 25, 1916.

Hugh M. McGaffin to be postmaster at Polk, Nebr., in place of Amos W. Shafer. Incumbent's commission expired April 25, 1916.

Clyde D. Wilson to be postmaster at Broken Bow, Nebr., in place of Jules Haumont. Incumbent's commission expires July 18, 1916.

NEW HAMPSHIRE.

Arthur L. Sherman to be postmaster at Lisbon, N. H., in place of L. L. Blodgett. Incumbent's commission expires July 27, 1916.

NEW JERSEY.

Millicent J. Eicks to be postmaster at Leonia, N. J., in place of William H. Eicks, deceased.

M. Eugene Hoffman to be postmaster at White House Station, N. J., in place of Peter Latourette, resigned.

Francis F. Hummel to be postmaster at Dover, N. J., in place of C. H. Bennett. Incumbent's commission expired April 3, 1916.

Marda Jolly to be postmaster at Old Bridge, N. J., in place of Herbert Appleby. Incumbent's commission expired December 14, 1914.

Warren H. Staggs to be postmaster at Westwood, N. J., in place of Frank M. O'Shea. Incumbent's commission expired April 15, 1916.

NEW MEXICO.

James Walker to be postmaster at Estancia, N. Mex., in place of William D. Wasson, removed.

NEW YORK.

Joseph W. Cain to be postmaster at Adams, N. Y., in place of Frank S. Kenyon, resigned.

Frank J. Nearn to be postmaster at Central Valley, N. Y., in place of Henry D. Ford, removed.

William M. Wagner to be postmaster at Savona, N. Y., in place of William E. Joint, declined.

NEVADA.

Michael E. Nevin to be postmaster at Virginia City, Nev., in place of T. W. O'Connor. Incumbent's commission expires July 18, 1916.

NORTH CAROLINA.

M. P. Critcher to be postmaster at Boone, N. C. Office became presidential January 1, 1916.

NORTH DAKOTA.

Peter Hengel to be postmaster at Anamoose, N. Dak., in place of G. F. Abelein. Incumbent's commission expired June 5, 1916.

OHIO.

P. C. Fullerton to be postmaster at Lodi, Ohio, in place of J. D. Carpenter. Incumbent's commission expires July 30, 1916.

J. D. Turner to be postmaster at Chardon, Ohio, in place of Clifford N. Quirk. Incumbent's commission expires July 13, 1916.

H. E. Zimmerman to be postmaster at Loudonville, Ohio, in place of W. J. Weirick. Incumbent's commission expires July 7, 1916.

OKLAHOMA.

Herman J. Fleming to be postmaster at Canton, Okla. Office becomes presidential July 1, 1916.

Roy Tennison to be postmaster at Commerce, Okla., in place of Alva P. Daniel, deceased.

OREGON.

E. D. Alexander to be postmaster at Stayton, Oreg., in place of William A. Elder, removed.

PENNSYLVANIA.

Percy Brewington to be postmaster at Benton, Pa., in place of John J. Mather. Incumbent's commission expired May 10, 1916.

Stephen J. Downs to be postmaster at Union City, Pa., in place of C. E. B. Hunter. Incumbent's commission expires July 13, 1916.

C. W. Dundon to be postmaster at Edinboro, Pa., in place of H. L. Cooper. Incumbent's commission expired May 31, 1916.

John D. Moore to be postmaster at Bridgeville, Pa., in place of D. M. Bennett. Incumbent's commission expired June 7, 1916.

Daniel Lennon to be postmaster at Galetton, Pa., in place of Fred V. Balch. Incumbent's commission expired May 20, 1916.

SOUTH DAKOTA.

Lynus K. Harris to be postmaster at Frankfort, S. Dak., in place of W. L. Butler, resigned.

TENNESSEE.

Clarence A. Templeton to be postmaster at Jellico, Tenn., in place of M. V. Siler. Incumbent's commission expired January 24, 1916.

TEXAS.

William T. Henderson to be postmaster at Odessa, Tex. Office becomes presidential July 1, 1916.

Thomas E. Neill to be postmaster at Van Horn, Tex., in place of W. A. Daugherty, resigned.

J. T. Rountree to be postmaster at Cooper, Tex., in place of C. V. Rattan. Incumbent's commission expired June 12, 1916.

Martha B. Waters to be postmaster at Thrall, Tex. Office becomes presidential July 1, 1916.

UTAH.

J. R. Lambert to be postmaster at Roosevelt, Utah, in place of C. L. Ashton. Office became presidential January 1, 1916.

VIRGINIA.

Gabriella R. Cochran to be postmaster at The Plains, Va., in place of G. R. Cochran. Incumbent's commission expires July 29, 1916.

Milton E. Gee to be postmaster at Meherrin, Va. Office becomes presidential July 1, 1916.

Burns N. Gibson to be postmaster at East Falls Church, Va. Office becomes presidential July 1, 1916.

Harvey D. Hall to be postmaster at Lawrenceville, Va., in place of A. W. Harrison. Incumbent's commission expired May 1, 1916.

Emmett L. Wade to be postmaster at Vinton, Va. Office becomes presidential July 1, 1916.

VERMONT.

Fred H. Pierce to be postmaster at Orleans, Vt., in place of Alton G. Baird, resigned.

WASHINGTON.

E. H. C. Ramm to be postmaster at Twisp, Wash., in place of C. J. Casad. Incumbent's commission expires July 13, 1916.

WEST VIRGINIA.

M. Grundy Gilmer to be postmaster at Matoaka, W. Va. Office becomes presidential July 1, 1916.

Charles L. Watkins to be postmaster at Shinnston, W. Va., in place of C. S. Randall. Incumbent's commission expires July 16, 1916.

WISCONSIN.

George M. Breakey to be postmaster at Alma Center, Wis., in place of G. M. Breakey. Office became presidential January 1, 1916.

Clarence L. Jordalen to be postmaster at Deerfield, Wis., in place of C. L. Jordalen. Office became presidential January 1, 1916.

Andrew Kaltenbach to be postmaster at Potosi, Wis., in place of Andrew Kaltenbach. Office became presidential January 1, 1916.

Daniel W. McNamara to be postmaster at Montello, Wis., in place of Charles Brown. Incumbent's commission expires July 23, 1916.

Charles H. Prouty to be postmaster at Genoa Junction, Wis., in place of C. H. Prouty. Incumbent's commission expired December 20, 1915.

John Schreibeis to be postmaster at Menasha, Wis., in place of J. C. Capron. Incumbent's commission expires July 23, 1916.

HOUSE OF REPRESENTATIVES.

THURSDAY, June 22, 1916.

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

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, our hearts instinctively turn to Thee for inspiration and guidance in the present crisis. We are brought face to face with the horrors of war and we most fervently pray that the differences which have brought us in contact with a neighboring nation may be wisely and peacefully adjusted without further bloodshed, that harmonious relations may be established to the good of all concerned. In the world's broad fields of endeavor there is room enough for brain and brawn without the clash of arms and the horrors that follow in its wake. Hear us, O Lord, and guide us by Thy holy influence, that Thy kingdom may come and Thy will be done in this and all lands, in the name of the Prince of Peace. Amen.

The Journal of the proceedings of yesterday was read and approved.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

Mr. FLOOD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Diplomatic and Consular appropriation bill, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Virginia asks unanimous consent to take from the Speaker's table the Consular and Diplomatic appropriation bill, disagree to the Senate amendments, and ask for a conference. The Clerk will read the title to the bill.

The Clerk read as follows:

A bill (H. R. 13383) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1917.

The SPEAKER. Is there objection?

There was no objection.

The Chair appointed as conferees Mr. FLOOD, Mr. CLINE, and Mr. COOPER of Wisconsin.

FORTIFICATIONS APPROPRIATION BILL.

Mr. SHERLEY. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 14303, the fortifications appropriation bill.

The motion was agreed to.