Also, petition of Rev. C. B. Stroh and others, relative to House bill 264, for investigation of charges made against the papal system, etc.; to the Committee on Rules.

By Mr. LINTHICUM: Petition of sundry citizens of Baltimore, Md., favoring passage of House bill 17806, relative to salaries of post-office employees; to the Committee on the Post Office and Post Roads.

Also, petitions of Dora G. Ogle and Edna S. Latimer, of Baltimore, Md., favoring woman-suffrage amendment; to the Committee on the Judiciary.

Also, petition of Harriet Reynolds, of Bradshaw, Md., favoring House bill 20080, migratory-bird treaty act; to the Committee on Foreign Affairs.

Also, petition of Monumental Division, No. 52, Brotherhood of Locomotive Engineers, against passage of House bill 19730; to the Committee on Immigration and Naturalization.

By Mr. McARTHUR: Petition of mass meeting of citizens of Portland, Oreg., against war; to the Committee on Foreign Affairs.

By Mr. MORIN: Petition of Mr. J. E. Morrison, secretary of McKeesport League of Peace, McKeesport, Pa., opposing compulsory military training; to the Committee on Military Affairs.

By Mr. NORTON: Petition of 165 citizens of Golden Valley, Mercer County, N. Dak., asking Congress to submit the question of war to a referendum vote of the people of the United States; to the Committee on Foreign Affairs.

By Mr. PRATT: Petition of Reading Grange, No. 50, of Reading Center, N. Y., by George W. McNemen, H. O. Howard, and Mrs. Susie Jennings, legislative committee, opposing an embargo on the agricultural products of this country; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Chamber of Commerce of Elmira, N. Y., by J. E. Bally, secretary, favoring the Borland daylight-saving bill; to the Committee on Labor.

By Mr. RAKER: Memorial of Vicksburg (Miss.) Board of Trade, relative to Federal reserve act; to the Committee on Banking and Currency.

By Mr. ROBERTS of Nevada: Petition of Reno (Nev.) Commercial Club, favoring the Poindexter long-and-short-haul bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of Tonopah local Socialist Party, favoring an embargo on all foodstuffs shipped away from United States; to the Committee on Interstate and Foreign Commerce.

By Mr. ROWE: Petition of United Leather Works of the World, against militarism; to the Committee on Military Affairs.

Also, petition of John M. Lloyd, of Brooklyn, N. Y., against House bill 20204, parcel-post scheme of zones; to the Committee on the Post Office and Post Roads.

Also, petition of E. W. Victor, of Brooklyn, N. Y., favoring passage of House bill 20080, migratory-bird treaty bill; to the Committee on Foreign Affairs.

Also, petition of National Educators' Conservation Society, of New York City, against passage of the water-power bill; to the Committee on Interstate and Foreign Commerce.

Also, memorial of Manufacturers and Business Men's Association of New York, against tax on excess profits; to the Committee on Ways and Means.

By Mr. SNYDER: Petitions of Utica (N. Y.) Chamber of Commerce, opposing proposed tax on excess profits; to the Committee on Ways and Means.

Also petitions of Rome (N. Y.) Trades Assembly, for a referendum to the people before war is declared in any case by the United States; to the Committee on the Judiciary.

By Mr. STINESS: Petition of citizens of Westerly, R. I., favoring certain prohibition legislation; to the Committee on the Judiciary.

By Mr. TAGUE: Memorial of employees of Post Office Department, of Los Angeles, Cal., relative to raise in salaries; to the Committee on the Post Office and Post Roads.

By Mr. TINKHAM: Memorial of Fitchburg (Mass.) Military Training School, favoring universal compulsory military service; to the Committee on Military Affairs.

SENATE.

MONDAY, *February 12, 1917.*

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

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

Almighty God, we call upon Thy name, for we continually need the replenishing of Thy heavenly grace that we may record in this place the achievements of a Christian civilization and forge out the way by which we may progress to yet larger achievements and to a fuller life. We thank Thee for the assurance that Thou dost look upon us with Divine interest, that Thou hast for us the fullness of life, that Thou who hast opened Thy hand and supplied the need of every living thing dost look upon us with the interest of a father, and that Thy will concerning us is our eternal welfare. Hear us as we come before Thee this morning, and guide us in the duties of this day. For Christ's sake. Amen.

The VICE PRESIDENT. The Secretary will read the proceedings of the preceding session.

Mr. GALLINGER. Mr. President, the attendance being so light, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

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

Ashurst	Gallinger	McCumber	Shafroth
Bankhead	Gronna	Martin, Va.	Sheppard
Brady	Harding	Martine, N. J.	Sherman
Brandegee	Hardwick	Myers	Smith, Ga.
Bryan	Hitchcock	Nelson	Smith, S. C.
Catron	Hollis	Newlands	Smoot
Chamberlain	James	Oliver	Stone
Chilton	Johnson, Me.	Overman	Sutherland
Clapp	Jones	Page	Thomas
Colt	Kenyon	Pittman	Tillman
Cummins	Kirby	Poindexter	Townsend
Curtis	La Follette	Ransdell	Vardaman
Fall	Lane	Reed	Warren
Fernald	Lea, Tenn.	Robinson	Works
Fletcher	Lodge	Saulsbury	

Mr. MARTINE of New Jersey. I rise to announce that the Senator from South Dakota [Mr. JOHNSON] is detained from the Senate on official business.

Mr. JAMES. I desire to announce that the junior Senator from New Jersey [Mr. HUGHES] is absent on account of illness.

Mr. THOMAS. The Senator from North Carolina [Mr. SIMMONS] and the Senator from Mississippi [Mr. WILLIAMS] are absent on official business.

Mr. CHILTON. I wish to announce that the following members of the Judiciary Committee, the Senator from Texas [Mr. CULBERSON], the Senator from Montana [Mr. WALSH], the Senator from Tennessee [Mr. SHIELDS], and the Senator from Wyoming [Mr. CLARK] are engaged upon business of the Senate in that committee and can not attend.

The VICE PRESIDENT. Fifty-nine Senators have answered to the roll call. There is a quorum present. The Secretary will read the Journal of the proceedings of the preceding session.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on request of Mr. BRADY and by unanimous consent, the further reading was dispensed with and the Journal was approved.

REPORT OF NATIONAL ACADEMY OF SCIENCES.

The VICE PRESIDENT laid before the Senate the annual report of the National Academy of Sciences for the year ended December 31, 1916, which was referred to the Committee on Printing.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills:

S. 1061. An act to allow additional entries under the enlarged homestead act;

S. 1553. An act for the relief of Peter Kenney;

S. 2222. An act for the relief of the heirs of Antoine Bayard;

S. 2749. An act for the relief of George L. Thomas;

S. 2880. An act for the relief of Martin V. Parmer;

S. 3681. An act for the relief of the owners of the steamship *Esparta;*

S. 3743. An act to reimburse John Simpson;

S. 5203. An act for the relief of Gardiner L. Eastman;

S. 5632. An act for the relief of Aquila Nebeker;

S. 5985. An act authorizing the Commissioner of Navigation to cause the steamship *Republic* to be enrolled and licensed as a vessel of the United States;

S. 6595. An act to reimburse William Blair for losses and damages sustained by him by the negligent dipping of his cattle by the Bureau of Animal Industry, Department of Agriculture;

S. 6956. An act to authorize the construction, maintenance, and operation of a wagon bridge across the St. Francis River at a point one-half mile northwest of Parkin, Cross County, Ark.;

S. 7367. An act to authorize the construction and maintenance of a bridge across the St. Francis River at or near intersections of sections 13, 14, 23, and 24, township 15 north, range 6 east, in Craighead County, Ark.;

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

S. 7556. An act to grant to the Mahoning & Shenango Railway & Light Co., its successors and assigns, the right to construct, complete, maintain, and operate a combination dam and bridge and approaches thereto across the Mahoning River, near the borough of Lowellville, in the county of Mahoning and State of Ohio;

S. 7713. An act granting to the city and county of San Francisco, State of California, a right of way for a storm-water relief sewer through a portion of the Presidio of San Francisco Military Reservation;

S. 7924. An act authorizing the county of Beltrami, Minn., to construct a bridge across the Mississippi River in said county;

H. R. 8492. An act to restore homestead rights in certain cases; and

H. R. 8669. An act authorizing the Secretary of the Interior to extend the lease of certain land in Stanley County, S. Dak., for a buffalo pasture.

SENATOR FROM MISSOURI.

Mr. STONE. I present the credentials of my colleague, Hon. JAMES A. REED, chosen by the qualified electors of the State of Missouri a Senator for the term beginning March 4, 1917, which I ask may be read.

The credentials were read and ordered to be filed, as follows:

THE STATE OF MISSOURI,
EXECUTIVE DEPARTMENT.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 7th day of November, 1916, JAMES A. REED was duly chosen by the qualified electors of the State of Missouri a Senator from said State of Missouri to represent said State in the Senate of the United States for the term of six years, beginning on the 4th day of March, 1917.

In testimony whereof I hereunto set my hand and cause to be affixed the great seal of the State of Missouri. Done at the city of Jefferson this 6th day of January, in the year of our Lord 1917.

[SEAL.] ELLIOTT W. MAJOR.

By the governor:

CORNELIUS ROACH,
Secretary of State.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT. The Chair lays before the Senate a communication from the governor of the Commonwealth of Pennsylvania, transmitting a certified copy of a concurrent resolution of the general assembly pledging support to the President. The communication will be printed in the RECORD and referred to the Committee on Foreign Relations.

The communication is as follows:

HARRISBURG, PA., *February 10, 1917.*

The PRESIDENT OF THE SENATE:
Washington, D. C.

SIR: I have the honor to herewith inclose a certified copy of a resolution of the general assembly of this State assuring the United States Government of the loyal support and full cooperation of Pennsylvania in every national undertaking which may be necessary to protect and vindicate American rights, dignity, and honor, wherever or by whom they may be endangered.

I have the honor to be,
Very respectfully, yours, MARTIN W. BRUMBAUGH.

Concurrent resolution of the General Assembly of Pennsylvania.

Whereas the President of the United States has informed the Congress that a very grave crisis exists in the international relations of the country which, in his opinion, may lead to the necessity of defending our national rights, dignity, and honor by force of arms, all other reasonable and honorable means having failed after patient and forbearing negotiations: Now, therefore, be it

Resolved (if the house concur), That the Senate and House of Representatives of the Commonwealth of Pennsylvania, sitting in general assembly at Harrisburg, do send to the President and Government of the United States assurances of the loyal support and full cooperation of Pennsylvania in every national undertaking which, in their wisdom, may be necessary to meet the situation and to protect and vindicate American rights, dignity, and honor, wherever or by whom they may be endangered; and be it further

Resolved, That the general assembly calls upon the people of Pennsylvania to give to the President and the Federal Government in all ways their patriotic support and assistance in whatever plans or measures may be required in the present emergency, as they have done in the past in every crisis in the Nation's history; and be it further

Resolved, That the governor of the Commonwealth be, and he is hereby, requested to forward copies of these resolutions to the President of the United States, and to the presiding officers of both the Houses of Congress.

H. M. KEPHART, *Chief Clerk Senate.*

The foregoing resolution was concurred in February 6, 1917.

THOMAS H. GARVIN, *Chief Clerk House.*

Approved the 9th day of February, A. D. 1917.

MARTIN G. BRUMBAUGH.

—

OFFICE OF THE SECRETARY OF THE
COMMONWEALTH OF PENNSYLVANIA,
Harrisburg, February 9, 1917.

I, Cyrus E. Woods, secretary of the Commonwealth of Pennsylvania, having the custody of the great seal of Pennsylvania do hereby certify that the foregoing and annexed is a full, true, and correct copy of the original concurrent resolution passed by the General Assembly of Pennsylvania, and approved by the governor on the 9th day of February, A. D. 1917.

In testimony whereof I have hereunto set my hand and caused the great seal of the State to be affixed the day and year above written.

[SEAL.] CYRUS E. WOODS,
Secretary of the Commonwealth.

The VICE PRESIDENT. The Chair lays before the Senate a telegram which will be printed in the RECORD and referred to the Committee on Foreign Relations.

The telegram is as follows:

MINNEAPOLIS, MINN., *February 11, 1917.*

Hon. THOMAS W. MARSHALL,
Vice President of the United States, Washington, D. C.:

We, American citizens, assembled in mass meeting at the call of the mayor of Minneapolis, beg to address the President and the Congress of the United States as follows:

1. We appreciate the difficulties confronting the administration in the conduct of our foreign affairs. We are grateful that our beloved America is not a party to the awful war which is devastating Europe and pray that you will use your great influence and authority to keep our land in peace.

2. We desire to respectfully recall the fact that in the election of November the citizens of this country strongly favored our keeping out of the war in Europe, and the administration then elected was committed to a policy of peace. To now abandon that policy and plunge us into war, we hold, is to make a solemn mockery of the great American principle of the consent of the governed.

3. We denounce the attempt of a large portion of our press to stampede our great Nation into war; and, therefore, we believe that the time for the citizens and the Government to take counsel is now, for as loyal men and women of America we shall stand by our country, but as thoughtful men and women we realize and repeat the time of sane counsel is now, for when the fateful plunge is taken our lips must and shall be sealed.

4. We favor the use of the influence of this country in every proper way to end the horrible conflict in Europe, reminding the world that we stand for the American principle of equal justice to both sides, fair play to all. To that end we favor a conference of all the neutral nations to consider peaceful ways and means of terminating the war at the earliest possible moment.

5. We urge all American citizens and believe it their duty in behalf of their country to keep out of the barred zones of Europe of all belligerents.

6. We believe that those citizens who object to being dragged into fighting other nations' battles are not lacking in patriotism for America, and we denounce the idea promulgated by the press that the only desire for war is the test of loyalty.

7. We hold to the principle laid down by Washington, Father of his Country, to avoid entangling alliances with European countries, and in our dealings with other nations to deal justly by all and make favorites of none; and if during this awful war our Nation in its dealings with either or any belligerent has done anything that savors of favoritism to any country we do not approve of it and we hope and pray all such things shall cease, so that our beloved land may stand before the judgment bar of history without a stain upon her flag, the flag we love.

Resolved, That copies hereof be forwarded to the President and Congress of the United States and the press.

I hereby certify above resolution was enthusiastically and unanimously adopted by meeting of 3,500 citizens, limit of hall capacity. Seven thousand more could not gain entrance. Kindly present to Senate.

CHARLES A. DALBY,
Chairman of Mass Meeting.

The VICE PRESIDENT. The Chair lays before the Senate a telegram from Edwin Fuller Torrey, secretary of the United States National Lawn Tennis Association, of Clinton, N. Y., which will be printed in the RECORD.

The telegram is as follows:

CLINTON, N. Y., *February 12, 1917.*

PRESIDENT UNITED STATES SENATE,
Washington, D. C.:

Whereas our country is facing a grave international crisis; and

Whereas we, the assembled delegates of the United States Lawn Tennis Association, represent directly and indirectly more than a million tennis players throughout the United States; be it

Resolved, That we heartily indorse the action of President Wilson in severing diplomatic relations with the German Empire; that we pledge to the President and Congress of the United States our utmost support in whatever further steps they deem necessary to maintain American rights against lawless aggression, and to that end we place the services of the association and its national organization absolutely at their disposal; and be it further

Resolved, That the secretary be, and hereby is, directed to transmit a copy of this resolution to the President and the Congress.

In accordance with instructions and power with which I am clothed I therefore transmit such message.

EDWIN FULLER TORREY,
Secretary United States National Lawn Tennis Association.

Mr. GALLINGER. Mr. President, the dairy interests of New England are very much disturbed over the proposition that is pending in some form to reduce the tax on oleomargarine. I beg to request in this connection that the two following telegrams be read from the desk.

The VICE PRESIDENT. The Secretary will read.

The Secretary read the two telegrams, as follows:

NASHUA, N. H., *February 10, 1917.*

Hon. JACOB H. GALLINGER,
Washington, D. C.:

One hundred Holstein breeders, members of the New Hampshire Holstein Friesian Club, at their annual meeting request you to make a vigorous endeavor to prevent the passage of the Underwood amendment

to place a tax on oleo at 2 cents and removing all other restrictions. Amendment if passed will be blow to dairing.

P. A. CAMPBELL, *Secretary.*

—

DERRY, N. H., *February 10, 1917.*

Hon. JACOB H. GALLINGER,
Washington, D. C.:

The dairy interests in the United States should be protected, and the New Hampshire State Grange is emphatically opposed to the Underwood amendment or to any change in the law which will lessen the present tax on oleomargarine. This amendment would be a blow to producers and consumers alike.

WESLEY ADAMS,
Master of the New Hampshire State Grange.

Mr. GALLINGER. It will be remembered that on a previous occasion I had placed in the RECORD a protest from the commissioner of agriculture of the State of New Hampshire on this same subject.

Now I ask to have placed in the RECORD a concurrent resolution adopted by the Legislature of New Hampshire assuring the President of the United States of their approval of the step he has taken in severing diplomatic relations with the German Government:

STATE OF NEW HAMPSHIRE, 1917.

Whereas the German Government has notified the Government of the United States that it is the purpose of Germany to sink, without warning, all merchant ships found within certain prescribed zones regardless of the rights of neutrals to the freedom of the seas, and regardless of all humanitarian considerations; and

Whereas the President of the United States on April 18, 1916, notified the German Government that unless that Government immediately abandoned its frightful and inhuman methods of submarine warfare as applied to neutrals, the Government of the United States can have no choice but to sever diplomatic relations with the German Empire; and

Whereas the President of the United States, in accordance with this warning to the German Government and the subsequent declaration of that Government that it will no longer regard the rights of neutrals and the dictates of humanity in conducting its submarine warfare, has broken off diplomatic relations with Germany: Therefore be it

Resolved by the New Hampshire House of Representatives (the Senate concurring), That we approve the action taken by the President of the United States, and that we pledge to him the united support of the people of this State in all his efforts to maintain and defend the dignity, integrity, and rights of this country.

Resolved, That copies of these resolutions be forwarded to the President of the United States and to our Senators and Representatives in Congress.

Mr. GALLINGER,
Committee on Foreign Relations.

Mr. GALLINGER presented a petition of the Dartmouth National Bank, of Hanover, N. H., praying for a reduction of 5 per cent of the reserves required of country banks in the Federal reserve bank, which was referred to the Committee on Banking and Currency.

He also presented a petition of the Woman's Christian Temperance Union of Dover, N. H., praying for national prohibition, which was ordered to lie on the table.

Mr. SMITH of Georgia. Mr. President, I present to the Senate and ask to have printed in the RECORD telegrams from two of the largest ship-owning companies of Savannah, Ga., tendering the use of their wharves and of their vessels to the Government if any occasion should require it.

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

SAVANNAH, GA., *February 9, 1917.*

Hon. HOKE SMITH,
Washington, D. C.:

We hereby give you full authority to tender to the Government, without compensation, the services of our organization, to be used in any manner desired in event declaration of war or in preparing for such emergency.

STRACHAN SHIPPING CO.

—

BRUNSWICK, GA., *February 9, 1917.*

Senator HOKE SMITH,
Washington. D. C.:

With reference telegram sent you by our Savannah office, this office not only heartily concurs but further desires to point out that not only the machinery of our shipping offices at Brunswick, Savannah, Charleston, and Fernandina are at the disposal of the Government, but also our outside physical organizations, including wharf, superintendent, clerks, stevedore foreman, etc., at various ports mentioned, who are thoroughly experienced in physical handling of vessels, their cargo, heavy and weights are similarly tendered, but such physical work desired would necessarily be on the basis of actual pay rolls.

F. D. M. STRACHAN.

Mr. JONES. Mr. President, under the conditions which have been brought about by the European war a great impetus has been given to the shipbuilding industry. That is especially true in the Northwest, and at Seattle, in the State of Washington, there are quite a good many ships of very large tonnage being constructed. Most of those ships are being constructed for foreigners who are largely citizens of neutral countries, and especially for Norwegians. A bill has been introduced in Congress to amend the shipping act which was passed at the last session of Congress by providing that no vessel shall enter the navigable waters of the United States unless it is owned by American citizens. I have here a couple of telegrams from Seattle, showing what those people think will be the effect of such legislation upon the shipbuilding industry, especially at Seattle. I ask that the telegrams may be read and referred to the Committee on Commerce.

There being no objection, the telegrams were read and referred to the Committee on Commerce, as follows:

SEATTLE, WASH., *February 11, 1917.*

Senator W. L. JONES,
Washington, D. C.:

Metal Trades Council of Seattle and vicinity is informed that an amendment has been introduced to H. R. 15455, providing that no vessel now being constructed or hereafter to be constructed in United States shall enter navigable waters of United States unless owned by citizens of United States. This council, representing more than 10,000 workingmen engaged in shipbuilding industry, wishes to vigorously protest against passage of this iniquitous bill, for the reason that if it becomes a law it will virtually kill said industry in Seattle and other Pacific coast ports, where more than 90 per cent of vessels now under construction are for foreign owners. Twenty-five million dollars of work in Seattle alone would be affected. Before European war American shipping interests bought, practically ignored American shipbuilding, as you are well aware. They now seek by this legislation to throttle industry, built up without their aid. We have taken this matter up with metal-trades councils in all coast cities and urgently request your immediate aid to defeat this unjust and discriminatory legislation.

SEATTLE METAL TRADES COUNCIL,
DAN P. MCKILLOP, *President.*
A. E. MILLER, *Secretary.*

—

SEATTLE, WASH., *February 10, 1917.*

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

Reported here emergency bill pending on method of requisitioning ships provides that no vessel now or hereafter constructed in American yards shall enter navigable waters unless owned by citizens. Please investigate and do your utmost to have bill amended so as to do justice to all parties. As it apparently stands millions of dollars' worth of vessels being built in Seattle yards for Norwegians could not even be launched until acquired by American citizens, and yet neutral foreign buyer who has already paid partial or entire cost of construction is given no protection as to figure at which he must let go. On other hand, American owners specifically protected by price arbitration. Tremendous development Puget Sound shipbuilding capacity, all of which available to Government in extreme emergency, has been made possible not by Americans but by Norwegians and other neutrals who let contracts and paid for ships. Their interest obviously is entitled to full protection against confiscation.

S. H. PILES,
Chairman National Affairs Committee,
Seattle Chamber of Commerce.

Mr. WORKS. I have a number of memorials in the form of protests signed by students of Columbia, Cornell, Elmira, Mount Holyoke, and Goucher Universities, protesting against the enactment of any legislation providing for compulsory military training. I ask that the body of one of these petitions, which is very short, may be printed in the RECORD without the names.

There being no objection, the body of one of the petitions was ordered to be printed in the RECORD, as follows:

To the Senate Committee on Military Affairs:

We, the undersigned students of Columbia University, believing that compulsory military training is a peril to enlightened education, a menace to individual and social development, and a potential force for the enthronement of military ideals and militaristic institutions, respectfully request that no such principle be embodied in any national legislation.

Mr. SHIELDS. I send to the desk and ask to have printed in the RECORD a telegram from Noah W. Cooper, a distinguished citizen and lawyer of Nashville, Tenn.

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

NASHVILLE, TENN., *February 9, 1917.*

Hon. JOHN K. SHIELDS,
United States Senate, Washington, D. C.:

Please do your utmost to influence our Government and all citizens to exercise that Christian forbearance and charity which suffereth long and is kind, is not easily provoked, thinketh no evil, and overcomes evil with good. Saint Paul, exercising that charity, has done more for peace and humanity than all warriors and wars. Let us as a Christian Nation imitate Saint Paul, for thus we will most surely lead the world into all peace and perfection.

NOAH W. COOPER.

Mr. FERNALD. I present a resolution adopted by the National Canners' Association at its meeting in the city of Cleveland, on February 5 to 9, 1917, which I ask to have read.

The VICE PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

Resolution of indorsement unanimously passed at the meeting of the National Canners' Association, held in the city of Cleveland, February 5–9, 1917.

The President of the United States in his determination to maintain the honor and dignity of our beloved country has severed diplomatic relations between this Nation and a foreign power, the breaking off of which may force the United States to defend itself against an oppressive and deplorable war, while burdening the President with grave and perplexing responsibilities: Therefore be it

Resolved, That the National Canners' Association and its allied industries, the Canning Machinery and Supplies Association and the Canned Foods and Dried Fruit Brokers' Association, in convention assembled in the city of Cleveland, record their confidence in the loyalty and patriotism of the President of the United States in his firm stand for the liberty and rights of every loyal American citizen; and be it further

Resolved, That this association, together with its allied industries, composed of American merchants and manufacturers, will unflinchingly conform to every act, steadfastly adhere to every decision, and valiantly obey every command, as we rally to the support of the President in defending the integrity of the Nation, with the same spirit and zeal which dominated our ancestors when they offered on the altar of this country their lives, their fortunes, and their sacred honor; and be it finally

Resolved, That having unbounded faith in the loyalty of the Congress of the United States to immediately ratify and confirm every human effort and lawful means set forth by the President to guard, protect, and defend the peace-loving citizens in this "land of the free and the home of the brave," we declare and reaffirm unalterable allegiance to our country, and to every principle for which it stands.

Mr. CUMMINS. I present a resolution passed by the General Assembly of Iowa touching an illegal combination among the manufacturers of cement, and requesting an investigation by Federal authority. I ask that it be printed in the RECORD, and lie on the table for future action.

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

Concurrent resolution of the Thirty-seventh General Assembly of the State of Iowa providing for an inquiry as to the existence of an illegal combination of the manufacturers of cement used in highway, bridge, and culvert construction, directing the attorney general to make an investigation and report as to any violation of the State antitrust law, and requesting an investigation by the Senators and Representatives of the State in the Congress of the United States as to violation in that connection of the Federal statutes.

Whereas the people of Iowa are engaged at this time in a State-wide movement for the improvement of the highways of the State and particularly for the construction of permanent bridges and culverts costing millions of dollars to the taxpayers of Iowa; and

Whereas in such construction an enormous amount of cement is demanded as to a very substantial portion of which the counties of the State have the right to, under existing law, and must of necessity purchase for all bridge and culvert construction which is to be done by day labor; and

Whereas pursuant to statute the boards of supervisors are granted the further right in certain contingencies and in the event of rejection of bids made by contractors to do all such construction work by day labor, such provision operating by the intention of the statute to secure lower bids by the contractors than would otherwise obtain; and

Whereas it is of the utmost importance that the counties, as arms of the State and as responsible purchasers, shall be able to make any necessary purchases of cement at the lowest market price and at such times as will best secure that end; and

Whereas facts have come to the knowledge of the General Assembly of the State of Iowa which tend to show the existence of a combination among the manufacturers of cement to increase and maintain prices thereof in this and adjacent States, and whereby the boards of supervisors of the various counties of the State are refused the right to purchase cement in stated amounts for delivery through the season for work which such counties may desire or find necessary or advisable to do by day labor, unless such counties shall first designate the particular structure in which such cement is to be used, the amount of cement needed for each structure, and with the further restriction that each such structure shall consume at least a minimum carload of 106 barrels of cement; and

Whereas many such structures consume much less than such minimum carload, and it being impossible for the counties in most cases to know beforehand or designate the particular structure or structures that it will desire to thus build or find necessary to build by day labor by reason of rejection of exorbitant bids, the result is the imposition of impossible conditions upon the public and to compel the counties to buy their cement at retail at the season when prices are highest, and tends to throw the bridge and culvert work into the hands of contractors to the great detriment of the taxpayers of this State; and

Whereas since the establishment of said new rules by said manufacturers the price of concrete construction has advanced in Iowa from $11.06 per cubic yard in the first half of 1915 to $16.24 per cubic yard in the second half of 1916, an increase of about 47 per cent; and

Whereas prior to 1916 the said manufacturers made no such restrictions as are set out above, but sold to the counties such amounts of cement at market prices and at such times and for such delivery as was desired by the counties, but have refused to continue so to do, notwithstanding the repeated written protests and demands of the State highway commission, as shown by correspondence on file with the department, to the effect that such prices are exorbitant, and that such restrictions operate squarely in the interest of the contractors and are against public policy and the best interests of the taxpayers of the State: Now, therefore, be it

Resolved by the house (the senate concurring): First. That the attorney general of the State of Iowa be, and he is hereby, directed and authorized to inquire into the existence of such combination to maintain prices and to inquire as to whether there are sought to be imposed upon the taxpayers of Iowa illegal restrictions by said cement manufacturers in restraint of trade and in violation of law and public policy and to the detriment of the public interest and to report his conclusions to the general assembly by written opinion; and in the event such combination and restrictions contrary to law are found to exist to proceed with the prosecution of the guilty parties, and that in such investigation the attorney general be, and he is hereby, empowered to compel the production of documents and to call and examine witnesses under oath as to the facts.

Second. That an engrossed copy of this resolution be forwarded to the Senators and Representatives of the State of Iowa in the Congress of the United States with request that an investigation be made as to violation in this connection of the Federal statutes and for such action by the legal department of the Government as may be deemed necessary in the premises.

M. B. PITT,
Speaker of the House.
ERNEST R. MOORE,
President of the Senate.

I hereby certify that this resolution originated in the house.

W. C. RAMSAY,
Chief Clerk of the House.

Adopted by the house February 3, 1917.
Adopted by the senate February 5, 1917.

Mr. LA FOLLETTE. Mr. President, I send to the desk and ask to have read, following the resolution of the Lawn Tennis Association, the following, from the Federated Trades Council of Milwaukee.

The VICE PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

MILWAUKEE, WIS., *February 10, 1917.*

Hon. ROBERT M. LA FOLLETTE,
United States Senate, Washington, D. C.

DEAR SIR: The inclosed resolution was adopted at a regular meeting of the Federated Trades Council of Milwaukee, Wis., held February 7, 1917.

The object of the resolution is to be helpful in an advisory way, as patriotic citizens, ever ready to serve and protect our country, in outlining a plan by which we believe the present crisis confronting our country, and may cause us to enter the present European war, can be avoided.

Yours, very truly,
THE FEDERATED TRADES COUNCIL,
By FRANK J. WEBER,
Corresponding Secretary.

Whereas the Government of the United States has broken off relations with one of the central powers of Europe and our country stands upon the brink of the abyss into which all the civilization of Europe is in danger of disappearing; and

Whereas we know that if war is declared by the United States it will be declared only to safeguard the shipments of ammunition, war supplies, and food to foreign countries; and

Whereas the workingmen of America do not want to submit to being murdered or to murder others in order to protect the profits of our greedy enemies within our own Nation: Therefore be it

Resolved by the Federated Trades Council, representing the trades unions of Milwaukee County, That we are for peace and against taking away our food to feed the soldiers of Europe; that we protest against any declaration of war against the central powers or any other powers; and that we protest against the murderous and inhuman agitation of the capitalist press for war; further be it

Resolved, That we demand that American citizens and American ships be forbidden to enter the war zone except at their own risk; and be it also

Resolved, That a copy of these resolutions be sent to President Wilson, the two United States Senators from the State of Wisconsin, the two Congressmen from Milwaukee County, and also to the daily press of Milwaukee for publication.

Respectfully submitted.

THE FEDERATED TRADES COUNCIL,
By FRANK J. WEBER,
Corresponding Secretary.

Mr. LA FOLLETTE. Mr. President, I have received hundreds of letters and telegrams from loyal American citizens, representing every section of the country, if not every State, bearing upon the tense international situation in which we find ourselves.

With a single exception, these communications one and all deprecate the severing of diplomatic relations with Germany and protest against pushing our country into war to enforce the right of our citizens to enter the blockaded zone in pursuit of pleasure or profit.

I have not presented these letters and telegrams for publication in the RECORD, but I have before me a letter from Prof. William Ellery Leonard, of the English department of Wisconsin State University, now visiting professor of English at New York University.

This letter clearly defines the real issue and admirably states our responsibility for the acute situation which confronts us.

I send it to the desk and request that it be read.

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

The Secretary read the letter, as follows:

NEW YORK UNIVERSITY,
UNIVERSITY HEIGHTS,
New York City, February 6, 1917.

Hon. R. M. LA FOLLETTE,
United States Senate, Washington, D. C.

DEAR SENATOR LA FOLLETTE: The present crisis seems to many Americans the inevitable culmination of our foreign policy of the last two and

a half years. That policy has stood for the security of American rights, but that policy has not been enforced with equal stringency against both the belligerents; if, for instance, we had exacted from England an abandonment of her illegal blockade and her illegal contraband list conjointly with our exacting from Germany an abandonment of her reprisal against that blockade and that list by illegal submarine warfare, we would not find ourselves to-day face to face with war. That policy, again, has stood for American rights at times with an abstract and technical severity, guided by an abstract and technical conception of American prestige less than by a realizing sense of concrete reality and the utterly unprecedented nature of the world situation. But the past is past. We are in the present and are facing the future. We must all be Americans.

But is it un-American to hope we may learn from the past? Is it un-American still to hope that we may avoid the incalculable disaster of being drawn into the European war? It is so incalculable a disaster that, with the evidence before us of the unforeseen development already of one tragic entanglement and debacle after another in Europe, we might well fear it would mean—whoever were "victorious"—the collapse of all modern civilization. With this awful possibility before us, of what moment are our formal rights of to-day? At the worst we lose "prestige" for an hour—to keep our sanity and our health and our helpfulness for to-morrow. Do we not possess, as a Nation, funded spiritual resources beyond the hour? It is not a time for the patriotism of pride, but a time for the patriotism of intelligence, for the patriotism that visualizes the concrete realities of the present and the concrete possibilities of the future. Is it too late to warn our fellow citizens not to make use of their formal prerogative to sail through a zone of fire, which has been created not as an attack upon America but as a desperate measure against a foreign foe? Is it too late to cooperate with neutrals to exert pressure upon both belligerents; or, if the opportunity be gone to secure ourselves by securing at the same time an absolute justice, is it too late to cooperate with neutrals to exert pressure upon the central powers at least to defer or to modify their declared policy until they have stated their terms and given the neutral world an unhampered opportunity to negotiate with both belligerents for peace, in the interests of America and the rest of the neutral world?

But supposing it to be too late, and supposing we enter the war. Infallibly we must imperil ourselves and mankind if we make any alliance whatsoever with the entente. It will be essentially a dispute between Germany and America concerning an American prerogative. Let us not delude ourselves longer, in the midst of the lawlessness and ruthlessness of both sides, with such phrases as "morality," "democracy," "humanity"; we will serve morality, democracy, humanity truly, indeed, only if we do not so delude ourselves. We will be fighting solely for an American prerogative—not for the return of Alsace to France, not for the incorporation of German Africa into the British Empire, not for a Russianized Constantinople. Unless we keep the issue a strictly American issue, unless we preserve our right to make a separate peace solely upon that American issue, it will be all but impossible, I fear, to create a truly united America out of an American citizenry composed of men and women whose racial and spiritual affiliations with all the peoples now at war are so complex and so profound. Face to face with the tragic conflict of sympathies and convictions, they will still battle for the defense of America, whatever their doubts as to the wisdom of our antecedent foreign policy and whatever their faith in the cause of Germany versus the entente; but they will not willingly battle, even in legions or squadrons under the American flag if they feel that they are battling essentially for the aims of the entente.

I am not a statesman, not even a publicist. But I think I reflect the point of view of many millions whose stake in America is ultimately their all.

Sincerely,

WILLIAM ELLERY LEONARD,
Visiting Professor of English from Wisconsin.

Mr. McLEAN. I have here a very brief communication from the Assistant Secretary of the Treasury with regard to contemplated public buildings at Manchester and South Manchester, Conn. I ask that the communication be printed in the RECORD and referred to the Committee on Public Buildings and Grounds.

There being no objection, the communication was referred to the Committee on Public Buildings and Grounds and ordered to be printed in the RECORD, as follows:

TREASURY DEPARTMENT,
Washington, February 10, 1917.

Hon. GEORGE P. MCLEAN,
United States Senate.

MY DEAR SENATOR: In compliance with your telephonic request of the 9th instant inquiry was made of the Post Office Department in regard to the space which would be required in a Federal building designed to accommodate the postal business for both Manchester and South Manchester, Conn.

It appears that the receipts at Manchester for the fiscal year ending June 30, 1906, were $4,226, and for South Manchester, during the same period, $12,208. The corresponding receipts for the fiscal year ending June 30, 1916, were $11,758 and $26,290. The annual rent now being paid at these places is, respectively, $425 and $900.

It is estimated that to provide a building of sufficient size to accommodate the postal business for both of these places would require an increase of $10,000 over the amount—$40,000—provided in the public-buildings bill recently passed by the House of Representatives for a Federal building at Manchester alone.

Respectfully,

JAMES L. WILMETH,
Acting Assistant Secretary.

Mr. LODGE. I present resolutions adopted by the Millville Order of United Workmen indorsing the action of the President in severing diplomatic relations with Germany. I ask that the text of the resolution be printed in the RECORD without reading. It is very brief.

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

MILLVILLE, MASS., *February 8, 1917.*

Hon. HENRY CABOT LODGE,
United States Senate, Washington, D. C.

SIR: Last evening this lodge, fully conscious of the possibilities that may attend the severance of diplomatic relations with Germany, unanimously voted to indorse the action of our President on Saturday last, and, while praying that the country may be spared the horrors of war, realizes the country's honor can not permit curtailment of our rights on the high seas at the dictation of an autocratic power. It was voted to communicate this indorsement of President Wilson's stand to the senior Senator from Massachusetts.

Very respectfully, yours,

[SEAL.] MILLVILLE LODGE, No. 130, A. O. U. W.,
JOHN T. MURPHY, *Recorder.*

Mr. MARTINE of New Jersey. I present four telegrams which I have received on the subject of the tax on profits of corporations, which I ask may be printed in the RECORD.

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

NEWARK, N. J., *February 9, 1917.*

Hon. JAMES E. MARTINE,
United States Senate, Washington, D. C.:

As one of your constituents, I would ask you to strenuously oppose that portion of the emergency revenue bill which imposes a tax of 8 per cent upon life insurance companies of the Nation, and which I consider unfair as a policyholder.

D. T. WYCKOFF.

—

NEWARK, N. J., *February 9, 1917.*

Hon. JAMES E. MARTINE,
United States Senate, Washington, D. C.:

As one of your constituents, I would ask you to strenuously oppose that portion of the emergency revenue bill which imposes a tax of 8 per cent upon life insurance companies of the Nation, and which I consider unfair as a policyholder.

J. J. SCHWANINGER.

—

NEW YORK, N. Y., *February 9, 1917.*

Senator JAMES E. MARTINE,
Washington, D. C.:

As a voter of New Jersey, paying substantial annual premiums and life insurance policies, and as a life underwriter representing policyholders paying premiums on several millions of insurance, I appeal to you to oppose the passage of that portion of the emergency revenue bill which imposes a tax of 8 per cent upon the life insurance companies.

JOS. R. ROBBINS.

—

NEW YORK, N. Y., *February 9, 1917.*

Hon. JAMES E. MARTINE,
Washington, D. C.:

You have previously opposed heavy taxes on life insurance, and I am sure you will oppose the 8 per cent tax in the emergency revenue bill now before the Senate. A tax of this kind merely adds an additional charge to the cost of some poor fellow's life insurance. The Government should encourage life insurance and not discourage it. I live at Westfield, N. J.

WILLIAM EDGAR REEVE.

Mr. CHAMBERLAIN presented memorials of sundry citizens of Oregon, remonstrating against the proposed reduction in the tax on oleomargarine and the tax on excess profits on life insurance companies, which were referred to the Committee on Finance.

Mr. NELSON presented a petition of the Minneapolis (Minn.) Real Estate Board, approving the action of the President in severing diplomatic relations with Germany and pledging the support of that organization to any action taken by the Government for rights of citizens of the United States, which was referred to the Committee on Foreign Relations.

Mr. WADSWORTH presented petitions of the congregation of the Park Presbyterian Church and of sundry citizens of Albany, in the State of New York, praying for the adoption of an amendment to the Constitution to prohibit polygamy, which were referred to the Committee on the Judiciary.

Mr. WARREN presented memorials of the Wyoming Tribune, the Wyoming Stockman and Farmer, of Cheyenne, Wyo.; the Agricultural Publishers' Association of Chicago, Ill.; the Denver Post, of Denver, Colo.; and of the American Press Association, of New York City, N. Y., remonstrating against any change in second-class postal rates, which were ordered to lie on the table.

Mr. POINDEXTER presented a petition of Major E. M. Brown Camp, No. 22, United Spanish War Veterans, Department of Washington and Alaska, of Tacoma, Wash., praying that second lieutenants appointed from civil life shall take rank and precedence from the date of their appointment, which was referred to the Committee on Military Affairs.

Mr. OLIVER presented petitions of sundry citizens of Kittanning, East Brady, and Johnstown, all in the State of Pennsylvania, praying for the adoption of an amendment to the Constitution to prohibit polygamy, which were referred to the Committee on the Judiciary.

He also presented a petition of Local Union No. 1519, United Mine Workers of America, of Drifton, Pa., praying for an investigation into the high cost of living, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Center Valley, Pa., praying for the enactment of legislation to found the Government on Christianity, which was referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Marion Center, Pa., praying for national prohibition, which were ordered to lie on the table.

Mr. PHELAN presented a memorial of the Audubon Society of Los Angeles, Cal., remonstrating against the adoption of the so-called Mondell amendment to the Chamberlain-Hayden game-sanctuary bill, which was ordered to lie on the table.

Mr. SHEPPARD presented a petition signed by the officials of the International Brotherhood Welfare Association peace committee asking for economic protection of lives of working people in connection with the war situation, which was referred to the Committee on Foreign Relations.

GENERAL EDUCATION BOARD.

Mr. TILLMAN. Mr. President, I have two letters here of very great importance, I think. One is from the State superintendent of education of South Carolina transmitting a communication from the superintendent of schools of Wisconsin. I ask to have them read.

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

The Secretary read as follows:

STATE OF SOUTH CAROLINA,
DEPARTMENT OF EDUCATION,
Columbia, February 10, 1917.

Senator B. R. TILLMAN,
Washington, D. C.

DEAR UNCLE BENNIE: Herewith I am sending you a circular letter which came to my desk this morning from Mr. J. W. Crabtree, of River Falls, Wis.

If possible, I should like to secure a copy of the report made by the Senate committee investigating these foundations and their activities.

It is a well-known fact among schoolmen that the present Commissioner of Education was urgently recommended by these agencies. If some sort of tax could be placed on these foundations, endowments, or whatever other names such corporations are called by, it would help to clarify the educational atmosphere. Their subsidized agents are almost invariably selected because of their willingness to support policies originating and emanating from these money sources.

Some of their activities may be observed in South Carolina. In some respects they are helpful and desirable, while in others they are insinuating and dangerous.

Yours, respectfully, J. E. SWEARINGEN.

P. S.—I can not close this letter without congratulating you on your clear and forceful comment regarding the severance of diplomatic relations with Germany.

J. E. SWEARINGEN.

—

RIVER FALLS STATE NORMAL SCHOOL,
River Falls, Wis., February 3, 1917.

MY DEAR FRIEND: I presume you are aware of the fact that the United States Senate has clipped the wings of the educational foundations by its decision to oust from service in the Federal Bureau of Education all educational specialists receiving pay directly or indirectly from the great educational foundations. According to the views expressed by Senators in their speeches, this action was taken because of the belief that these foundations were making a conscious attempt to affect the thought and ideas of future citizens and to direct the public-school policies of the Nation.

This action should not be construed as a personal criticism on our national Commissioner of Education. Commissioners before him have likely had help from the same source. The public approved fully of accepting this help until it became evident that these great foundations were definitely planning to shape public sentiment and to direct public-school policies. The elimination of these free services places an obligation on Congress to provide ample funds for the use of the Bureau of Education, and this will naturally follow the action recently taken. Certainly the Bureau of Education can have an independence in thought and action when it has funds of its own quite impossible so long as it is forced to depend upon foundation help.

This drastic action on the part of the Senate was perhaps hastened by the public announcement of the beginning of a great movement under the auspices of the foundations to revolutionize elementary and secondary education in the public schools of America. The resolution freeing the Federal bureau from contact with the foundation agents was the direct result of an investigation of the activities of the foundations by a committee of the Senate.

The action taken by the Federal Government will doubtless interfere with foundation plans of surveying State normal and other teacher-training schools of the country. The fact that the Senate looks upon this gratuitous surveying and other work of the foundations as a most serious menace to democracy in education in our public schools will doubtless make it embarrassing for any State superintendent, State board of education, or even city board of education to make use of foundation men or foundation money for these surveys of teacher-training schools or of the teachers' work in the public schools. In other words, this action of the Senate is likely to be far-reaching in its effects.

It is expected that friends of the foundations will attempt to secure the passage of a resolution at the February meeting of the department of superintendence at Kansas City requesting the United States Senate to reconsider its action so as to enhance the interest of education by the use of the foundations' millions. It is not believed, however, that any such resolution will pass. The pension club can hardly be used on the membership of this particular department. We do not admit that educators are purchasable, but if the foundations do expect those who have directly or indirectly received pay from them to stand for this resolution, what about those who have not received pay? If they expect help from men who secured promotions through their aid, what about the larger number of men who have not received special favors from them? Would it not be wiser action to pass a resolution requesting larger appropriations for the use of the national Bureau of Education?

It seems to me that the Senate having cut the connection higher up, educators might render a valuable service by standing in the way of connections being formed between the foundation and school authorities lower down.

Very sincerely, yours, J. W. CRABTREE.

Mr. SMITH of South Carolina. In this connection I think it just to have printed a communication addressed to me from the Secretary of Agriculture on the identical subject, which I ask to have read.

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

The Secretary read the communication, as follows:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D. C., February 9, 1917.

Hon. E. D. SMITH,
Acting Chairman Committee on Agriculture and Forestry,
United States Senate.

DEAR SENATOR SMITH: I note that a somewhat extended discussion took place on the floor of the Senate yesterday regarding cooperation between certain organizations and the Department of Agriculture. In this connection I desire to bring to your attention the following facts:

There was cooperation between the Department of Agriculture and the General Education Board from 1906 to June 30, 1914. In the Agricultural appropriation act for the fiscal year 1915 the appropriation for farm demonstration work in the South was increased by an amount equal to that formerly contributed by the General Education Board in order that the work might be financed entirely from Government funds, and the following proviso was attached to the appropriation:

"*Provided*, That the expense of such service shall be defrayed from this appropriation and such cooperative funds as may be voluntarily contributed by State, county, and municipal agencies, associations of farmers and individual farmers, universities, colleges, boards of trade, chambers of commerce, other local associations of business men, business organizations, and individuals within the State."

On August 5, 1914, the Senate of the United States adopted a resolution calling upon certain heads of departments to furnish information as to the relation, if any, of the General Education Board and the Carnegie Foundation to the work of their departments. On August 12, 1914, I had the honor to write the following letter to the President of the Senate:

"Referring to Senate resolution 437, a copy of which is hereto attached, I have the honor to inform the Senate that the organizations referred to in the resolution are not in any way connected with the work of the Department of Agriculture; that there are no employees in this department whose salaries are paid in whole or in part with funds contributed by the Rockefeller Foundation or the Carnegie Foundation; and that, so far as I know, there are no administrative officers in this department who are in any way connected with the work of the General Education Board of the Rockefeller Foundation or the Carnegie Foundation."

This statement applies in all particulars to this department at present, and has applied since the date of the action of the Congress.

Very truly, yours,

D. F. HOUSTON, *Secretary.*

NAVAL OIL SUPPLY.

Mr. MYERS. Mr. President, I have a short letter from the Secretary of the Interior relative to the general land-leasing bill, which I ask to have read.

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

The Secretary proceeded to read the letter, but was interrupted by—

Mr. SUTHERLAND. Mr. President, how much more is there of this letter?

The VICE PRESIDENT. There are two lines, the Chair is informed.

Mr. SUTHERLAND. Mr. President, it seems to me that it is getting to be an abuse of the use of the RECORD to read private correspondence. I think half a dozen such letters have been read into the RECORD this morning.

Mr. MYERS. Mr. President, I ask that the reading of the letter, which is very short, be concluded. It seems to me the Senate ought to be very willing to hear the views of a Cabinet officer on this subject, especially when they are compressed within a short space. I ask that the reading of the letter be concluded.

The Secretary resumed and concluded the reading of the letter, which is as follows:

THE SECRETARY OF THE INTERIOR,
Washington, February 10, 1917.

MY DEAR SENATOR: In view of the general realization that it is now time to make plans for national defense, I take the liberty of suggesting that you consult with the chairmen of the Committees on Military and Naval Affairs to see if it is not practicable to have the lands which are at present locked up, containing oil, phosphate, and potash, released under a leasing system. We have some 6,000,000 acres of possible oil lands so withdrawn that no wells can be bored upon them. Only the lands now held in private ownership are producing. We should be about the business of discovering what these withdrawn lands contain. Gasoline is invaluable to the Army and to the Navy, as well as to every automobile owner and to the owner of every other gasoline-driven engine in the country. The largest deposit of potash in this country, which is fundamental in the manufacture of explosives, is also out of use because withdrawn, and we have some 3,000,000 acres of phosphate deposit in the same situation. The development of these resources can be made effective by the passage of a leasing bill.

As to the procuring of more extensive oil reserves for the use of the Navy, would it not be practicable to authorize this department, or some other, to drill for oil upon some of those great reserved tracts which have not been already proved? The expenditure of a comparatively small amount of money might in this way secure for the Govern-

ment an insured oil supply, as well as be an effective regulation against increasing prices.

Cordially, yours, FRANKLIN K. LANE.

Hon. HENRY L. MYERS,
United States Senate.

RELATIONS WITH GERMANY.

Mr. WORKS. Mr. President, since the debate which took place a few days ago on our relations with Germany I have received hundreds of letters and telegrams bearing upon that question. They come from all parts of the country and from all classes of people. Out of the mass I have selected a comparatively few, which are temperate and inoffensive in tone and patriotic in sentiment, that I ask may be printed in the RECORD, without reading, and referred to the Committee on Foreign Relations.

The VICE PRESIDENT. Without objection, that action will be taken.

The letters and telegrams were referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

LONG BEACH, CAL., *February 10, 1917.*

JOHN D. WORKS,
United States Senate, Washington, D. C.:

Do not believe Los Angeles Council action yesterday bespeaks sentiment of the people of southern California. We have no quarrel with Germany; why pick a fight? Our position during past two years became this great and wonderful Nation. Why at this time join forces with the allies against the central powers?

DICK RICHARDS.

—

CHICAGO, ILL., *February 8, 1917.*

Senator JOHN D. WORKS,
Washington, D. C.:

Thank you for your wise, brave, patriotic speech against our going to war because of the submarine blockade. I believe a referendum vote would show majority of the people with you. America's worst enemies are the press leaders and financial interests that have brought her to the verge of war.

Dr. CHARLES SUMNER BACON.

—

LOS ANGELES, CAL., *February 7, 1917.*

Senator JOHN D. WORKS,
Washington, D. C.:

Congratulations on your stand on impending war, which is the consensus of opinion in California.

ORRIN H. WINTON.

—

CHICAGO, ILL., *February 9, 1917.*

Senator WORKS,
Washington, D. C.:

You are to be congratulated on your speech in Congress, which truly expresses the wishes of myself and a great many others who are not represented by the newspaper. Accept my best wishes and congratulations.

JAMES MARSHALL.

—

ST. LOUIS, MO., *February 9, 1917.*

Senator JOHN D. WORKS,
Senate, Washington, D. C.:

Permit me to heartily indorse your stand. If a sane minority can prevent our country being forced into war, this and future generations will owe you lasting gratitude. Why should we sacrifice our men and money to take up a quarrel not ours? Better suffer an infraction of our rights and keep our boats and citizens out of the disputed area.

GEORGE F. FISKE,
Treasurer American Stove Co.

—

RIVERSIDE, CAL., *February 8, 1917.*

Senator JOHN D. WORKS,
Washington, D. C.:

Permit me to express my high appreciation of the wise and patriotic position you took in your speech before the Senate in the matter of the break of diplomatic relations with Germany. I believe your views express the real sentiment of the great majority of the people of this country.

ARTHUR B. WEST.

—

LOS ANGELES, CAL., *February 8, 1917.*

Hon. JOHN D. WORKS,
United States Senate, Washington, D. C.:

We wish to express our approval of your action in the German submarine controversy and assure you of our support. We appreciate your courage and patriotism and that of the other minority Senators in your efforts to avoid war. We are confident the majority of our American fellow citizens are with you.

FRANK N. FISH.
T. M. PERRY.
E. T. EMERY.
M. Y. WOODRUFF.
R. T. FRANK.
L. HOTTINGER.
W. T. SPECHT.
J. S. KIOUS.

—

NEW YORK, N. Y., *February 8, 1917.*

Hon. JOHN D. WORKS,
United States Senate, Washington, D. C.:

I desire most heartily to congratulate you upon the stand you have taken. Your efforts to prevent an unrighteous war have earned the undying gratitude of all thinking Americans. Keep up the good work. The ravings of a jingo press do not represent the sentiment of the Nation.

M. K. WEIL.

—

WHITTIER, CAL., *February 8, 1917.*

John D. WORKS,
Senate, Washington, D. C.:

You have welfare of a Nation to guard and priceless ideals to preserve and can not afford to sacrifice its life and happiness for a standard of force. Urge joint council of neutral nations to consider safeguarding common rights at sea before declaration of war.

CALIFORNIA FRIENDS CHURCH.
L. M. GREENE,
President of Board.

—

SAN FRANCISCO, CAL., *February 8, 1917.*

Hon. JOHN D. WORKS,
United States Senate, Washington, D. C.:

You have struck the keynote in the minds of every fair-minded American citizen. It is the sacred duty of our Government to warn us to keep out of any danger zone. Any backwoods deputy sheriff would do so if the occasion arose in his district. The idea of so-called American citizens in these terrible times being allowed to strut around within the war zone, standing on his or her rights as an American citizen as against the welfare of 100,000,000 people, is too preposterous to think about. History will show that America had one man in the Senate who had the manhood to voice the thoughts of all fair-minded people. I am pro-nothing but pro-American.

EDWARD J. HOOPER,
20 Montgomery Street, San Francisco, Cal.

—

SAN FRANCISCO, CAL., *February 8, 1917.*

Hon. JOHN D. WORKS,
United States Senate, Washington, D. C.:

Please present in the Senate the following:

"To the Congress of the United States:

"We, citizens and registered voters of the pivotal city of the Union, and many of us veterans of the United States Army, in mass meeting assembled, believing that the Constitution of the United States is still in force and that we have a constitutional Government of three distinct and independent departments—the legislative department, consisting of the Congress, intended by our people and the Constitution to be composed of more than 400 individual, independent, thinking men, with brains and wills of their own—and we appeal to you not to allow the executive department or any other department to encroach upon your powers, and, of course, you have no right to delegate any of your powers to any other department. The executive department exhausted its powers when it broke off diplomatic relations with Germany, and it is entirely up to you whether any further proceedings shall be had. The people of the United States in the proportion of about 90 to 1 are decidedly opposed to any further hostile act toward Germany and her allies and in a proportion of 75 to 1 they disapprove of the breaking off of diplomatic relations with Germany and in a proportion of 90 to 1 disapprove the President's request to neutrals to join with him in breaking off diplomatic relations with Germany; and we therefore ask you to promptly reject and repudiate any proposition toward a declaration of war, and if there is any doubt about this attitude of the people as expressed herein that you refer any such proposition to the people for their vote of approval or disapproval. We request you to promptly pass all bills now before Congress for the purpose of removing any occasion for war by passing an embargo on arms and ammunition and the passing of House joint resolution No. 337, prohibiting individuals for money or malice sailing on belligerent ships for the purpose of causing further friction between the United States and Germany."

DANIEL O'CONNELL, *President.*
JOHN A. MILLER, *Secretary.*

—

SYRACUSE, N. Y., *February 8, 1917.*

Senator WORKS,
Senate Chamber, Washington, D. C.:

Gratitude for your clear vision, sound judgment, and courageous voice in this national crisis.

MARION E. COVILLE ("ROSAMOND H. FOX.")

—

CAMBRIDGE, MASS., *February 8, 1917.*

Senator WORKS,
Washington, D. C.:

As a loyal Californian, I am proud of your brave and magnificent stand against war yesterday in the Senate. I beg you, in the name of humanity, to urge that the people be allowed a referendum vote on the question before the President plunges this country into the horror and barbarism of war. The best people of your Nation will applaud you. The people do not want war. I entreat you to stand firm and uphold that noble minority who have the power to save the Nation.

MARY R. DARLING.

—

ARKANSAS CITY, KANS., *February 7, 1917.*

Senator JOHN D. WORKS,
Washington, D. C.:

Your speech hit the bull's-eye; let's have more. You voice the sentiment of millions in this Nation.

THE DAILY NEWS,
(An Independent Newspaper),
CHAS. SPENCER,
Editor and Manager.

—

ST. AUGUSTINE, FLA., *February 8, 1917.*

Senator WORKS,
Washington, D. C.:

Heaven bless you, Senator WORKS, of California, for your protest against the breaking of our relations with Germany.

THE NATIONAL SOCIETY CONSERVATION OF AMERICAN WOMEN.
LYONELLA MURAT DAY, *Secretary.*

—

BERKELEY, CAL., *February 7, 1917.*

Hon. JOHN D. WORKS,
United States Senate, Washington, D. C.:

Congratulations on your masterful speech to-day. You have voiced the sentiments of millions of Americans who have no way of making

themselves heard in the subsidized press of this country. Wish there were more Senators like yourself with courage enough to speak and act independently and in sympathy with the people.

SIXTEEN BERKELEY CITIZENS.

—

PITTSBURGH, PA., *February 7, 1917.*

Senator JOHN D. WORKS,
Washington, D. C.:

For the first sane, unbiased, and truthful statement of war conditions let me thank you for your speech to Congress to-day, and let me wish you God speed in your endeavor to teach Americans true neutrality and to save us from the horrors of war.

MISS ANN HILL.

—

NEW YORK, *February 8, 1917.*

Hon. Senator WORKS,
Capitol, Washington, D. C.:

Thirty citizens consulted at random since yesterday all favor keeping out of the war zone and against war on this issue. I voted for Wilson and know many others here and in eight Western States in which I travel hold the same view in regard to *Lusitania*, as you do, and rone of them are pro-German. Hope you will keep up the fight.

A. T. DORSEY, *40 Thomas Street.*

—

MILWAUKEE, WIS., *February 8, 1917.*

Hon. JOHN D. WORKS,
United States Senate, Washington, D. C.:

As an American whose ancestors fought in the Revolution and War of 1812. I thank you for the highly conscientious and patriotic stand you are taking in the present crisis. I heartly indorse every word of your speech as reported by the Associated Press.

LYMAN D. MORGAN.

—

DICKINSON, N. DAK., *February 8, 1917.*

Senator JOHN WORKS,
United States Senate, Washington, D. C.:

The American people should be with you in your argument in the Senate. If Americans want to go into the war zone they should do so at their own risk, not at the risk of 100,000,000 people in this country.

F. W. TURNER.

—

OKLAHOMA CITY, OKLA., *February 7, 1917.*

Hon. JOHN D. WORKS,
United States Senate, Washington, D. C.:

Home in Los Angeles, temporarily in Oklahoma City. Read excerpts from your "thunderbolt" speech, criticizing administration for unwarranted action likely to provoke war between this country and Germany. You expressed the sentiment of patriotic Americans. God bless you for your courage. Other loyal Congressmen should support you. See letter.

ARTHUR C. HUMMER.

—

NEW YORK, N. Y., *February 7, 1917.*

Senator WORKS,
United States Senate, Washington, D. C.:

God bless you for your noble speech. If war occurs, you may well be proud of your effort. If held back 10 days, the Nation will return to sanity.

Yours for America, EDWARD S. SNOW,
A Puritan Descendant, Boston, Mass.

—

MANSFIELD, OHIO, *February 8, 1917.*

Senator WORKS,
Washington, D. C.:

Trades council, 1,500 organized workers, voted unanimously to oppose United States declaring war on any nation, including Germany. We demand referendum on declaration of war.

ALBERT G. STORICK, *Secretary.*

—

LOS ANGELES, CAL., *February 8, 1917.*

Hon. JOHN D. WORKS,
United States Senate, Washington, D. C.

DEAR SENATOR: The undersigned and many friends send congratulations. Your speech expresses exactly what the majority of Americans feel. We are glad you had the courage of your convictions, and courage to express same. If everyone would follow your example, the war could be avoided. Best wishes.

Dr. CARL SCHULTZ.
Dr. HENRY GROSS.

—

LOS ANGELES, CAL., *February 8, 1917.*

Hon. JOHN D. WORKS,
United States Senate, Washington, D. C.:

Although in the past I have differed with you, I wish to congratulate you on your courageous, splendid stand in opposing hasty action, which might plunge our country into war with Germany. I believe your viewpoint is that of the great majority of American men and women to-day despite the seemingly contrary attitude of our newspapers. You have done our country a great service. The administration will err grievously if it imagines its attitude has the full sanction and cordial and enthusiastic support of most American citizens. I congratulate you, and express my great personal appreciation of your courageous stand.

Dr. GEORGE H. KRESS.

—

RICHMOND, CAL., *February 7, 1917.*

Hon. JOHN D. WORKS,
United States Senate, Washington, D. C.:

The Contra Costa Central Labor Council in assembly decrees that you use your best efforts not only to avert any tendency toward war with any nation but to bring before the proper committees and Congress of the United States to urge Congress to see reparation for damages only after war; not to declare war without people's referendum; to advise Americans not to travel in danger zone.

J. C. LEBER.

—

OMAHA, NEBR., *February 7, 1917.*

Hon. J. D. WORKS,
Washington, D. C.:

I wish to congratulate you for the brave and noble stand against President's war diplomacy, and to state sentiment in Nebraska seems strongly opposed to war, and disapproves break in diplomatic relations. We are with you; keep up the fight. Please congratulate Congressman SLOAN.

WILLIAM C. R. NOLLMAN.

—

CHICAGO, *February 7, 1917.*

Senator WORKS:
Washington, D. C.:

God forever bless and reward you. For two years I whose forebears fought to make this country free have blushed for our injustice and hypocrisy. I thank my heavenly Father for your speech, the first real American utterance in two shameful years of disgraceful cringing to British rule. I am proud to address you, sir, and sign myself,

Yours, respectfully and gratefully,

MARILLA CUNNINGHAM PEABODY.

—

PHILADELPHIA, PA., *February 7, 1917.*

Senator WORKS,
Washington, D. C.:

An American citizen not of German descent salutes you. God bless you for the stand you have taken. You have voiced the sentiments of the silent but thinking millions of America.

MAX GREEN, M. D.

—

OMAHA, NEBR., *February 8, 1917.*

Hon. JOHN D. WORKS,
United States Senate, Wahington, D. C.

DEAR SIR: Permit us, the undersigned, of the ordinary class of truly patriotic American citizens to extend to you our most sincere congratulations on your recent speech before the Senate, and also the other four Senators who stood with you on the question of approving the President's action in breaking off diplomatic relations with Germany.

We are not citizens of the State you represent, but we believe that the opinions and sentiments you expressed with regard to the German-American crisis are in concurrence with the wishes and ideas of the masses of all the States, and that you have for the moment placed yourself in a position extending far beyond local matters. Your argument is based on facts, indeed, and God grant that you and the like of yours may soon dominate the situation.

We do not want war; we have nothing to gain by war; we have no grievances sufficient to justify a war; we have no rights deliberately violated with intent to harm to defend by war. Then, in the name of all that's just and fair and safe and sane, why menace a sorely tried and friendly people with such warlike tactics? Even now as the possibility of conflict stares us in the face our hands are not clean. We are provoking it.

The Senate is full of men who think as you, whose people think as you, and who, if they had the moral courage of their convictions, would come right out as you have. Most of them either have been stirred and fired by a rabid, morbid press or they have been hushed and lulled by a deceptive and pernicious opposition. We pray that these men may come to a fuller realization of their duties as representatives of the people and of their responsibility before God and the world.

Why should we permit the allied press agents to stand sponsors for 100,000,000 American souls? The sponsors may back the President forever, but have not the children, having grown up, something to say concerning their own ultimate destiny?

The fact that we are thus perturbed does not make us lose sight of our sacred duties as American citizens; and every one of us would be willing to do his share to defend our country from aggression. But we are opposed to the present status of things, and we believe there is no time like the present to tell it to a man like you.

With every assurance of our deepest admiration for your courage and of our fullest appreciation of your efforts in our behalf, we have the honor to subscribe ourselves,

Most respectfully and sincerely, yours,

FRANK R. MIKE.
C. L. NEWELL.
FRED J. RUETH.
JAMES P. DOWNES.
R. A. MAHER.

—

7532 HAMILTON AVENUE, *Pittsburgh, Pa.*

Senator WORKS:

Congratulations on the intent of your Senate remarks of a few days ago. "Military hysteria" has swept the "newspapers" out of their senses, but not the workingman.

F. T. HAGUE.

—

STEUBENVILLE, OHIO, *February 8, 1917.*

Hon. SENATOR WORKS,
United States Senate, Washington, D. C.

DEAR SIR: Please pardon the seeming intrusion of one humble, American-born citizen writing to congratulate you for the expression on the floor of the Senate of such courageous and magnificent sentiments as accredited to you in the press reports to-day on the German-American war crisis.

I sincerely regret that the attitude on this question of Ohio's Senators precludes me writing them in this vein.

I can realize the difficulty of gauging public opinion while engaged in your legislative functions in Washington, but I wish to state, for your gratification, I hope, that from my observation most all of the people of even mediocre intelligence are heartily in accord with your views on this matter, and I venture to assert that were a national poll taken your sentiments would overwhelmingly be indorsed.

As I find it, the people seem to be somewhat suspicious of the present sort of neutrality.

Holding the peace and tranquillity of this Nation as I do, I wish to God it were possible to give this momentous question the public solution it deserves. I have not hesitancy in saying it would then be quickly and decisively settled, and done so without the unsheathing of the sword. It is indeed a sad reflection on democracy, when, because

of the impossibility of any proper method of expression we are forced to offer ourselves as cannon fodder to satisfy the temporary blood-lust of our so-called public servants, most of whom nowadays persist in acting the rôle of sovereign.

Again, if we (Congress, etc.) don't begin to take a little interest in the topic of the high cost of living, something will happen in this country that will make a German-American war look like a sham battle. However, as black as things appear, it is refreshing to know that there were at least five men in the Senate who had the moral stamina to wield the cudgel in the interest of a genuine patriotism. May your fight be crowned with victory.

Again begging your pardon for the liberty of writing you, I am,

Very respectfully,

E. P. McDEVITT,
1657 Ridge Avenue.

—

PITTSBURGH, PA., *February 9, 1917.*

SENATOR WORKS,
Washington, D. C.

DEAR SIR: I desire to compliment you on the speech you made to Senate a few days ago on the international situation. Your position is absolutely correct and the eastern pro-ally, un-American papers who do most of the shouting know down in their hearts it is correct. If we get into war the country can thank the eastern papers. One would suppose from their behavior that war with Germany is something the country should look forward to with much glee.

I am a traveling man and see many people. There is no doubt of the patriotism of the people, but most thinking men can not feel that the principle of Americans traveling on belligerent ships during times of war is reason for throwing the country into war.

You may rest assured that there are many thousands with you.

Very truly, yours,

F. G. KRUEGER,
214 Elm Street, Swissvale Station.

P. S.—The voice of the people should be heard on the question of war. It should not be in the hands of one man or a dozen or five dozen to speak for the whole country on a question so important as this.

F. G. K.

—

FEBRUARY 8, 1917.

Senator WORKS,
United States Senate, Washington, D. C.

DEAR SENATOR: Permit me to extend heartiest congratulations on your splendid speech discussing the Stone resolution.

Thank Heaven we have at least a few statesmen who have the courage of their convictions and who dare to speak the dictates of conscience rather than be servile followers of a presidential policy that can leave nothing but misery, woe, and broken hearts in its wake.

It is such as you who are the true friends of humanity, and to such as you humanity must look for its salvation in these crucial times. For America to enter into this terrible war would be a crime against civilization incapable of being expunged by the patriotic sounding eloquence of those who would plunge our country into this world catastrophe on a flimsy pretext.

I assure you that your efforts are appreciated in Michigan and that there are countless prayers for the success of your noble endeavors.

Very sincerely,

J. H. MOELLER,
109 Willis Avenue W., Detroit, Mich.

—

RIVERSIDE, N. J., *February 9, 1917.*

Hon. JOHN D. WORKS,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I want to congratulate you on your great speech in the Senate on the 6th instant concerning the severing of diplomatic relations with Germany. All you said were the truth and the facts, but it required great moral courage to express it.

Mentality without moral courage renders but little service.

Your speech merited and commanded the attention and indorsement of the rank and file of our people.

Yours, respectfully,

CHAS. STOKES.

—

WAYNESVILLE, ILL., *February 9, 1917.*

Hon. J. D. WORKS, *Washington.*

HONORED SIR: A few words of your noble speech in the United States Senate have percolated through a hostile press, and their reading has given me extreme gratification and gratitude. You told the truth at a time and place it ought to be told and in a manner to commend both its author and his subject everywhere, at least to use of the minority who still cherish a decent respect for facts. And we congratulate ourselves that in Congress is yet one man truly representative of people and not of selfish policies. California's limits are not yours, as State lines can never be of honor and real patriotism; therefore you are my representative, and that of all who love justice everywhere, irrespective of race, language, or location. Your light will shine the brighter for the blackness of its background, and your voice will ring the clearer for the drivel of the mob.

Most respectfully, yours,

H. C. GIBBS.

—

FEBRUARY 10, 1917.

Hon. Senator WORKS,
United States Senate, Washington, D. C.

MY DEAR SENATOR: Your attitude and that of a few of your fellow Senators, who are in opposition to the war-like preparation which is now holding official Washington in its embrace, is to be highly commended by every sane thinking individual, no matter what his creed or nationality.

The war mongers and the proally press who have adorned themselves in all their war paint and are vociferating their poisonous vaporings with the sole purpose in view of precipitating the country into a seething caldron of strife and turmoil is, to say the least, lamentable. These bellicose individuals who favor hostilities with the German Government and desire to have this Nation participate in the present war should be the first ones drafted into the Army and fight for issues that are considerably beclouded. It is safe to say these individuals when confronted with the prospect of action would be the last ones to bear arms.

It is also needless to assert that if the public were given the opportunity of expressing their views with regard to making war, i. e., an opportunity of voting on this issue, there would be vigorous protest on the part of the citizens of this country, and I firmly believe drastic action would not be contemplated unless there was a greater issue than the present one with Germany.

Men of affluence, with a few minor exceptions, would not take service in the Army, and the war editors would keep to their office, far from the rain of shrapnel and death, indulging in the more peaceful occupation of inventing war news and foolish fables.

In conclusion, will say that I sincerely hope and pray that you and your fellow Senators will use your utmost endeavors and bend your efforts toward keeping the country out of this horrible and bloody conflict, and by so doing aid mankind in promoting good fellowship rather than fostering racial ill-feeling.

Very respectfully,

BENJ. BRADLEY, Jr.,
43 Columbia Avenue, Woodhaven, N. Y.

(Copy to Hon. OSCAR WM. SWIFT, Member of Congress ninth district, N. Y.)

—

AKRON, OHIO, *February 9, 1917.*

Senator WORKS,
United States Senate, Washington, D. C.

DEAR SIR: Kindly accept my congratulations upon your noble stand in the United States Senate. It has the most hearty approval of the citizens of our State and we only regret that our own Senators are not big enough to stand with you.

These congratulations may be a little tardy, but I have been busy with other matters. No acknowledgment of this is expected.

Yours, very truly,

A. C. HOLLOWAY.

—

202 WEST SEVENTY-FOURTH STREET,
New York, February 8, 1917.

Senator WORKS,
The Senate, Washington, D. C.

SIR: Permit me, as an American citizen by birth and as a former resident of California, to express to you my profound agreement with, and sincere admiration for, the views expressed by you in the Senate yesterday on the injustice of any course involving us in war with Germany at present.

Your views on the folly of our neglecting to advise citizens against "danger zones" and on our moral responsibility for the tragedies resulting from sending passengers and munitions on the same ships, are so sound and so admirably expressed that they have carried conviction to many persons hitherto, unthinkingly, for war. Neither the course of the President nor of the American people has been neutral in the fair sense of the word, and our sins will be upon our own heads if we are now forced into war by jingoes and blusterers against our will.

Nine out of ten Americans, even here in New York, overridden by a mercenary business "ring" and press, think with you. We trust you will to the last express the feelings of this great, silent majority almost shouted down by the truculent minority.

Very sincerely, yours,

M. C. DAMTON.

—

PONTIAC, MICH., *February 7, 1917.*

Hon. Senator WORKS,
Washington, D. C.

DEAR SENATOR: As a workingman, let me thank you in behalf of the class that will suffer most in case of war for your statements in the Senate as reported in to-night's paper in regard to the severing of diplomatic relations with Germany. We are severing relations to protect American life? How many more lives will be lost in case of war than will be lost through the sinking of American shipping which is furnishing the allies with munitions and other supplies? The sentiment among the workingmen is certainly against war with anyone.

Yours, truly,

GEO. L. HEDDEN,
15 Fisher Avenue.

—

MINNEAPOLIS, MINN., *February 7, 1917.*

Hon. JOHN D. WORKS,
Washington, D. C.

DEAR SIR: I wish to express to you my most sincere thanks for the courageous stand you took regarding our administration in relation to the horrible war in Europe.

I say courageous advisedly, for I am sure it requires vastly more courage to speak as you did than it does to simply shout "stand by the President" and "follow the flag," especially when it is well known that those who so shout are rarely to be found on the firing line in the event of action.

I am sure, too, that there are many thousands who will likewise feel thankful to you for your courageous efforts in behalf of American lives, though not all may so express themselves to you.

Godspeed your good work, and may there be no declaration of war without the direct consent of the people, unless an enemy attacks us, in which event the patriotism of the American people will not be found wanting.

Yours, very truly,

O. A. WEISS.

—

NEWPORT, MINN., *February 7, 1917.*

Hon. J. D. WORKS,
Washington, D. C.

DEAR SIR: Kindly accept my approbation and appreciation of your level-headed, courageous, and just stand as to neutrality of United States.

We have respected English blockade, why not so German blockade? "Freedom of seas" O. K. for all. We should tell both England and Germany that is what is wanted. But no fight—peaceful, neutral.

Cordially,

G. A. YOUNG.

—

KIRKWOOD, MO., *February 7, 1917.*

DEAR SENATOR: I have just read your speech in regard to President Wilson's stand on the German matter, and I wish to commend you on your stand, and I know many more here who feel as I do. I am a Democrat, voted for President Wilson, and was born in Missouri, but I see no good reason for breaking with Germany as yet. The unanimous sentiment here is opposed to war.

Sincerely, yours,

JOHN E. WILSON.

MONROE, MICH., *February 8, 1917.*

Hon. JOHN D. WORKS,
Washington, D. C.

DEAR SIR: I can not refrain from dropping you a line expressing my appreciation of the fact that there is at least one Senator in Congress who has the courage of his convictions and can call black black and white white and not let prejudice and the dollar run away with him.

I believe you would be surprised if you knew just how many true Americans in the recesses of their hearts fully indorse your speech in the Senate, "The United States has not been neutral."

If the Savior appeared to-day in some quarters of the world and happened to be a German it is very probable he would be crucified.

Very respectfully, yours,

CHARLES A. ILGENFRITZ.

—

ST. LOUIS, MO., *February 8, 1917.*

Hon. JOHN D. WORKS,
Senator from California, Washington, D. C.

DEAR SIR: Will you kindly send me a supply of copies of your speech delivered in the Senate February 7, 1917, in which you take the stand that the President's stand in breaking off relations with Germany should not be indorsed, and giving reasons therefor.

It came as a voice in the wilderness, and millions of American citizens, of no matter what descent, are blessing you to-day because you have given voice in a public and most fitting manner to the thoughts that they are thinking, and with which they have no medium to reach others.

Germany is not an enemy of this country, and it is a ruthless crime to ask American men and boys to give their lives to protect the profits of speculators and exporters in the means of contraband, machinery of war, to say nothing of the necessities of life that we need so much right here in this country.

I believe that as you sow so shall you reap. If this is true, and I maintain that it is, then the American people, as a Nation and as individuals, are facing a day of bitter atonement and restitution.

Very respectfully,

OTTO VIERLING, M. D.,
4555 Adkins Avenue.

—

ST. LOUIS, *February 8, 1917.*

Hon. JOHN D. WORKS,
Senator from California, Washington, D. C.

DEAR SENATOR: Thank you for voicing my sentiments. I am sure there are many others having same views, but our voices are not heard. As the United States is a conglomeration of all nations, we should be the last one to be dragged into the European horror. Every person living in the United States except the American Indian originated in a foreign country. Our forefathers established this country as a haven to live in peace and freedom. Our duty is to keep this family together, not disrupt it. We must forbear. To enter the quarrel on either side would be striking at one of our mother countries. The way to keep out of the war is to stay away from the conflagration. Our country, among neutrals the largest, wealthiest, with all the natural resources, dependent upon no other for subsistence, thousands of miles away from the conflagration, should step aside. Spilling more blood does not settle who is in the right. Why not avoid the calamity instead of pushing into it. Other neutrals harder pressed than we have not lost their dignity and honor by keeping out. Why make 90,000,000 people of the United States, already suffering from famine prices for food, shelter, and clothing, be subjected to more misery on account of a few who for selfish interests insist upon traveling and sending goods through the war zone. We waive our rights when we respect danger signals at home; then why not respect danger far away from home. It is our duty to be loyal and defend our country. It is also our duty to act so that we do not involve our country into trouble. Think of construction and not of destruction.

Thanking you for your expressions of truth,

Yours, very respectfully,

JULIUS F. LOHRMAN,
St. Louis, Mo.

—

928 IVY STREET,
Pittsburgh, Pa., February 8, 1917.

Senator JOHN WORKS,
United States Senate Chamber, Washington, D. C.

MY DEAR SENATOR: Allow me to express my sincere admiration and approval of your yesterday's speech on breaking off diplomatic relations with Germany. I am glad that you and the four other brave men had the courage to protest against the President's action in this matter. I am not of German descent and have no pro-German leanings, but I fully indorse your statements as to the lack of neutrality on the part of the United States and the mistake which the President has made in severing our relations with Germany.

Very sincerely, yours,

ARTHUR R. JORDAN.

—

PEORIA, ILL., *February 7, 1917.*

Hon. JOHN D. WORKS,
Washington, D. C.

DEAR SENATOR: I desire to manifest my approval of the course you take with respect to our foreign relations and the proposition of war with any of the warring nations of Europe on no better grounds than we have at the present time.

There is positively no question on the statement that the public press does not express the sentiment of the common people. You are unquestionably right when you state that this country has not assumed a totally neutral position in the conflict raging across the waters.

Those who derive the greatest benefit directly from the flow of rivers of innocent blood and the sacrifice of almost countless lives hide behind a shield of gold, and in the event of an actual outbreak would use that same shield to spare themselves from active service in the ranks.

With the sincerest hope that the efforts of yourself and such men as the Hon. ROBERT LA FOLLETTE you will be able to arrest the attention of the common people, to the end that our beloved country may be spared all the terrors and disaster of war.

Yours, truly,

BENJ. F. GREEN.

AMERICAN UNION AGAINST MILITARISM,
Philadelphia, Pa., February 9, 1917.

Hon. JOHN D. WORKS,
Washington, D. C.

MY DEAR SIR: At a meeting of the executive committee of the Philadelphia Branch of the American Union Against Militarism on February 8 the following resolution was adopted, and I was directed to advise you of the action of the meeting:

"The Philadelphia Branch of the American Union Against Militarism is deeply interested in your efforts to keep the country out of war and will uphold you in demanding that an alternative be found."

Very sincerely, yours,

J. AUGUSTUS CADWALLADER,
Executive Director.

—

CHARLES TOWN, W. VA., *February 8, 1917.*

Hon. JOHN D. WORKS,
Washington, D. C.

DEAR SIR: I thank you for your words of truth and righteousness in the Senate. Millions and millons of Americans believe and feel what you say, but seem to lack spokesmen. May Congress be guided by plain commonsense, and refuse to be stampeded into war. It would seem that "the fatal first step" should not be in the power of one man to make.

Respectfully and gratefully, Mrs. VIRGINIA S. MILBOURNE.

—

NATIONAL WOMAN'S PARTY,
WASHINGTON, D. C., *February 9, 1917.*

Senator JOHN D. WORKS,
Senate Office Building, Washington, D. C.

DEAR SENATOR WORKS: In view of the criticism and misunderstanding you are receiving as a result of your splendid speech in the Senate regarding President Wilson's recent action in breaking off relations with Germany, may I say that your views seem to me by far the sanest that have yet been expressed in either House of Congress. I wish the President could be induced to act upon them.

Very sincerely, yours,

ANNE MARTIN, *Chairman.*

—

PEORIA, ILL., *February 7, 1917.*

United States Senator JOHN D. WORKS,
Washington, D. C.

DEAR SIR: I desire to manifest my indorsement of your position with respect to our foreign relations. Your recent speech on this subject is the sentiment of the common people of this country, and should be the guiding power in all matters of such moment as confront us at present.

With unbounded hopes that your protest will have a just reward in being liberally responded to from the ranks of the common people.

I am, sincerely, yours,

LESTER E. GREEN,
707 Ketelle Street, Peoria, Ill.

—

LINCOLN, NEBR., *February 7, 1917.*

Hon. JOHN D. WORKS,
United States Senate, Washington, D. C.

DEAR SIR: While not one of your constituents, I can not let pass words of commendation of your magnificent and patriotic stand for peace as reported in the press this day.

It is refreshing, indeed, to observe that there are really patriotic citizens on the other side of the question as regards this Nation's controversy with Germany. Not all who cry for war and thirst for blood are loyal citizens.

My views have been most aptly expressed by you, and I need not recall them at this time. I trust only that enough stalwart Senators will be found who deem it a higher duty to their fellow citizens than to stand for any unjust move for war or a state equivalent thereto. In a free Democracy it is the height of insolence to demand as a patriotic duty to stand back of our President in any foreign move. Is the President above those who elect him that we must blindly follow his lead? I firmly hold the belief that it is one of the vested rights of my citizenship that I shall be free to advocate anything in my country consistent with its laws and in a peaceful way. Certainly an agitation for continued peace between two erstwhile friendly nations can not be construed as an act of treason. War in itself will be as nothing if thereby we shall lose as a Nation that eminence of love of liberty and fair play which have in the past been the marked milestones of our development.

That there may be no misconception as to myself, I want to assure you that I am not a German or a German-American, but an American citizen. When I landed in Philadelphia in November, 1894, my allegiance passed to this land of my adoption and here it will stay. I take second place to no one in my patriotism even though I do not carry it on my shoulders or in my mouth.

Very truly, yours,

GEORGE WEIDENFELD.

—

LINCOLN, NEBR., *February 8, 1917.*

Hon. Senator WORKS,
Washington, D. C.

MY DEAR SIR: Having read your address, as per clipping inclosed, to the Senate, I hereby wish to express my thanks to you for the sentiment and stand you take. In this trying time our country needs men who are endowed with great foresight and diplomacy. It gives me great satisfaction to know that California has been fortunate enough to be represented in Congress by a man of your type.

Pray to accept the assurance of esteem with which I have the honor, sir,

Your most devoted, Rev. G. G. GRASSMUECK.

—

PEORIA, ILL., *February 7, 1917.*

United States Senator JOHN D. WORKS,
Washington, D. C.

DEAR SIR: I desire to manifest my indorsement of your position with respect to our foreign relations. Your recent speech on this subject is the sentiment of the common people of this country, and should be the guiding power in all matters of such moment as confront us at present.

With unbounded hopes that your protest will have a just reward in being liberally responded to from the ranks of the common people, I am,
Sincerely, yours,

S. E. GREEN,
707 Ketelle Street, Peoria, Ill.

—

DULUTH, MINN., *February 8, 1917.*

Hon. Senator WORKS,
Washington, D. C.

DEAR SIR: I have read the Associated Press reports of your talk in the Senate. I believe you voice the sentiments of the quiet, thinking majority of American citizens. We are not hysterical. We want peace. We do not feel that the Atlantic Ocean should turn red with American blood because Europe is war crazy. We support Wilson because we believe he is safe and sane. We support his protests against breach of international law, but we don't care to fight about it. We suspect the motives of those who would have us fight. We are more nearly neutral than the yelling suggests.

Good luck to you, Senator. May you and all our Representatives help our President to keep safe and sane, and to discern, in the midst of all this turmoil, the real American interests—which are not war—even if one of our boats is sunk or if some of our adventurous citizens are drowned. Let Europe fight its own battles.

Sincerely,

JOHN L. EVANS,
122 East Fifth Street, Duluth, Minn.

—

LIMA, OHIO, *February 8, 1917.*

SENATOR: Permit me to express my gratification over your words spoken before the Senate and as reported in the newspapers of the 7th instant.

They are my sentiments exactly, and if the matter were put before the American people I am satisfied the verdict would be overwhelmingly in accordance with the sentiment expressed therein.

There is no question in my mind that the English—or, rather, allies—are endeavoring with all their power to influence public opinion in this country in their favor, and by voicing their thoughts through a great many newspapers, making it appear that the American people were in accord with them, when my judgment, from observations taken over a large section of the country, leads me to conclude that the contrary is absolutely the case.

Hoping to see you maintain your stand in regard to our foreign policy, I am,

Yours, truly,

GEORGE W. CURRIE.

—

PEORIA, ILL., *February 8, 1917.*

Hon. JOHN D. WORKS,
Washington, D. C.

DEAR SIR: I desire to manifest my indorsement of your position with respect to our foreign relations. Your recent speech on this subject is the sentiment of the common people of this country, and should be the guiding power in all matters of such moment as confront us at present.

With unbounded hopes that your protest will have a just reward in being liberally responded to from the ranks of the common people, I am,
Sincerely, yours,

J. MÜLLER, Jr.,
101 South Glen Oak Avenue, Peoria, Ill.

—

GLASGOW, MO., *February 8, 1917.*

Senator WORKS: I am a lifelong Democrat, but I read your speech in the Senate, and said thank God for one sensible man. Any man that plunges this country into war at the present time is an enemy and not a friend. Give it to them again.

R. C. MARR.

—

WATERTOWN, S. DAK., *February 7, 1917.*

Senator WORKS,
Washington, D. C.

DEAR SENATOR: To-day's dispatches carry an account of your expression of your attitude regarding the position of our President in the present unfortunate controversy with Germany. While we must ever be loyal to our country and support those temporarily in power, it behooves us to be ever careful to keep a proper perspective in regard to the Nation's affairs. It is so easy to place a wrong interpretation upon matters of concern to the Government, but those that have the reins of government should count the cost before talking a serious step such as our President has taken. His attitude, it seems to me, is entirely out of proportion to the cost involved in carrying his view to its logical conclusion. While he has professed to keep us out of war with all his might, his present action only increases the danger of actual conflict. I would like to place the President and a number of the Congressmen who are so enthusiastic about this thing out here where there are real people, and out in your State, where there are people who are content to be "just folks." They are the ones who must in the end bear the brunt of the fight, and it seems that they should be consulted in a crisis of this kind. Would you be willing to believe that the bulk of the people are ready to go to war over what has happened? That is, after the first wave of enthusiasm has passed over. And why not follow the wishes of the masses, who are in the end the ones that you all represent? So many down in Washington seem to think that they are the Government. Questions of propriety and honor are gauged by their artificial standards that contain niceties of distinction that we recognize, but can not feel with the same force that they do. The mass of people seem to think that we are very much to blame in the present matter because we could very well keep out of the restricted areas. That looks as though we are sacrificing our position. But how often in practical life does the prudent man avoid danger that will involve calamitous results, even though it hurts his dignity to do it.

All of those "nice" questions of international law make no impression out here. What people want is the essence of a thing. Until we are about to lose a great fundamental right that affects the masses of the people, where the life and property of the multitudes are at stake, then only are we justified in making the lives of our youth the pawn of present methods of warfare. If those in power could only realize that what a conflict over the present question means is a stubborn insistence of a possibly legal right that makes no material difference to masses which way it goes instead of something tangible that affects all of us. I would that all Congressmen could spend a week at home among the "folks" and find out what they think about going to war. If their opinion does not count, whose does? Surely election to office does not mean that they are at once superior judges over the people. May you be able to gain much influence in the present controversy.

Sincerely,

ARTHUR H. HASCHE.

—

WATERLOO, IOWA, *February 8, 1917.*

Senator J. D. WORKS,
Washington, D. C.

MY DEAR SIR: Allow me to express my hearty appreciation of the heroic stand you took in defense of right and justice in connection with the resolution indorsing the President's severance of relations with Germany. I hope that your earnest influence, together with others, will steer the ship of state clear of the terrible European war.

I am for America first, but I also believe in truth and justice. There are a great many citizens who, with me, look to you and a few others as heroes who may not at the present time be appreciated by the masses, but who will be in the future.

Very sincerely, yours,

JOHN G. MILLER.

—

BRUNSWICK MO., *February 8, 1917.*

Hon. JOHN D. WORKS,
United States Senate, Washington, D. C.

DEAR SIR: I hope you have ordered printed a great number of your patriotic and fearless independent remarks on American neutrality delivered on the 6th or 7th of this month, and I trust that if I ask for several you will grant my request.

I responded to President Lincoln's call in 1861, served until 2d September, 1865, have been delegate to two Republican national conventions and alternate to three. Your fearless exposure of our hypocritical neutrality meets my hearty approval, and there are legions of others who think and feel the same way.

I have the honor to be, sir,

Your most obedient servant,

LOUIS BENECKE.

—

ROXBURY, MASS., *February 9, 1917.*

Senator WORKS,
Washington, D. C.

MY DEAR SENATOR: Allow a Massachusetts Democrat to thank you for your splendid speech delivered Wednesday on the floor of the United States Senate. I see in to-day's Boston Post that the Los Angeles Times advises you to go to Germany or go to hell.

Well, Senator, this is not a newspaper Government, although at times the Wall Street influences make that danger seem perilously near. We know Harrison Gray Otis of the Los Angeles Times in our part of the country as an arrant, un-American Tory, the kind they bred at the Hartford convention in our War of 1812, and we feel well rid of them. I believe we are marking time in the history of this Republic. British navalism is now being challenged. Japan allied with Germany, with a possible alliance with the Russian Empire, is enough to make any serious American pause before rationally challenging Germany to battle with such a combination possible. To our northward lies Canada, population according to the last census in 1901, Encyclopedia Britannica, 5,300,000; Australia, coveted by Japan, 5,000,000 more; the anarchistic Republic of Mexico to the south of us. Such thoughts should give pause to American diplomacy; we want no war with Germany, for no living man can foretell what the harvest of such conflict might be.

The sentiment in Massachusetts is overwhelmingly against such a war. A referendum of the people of the United States would, I believe, indorse our New England verdict.

The German submarine blockade will starve England, and no power or combination of powers on earth can stop it. Should our country, my dear Senator, declare war on any power, you and I will cheerfully render to our common country the last tithe of our ability, the last drop of our blood.

I had the honor to deliver the Memorial Day oration of the Spanish Veterans, at Holyhood Cemetery, where John Boyle O'Reilly and P. A. Collins, ex-mayor of Boston, are both buried; my friend GEORGE HOLDEN TINKHAM, Member of Congress from the eleventh Massachusetts district, honorary member of the camp, heard me deliver the address. I had the pleasure of listening to him in the same place, a year later, in 1916. Three months to a day after I had spoken in Holyhood, I had the pleasure of visiting in Los Angeles. I had just come from Santa Catalina and was on my way to the Yosemite. Avalon was interesting, the Yosemite superb, but, alas, I never saw the office of the Los Angeles Times.

The Democratic campaign book of 1914 said, "The loan of money to the belligerents was absolutely unneutral, as money commands all other things." Where is our neutrality now? J. Pierpont Morgan and his gang stole $200,000,000 from the people of New England by their looting of the New York, New Haven & Hartford Railroad. They would like to plunge this country into war to make good their unneutral and un-American loan. Don't let them do it Senator, and don't let Japan get a white Empire for an ally that well might be this white Republic's friend.

Monday, February 19, I will pass through Washington on my way to Palm Beach, Fla., and I will feel better in passing, knowing that a real American, WORKS, of California, is on watch and guard. I am, my dear Senator, a believer in your Indo-Aryan destiny.

Yours, for America and Americans,

WM. B. LARKIN.

REPORTS OF COMMITTEES.

Mr. SMITH of Georgia, from the Committee on the Judiciary, to which was referred the bill (S. 6286) to confer jurisdiction on the Court of Claims, reported it without amendment.

He also, from the same committee, to which was referred the bill (H. R. 8033) to amend section 162 of the act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911, reported it with amendments.

Mr. LANE, from the Committee on Irrigation and Reclamation of Arid Lands, to which was referred the bill (S. 7710) to amend the irrigation act of March 3, 1891 (26 Stats., p. 1095), section 18, and to amend section 2 of the Act of May 11, 1898

(30 Stats., p. 404), reported it without amendments and submitted a report (No. 1028) thereon.

Mr. DU PONT, from the Committee on Military Affairs, to which was referred the bill (S. 5211) for the relief of Arthur R. Aldworth, submitted an adverse report (No. 1035) thereon, which was agreed to, and the bill was postponed indefinitely.

Mr. SMITH of South Carolina, from the Committee on Immigration, reported an amendment providing for the carrying on of the work of the Bureau of Naturalization of the Department of Labor, etc., intended to be proposed to the sundry civil appropriation bill, and moved that it be printed and referred to the Committee on Appropriations, which was agreed to.

Mr. WILLIAMS (for Mr. SWANSON), from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 7872) to confirm and ratify the sale of the Federal building site at Honolulu, Territory of Hawaii, and for other purposes, reported it without amendment and submitted a report (No. 1038) thereon.

BRIDGE BILLS.

Mr. SHEPPARD. From the Committee on Commerce, I report back favorably without amendment the bill (H. R. 18551) granting the consent of Congress to the county of Montgomery, in the State of Tennessee, to construct a bridge across the Cumberland River, and I submit a report (No. 1031) thereon. I ask unanimous consent for 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.

Mr. SHEPPARD. From the Committee on Commerce, I report back favorably without amendment the bill (H. R. 18550) granting the consent of Congress to the county of Montgomery, in the State of Tennessee, to construct a bridge across the Cumberland River, and I submit a report (No. 1030) thereon. I ask unanimous consent for 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.

Mr. SHEPPARD. From the Committee on Commerce, I report back favorably without amendment the bill (H. R. 18725) granting the consent of Congress to Kratka Township, Pennington County, Minn., to construct a bridge across Red Lake River, and I submit a report (No. 1032) thereon. I ask unanimous consent for 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.

Mr. SHEPPARD. From the Committee on Commerce, I report back favorably without amendment the bill (H. R. 20574) granting the consent of Congress to the county commissioners of Decatur County, Ga., to reconstruct a bridge across the Flint River at Bainbridge, Ga., and I submit a report (No. 1033) thereon. I ask unanimous consent for 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.

GEORGIA STATE MILITIA.

Mr. CHAMBERLAIN. From the Committee on Military Affairs, I report back favorably without amendment the bill (S. 7438) to make immediately available for the use of the State of Georgia in paying expenses incurred by said State in connection with the joint encampment held at Augusta, Ga., July 22 to 31, 1914, certain sums appropriated for arming and equipping the militia of said State, and I submit a report (No. 1029) thereon. I call the attention of the senior Senator from Georgia [Mr. SMITH] to the bill.

Mr. SMITH of Georgia. Mr. President, at the instance of the War Department, a very large encampment was held at Augusta, Ga., in 1914, and the funds of 1914–15 exhausted, with the expectation of using part of the allowance for 1915–16 to pay the expense of the encampment. A part of the funds of 1915–16 allotted to Georgia was set apart for this purpose and not used for other purposes; but the comptroller held that even with the approval of the War Department we could not lap over from one year to the other. This bill was passed at the last Congress by both Houses just at the close of the session, but in some way it escaped the signature of the President. It is again recommended by the War Department. It is simply a utilization of funds of 1915–16 for the payment of a deficit of 1914–15. It provides no increased appropriation, but uses the same fund that the department had expected to spend on the 1914–15 encampment; but the comptroller says they can not do it.

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

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, which was read as follows:

Be it enacted, etc., That of the sum appropriated by section 1661, Revised Statutes, for arming and equipping the whole body of the militia, the sum of $14,409.98, proportioned to the State of Georgia for the years 1915 and 1916, be, and the same is hereby, made immediately available for the purpose of paying the expenses incurred by said State over and above the allotments made by the Secretary of War to the State of Georgia from all appropriations therefor in connection with the joint encampment held at Augusta, Ga., July 22 to 31, 1914; and the Secretary of the Treasury is hereby authorized and instructed to pay over said amount to the governor of said State of Georgia for said purpose.

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

JOSEPH BEECH.

Mr. SMITH of South Carolina. From the Committee on Immigration I report back favorably without amendment the joint resolution (S. J. Res. 208) to grant citizenship to Joseph Beech, and I submit a report (No. 1037) thereon. The report accompanying the joint resolution will explain the matter, if the Senate desires to have it read. The College of Bishops of the Methodist Church North indorsed this joint resolution and the committee unanimously indorsed it. I ask for unanimous consent for the immediate consideration of the joint resolution.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which was read as follows;

Whereas Joseph Beech has constantly been under the jurisdiction of the United States since the age of 4 years; and

Whereas the said Joseph Beech is not entitled to immediate naturalization under any existing statute; and

Whereas the said Joseph Beech is not a citizen of any other Government: Therefore be it

Resolved, etc., That Joseph Beech be, and he is hereby, unconditionally admitted to the character and privileges of a citizen of the United States.

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

The preamble was agree to.

MARGUERITE MATHILDE SLIDELL D'ERLANGER.

Mr. SMITH of South Carolina. From the Committee on Immigration, I report back favorably, without amendment, the bill (S. 8075) for the relief of Marguerite Mathilde Slidell d'Erlanger, and I submit a report (No. 1036) thereon. I ask unanimous consent for the present consideration of this bill.

Mr. SMOOT. Will the Senator explain the object of the bill?

Mr. SMITH of South Carolina. There is an explanation attached to the bill which explains it better than I can, and the committee unanimously adopted it. The Senator from Massachusetts [Mr. LODGE] has some knowledge of the beneficiary, and upon the testimony it was unanimously adopted by the committee.

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, which was read, as follows:

Be it enacted, etc., That Marguerite Mathilde Slidell d'Erlanger be, and she is hereby, on her own application, unconditionally readmitted to the character and privileges of a citizen of the United States.

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

JUDICIAL DISTRICTS IN OKLAHOMA.

Mr. FLETCHER. From the Committee on the Judiciary, I report back favorably without amendment the bill (H. R. 14471) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary." This seems to be a matter that pertains peculiarly to Oklahoma, is of a local character, and I think I am justified in asking for the immediate consideration of the bill.

The bill simply provides that certain counties in that State shall be put into the eastern district and certain counties into

the western district, the same as the law stood, but since the original act was passed dividing the State into two judicial districts and specifying the counties there has been some change in county lines. They simply want the counties as they stood July 1, 1916, to be in the district as specified in the original section and in this bill.

I understand there is no objection to the bill. It passed the House when reported from the Judiciary Committee there, is unanimously reported by the committee of the Senate this morning, and there is some desire to have it acted upon at this session. I ask unanimous consent 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.

ADDITIONAL JUDGE IN MISSISSIPPI.

Mr. SHIELDS. From the Committee on the Judiciary I report back favorably without amendment the bill (S. 457) to provide for the appointment of a district judge in the northern and southern judicial districts in the State of Mississippi, and for other purposes. I desire to call the attention of the senior Senator from Mississippi [Mr. WILLIAMS] to it.

Mr. WILLIAMS. That is a bill which is demanded by all the bar and business interests of the State of Mississippi, and I ask for its immediate consideration.

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.

CINCINNATI SOUTHERN RAILROAD.

Mr. POMERENE. From the Committee on Interstate Commerce, to which was referred the bill (H. R. 455) to define the rights and privileges of the trustees of municipally owned interstate railways and construing the act to regulate commerce with reference thereto, I report it back favorably with an amendment and I submit a report (No. 1034) thereon. It is a local bill. Mr. President, just a word in explanation.

Mr. WARREN. I do not wish to object to the consideration of this bill, but we have other morning business that it is necessary to transact, and I hope there will be a cessation of the demand for bills to be passed that are reported from committees after the consideration of this one and until we can complete the morning business.

Mr. POMERENE. With the exception of this one?

Mr. WARREN. I do not object to the consideration of this bill.

Mr. SMOOT. Let the bill be read.

The VICE PRESIDENT. The Secretary will read the bill.

The SECRETARY. Reported favorably with an amendment——

Mr. POMERENE. I was going to state what the amendment is.

The city of Cincinnati owns the Cincinnati Southern Railroad running from Cincinnati to Chattanooga. This road was leased by the city of Cincinnati to the Cincinnati, New Orleans & Texas Pacific Railway Co. in 1881 and one of the terms of the lease requires the lessee to furnish free transportation to the officers of the city and of the company while inspecting the line of the road. The lessee honored this provision of the law and gave passes continuously until the year 1912, when the Interstate Commerce Commission held that under the interstate commerce act they could not allow the use of free passes, even for inspection.

The House passed a bill granting that permission, notwithstanding the provisions of the interstate-commerce act, and the Senate committee amends it by adding the following proviso:

Provided, That the free transportation referred to shall be furnished only when persons entitled thereto are traveling on the business of the company.

Mr. SMOOT. May I ask the Senator from Ohio if the bill has been referred to the Senate Committee on Interstate Commerce?

Mr. POMERENE. Oh, yes; and the Interstate Commerce Committee has a letter from the commission stating that they will not object to it with this proviso limiting the passes wholly to the official business.

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 VICE PRESIDENT. The amendment of the committee will be stated.

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

Provided, That the free transportation referred to shall be furnished only when persons entitled thereto are traveling on the business of the company.

The amendment was agreed to.

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

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

The bill was read the third time and passed.

INDIAN APPROPRIATIONS—CONFERENCE REPORT.

Mr. ASHURST. Mr. President, I give notice that in a few minutes—I shall say within 10 minutes—I shall ask the Senate to consider for a few moments the conference report on the Indian appropriation bill. The conferees have been unable to agree on four amendments, and the conferees on the part of the Senate would like to have some instruction and some expression from the Senate. It will take but a few moments. At the conclusion of the morning business I shall seek the floor for the purpose of making that motion.

BILLS AND JOINT RESOLUTION INTRODUCED.

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

By Mr. BRYAN:

A bill (S. 8218) to establish the eastern and western judicial districts in the State of Florida, and for other purposes; to the Committee on the Judiciary.

By Mr. SHEPPARD:

A bill (S. 8219) to establish a branch Federal land bank in west Texas; to the Committee on Banking and Currency.

By Mr. PITTMAN:

A bill (S. 8220) granting a pension to James Golden; to the Committee on Pensions.

By Mr. WARREN:

A bill (S. 8221) to make further provision for the organization of native troops in the Philippine Islands (with accompanying papers); to the Committee on Military Affairs.

By Mr. HARDING:

A bill (S. 8222) to amend an act to incorporate the National McKinley Birthplace Memorial Association, approved March 4, 1911; to the Committee on the Judiciary.

By Mr. CATRON:

A bill (S. 8223) granting an increase of pension to Alcaria Bowles; to the Committee on Pensions.

By Mr. POINDEXTER:

A bill (S. 8224) granting an increase of pension to Charles E. Wilcox (with accompanying papers); to the Committee on Pensions.

Br. Mr. WEEKS:

A bill (S. 8225) granting a pension to Mary D. Jenness (with accompanying papers); to the Committee on Pensions.

By Mr. HUSTING:

A bill (S. 8226) to establish a fog signal at the Port Washington Pierhead Light Station, Wis.; and

A bill (S. 8227) granting the consent of Congress to the city of Fort Atkinson, in Jefferson County, Wis., for the construction of a bridge across the Rock River; to the Committee on Commerce.

By Mr. KIRBY:

A bill (S. 8228) authorizing the commissioners of the Red River bridge district to construct a bridge across the Red River at or near Index, Tex.; to the Committee on Commerce.

By Mr. MYERS:

A bill (S. 8229) granting a pension to John R. Rodgers; to the Committee on Pensions.

By Mr. OLIVER:

A bill (S. 8230) granting a pension to Ella Mearns (with accompanying papers); to the Committee on Pensions.

By Mr. PAGE:

A bill (S. 8231) granting a pension to Elizabeth Roberts; to the Committee on Pensions.

By Mr. LEA of Tennessee:

A bill (S. 8232) granting a pension to John F. Leker;

A bill (S. 8233) granting an increase of pension to William R. Brummett;

A bill (S. 8234) granting a pension to August Kaufman; and

A bill (S. 8235) granting an increase of pension to William H. Hart (with accompanying papers); to the Committee on Pensions.

ARMED MERCHANT VESSELS.

Mr. LA FOLLETTE. I introduce a joint resolution. I ask to have it read and to go over and lie on the table, to be called up later for action by the Senate.

The joint resolution (S. J. Res. 211) making it unlawful for armed merchant vessels of the United States in time of peace to depart ports of the United States for foreign countries was read the first time by its title and the second time at length and ordered to lie on the table, as follows:

Resolved, etc., That it shall be unlawful at a time when the United States is not at war for any armed merchant vessel of the United States to depart a port of the United States or any of its territories or possession for a port of any other country, its colonies, or possessions.

REPORT ON PRISON SHIPS.

Mr. LODGE submitted the following resolution (S. Res. 355), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Navy be, and he hereby is, directed to transmit to the Senate any reports on prison ships made to the department since January 1, 1914.

HEARINGS BEFORE THE COMMITTEE ON PATENTS.

Mr. JAMES submitted the following resolution (S. Res. 356), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Patents, or any subcommittee thereof, be, and hereby is, authorized during the Sixty-fourth Congress, to send for persons, books, and papers; to administer oaths, and to employ a stenographer, at a cost not exceeding $1 per printed page, to report such hearings as may be had in connection with any subject which may be pending before said committee, the expenses thereof to be paid out of the contingent fund of the Senate, and that the committee, or any subcommittee thereof, may sit during the sessions or recess of the Senate.

VITAL CONSERVATION ASSOCIATION.

Mr. CLAPP. Mr. President, I have a list of papers which I desire to have printed as a public document for the Vital Conservation Association of America. I ask that it be referred to the Committee on Printing.

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

SUSPENSION OF THE RULES.

Mr. BRYAN. Mr. President, I desire to submit a parliamentary question to the Chair. On Saturday I gave notice of a motion to suspend the rules in order that I might offer some amendments to the Post Office appropriation bill to-day. Is it necessary that the motion shall be called up during the morning hour, or will it be in order when the bill is taken up? My recollecton is that the Chair has held that it is not necessary to call it up during the morning hour. I do not want to foreclose myself by any decision of the Chair from the opportunity of presenting the amendment I have offered.

The VICE PRESIDENT. Not taking the time to review any of the precedents, the Chair is of opinion that when the bill is up, notice having been given, the motion may be made to suspend the rules and a vote be taken.

Mr. BRYAN. Very well.

NIGHT SESSION FOR THE CALENDAR.

Mr. MYERS. Mr. President, there have been a number of bills passed by request for immediate consideration this morning, and there are a number of bills on the calendar just as important and urgent. I ask unanimous consent that the Senate hold a session at 8 o'clock this evening and that the calendar be called under Rule VIII for unobjected bills.

Mr. SMOOT. I shall ask the Senator to modify his request so that if we hold a night session we shall begin at the place we left off the last time the calendar was under consideration.

Mr. MYERS. How far down on the calendar was that?

Mr. SMOOT. Nearly at the end.

Mr. MYERS. Well, let us begin there, and when we get through with the calendar begin and go over it again.

Mr. SMOOT. I am perfectly willing that that should be done.

The VICE PRESIDENT. The Senator from Montana asks unanimous consent that at 8 o'clock to-night a session of the Senate shall be held for the purpose of considering unobjected bills on the calendar, beginning at Order of Business 885 and thence through the calendar; and, if time be left after that, beginning again at the commencement of the calendar. Is there objection?

Mr. HITCHCOCK. Is that for to-night?

The VICE PRESIDENT. For to-night. It is so ordered, there being no objection.

INDIAN APPROPRIATIONS—CONFERENCE REPORT.

Mr. ASHURST. I now renew my request for unanimous consent that the Senate consider the conference report on the Indian appropriation bill.

The VICE PRESIDENT. Is there objection?

Mr. NEWLANDS. I will ask the Senator from Arizona whether that can not come up after 2 o'clock. There are a number of matters that can be considered during the morning hour. Among others, I wish to present as a part of the proposed railway legislation the bill increasing the Interstate Commerce Commission, which I think will pass almost without discussion.

Mr. OVERMAN. Has the morning business been closed?

The VICE PRESIDENT. It has not yet. Under the rule, one hour of the two hours allotted to morning business having passed, the Senator from Arizona has a perfect right to ask unanimous consent to proceed to the consideration of the conference report.

Mr. NEWLANDS. I object.

Mr. ASHURST. The objection, of course, means that the whole morning hour will be consumed, as nothing else will be considered until the morning hour shall expire, because I shall object to anything else and shall see that nothing else is done. What is the use of wasting 45 minutes? I move that the Senate proceed to the consideration of the conference report.

Mr. OVERMAN. How long will it take?

Mr. ASHURST. About 10 minutes; it may be only 5.

The VICE PRESIDENT. The question is on the motion of the Senator from Arizona.

The motion was agreed to; and the Senate proceeded to consider the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18453) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1918.

Mr. CURTIS. Mr. President, I desire to make a point of order against the conference report. I think when this point is brought to the attention of the chairman he will probably agree that it is well taken.

My point of order is against the proviso added to amendment 85. Amendment 85 of the Senate reads as follows:

Hereafter no allotments shall be made to members of the Creek Nation without specific authority of Congress.

The conferees——

The VICE PRESIDENT. The Chair is unable to hear the Senator from Kansas, and as he is about to submit a point of order the Chair would like to hear it before ruling.

Mr. CURTIS. Let me read it again. The Senate placed in the bill the following amendment, which is numbered 85:

Hereafter no allotments shall be made to members of the Creek Nation without specific authority of Congress.

The conferees agreed upon the amendment, with a proviso which was not considered in the Senate, was not considered in the House, and would have been subject to a point of order had it been placed in the bill by either the House or the Senate committee. It is as follows:

Provided, That the Secretary of the Interior is hereby authorized to pay each and every duly enrolled citizen of the Creek Nation who has not been allotted lands in said nation and who is not included in Senate Document No. 478, Sixty-third Congress, second session, the sum of $1,040 in lieu of an allotment of land in said nation. Said sum of $1,040 to be paid to each and every person out of the funds in the Treasury of the United States to the credit of the Muskogee Creek Nation.

I think as soon as a statement of what this really means is made the chairman of the committee will concede that the point is well taken, and that the conference report should go back.

This is not the first time that this question has been before Congress. It has been defeated a number of times. If this amendment is agreed to, it may involve a claim against the Government of nearly $3,000,000. It was not considered by the Senate committee or by the House committee and was put in by the conferees. It is clearly subject to a point of order.

I know under the rule it must be submitted to the Senate. However, I want to state to the President of the Senate that I think he would be justified under the rule in passing directly upon a question of this kind where new matter has been put into the bill.

Mr. ASHURST and Mr. OVERMAN addressed the Chair.

Mr. OVERMAN. Will the Senator yield to me?

Mr. CURTIS. I will yield to the chairman of the committee first.

Mr. ASHURST. What the Senator from Kansas says is absolutely true, and that was one of the reasons why the conferees on the part of the Senate asked for a few moments to consider the report and to have the Senate instruct us. I have the same view as to the proposed legislation that the Senator from Kansas has. I deem it very doubtful if the conferees can ever agree on the bill, and I am willing to have the expression of the Senate made now as to whether that legislation should be added.

Mr. THOMAS. I should like to ask the chairman of the committee whether the conferees on the part of the Senate agreed to the insertion of this new matter?

Mr. ASHURST. Yes, sir.

Mr. THOMAS. That is somewhat surprising in view of the statement of the Senator from Kansas [Mr. CURTIS].

Mr. ASHURST. Mr. President, that is not the only surprise. There are many others.

Mr. THOMAS. I have no knoweldge of the subject except as it has been outlined by the Senator from Kansas; but I assume that his statement is true; and, if true, I can speak for one Senator when I say that no such conference report will be accepted by this body if I can help it.

Mr. ASHURST. I agree with the Senator.

Mr. OVERMAN. May I ask the Senator from Arizona a question?

Mr. ASHURST. Certainly.

Mr. OVERMAN. Do I understand that the matter which was inserted was not considered either by the Senate or by the House?

Mr. ASHURST. It was not considered, in my judgment, by either the Senate or the House.

Mr. CURTIS. It was not even considered by the committee.

Mr. ASHURST. I doubt if it was considered even by the conference committee.

Mr. MYERS. Mr. President, will the Senator from Arizona yield to me a moment?

Mr. ASHURST. Yes.

Mr. MYERS. I am surprised at the objection of the Senator from Colorado [Mr. THOMAS] to new matter being put into this report, for only a few weeks ago the Senator from Colorado submitted to this body a report of the committee of conference on the 640-acre homestead bill, which he admitted was full of and overflowing with matter that had never been passed by either branch of Congress.

Mr. THOMAS. I expressly stated on that occasion, Mr. President, that we had exceeded our authority and that we would not insist upon the proposed legislation if there was a single objection; but the difference between that situation and this——

Mr. ASHURST. If the Senator will yield to me, I desire to say that, of course, the Senate conferees grossly—I may say worse than grossly, for I want to make it as emphatic as I can—exceeded their authority in incorporating this language in the bill. That is the very reason I asked this morning that the Senate should devote a few moments to the consideration of the conference report.

Mr. THOMAS. Will the Senator permit me to make a statement in connection with the criticism of the Senator from Montana [Mr. MYERS]?

Mr. ASHURST. Yes.

Mr. THOMAS. I wish to say, in regard to the 640-acre homestead bill, to which that Senator referred, that it was a bill which was designed to confer a great benefit upon a great many citizens. I read this morning a statement in the Rocky Mountain News that 1,766,000 acres of the public domain have been homesteaded by men and women in my own State, by citizens of my State, since the enactment of that measure. We did exceed our authority, and we came here and confessed it; but here is another assumption of authority which, according to the assertion of the Senator from Kansas, does not seek to confer a benefit upon any except a few Indians, and that at the expense of the United States Treasury to the extent of $3,000,000.

Mr. ASHURST. Mr. President, I agree entirely with the Senator from Colorado.

There are four amendments, to wit, amendment numbered 48, being an amendment relating to a Minnesota item, the differences as to which I think can be composed later; amendment numbered 80, being the per capita payment to the Choctaws and Chickasaws; amendment numbered 95, being an amendment providing for schools in South Dakota; and amendment numbered 111, being the amendment proposed by the Senator from Kansas [Mr. CURTIS], which is a rescript of the Smoot amendment respecting the horizontal rates of the compensation of certain Government employees. As to those four amendments the conferees have been unable to agree, and they wish to have an expression of the Senate thereon.

Mr. STONE. Mr. President, may I ask the Senator from Arizona who are the conferees on the part of the Senate?

Mr. ASHURST. The Senator from Montana [Mr. MYERS], the Senator from Minnesota [Mr. CLAPP], and myself.

Mr. STONE. Did the majority of the Senate conferees agree to this action?

Mr. ASHURST. We have made a partial report. We agreed on 108 amendments but disagreed on 4 amendments. The report of progress or the partial agreement is agreed to by all the conferees on the part of the other House and all those on the part of the Senate.

Mr. CLAPP. Mr. President, will the Senator from Arizona yield to me a moment?

Mr. ASHURST. Certainly.

Mr. CLAPP. I think if the status of the matter were exactly stated to the Senate it would make it very much clearer. The conferees reached a point where there had to be reported back a disagreement upon three quite vital and important items. Of course, the amendment referred to by the Senator from Kansas [Mr. CURTIS] was in excess of the authority of the conferees, and it would not have been considered for one moment had the conferees been able to have reached a final agreement upon the bill; but, inasmuch as they had to report a disagreement to the Senate, it was thought well enough to bring this matter in in order that the Senate might voice its views upon it, and then that the Senate conferees would be in a position to deal with it accordingly when the conference report went back, as it must go back.

Mr. ASHURST. Mr. President, that is a very clear statement, and I thank the Senator from Minnesota.

Mr. REED. Mr. President, I should like to ask the chairman of the committee what has been done with the difference between the House and the Senate with reference to the distribution of the per capita payments?

Mr. ASHURST. I wish to say to the Senator from Missouri that amendment No. 80 is the amendment relating to the per capita payments. The Senate conferees, obeying the action of the Senate, have not receded from that amendment. We have come back asking for instructions as to what we shall do, or as to whether other conferees shall be chosen in our stead. We have asked for instructions with regard to No. 80 and the other amendments in disagreement.

Mr. STONE. The House has adhered to the House language and the Senate conferees have adhered to the Senate language?

Mr. ASHURST. The House conferees are adhering to the House text and the Senate conferees are adhering to the amendment adopted by the Senate striking out the per capita payments.

Mr. WILLIAMS. Mr. President, I wish to express the hope that the Senate conferees will never agree to the provisions of the House bill in connection with this allotment unless the House conferees agree to the amendments that were offered by me, but that were not considered by the Senate committee, because they preferred at this short session to disagree with the House provision and let the whole matter go over to the next session. If those gentlemen over there had rather see the Indian appropriation bill fail than not to forego their determination to cut out all possible future chance to do anything even resembling justice for the Mississippi Choctaws, then it is better for the cause of justice and better for the country that the Indian appropriations of this year should fail—the whole bill—and I wish to express as emphatically as I can my own position and my desire to strengthen the hands of the Senate conferees in the position which they have taken. It is admitted that if this allotment is made there is nothing left upon which the claims of right, as I think, of the Mississippi Choctaws can operate.

Mr. JONES. Mr. President——

Mr. ASHURST. I yield to the Senator from Washington.

Mr. JONES. As I understand, if this point of order is sustained, the conference report is rejected; that the whole matter then goes back to conference; and that all the amendments put on the bill in the Senate will be open to consideration.

I note that in the conference report as submitted the Senate conferees have receded from amendment numbered 100, increasing the $200,000 appropriation made in the House for the irrigation of the Yakima Indian Reservation to $300,000. I understand that the House conferees based their opposition to this increase largely on the statement in the commissioner's report that there was about $195,000 available to carry on this work from last year's appropriation. That appropriation did not become effective until the 1st of July of last year, and the commissioner's report shows the expenditure up to a very short time after that. In talking with the commissioner's office I find that there is not on hand now more than $40,000 of the $195,000 referred to in the commissioner's testimony, and that before the 1st of July of this year all of that money will be expended. So that, as a matter of fact, there is no money available of the appropriation for the current year that will be left on the 1st of July. I am in hope that that state of affairs will be taken into account by the conferees when they go back to confer on this bill and that, if possible, they will have the amendment of the Senate accepted.

In that connection I want to say a word more, and then I will be glad to hear from the Senator from Arizona. The local officers estimated and recommended $500,000 to carry on this work, and the department sent in an estimate of $400,000. In order to carry on this work economically, and in order to bring about the best results and the highest benefit to the Indians, we ought to make as liberal appropriations as possible, because the chances are that they will have to suspend work even before the 1st of July; that the money they have on hand will not keep the work going until that time; that the $200,000 appropriation will not keep the work going on next year; and that we will simply waste a large part of the funds we have appropriated.

Mr. ASHURST. Mr. President, I trust I am not violating any of the proprieties when I say to the Senate that the Senate conferees are in sympathy with the views of the Senator from Washington, and, if at all within the domain of possibility, we will try to secure a recession on the part of the House conferees respecting that provision.

Mr. JONES. I am glad to hear that from the Senator. Of course, I know the Senator has taken as good care of this bill under the circumstances as was possible. I also recognize the large appropriations which are being made, and I am willing to cooperate in every way possible to keep them down to the lowest possible limit consistent with efficiency and economy in the Government service. This is a case, however, where I think to eliminate the Senate provision would actually result in waste and more extravagant appropriations in the future. So I hope that the Senator, in case the bill goes back to conference, will be able to secure the retention of the Senate amendment.

Mr. CURTIS, Mr. WILLIAMS, and Mr. SMOOT addressed the Chair.

The VICE PRESIDENT. The Senator from Arizona is entitled to the floor.

Mr. ASHURST. I yield to the Senator from Kansas.

Mr. CURTIS. I will complete my statement a little later.

Mr. ASHURST. Then, I will yield the floor.

Mr. WILLIAMS. Mr. President——

The VICE PRESIDENT. The Senator from Mississippi.

Mr. WILLIAMS. I move that the Senate instruct the Senate conferees to adhere to the position which they have taken with regard to the four differences the Senator from Arizona has mentioned, and that the Senate conferees do not recede from the Senate amendments still in disagreement.

Mr. CURTIS. The point of order is pending?

The VICE PRESIDENT. It is, and the Presiding Officer was about to say something in regard to the point of order.

Mr. CURTIS. Before the President proceeds, may I be permitted to read from a document entitled "Conference Reports," the ground upon which I make the point of order?

Mr. WILLIAMS. Mr. President, if the Senator will pardon me just a moment, I wish to modify the motion I made. I want to move that the Senate conferees be instructed to adhere to Senate amendment numbered 80. When I was on my feet before I did not know the number of the amendment.

Mr. CURTIS. In this document, which was presented to the Senate a number of years ago in compliance with a resolution presented by the then Senator from Massachusetts, Mr. Hoar, we find that the following was laid down as the law and practice with regard to conferences and conference reports:

29. Conferees may not include in their report matters not committed to them by either House.

Mr. GALLINGER. From what does the Senator read?

Mr. CURTIS. From Mr. Allison's report. It is a compilation prepared by Mr. Cleaves.

Mr. GALLINGER. I remember it.

The VICE PRESIDENT. The Chair has been observing these conference reports for four years, and it is not an unfair statement to say that quite a good deal of the important legislation of the Congress of the United States is transacted in the conference committees, and not in the Senate and the House of Representatives of the United States. The Chair understands the rule to be that the conferees have no right in conference to insert in the report which they make or in the agreement into which they enter anything except matters which were in dispute between the two Houses. Nevertheless, it is constantly being done by conference committees. It has, however, been the settled rule of the Senate that a point of order could not be made to a conference report, the sole question being whether the report shall be concurred in or whether it shall be rejected and sent back to conference again, with or without instructions.

Mr. CURTIS. Mr. President, may I interrupt right there to say that I think the President of the Senate has misstated the practice? The practice has been to submit the question of order to the Senate when the point of order was made, for the Senate to pass on it. I quote again from the document to which I have referred:

In the Senate, in case such matter is included, the custom is to submit the question of order to the Senate.

The VICE PRESIDENT. Is that a precedent of the Senate?

Mr. CURTIS. It is.

The VICE PRESIDENT. Where will it be found?

Mr. CURTIS. It will be found in the document from which I have been reading, on page 16, referring to two decisions, one in the Fifty-fifth Congress, first session, and the other in the Fifty-sixth Congress, second session. The document, as I have said, is a report made by Senator Allison on a resolution offered by Senator Hoar. For the benefit of the Chair, I will send the document to the desk.

Mr. ASHURST. Mr. President, if the Senator will yield to me, so far as I have any authority, I am willing to say to the Senate that, if the point of order can not be sustained, the Senate conferees will adhere and decline to concur in the amendment suggested to amendment numbered 85.

The VICE PRESIDENT. The Chair thinks the Senator from Kansas has misconstrued the language of this report. The note is as follows:

In the Fifty-fifth Congress, first session, Vice President Hobart, in overruling a point of order made on this ground against a conference report—

That was the insertion of matter not in conference—

during its reading in the Senate, stated that the report having been adopted by one House and being now submitted for discussion and decision in the form of concurrence or disagreement, it is not in the province of the Chair during the progress of its presentation to decide that matter has been inserted which is new or not relevant, but that such questions should go before the Senate when it comes to vote on the adoption or rejection of the report.

Then in the Fifty-sixth Congress, second session—

The Presiding Officer (Mr. LODGE in the chair) referred with approval to the foregoing decision of Vice President Hobart, and stated that when a point of order is made on a conference report on the ground that new matter has been inserted, the Chair should submit the question to the Senate instead of deciding it himself, as has been the custom in the House. No formal ruling was made in this case, however, as the conference report, after debate, was by unanimous consent rejected.

Mr. CURTIS. Will the Vice President kindly read the large print at the head of the note?

The VICE PRESIDENT. Yes. It is as follows:

Conferees may not include in their report matters not committed to them by either House.

In the House, in case such matter is included, the conference report may be ruled out on a point of order.

In the Senate, in case such matter is included, the custom is to submit the question of order to the Senate.

Mr. CURTIS. That is what I base my opinion upon.

The VICE PRESIDENT. But the note does not carry it out. Vice President Hobart did not decide the point of order, but it went to the Senate, and I think he said that the Senate settles it by either agreeing or disagreeing to the conference report. Senator LODGE, when he occupied the chair, did, however, say that he thought the point of order should be decided by the Senate, but it was not ruled upon, the Senate having rejected the conference report.

Mr. CURTIS. Then, Mr. President, I move that the conference report be rejected.

Mr. GALLINGER. Mr. President, just a word. I have always thought that our rules ought to provide that a point of order would lie against a conference report in which any new matter was inserted; but it is not the rule of the Senate. I am quite sure that Vice President Hobart's ruling was absolutely correct, that in the absence of a rule of that kind the fact that new matter was inserted could only be used in determining the attitude of each Senator as to whether or not a conference report should be accepted or rejected. I am not in the chair, but if the question should be submitted to me under those circumstances I would agree with the position that the Vice President takes in the matter.

Mr. ASHURST. Mr. President——

The VICE PRESIDENT. The Chair had not quite finished what the Chair has felt it a duty to say.

This is not a full and complete conference report. If the report be disagreed to, as it has been reported, the question can then go back to conference, either with or without instructions on the part of the Senate. The Chair believes, however, that at some time, if the insertion of new matter does not stop, it will be the duty of a Presiding Officer to sustain a point of order; and although it is opposed to all the precedents of the United States Senate the Chair proposes to reserve the right at some time in the future to sustain the point of order and test the opinion of the Senate upon that practice.

Mr. OVERMAN. Mr. President, would not the Vice President submit that as a question of order to the Senate? That is frequently done.

The VICE PRESIDENT. Yes; the Vice President could do that; but in view of the condition of this particular case, and in view of the fact that the Chair believes he is ruling in accordance with the precedents, he is now overruling the point of order of the Senator from Kansas.

Mr. CURTIS. Then, Mr. President, I move that the Senate reject the conference report.

Mr. GRONNA. Before that is voted on, may I make a short statement?

The VICE PRESIDENT. The question will be simply on agreeing to the report; and if disagreed to it would go back.

Mr. ASHURST. I earnestly hope that the motion of the Senator from Kansas will be agreed to.

The VICE PRESIDENT. There is a motion pending by the Senator from Mississippi [Mr. WILLIAMS] that the conferees be instructed to adhere to Senate amendment No. 80.

Mr. JONES. I make the point of order against that motion that it is not in order at this time, until action is taken upon the adoption or rejection of the conference report. If the conference report is rejected, then it can be sent back with instructions, as proposed by the Senator from Mississippi; but until action is taken on the conference report, it seems to me, a motion to instruct is not in order.

The VICE PRESIDENT. The point of order is overruled. The Chair is clearly of the opinion that the Senate has a right at any time to instruct its conferees to adhere to any amendment. It may be done in the first instance when the conferees are appointed.

Mr. JONES. This is one of the amendments that are in disagreement, is it?

The VICE PRESIDENT. It is.

Mr. JONES. Then, of course, that can be done.

Mr. REED. Mr. President, a parliamentary inquiry. The motion of the Senator from Mississippi, as I understand it, is that the conferees be instructed to adhere to amendment No. 80. That, of course, if carried out, makes for a disagreement. Would a motion as a substitute that the Senate instruct the conferees to recede from amendment No. 80 have precedence?

The VICE PRESIDENT. Anything that tends to bring the two Houses into agreement would certainly have precedence.

Mr. REED. Then, Mr. President, I move as a substitute that the Senate conferees be directed to recede from Senate amendment No. 80.

Mr. President, it seems to me that quite time enough has been spent in the effort to coerce Congress into the payment of a lot of money to Mississippi Choctaw Indians, or alleged Indians, who many years ago separated themselves from their tribe. The proposition we now have is that the entire appropriation bill shall be tied up for the benefit of a few people claiming to have Indian blood who have for many years resided in the State of Mississippi, who have not for many years—I think nearly a half century—affiliated with their tribe; who were once given an abundant opportunity to come into the tribe and to receive their allotment.

We are going too far when we tie up the entire Indian appropriation bill for such a reason. If these Mississippi Choctaws appear to have equities hereafter, the equities can be taken care of. This session is nearing its close. It ought not to be closed with a great appropriation bill tied up for any such purpose or reason. I think the Senate conferees ought to agree to recede from amendment No. 80, and that the other difficulties with which they are confronted ought to be composed.

Mr. WILLIAMS. Mr. President, I am very sorry that the Senator from Missouri should appear to have informed himself so ill concerning a matter which he says has taken a sufficiency of "public time and attention." There is not, and there never has been, any attempt to "coerce," as he calls it, any "payment" of any description to the Mississippi Choctaws. There has been an attempt to secure a consideration of their claims before exhausting all of the money out of which their claims, if just, could be paid.

The Senator says that there has been "abundant opportunity" for them. Congress itself acted, and empowered the Dawes Commission to enroll the Mississippi Choctaws, to place the names of those who were bona fide Choctaws upon the roll, and that presupposes the admission of the right to be there. The Dawes Commission sent a subcommission down to Mississippi, and they actually did enroll them, after looking at them and seeing that they were Indians, concerning which there can be no mistake, and if Indians and living in Mississippi, then Choctaws.

The Senator says we are doing this as an attempt to get something done for "alleged Indians." If the Senator had done me the honor even to read the amendment that I have offered, that went to the committee, where the consideration of it was delayed because of this agreement in the committee to pass the whole matter over until next session, which led to the Senate committee's not adopting the House provision, he would have seen that the amendment contemplates nobody except those who were actually enrolled by the Dawes Commission under the authority of Congress, and such full-blood Mississippi Choctaws as were never enrolled.

Mr. President, a full-blood Indian in the State of Mississippi is bound to be a Choctaw. He could not be anything else, unless he was an Indian who had moved into the State from somewhere else, and we have had no Indian immigration. The other three tribes went to the territorial reserve west of the river. The Pascagoulas and the Chickasaws and Natchez all went to the west of the river; but in the Dancing Rabbit treaty special provisions were made with regard to such of the Choctaws as chose to remain in Mississippi, and it is under the provisions of that treaty that this claim has been made.

It has been contended that that treaty has been set aside to a large extent. How? Not by any agreement of the Choctaws remaining in Mississippi, but by several agreements entered into between the United States and the Choctaws out in Oklahoma. To state the contention is to demonstrate its inequity and moral obliquity.

The Senate has had this matter before it, and the Senate has twice, on a full yea-and-nay vote, agreed with the contention I am making, and now the will of the Senate is about to be thwarted by having distributed every dollar of this fund out of which any claim of these people could be satisfied. All I ask is that that shall not be done until some provision has been made to erect a tribunal, or some provision otherwise has been made to give these people an opportunity and to furnish them with a possibility of being paid.

Mr. REED. Mr. President——

Mr. ASHURST. Mr. President, will the Senator yield to me for just a moment? Of course, at the hour of 1 o'clock the unfinished business will be laid before the Senate and nothing will have been accomplished regarding this conference report unless we vote with respect to this report before 1 o'clock. Lest one of the statements made by the Senator from Mississippi might be misunderstood, I wish to say that, so far as the conferees on the part of the Senate are concerned, there is no danger of the Senate conferees receding on amendment No. 80 under this bill, because we feel ourselves absolutely bound by a previous vote of the Senate to adhere to amendment No. 80, unless the Senate should this morning reverse its action and instruct its conferees to recede.

Mr. GRONNA. Mr. President, may I ask the chairman of the committee a question? The Senate committee of conference has reported a disagreement on four amendments, as I understand.

Mr. ASHURST. That is true.

Mr. GRONNA. And there are three of those amendments, I think, of very great importance.

Mr. ASHURST. Yes; that is true.

Mr. GRONNA. One of them is No. 80, but I want to say to the Senator that that is not the only amendment that is of great importance. There is No. 95, which is the school question; and I will say to the Senator that it will take some time before this bill passes this body unless that amendment is retained in the bill.

Mr. ASHURST. The Senator refers now to No. 95?

Mr. GRONNA. No. 95, also No. 111. I want to move to amend the motion of the Senator from Mississippi by making the instructions apply not only to No. 80 but also to No. 95 and No. 111.

Mr. REED. Mr. President, I simply want a moment.

The Senator from Mississippi [Mr. WILLIAMS] has a pleasant habit of telling other Senators that they are not informed or posted. He has indulged that habit this morning with reference to myself. He states that I have not even paid him the compliment of reading his remarks. Mr. President, I admit that is true.

Mr. WILLIAMS. I said my amendment, not my remarks.

Mr. REED. I have not given this matter as close study as perhaps the Senator from Mississippi has, but I have given the business of the Senate a reasonable degree of attention. I have heard a great deal of the discussion of this claim; and I have reached the very clear conclusion that the claims of the Mississippi Choctaws are of a most shadowy nature, and that without going to the extent of saying that they have no claims at all which are entitled to consideration at some time, I have reached the conclusion that it is unwise to hold up the entire

Indian appropriation bill in order to enforce this particular claim at this time.

Mr. WILLIAMS. It is not to enforce a claim; it is to enforce some method of considering it.

Mr. REED. The amount of the matter—and I am now replying to the remark just made by the Senator from Mississippi—is this: That if those who insist upon the claims of the Choctaw Indians being recognized at this time succeed, the probabilities are that the entire Indian appropriation bill will fail.

Mr. ASHURST. Mr. President, will the Senator kindly yield to me for a moment?

Mr. REED. Certainly.

Mr. ASHURST. I do not wish to interrupt the Senator's remarks, except to call attention to a situation. The morning hour will end within two or three minutes, and while this subject is very important, urgent measures of national importance will, of course, come up and displace this discussion, and it might be delayed for another week before I could get another opportunity to bring it up. I just wished to inquire if there is any possibility of having a decisive vote on the question before the hour of 1 o'clock? I do not wish in any way to foreclose what the Senator has to say, but wish, if I can——

Mr. REED. I understand the Senator's position. The anxiety of the Senator is very natural.

Mr. VARDAMAN. Mr. President, will the Senator permit me to make a suggestion?

Mr. REED. Certainly.

Mr. VARDAMAN. It will take only a few minutes to pass it after the morning hour expires.

Mr. ASHURST. I think that certain Senators who have the right to do so will move to proceed to the consideration of bills that are of extreme, urgent national importance, and while this bill is also very important, I am afraid it will be displaced. That is what I mean, Mr. President.

Mr. REED. That is a very polite way of asking me to yield the floor.

Mr. ASHURST. No; I do not mean that at all.

Mr. REED. And I shall yield it in a moment, because I am not going to delay this matter for the sake of talking. I say this—that I think we have reached a point where this claim has been pressed as far as it ought to be pressed at this time and that the Indian appropriation bill ought not to be killed for the sake of this one claim.

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

Mr. REED. I am going to yield the floor, but, of course, I will answer any question.

Mr. VARDAMAN. It is not a question so much as a suggestion to the Senator. The rights of the Mississippi Choctaws heretofore have been defeated by the influence that is delaying the agreement of the conference committee. It is the influence of the Oklahoma Choctaws and their representatives. The Oklahoma Choctaws are endeavoring to grab all the money and to leave nothing for the Mississippi Choctaws. If the Senator understood that matter as we who are in actual contact with these people, know their condition, and see the effect of the horrible treatment they have received, I do not think the Senator would insist upon instructing the conferees on the part of the Senate to yield to the demands of the House conferees.

Mr. REED. Mr. President, just one word. In what I have had to say about this matter this morning, I have largely been trying to express the feelings of the senior Senator from Oklahoma [Mr. GORE], who has been for several weeks confined to his room and bed and who is very ill. I know how anxious he is to have this allotment made, and it is for that reason, coupled with the fact that I am personally convinced that we ought not to tie up the entire appropriation bill, that I have ventured to insist that the conferees should recede on Senate amendment No. 80. If such action is taken, the distribution to the Choctaws will take place and the Mississippi Choctaws may hereafter press their claims, if any they have.

Mr. ASHURST. I appreciate the Senator's situation, and without regard to the merits of the controversy, personally I am profoundly convinced that if amendment No. 80 were receded from the Senate would kill the bill. Of course, the whole is greater than the part, and in a short session I think Senators ought to be willing to give up any particular amendment or particular point when insisting on it may destroy the whole bill.

Mr. REED. May I ask the Senator, if it is insisted on will it not likewise kill the bill?

Mr. ASHURST. Then the bill is between Scylla and Charybdis.

The VICE PRESIDENT. The hour of 1 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 9533) to provide a civil government for Porto Rico, and for other purposes.

Mr. ASHURST. I ask the Senator from Colorado kindly to lay aside the unfinished business and let us have 15 or 20 minutes to dispose of this matter.

Mr. SHAFROTH. I am willing to yield, with the understanding that if it takes more than 20 minutes I can resume the consideration of the Porto Rican bill.

Mr. ASHURST. I will agree, as far as I can agree, that if it takes more than 20 minutes I will withdraw the matter.

Mr. SHAFROTH. I ask unanimous consent that the unfinished business be laid aside with that understanding.

The VICE PRESIDENT. The Senator from Colorado asks unanimous consent that the unfinished business be temporarily laid aside. Without objection, it is so ordered. The question is on the motion of the Senator from Missouri [Mr. REED] to recede from amendment No. 80.

Mr. THOMAS. Mr. President, I merely wish to say that possibly my comment with regard to the conference report was of such a character as that it might be misconstrued. The very lucid explanation of the committee's action by the Senator from Minnesota [Mr. CLAPP] satisfies me that their action was all that could be desired.

The VICE PRESIDENT. The question is on the motion of the Senator from Missouri [Mr. REED].

The motion was not agreed to.

The VICE PRESIDENT. The question is on the motion offered by the Senator from North Dakota [Mr. GRONNA] to amend the motion of the Senator from Mississippi [Mr. WILLIAMS].

Mr. WILLIAMS. I accept the amendment to my motion offered by the Senator from North Dakota.

The VICE PRESIDENT. The question is on the motion of the Senator from Mississippi [Mr. WILLIAMS] as modified.

The motion as modified was agreed to.

The VICE PRESIDENT. The question is on agreeing to the conference report.

Mr. ASHURST. The conference report should be rejected.

The report was rejected.

Mr. SHAFROTH. I ask that the unfinished business be laid before the Senate.

Mr. CLAPP. Just a moment. I wish to suggest to the chairman that it occurs to me there must now be a motion made for a further conference and the appointment of conferees. Otherwise the conferees would be without any authority to act.

Mr. ASHURST. I thank the Senator from Minnesota. I move that the Senate still further insist on its amendments, agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate at the further conference.

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

ORDER OF BUSINESS.

Mr. OVERMAN. I move that the Senate proceed to the consideration of the bill (S. 8148) to define and punish espionage. In doing so I wish to state frankly that this will displace the Porto Rican bill, which is the unfinished business. This bill, as the Senate knows, is a very important measure urged by the President and by the Secretary of War. It has to go to the House of Representatives. The Porto Rican bill has already passed the House of Representatives, while this bill before it becomes a law will have to go to the House. I move that the Senate proceed to its consideration. I hope the Senator from Colorado will agree to temporarily lay aside the Porto Rican bill until we can dispose of this bill. Otherwise I shall insist on my motion.

Mr. SHAFROTH. How long will it take?

Mr. OVERMAN. I have no idea.

Mr. SHAFROTH. I can not consent, Mr. President. The Porto Rican bill has been dragging along for seven or eight months. I have been begging and begging to get night sessions to consider it, and we are now about ready to come to a vote upon it. I do not think it will take over an hour.

Mr. SMITH of Georgia. We can finish it in an hour.

Mr. SHAFROTH. I think we can finish it in an hour.

Mr. OVERMAN. When the prohibition question comes up on it I think it will take two or three days.

Mr. SHAFROTH. I think all parties are agreed on that.

Mr. OVERMAN. This bill is more important than any Porto Rican bill, and I think the Senate ought to take it up. I am going to do my duty, and the Senate can do its duty. I insist on my motion, and I shall call for the yeas and nays.

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

The VICE PRESIDENT. The Secretary will call the roll.

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

Ashurst	Gallinger	Martin, Va.	Shafroth
Beckham	Gronna	Martine, N. J.	Sheppard
Borah	Harding	Myers	Sherman
Catron	Hitchcock	Nelson	Shields
Chamberlain	Hollis	Newlands	Smith, Ga.
Chilton	Husting	Oliver	Smoot
Clapp	James	Overman	Stone
Clark	Johnson, Me.	Page	Sutherland
Colt	Jones	Phelan	Thomas
Culberson	Kenyon	Pittman	Tillman
Cummins	Kern	Poindexter	Townsend
Curtis	Lane	Pomerene	Vardaman
du Pont	Lea, Tenn.	Ransdell	Wadsworth
Fall	Lewis	Reed	Warren
Fernald	Lodge	Robinson	Weeks
Fletcher	McCumber	Saulsbury	Williams

Mr. TOWNSEND. I desire to state that my colleague [Mr. SMITH of Michigan] is absent from the city on important business, and that he is paired with the junior Senator from Missouri [Mr. REED]. This announcement may stand for the day.

Mr. LEA of Tennessee. I wish to announce that the Senator from South Dakota [Mr. JOHNSON] is detained on official business.

The VICE PRESIDENT. Sixty-four Senators have answered to the roll call. There is a quorum present. The pending question is the motion of the Senator from North Carolina to proceed to the consideration of the bill (S. 8148) to define and punish espionage.

Mr. SHAFROTH. I think the Senator from North Carolina is willing to withhold the motion for the present.

Mr. OVERMAN. I will withhold it for an hour. We will see if the Senator from Colorado can get the Porto Rican bill through in an hour.

Mr. SHAFROTH. I shall try to get it through in an hour, but, of course, it is better to give me an hour under any circumstances.

COUNTING OF ELECTORAL VOTES.

Mr. KERN. I submit a resolution, and ask that it be considered at this time.

The VICE PRESIDENT. The resolution will be read.

The Secretary read the resolution (S. Res. 357), and it was considered by unanimous consent and agreed to, as follows:

Resolved, That at 10 minutes before 1 o'clock on Wednesday, February 14, 1917, the Senate proceed to the Hall of the House of Representatives to take part in the count of the electoral vote for President and Vice President of the United States.

Mr. KERN. I desire to state that the senior Senator from Vermont [Mr. DILLINGHAM], who has heretofore been appointed one of the tellers to count the vote, will be unable on account of illness—he telephoned me this morning—to perform the duties, and he asked that some other Senator be appointed in his place. I will suggest that the Senator from Minnesota [Mr. CLAPP], who is the next ranking member of the Committee on Privileges and Elections, be appointed.

The VICE PRESIDENT. The Senator from Vermont [Mr. DILLINGHAM] being unable to act as teller, the Chair appoints the Senator from Minnesota [Mr. CLAPP] in his stead.

GOVERNMENT OF PORTO RICO.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9533) to provide a civil government for Porto Rico, and for other purposes.

Mr. SHAFROTH. I notice in the reprint that has been made, on page 29, at the bottom of the page, there is the following clause prescribing in what words a resolution shall be worded:

Be it resolved by the Legislature of Porto Rico, except as hereinafter provided. Bills and joint resolutions may originate in either house.

I ask that the proper amendment be made there by inserting a period after the words "Porto Rico" and beginning the word "except" with a capital letter and the word "bills" with a small letter.

The PRESIDING OFFICER (Mr. LEA of Tennessee in the chair). The Secretary will state the amendment.

The SECRETARY. On page 28, line 14, of the text we are amending, page 29 of the reprint, where it reads "*Be it resolved by the Legislature of Porto Rico*, except as herein provided. Bills and joint resolutions may originate in either house," insert a period after "Porto Rico," and make the clause read:

That the enacting clause of the laws shall be as to acts "*Be it enacted by the Legislature of Porto Rico*" and as to joint resolutions "*Be it resolved by the Legislature of Porto Rico*. Except as hereinafter provided, bills and joint resolutions may originate in either house."

The amendment was agreed to.

Mr. REED. I call the attention of the Senator from Colorado to the language on page 8, line 8, and ask him if he does not think it ought to be corrected? It reads "within one year of the taking effect of this act." It ought to read "within one year after the taking effect," instead of as it is written.

Mr. SHAFROTH. I accept the amendment.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 7, line 13, where it reads, "of his decision to do so within one year of the taking effect of this act," after the words "one year" strike out "of" and insert "after."

The PRESIDING OFFICER. Without objection, the amendment will be agreed to.

Mr. SHAFROTH. On page 42 of the text, after the word "aliens," in line 18, I move to insert "and Porto Ricans," so that it will read:

In addition, said district court shall have jurisdiction for the naturalization of aliens and Porto Ricans.

Mr. SMOOT. Will the Senator state why he offers that amendment?

Mr. SHAFROTH. I have received a letter from the judge of the district court of Porto Rico, stating that there has been a Supreme Court decision that does not class Porto Ricans as aliens, and therefore he thinks it is necessary that these words should be put in in order to give him the power of naturalization. Here is his letter, a part of which I will read. It is from Judge Hamilton, of Porto Rico, judge of the district court of the United States. He says:

My attention has been called to what may be an unintentional omission in the proposed Porto Rican act. The section about this court gives it power to naturalize "aliens," and a part struck out by lines seems to indicate that your intention is to give this court jurisdiction to naturalize such Porto Ricans as may disclaim American citizenship under the bill. If it is the intention to allow such Porto Ricans a locus penitentiae after the six months for disclaimer, it must be otherwise expressed. The case of Gonzalez *v.* Williams, 192 U. S., 1, declares that Porto Ricans are not aliens, and so giving this court jurisdiction of aliens only would not cover them. I am not advocating the matter one way or the other, but call your attention to the point.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 42, line 18, after the word "aliens," insert the words "and Porto Ricans."

The amendment was agreed to.

Mr. SHAFROTH. I have another amendment which I desire to offer, and I send it to the desk.

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. On page 31, in an amendment already agreed to, strike out lines 23 to 25, inclusive, and on page 32, to strike out lines 1 to 5, inclusive, and insert in lieu thereof the following:

Every bill shall be read at length, on three different days, in each house; all substantial amendments made thereto shall be printed for the use of the members before the final vote is taken on the bill; and no bill shall become a law except by vote of a majority of all the members elected to each house, nor unless on its final passage the vote be taken by yeas and nays and the names of those voting be entered on the journal.

The PRESIDING OFFICER. Without objection, the amendment of the committee in this part of the bill will be reconsidered and the amendment to the amendment will be stated.

Mr. SMOOT. I wish the Secretary would read the lines proposed to be stricken out and then read the amendment.

The SECRETARY. It is proposed to strike out the following words, beginning on page 31, line 23:

Every bill shall be read at length on three different days, in each house; all substantial amendments made thereto shall be printed for the use of the members before the final vote is taken on the bill; and no bill shall become a law except by vote of a majority of all the members elected to each house, nor unless on its final passage the vote be taken by yeas and nays and the names of those voting be entered on the journal.

And to insert in lieu thereof:

Every bill shall be introduced, printed and, if passed, enrolled in the English language, and, if the governor shall approve the same, approved in English.

Every bill may also be simultaneously introduced and printed in the Spanish language and the governor may also sign the Spanish bill if he approves of the same.

Every bill shall be read on three different days in each house. Both the second and third readings of the bill shall be at length in the English language and may also be at length in the Spanish language; all substantial amendments made thereto shall be printed in English, and may also be printed in Spanish for the use of the members before the final vote is taken on the bill; and no bill shall become a law except by vote of a majority of all the members elected to each house, or unless on its final passage the vote be taken by yeas and nays and the names of those voting be entered on the journal.

Proceedings of the legislature shall be in English, but speeches in Spanish may be made if interpreted into English and speeches in English may be interpreted into Spanish.

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

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The PRESIDING OFFICER. An amendment is pending at the end of the bill which was offered by the Senator from

Florida [Mr. FLETCHER]. The Secretary will state the amendment.

The SECRETARY. It is proposed to add at the end of the bill, page 52, line 7, the following proviso:

Provided, That the principal agent to collect the duties and taxes authorized to be levied, collected, and paid in Porto Rico by the provisions of the act approved April 12, 1900, shall be known as the collector of customs for Porto Rico, and shall be appointed by the President, by and with the advice and consent of the Senate.

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

Mr. SMOOT. This went over at the request of a number of Senators on Saturday. At the time the request was made that it be passed over it was suggested to the Senator offering the amendment that he learn the amount of salary that is being paid to the special agent in Porto Rico for the collection of customs. I will ask the Senator if he has done so.

Mr. FLETCHER. I have ascertained, and I find that it is $5,000. The present salary is $5,000. I am going to follow this with an amendment on page 48 fixing the salary of the collector of customs for Porto Rico at $5,000.

Mr. SMOOT. How will that compare with the salaries that we are paying to collectors of customs at other ports receiving about the same amount of importations?

Mr. FLETCHER. It is about the same.

Mr. SMOOT. I will say to the Senator I think it is higher than is generally paid.

Mr. FLETCHER. I do not think so. I think it is about the same. I know the collector of customs in Florida, for instance, receives $6,000 salary, and in some other districts they receive less. This is quite an important district; it embraces the whole island of Porto Rico.

Mr. SMOOT. Are they not collecting at the port in Florida twice the amount of collections as in Porto Rico?

Mr. FLETCHER. I do not know the amount exactly, nor how the collections at the two places compare. I have not inquired as to the amount of duties collected in Florida and the amount collected in Porto Rico.

Mr. SMOOT. I suppose this amendment is to be made in order to get rid of a man now holding the place, and the President can appoint to take the place a man whom some one wants to have appointed?

Mr. FLETCHER. I do not know whether it is proposed to get rid of the man. As far as I know, he is giving very good satisfaction. The object is to put this collector on the same footing with every other collector. There is no other collector of customs anywhere in the country who is not appointed by the President and confirmed by the Senate. I think the island of Porto Rico ought to be put on the same footing in that respect with every other collection district and the collector of customs there ought to be appointed just like every other collector.

Mr. SMOOT. I am not objecting at all to the change being made. I wish to learn, however, the salary that is being paid at the present time, and then I have a desire to know whether the salary being paid to the man in charge is greater than that paid to the collector of customs at ports receiving about the same amount of importations.

Mr. FLETCHER. I do not think so. I think this salary of $5,000 is on a par with the salary paid in all the other portions of the country. Turning to the imports, I find that in a total value of imports, as shown by the report of the governor of Porto Rico, there has been an increase in the total value of imports of $5,066,860, going up from $33,884,296 last year to $38,951,156 this year. These figures show a very considerable import and export.

Mr. FALL. May I ask the Senator where those imports are from on that showing?

Mr. FLETCHER (reading)—

Imports from foreign countries gained in value only $104,176, reaching a total of $3,058,641.

Mr. FALL. That is the idea. In this enormous increase of $5,000,000 nine-tenths of it was from the United States.

Mr. FLETCHER. The increase was largely from the United States.

Mr. FALL. Then the total imports as shown there bear about the same ratio. In other words, out of $38,000,000, $35,000,000 was from the United States. The foreign business which this collector will have to do is very small. Very many of the collectors to my personal knowledge are receiving much less and collectors who are doing very much larger business. I have no objection, however, if the Senator wants to take the responsibility.

Mr. FLETCHER. I think it is a fair salary to pay. It is precisely what he is getting now.

Mr. FALL. If the Senators who are insistent upon economy want to pay $5,000 when they can get a man at a port doing a great deal more business for less money it is up to them as far as I am concerned.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Florida.

The amendment was agreed to.

Mr. FLETCHER. Now, on page 48, after line 19, I move to insert:

The salary of the collector of customs shall be $5,000 per annum, payable monthly.

Mr. FALL. If an amendment to that is in order, I move to place it at $4,000 instead of $5,000.

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

The amendment to the amendment was rejected.

The amendment was agreed to.

Mr. SHAFROTH. Mr. President, the Senator from Utah [Mr. SMOOT] reserved the right to offer an amendment to the committee amendment which provides that the salary of the Governor of Porto Rico shall be $8,000. The Senator from Utah has proposed that that salary shall be $7,000, and I presume that he desires to be heard on his amendment to the amendment.

Mr. SMOOT. Mr. President, I shall take but very few moments of the time of the Senate in discussing this amendment. On page 48, line 14, I move to strike out "$8,000" and to insert "$7,000." That will provide a salary for the Governor of Porto Rico of $7,000. I shall follow that amendment with another amendment, by moving to strike out "$6,500," which is the salary provided for the chief justice of the Supreme Court of Porto Rico, and to insert in lieu thereof "$6,000."

Those motions, Mr. President, are made so that the salary of the governor and the salary of the chief justice of the Supreme Court of Porto Rico shall be the same as the salary of the governor of Alaska and the governor of Hawaii, as well as of the chief justice of the Supreme Court of Alaska and of the chief justice of the Supreme Court of Hawaii. I can not see why we should pay higher salaries to the governor and the chief justice of Porto Rico than those paid to the governor and the chief justice of Hawaii.

I also call the attention of the Senate to the fact that the Governor of Porto Rico is furnished a home; that he is not put to one dollar of expense for rent for his residence, but that a residence has been provided for the special use of the Governor of Porto Rico. The Governor of Porto Rico will have that advantage over the governor of Hawaii and also over the governor of Alaska.

So far as the cost of living is concerned, no one questions that the cost of living is higher in Alaska than it is in Porto Rico; and so far as the cost of living in Hawaii is concerned, it is just as high, and I think somewhat higher, than is the cost of living in Porto Rico. It would be unjust, I think, in this bill to pay the Governor of Porto Rico $1,000 more salary than is paid to the governors of the two Territories which I have mentioned and to pay to the chief justice of the Supreme Court of Porto Rico $500 more salary than is paid to either of the chief justices in the other two countries I have named.

Mr. FALL. Mr. President, will the Senator from Utah yield to me for just a moment?

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

Mr. SMOOT. I yield.

Mr. FALL. How are these expenses paid in Alaska as compared with the same expenses in Porto Rico? In other words, how are the governor and the chief justice of Alaska paid?

Mr. SMOOT. They are paid by the Government of the United States.

Mr. FALL. Are they paid directly out of the Treasury of the United States?

Mr. SMOOT. They are paid directly out of the Treasury of the United States.

Mr. FALL. How about the governor and the chief justice of Porto Rico? Are they paid in the same way?

Mr. SMOOT. I think they are paid in the same way. That no doubt is provided for in the bill.

Mr. President, I do not think I shall say anything more on the amendment at this time.

Mr. SHAFROTH. Mr. President, I desire to be heard for just a few moments on the amendment to the amendment. I desire to say that the bill, as it came from the other House, provided for a salary of $10,000 for the Governor of Porto Rico, but that our committee concluded that the salary ought not to exceed that which the governor is now drawing, which is $8,000. A great many formerly contended that the salary should be $12,000, but, as I stated, the House put the salary at $10,000.

We, however, have reported to reduce it to $8,000, which is the present salary.

The Senator from Utah [Mr. SMOOT] refers to the fact that the governors of Alaska and Hawaii are being paid only $7,000 per annum. In the first place, the population of both Alaska and Hawaii is very much smaller than that of Porto Rico. I think there are not 300,000 people in the Hawaiian Islands, but there are 1,200,000 people in Porto Rico. Then, again, the population in Alaska is very small.

I will state that the salary which was provided for the Governor General of Porto Rico under Spanish rule, who exercised the same powers as does the present governor, was $20,000 in Porto Rican money. Porto Rican money was somewhat at a discount, and it measured in American money a salary of about $12,000.

I will also state to the Senator from Utah that the salary which was fixed for the Governor General of the Philippine Islands was $20,000 a year, with a palace for his residence, and that salary has continued up to last year, when Gov. Gen. Harrison himself asked that a general reduction in salaries be made, and voluntarily asked that his salary be fixed at $18,000 a year.

Mr. President, in view of the fact that the former salary of the Governor of Porto Rico was $20,000 in Porto Rican money; that the governor has been drawing $8,000 a year; that it always disturbs conditions in living expenses if salaries are reduced; and inasmuch as the other House fixed his salary in the bill at $10,000 a year, and the Senate committee, in the interest of economy, has cut that down and placed the salary at $8,000, it seems to me that we ought to adhere to the recommendation made by the committee of the Senate.

Mr. THOMAS. Mr. President, I should like to ask my colleague if the Governor of Porto Rico is furnished a residence there or whether he has to pay rental; in other words, whether he has any emoluments outside of and beyond the salary?

Mr. SHAFROTH. Mr. President, there is an old palace there which is furnished to the governor free. It is a great, big, lumbering edifice. I presume that there is some appropriation made by the Porto Ricans to keep it up, but this salary does not come out of the Treasury of the United States, it comes out of the Porto Ricans. I have not received a single protest from the Porto Ricans against this salary being made $8,000.

Mr. JAMES. Mr. President, I desire to ask, Is it not true that the Porto Ricans do not want to economize upon the amount of salary to be paid to one who occupies the important place of governor of the island?

Mr. SHAFROTH. I think so. The Porto Ricans have still retained some of the notions of the Spaniards, that the chief executive should be considered as a man somewhat superior. That he is obliged to entertain a great many visitors there is no doubt. The position is not like that of the governor of a State, although the governor of a State may entertain; but there seems to be an obligation upon the part of the Governor of Porto Rico whenever American citizens or distinguished men visit the island that they should be invited to the palace and that he should give receptions.

Mr. THOMAS. Let me ask if there is anything in this bill which restricts the Territorial legislature from appropriating money from its treasury for that purpose?

Mr. SHAFROTH. No; that is true, except that when we specify in this act that the salary shall be $8,000 they would not then have the power to increase that salary.

Mr. THOMAS. But they could provide a contingent fund for meeting any such extraordinary expenses as the Senator mentions?

Mr. SHAFROTH. That may be so.

Mr. FALL. Mr. President, I think this matter should be understood. I asked the question as to the funds from which were paid the respective salaries which have been compared with the salaries provided for in this bill. There is an annual appropriation made for the payment of such expenses in Alaska, for example. Alaska has not an insular or a Territorial treasury of its own, except for purely local purposes, and the Government of the United States must pay out of the general funds of the United States the expenses of running its Government.

In Porto Rico, as I understand, all of these salaries and all other expenses of conducting the Porto Rican government, except those specially provided for otherwise, shall be entirely paid from the insular income. If the people of Porto Rico want to increase the salary of their governor at their own expense, they should have the right to do so; but if they are going to be compelled to pay him at their own expense, then I think that the Congress of the United States should place the salary of their governor at certainly as small a sum as is received by any other governor; in other words, I do not think that we should be justified in increasing the salary or giving the Governor of Porto Rico, for example, a salary larger than the salaries of the governors of other Territories. In the one instance we pay the salaries ourselves and we have the absolute right to fix them, while in the other instance we are fixing them for the people of Porto Rico.

Mr JAMES. Mr. President, I should like to state to the Senator from New Mexico that the salary provided by the Senate committee reporting this bill is the same as that which is now received by the Governor of Porto Rico.

Mr. FALL. Yes; but how is the Governor of Porto Rico now paid?

Mr. JAMES. He would be paid in the same way under this bill as he is now paid; there is no change whatever as to that.

Mr. SHAFROTH. As I understand, there are no salaries that are paid by the United States Treasury except those of United States judges and certain other Federal officers.

Mr. FALL. I so understand. I believe I still have the floor, Mr. President.

The PRESIDING OFFICER. The Senator from Kentucky has the floor, as the Chair understands. The Chair thought the Senator from New Mexico had yielded the floor.

Mr. JAMES. I have no objection to the Senator from New Mexico interrupting me.

Mr. FALL. Very well. We were carrying on this general controversy, and I should be glad to continue.

Mr. JAMES. Very well.

Mr. FALL. I think it is true that these expenses are so paid; but what I am saying is that we are now in an organic act fixing for the people of Porto Rico themselves the salaries which they shall pay out of their own funds to their governor, whom we appoint. We say, "We reserve the right to appoint a man for you; we are going to appoint him and send him down there, but you must pay him, and you must pay him a salary which we ourselves fix, and we are fixing the salary at a larger amount than the salary which is paid to other officials performing similar duties."

Mr. JAMES. Mr. President, of course the amendment proposed by the Senator from Utah [Mr. SMOOT] to the committee amendment means a reduction of the salary which is now being received by the Governor of Porto Rico. The House of Representatives itself fixed the salary at $10,000.

There has been an effort emanating from the Senator from Utah, on account of the high cost of living and for other reasons, to increase the salaries of other employees of the Government rather than to decrease them.

Mr. SMOOT. Not of those who are receiving $8,000.

Mr. JAMES. I understand that; but it seems that this is to be made an exception. The fact of it is that in connection with the office of governor of a people like those of Porto Rico we should not, in my judgment, try to economize to the extent of reducing the salary below that which one perfectly competent to discharge the duties would be willing to accept.

Mr. FALL. May I ask the Senator from Kentucky a question?

Mr. JAMES. Certainly.

Mr. FALL. The present Governor of Porto Rico is a Kentuckian. What is the salary of the governor of the State of Kentucky?

Mr. JAMES. The governor of the State of Kentucky receives $6,500 a year, but I would rather live in Kentucky on $6,500 a year and be governor of that State than to be Governor of Porto Rico and receive $20,000.

Mr. FALL. There is no doubt of that. The Senator has tried living in the State of Kentucky very successfully, but the Senator has not tried living in Porto Rico.

Mr. JAMES. I know that; but I know also there is a vast difference between the climate, the people, and the country of Porto Rico and of Kentucky. The Senator from New Mexico, having been born in Kentucky, I imagine he will readily agree to the proposition that a salary of 50 per cent less in Kentucky would be more acceptable than double that amount in Porto Rico. [Laughter.]

Mr. FALL. Being somewhat familiar with the habits of Kentuckians, I am inclined to think that I could not live there on $6,500 a year, but would require double that amount.

Mr. JAMES. I did not catch the Senator's remark.

Mr. FALL. I am inclined to think the salary would have to be doubled to enable me to live in Kentucky; in other words, it would take nearer $13,000 than $6,500. I will frankly state to the Senator from Kentucky, however, that if it were possible for the "Senator from New Mexico" to have a residence in the State of Kentucky without surrendering his residence in New

Mexico, he would accept such privilege for nothing or he would be willing to pay for it. [Laughter.]

Mr. JAMES. I imagine that the loyalty of my friend to his adopted home calls for that statement, but I have noticed that whenever he can get back to Kentucky he does so. [Laughter.]

I now quote from the provisions of the Foraker Act establishing a government for Porto Rico, as follows:

The governor, $8,000; in addition thereto he shall be entitled to the occupancy of the buildings heretofore used by the chief executive of Porto Rico, with the furniture and effects therein, free of rental.

That is a provision of the Foraker Act, and that is the same as the provision carried in this bill.

Mr. SMOOT. There is no question about that. I made the statement that the Governor of Porto Rico had a house furnished him free of rent, and there is no doubt about that.

Mr. JAMES. I understand that.

Mr. SMOOT. But neither the governor of Hawaii nor the governor of Alaska are so favored.

Mr. JAMES. My information is that the governor of Hawaii does have a house furnished him.

Mr. SMOOT. I will say to the Senator that the governor of Hawaii is not furnished a house by the United States Government, but he has a particular friend living in Honolulu who allows him to occupy his home. So far, however, as the Government of the United States is concerned, the Government does not pay a cent for rent for a home for the governor of Hawaii.

Mr. JAMES. The old building in Honolulu used in the days of the monarchy is now occupied, is it not, by the governor of Hawaii?

Mr. SMOOT. No; Mr. President, that is not the case.

Mr. JAMES. Together with the Senator from Utah I attended a reception in that building, and I received the impression that it was owned by the United States and that it was free for the use of the governor.

Mr. SMOOT. The governor lives in the northern part of the city of Honolulu and not in the building referred to by the Senator.

Mr. JAMES. The point I am directing the Senator's attention to is this, that this is an effort to reduce the salary that is now received by the Governor of Porto Rico. The present governor has made a splendid official. He was one of the great educators in the State of Kentucky, and the people of Porto Rico will tell you that they have never had a governor who has shown greater ability or greater sympathy with the purposes of the people of Porto Rico than the present governor. I think it would be exceedingly unwise to reduce his salary.

Mr. SMOOT. The question of who was governor never entered my head. I do not care where he comes from, and I do not care who the man may be. What I am trying to do is to equalize the salaries of the governors of the three Territories. Only a year ago an increase in the salary of the governor of Alaska was asked for, and the reason given was the cost of living and the high cost of traveling. So far as the salaries paid governors of States with populations greater than that of Porto Rico are concerned, if I am not mistaken, the governor of the State of Iowa receives only $4,000 a year. I will ask the Senator from Iowa if I am correct as to that?

Mr. CUMMINS. He receives $5,000.

Mr. SMOOT. The Senator from Iowa corrects me and says that the governor of Iowa receives $5,000 a year. The proposed salary of the Governor of Porto Rico is out of proportion to salaries paid similiar officials, and I thought it was very proper indeed to try to equalize the salaries paid to governors.

Mr. JAMES. If the Senator is proceeding on the plan of equalizing the salaries, I will remind him that ministers to countries nothing like as large as Porto Rico receive $10,000 a year.

Mr. SMOOT. That is entirely a different matter.

Mr. JAMES. And they receive, in addition to that $10,000 a year, a house in which to live. Of course, the Governor of Porto Rico had to remove his family there, and, as he receives no mileage, the expense was considerable. Then he has to entertain, of course, and does entertain extensively. The fact of the matter is that if we reduce this salary we will run the risk of getting some man for Governor of Porto Rico who will not measure up to the high standard requisite for one who governs a people who are not Americans.

Mr. SMOOT. We have been told that, Mr. President, in connection with nearly every appropriation bill providing for positions generally, but the result has never been as predicted. I shall not insist upon a yea-and-nay vote on the amendment, but I want a vote of the Senate upon it, and let the Senate decide it.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Utah to the amendment reported by the committee. [Putting the question.] By the sound the noes have it.

Mr. SMOOT. I ask for a division.

The question being put, on a division the amendment to the amendment was rejected.

The PRESIDING OFFICER. The question now recurs on agreeing to the amendment reported by the committee.

The amendment was agreed to.

Mr. SMOOT. Now, Mr. President, I move to strike out "$6,500" on page 48, line 18, and insert $6,000."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 48, line 18, it is proposed to strike out "$6,500" and insert "$6,000," so as to read:

Chief justice of the supreme court, $6,000.

Mr. SMOOT. Mr. President, that is to make the salary of the chief justice of Porto Rico conform to the salary the United States pays to the chief justices of the supreme court in the Territories of Alaska and Hawaii.

Mr. LODGE. Mr. President, this amendment proposes to cut down the salary of the chief justice of Porto Rico $500. The population of Porto Rico is 1,200,000. The business before that court is very important, and it seems to me that is a very modest salary to be paid by the Porto Ricans for their chief justice. I do not believe in the effort to cut down judicial salaries. I will ask the chairman of the committee what is the present salary of the chief justice of Porto Rico? The committee has not raised his salary, has it?

Mr. SHAFROTH. Oh, no; the salary has not been raised.

Mr. JAMES. The bill provides the same salary he receives now.

Mr. LODGE. I think the language of the bill should be retained.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Utah.

The amendment was rejected.

Mr. GRONNA. I offer the amendment which I send to the desk and ask to have read.

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. On page 5, after line 3, it is proposed to insert the following:

That one year after the approval of this act and thereafter it shall be unlawful to import, manufacture, sell, or give away, or to expose for sale any intoxicating drink or drug: *Provided*, That the legislature may authorize and regulate importation, manufacture, and sale of said liquors and drugs for medicinal, sacramental, industrial, and scientific uses only. The penalty for violations of this provision with reference to intoxicants shall be a fine of not less than $25 for the first offense, and for second and subsequent offenses a fine of not less than $50 and imprisonment for not less than one month or more than one year.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from North Dakota.

Mr. GRONNA obtained the floor.

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

The PRESIDING OFFICER. The Senator from North Dakota has the floor.

Mr. GRONNA. Mr. President, I had intended to give a full explanation of this amendment. I had hoped to be able to go into detail and show that in no country anywhere should prohibition be introduced more than in Porto Rico. However, I have been reminded of the fact that this amendment is not desired by those in favor of this bill, or, in other words, I have been told that the administration and the administration leaders are not in favor of this amendment. I shall take but a few minutes to explain the amendment, but I wanted to make it clear that, in my opinion, those who are opposing it are opposing it for the reason that it is not wanted by the administration and not because they are really opposed to prohibition in the island of Porto Rico.

Mr. President, before I proceed further I wish to have read at the desk a letter which was inserted in the CONGRESSIONAL RECORD at my request some days ago and which will be found on page 3139.

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

The Secretary read as follows:

Memorial of the International Reform Bureau for Porto Rico prohibition.

To the United States Senate and House of Representatives:

A series of preambles and a resolution adopted by the Legislature of Porto Rico having been printed in full in the CONGRESSIONAL RECORD in which there is criticism of the International Reform Bureau, through whose Porto Rico secretaries, the Misses Mary and Margaret Leitch, of Garrochales, the native churches, Masons, labor unions, and other bodies representing the good citizenship of Porto Rico have appealed to Congress to enact prohibition for the island, the International Reform Bureau asks equal space in the RECORD to state the other side, especially as there is a manifest error in the figures which the legislature cites, which will be evident when it is noted that the liquor revenue

said to be lost to the insular government, exclusive of local license fees, is given at $1,400,000, and the cost of the liquors to the people as only $1,614,612.35, leaving the liquor dealers only $214,612.35 from which to get the goods, rents, profits, taxes, and licenses. Everyone familiar with liquor statistics knows that the cost of liquors to the drinkers is at least ten times as large as the revenue, besides indirect costs as large for poverty, crime, impaired efficiency, and other by-products of the drink. The head master of the public school in Garrochales says, regarding three licensed shops in that community:

"I visited to-day the three licensed liquor shops in this place that are near my school and asked each of the men in charge about how much money he took in each week from the sale of alcoholic beverages. The man in the liquor shop directly opposite my school said that he took in about $40 a week. The man in the liquor shop a short distance to the east of my school said he took in about $20 a week, and the man in the liquor shop a short distance to the west of my school said he took in about $8 a week. The owners of each shop pay a license fee of $7 every three months to the government tax collector."

It will be noted by a moment's work in division that in that community, supposed to be fairly representative, the cost to the people is forty-two times as much as the government revenue. But if the cost in the island at large is even ten times as much it will reach the figure which the local secretaries of the reform bureau accepted as the frequently expressed estimate of the moral leaders of the island, namely, $1,400,000.

As for the other figures of the International Reform Bureau criticized, "$7,000,000" in round numbers for "flour," used there as here for cereals in general, and with perfect understanding on the part of everybody that it is not the only food, but "the staff of life," the round numbers given by the bureau's secretaries there, from the commonly received estimate of religious people, is substantially verified by the legislature's own figures, for when the cereals are segregated from the legislature's list of food the total amount is $7,505,147.

But the real issue is the revenue question, which is essentially the same in Porto Rico as in Louisiana or New Meixco, except that a majority of the Porto Rican drinkers, who really pay the revenue in buying the drinks that debauch them, are poorer and weaker than the drinking classes of the United States.

THE POVERTY ARGUMENT.

The arguments for prohibition in Porto Rico include all the arguments that have carried prohibition in Mississippi and Colorado and other prohibition States, and the additional arguments that have led nations not much inclined to enact prohibition in their most advanced commonwealths to prohibit liquor selling in islands under their control that are inhabited by native races of whom the major part are both poor and ignorant, living in one-room cabins, as do the rural three-fourths of the Porto Ricans—almost 900,000 out of 1,200,000. Gov. Arthur Yager, speaking at the Mohonk conference of these 900,000 agricultural laborers, is reported to have said: "This population is on the verge of starvation. If being underfed is slow starvation, there are many starving to death every year." It is admitted that the living conditions of these agriculturists have not improved under our occupation, notwithstanding there has been an improvement in industrial conditions. Gov. Yager says this is because there are too many babies, but the missionaries and native churches, that are unitedly asking for prohibition, say it is in large part because there are too many bottles. The people are too poor to afford liquors even if they were only a luxury and not a curse; and too weak to let them alone, especially the rum, when it is offered for sale. There is one place licensed to sell intoxicants for every 46 families. These are not all saloons in the American sense, but many of them general stores where the temptation to drink comes to those who make other purchases. These general stores are worse than saloons, in that they bring the drink to the attention of women and children and others who would not go to the drink shops. In Garrochales the place that sold only liquors reported sales of only $8 per week, while the general stores reported $20 and $40.

DOMINATION OF RUM IN PORTO RICO POLITICS TO BE PREVENTED.

There is a very special argument for prohibition in the nature of the bill itself. It proposes to give Territorial self-government to a people who until recently were under the Spanish Monarchy, and so have had less experience in self-government than the people of any Territorial government under our flag. Hawaii had been a Republic before it came to us, and had had many years of prohibition. When we gave it Territorial government the Senate refused to concur with the House in putting prohibition into the enabling act, and the result was that liquor dealers secured three seats out of nine in the Territorial senate, and from inside and outside dominated the island politics. And when Congress was again considering Hawaiian prohibition it was persuaded by the specious plea of "self-government" to submit the question to the Hawaiian people, and the liquor interests were able to manipulate the election in their own interest. In consequence the good citizens of Hawaii are now a third time asking Congress to give them prohibition.

Naturally, the Porto Rico Legislature asks to have prohibition left for local decision. But in this case, as in Hawaii, "home rule" would be rum rule. And "self-government" means little with a people of whom a major part have proved they lack self-control in the presence of this subtle temptation. The very fact that the legislature accepted the absurd statistics we have exposed shows its unfitness to handle this subject.

Porto Rico in having moral legislation put upon it by Congress would be treated no differently from other Territories more advanced, on which Congress has imposed in past years laws against polygamy, against prize fights, and against divorce colonies. Territories are always helped by Congress in their first experiments in government. It should be remembered also that the Porto Rican people themselves have asked for this action in numerous and representative petitions of the missions, the Masons, the labor unions, and through the press.

THE REVENUE QUESTION.

All arguments against Porto Rico prohibition are, in the main, pleas to keep the liquor revenue. The insular government, according to figures furnished by Gov. Yager, derives an income of $1,392,446.31 from liquors, besides which there are municipal liquor taxes. But the words of Gladstone are always in order when a fear of embarrassment from the loss of liquor revenue is expressed: "Give me a sober people and I will take care of the revenue." Senators from prohibition States and from other States where many towns are "dry" are well aware that the loss of much larger liquor revenues has never embarrassed either local or State governments because the diversion of a vastly greater sum that had been spent in drink to honest trades has increased revenues from other forms of taxation, and prohibition has also decreased greatly the taxes caused by crime and pauperism. In these two ways prohibition has almost automatically taken care of the revenue adjustment, for which a full year is allowed in the amendment.

The United States should rid Porto Rico of the liquor traffic partly because much of it was placed there since and because of our occupation.

The peasants of Russia would not have banished vodka by their own vote, but they rejoice in the blessings which prohibition has brought, which the chancellor of the exchequer says has more than offset the burden of war. Surely, in the presence of such a demonstration Congress should not hesitate to give the starving peasants of Porto Rico the same boon.

What prohibition would do for San Juan and its cultivated Porto Ricans is pictured in recently published descriptions of what prohibition has done for Atlanta, Seattle, and Denver. Let it be remembered that the States of Georgia, Washington, and Colorado imposed prohibition on these cities despite the cry of "home rule" and "self-government," which those cities are now glad was overruled.

Respectfully submitted for the International Reform Bureau.

WILBUR F. CRAFTS, *Superintendent.*

WASHINGTON, D. C., *February 8, 1917.*

Mr. GRONNA. Mr. President, I have been asked not to take up the time of the Senate unduly to discuss this important measure, and I have said that I shall not take up much time in my discussion of it. I only want to say that I have here hundreds of letters from patriotic women who have gone down to Porto Rico to make investigation of the conditions there, and these good women all ask that the Congress of the United States embody in this enabling act a provision for prohibition.

Mr. President, Porto Rico is a part of this great country. I take it that we have the welfare of those people and their interests as much at heart as we have those of the people of any other State or Territory.

An examination of the report signed by the present Governor of Porto Rico, and introduced by the distinguished Senator from Massachusetts [Mr. LODGE], will show that this report is absolutely inconsistent. In the first place, it is argued that we must not give prohibition to Porto Rico, because they need the revenue. In the second place, it is argued that there is practically no liquor drank in the island of Porto Rico. They give a table, Mr. President, showing that in 1915–16, based upon a report taken from the World Almanac, the United States consumed 5.52 liters of alcohol per capita, while Porto Rico consumed only 2; that in the United States for the same period there was consumed 1.96 liters of wine, and in Porto Rico only one-half of 1 liter; that there was consumed in the United States for the same period 77.5 liters of beer, and that in the island of Porto Rico there was consumed only 1.22 liters. So I think it is not necessary, Mr. President, to go further into that argument, because the statement in the report condemns itself.

Dr. Crafts called attention, in the letter that has just been read, to the fact that this report shows that there is only $200,000 more expended for liquor than the revenue. Why, any man who knows anything about the liquor question knows that that is untrue. Any man who knows anything about the profits necessarily following the liquor traffic knows that it can not be true.

Mr. President, I have no more interest in this question than any other Senator, but I have been petitioned, as I said a moment ago, by hundreds of men and women living in Porto Rico calling my attention to the fact that we ought to embody in this bill a provision giving them prohibition.

I have said to the Senator who has this bill in charge that although I had intended to discuss this measure fully, I would yield to the request not to take up much time, and I shall not do so, but I do want a record vote on this amendment.

Mr. SUTHERLAND. Mr. President——

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

Mr. GRONNA. Yes; I yield.

Mr. SUTHERLAND. I should like to ask the Senator from North Dakota whether he has any means of knowing what the majority of the people of Porto Rico desire on this question?

Mr. GRONNA. Yes; I will say to the Senator that I have the means of knowing that. Every intelligent man or woman from Porto Rico with whom I have talked says they want prohibition.

Mr. SUTHERLAND. The Senator does not mean to say that he has talked with the majority of them?

Mr. GRONNA. Oh, no; I do not say that; but I have hundreds of letters on the subject, some of them here and some of them in my office, and they all ask for prohibition. I have petitions signed by, I think, thousands of them asking for prohibition.

Mr. SUTHERLAND. This is a self-governing community. What objection is there to letting the people of Porto Rico determine the question for themselves by a referendum?

Mr. GRONNA. Mr. President, if the Senator had done me the honor to remain in the Chamber while the letter from Dr. Crafts was read he would have observed that it was fully

explained in that letter. I do not care to go into that subject again. It was fully explained in the letter, and Dr. Crafts has lived in the island. He has visited the island many times and lived there, and he knows the conditions, I will say to the Senator.

Mr. SUTHERLAND. I can not imagine, myself, how it is possible that a community that is capable of self-government, electing its own legislature, passing laws, and fitted to be admitted to citizenship in the United States is not in a condition where its people can be trusted to determine for themselves whether they want prohibition or something else.

Mr. GRONNA. Mr. President, the position that the Senator takes is the same position that he took on the question with regard to prohibition for the District of Columbia, and I am not surprised that he takes that position now.

Mr. President, I shall not take any more time in the discussion of this important question; but, as I have said, I want a record vote upon it, and I suggest the absence of a quorum before the vote is taken.

Mr. VARDAMAN. Mr. President——

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

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

Bankhead	Gronna	Martin, Va.	Smith, Ga.
Beckham	Harding	Martine, N. J.	Smith, S. C.
Borah	Hitchcock	Myers	Smoot
Brandegee	Husting	Nelson	Sutherland
Broussard	James	Newlands	Swanson
Bryan	Johnson, Me.	Oliver	Thomas
Catron	Johnson, S. Dak.	Overman	Vardaman
Chamberlain	Jones	Page	Wadsworth
Chilton	Kenyon	Penrose	Walsh
Clark	Kern	Pittman	Warren
Culberson	Lea, Tenn.	Poindexter	Weeks
Cummins	Lee, Md.	Saulsbury	Williams
Curtis	Lewis	Shafroth	
du Pont	Lodge	Sheppard	
Gallinger	McCumber	Simmons	

Mr. JAMES. I desire to announce that the junior Senator from New Jersey [Mr. HUGHES] is absent on account of illness.

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

Mr. MARTINE of New Jersey. Mr. President, I am exceedingly regretful that I find myself against the proposition of my friend from North Dakota [Mr. GRONNA]. I am very fond of him, and I believe he is prompted by good motives.

Mr. LODGE. Mr. President, will the Senator yield to me in order that I may offer an amendment to the amendment proposed by the Senator from North Dakota?

Mr. MARTINE of New Jersey. Yes, sir.

Mr. LODGE. I desire merely to offer it, so as to have it before the Senate.

The PRESIDING OFFICER. The Senator from Massachusetts offers an amendment, which will be stated by the Secretary.

The SECRETARY. At the end of the amendment of the Senator from North Dakota, on line 11, after the word "year" and before the period, it is proposed to insert a colon and the following:

Provided, however, That this provision shall not take effect until a majority of the qualified electors of Porto Rico voting at the general election of July 16, 1917, vote in favor of adopting the same.

OFFENSES AGAINST THE GOVERNMENT.

Mr. OVERMAN. Mr. President, will the Senator yield to allow me to make a motion?

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

Mr. MARTINE of New Jersey. Certainly; I yield.

Mr. OVERMAN. I move that the Senate now proceed to the consideration of Senate bill 8148, known as the neutrality bill. I stated the reason why it was important to have this done.

Mr. SHAFROTH. Mr. President, I think we ought to proceed with the Porto Rican bill and get through with it. We are now pretty nearly ready to take a vote, as I understand.

Mr. OVERMAN. Mr. President, I understand that there is going to be a long debate on this question.

Mr. SHAFROTH. Well, let us see. Let us proceed with it.

Mr. OVERMAN. I understand also that the Senator from Alabama [Mr. UNDERWOOD], who is quite sick, desires to be heard upon this question, and I feel compelled to go on with this matter. Here are these very important bills, the importance of which everybody recognizes, urged by every department of the Government, that never have been to the House of Representatives, and that unless passed on by the House will never become law. I ask the Senate to proceed with their consideration. I will assist the Senator from Colorado in taking up his bill at any time. It has passed the House, and all we have to do is to get it back into conference. He can get his bill through at this session. There is no trouble about that; but these bills must go to the House of Representatives if they are to become law.

I insist upon my motion, Mr. President.

Mr. SHAFROTH. Mr. President, the Senator from North Carolina is very encouraging in his words, but my past experience has shown that if it is displaced now I can not get this bill passed at this Congress. It was reported three months before the last Congress adjourned, and the result was that, after repeated efforts to get it up, the last session adjourned without getting it up. This year I have made no less than 15 requests for unanimous consent to consider it, and, as a matter of fact, we have not had any consideration of it until the last few hours. It seems to me that we ought to proceed with it now; so I hope the motion of the Senator from North Carolina will be voted down.

Mr. OVERMAN. I call for the yeas and nays on my motion.

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

Mr. CATRON (when his name was called). I am paired with the junior Senator from Oklahoma [Mr. OWEN]. On account of his absence I withhold my vote.

Mr. GALLINGER (when his name was called). I am paired with the senior Senator from New York [Mr. O'GORMAN]. Not knowing how he would vote on this motion, I withhold my vote.

Mr. HARDING (when his name was called). I have a general pair with the junior Senator from Alabama [Mr. UNDERWOOD]. I note his absence from the Chamber and therefore withhold my vote.

Mr. REED (when his name was called). I have a pair with the senior Senator from Michigan [Mr. SMITH]. I transfer that pair to the junior Senator from California [Mr. PHELAN] and vote "yea."

Mr. SAULSBURY (when his name was called). I have a general pair with the junior Senator from Rhode Island [Mr. COLT], but I think that under the terms of that pair I have a right to vote upon this question. I therefore vote "yea."

Mr. SIMMONS (when his name was called). I transfer my general pair with the junior Senator from Minnesota [Mr. CLAPP] to the junior Senator from Arizona [Mr. SMITH] and vote "yea."

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

The roll call was concluded.

Mr. GALLINGER. I have announced my pair with the senior Senator from New York [Mr. O'GORMAN]; but under an agreement made with that Senator I feel privileged to vote on a question of this kind. I vote "yea."

Mr. JONES (after having voted in the affirmative). I wish to ask if the junior Senator from Virginia [Mr. SWANSON] has voted?

The PRESIDING OFFICER. He has not.

Mr. JONES. That Senator is absent on account of illness, and I have promised to take care of him for the day. I therefore withdraw my vote.

Mr. HARDING. I transfer my general pair with the junior Senator from Alabama [Mr. UNDERWOOD] to the junior Senator from Indiana [Mr. WATSON], and vote "yea."

Mr. CURTIS. I have a pair with the junior Senator from Georgia [Mr. HARDWICK], who is absent. I therefore withhold my vote.

Mr. SMITH of South Carolina (after having voted in the affirmative). I voted inadvertently. I see that my pair, the senior Senator from South Dakota [Mr. STERLING], is not here. In his absence, I withdraw my vote.

Mr. BANKHEAD. I have been requested to announce the absence of the junior Senator from Georgia [Mr. HARDWICK] on account of sickness. I make this announcement for the day.

Mr. MARTINE of New Jersey. I announce the absence of the senior Senator from Oklahoma [Mr. GORE]. He is detained at his home through illness. I ask that this announcement may stand for the day.

Mr. JAMES. I desire to announce that the junior Senator from New Jersey [Mr. HUGHES] is absent on account of illness. I will let this announcement stand for the day.

Mr. CURTIS. I have been requested to announce that the Senator from Vermont [Mr. DILLINGHAM] is paired with the Senator from Maryland [Mr. SMITH].

The result was announced—yeas 36, nays 24, as follows:

YEAS—36.

Bankhead	Chamberlain	Harding	Lee, Md.
Borah	Clark	Husting	Lodge
Brandegee	du Pont	Kirby	McCumber
Bryan	Gallinger	Lea, Tenn.	Martin, Va.

Martine, N. J.	Penrose	Sherman	Sutherland
Nelson	Pittman	Simmons	Wadsworth
Oliver	Ransdell	Smith, Ga.	Walsh
Overman	Reed	Smoot	Warren
Page	Saulsbury	Stone	Weeks

NAYS—24.

Beckham	Gronna	Kenyon	Sheppard
Broussard	Hitchcock	Kern	Shields
Cummins	Hollis	La Follette	Thomas
Fall	James	Lane	Tillman
Fernald	Johnson, Me.	Poindexter	Vardaman
Fletcher	Johnson, S. Dak.	Shafroth	Williams

NOT VOTING—36.

Ashurst	Goff	Newlands	Smith, Mich.
Brady	Gore	Norris	Smith, S. C.
Catron	Hardwick	O'Gorman	Sterling
Chilton	Hughes	Owen	Swanson
Clapp	Jones	Phelan	Thompson
Colt	Lewis	Pomerene	Townsend
Culberson	Lippitt	Robinson	Underwood
Curtis	McLean	Smith, Ariz.	Watson
Dillingham	Myers	Smith, Md.	Works

So Mr. OVERMAN's motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 8148) to define and punish espionage.

Mr. OVERMAN. Mr. President, I want to say for the information of the Senate, as I said a few days ago, that there are 14 of these bills. I have consolidated the 14 bills into one bill, and each bill is a chapter in the substitute. I therefore offer the matter which I send to the desk as a substitute for the bill under consideration. It includes all 14 bills, each one as a chapter.

Mr. BRANDEGEE. Mr. President——

Mr. OVERMAN. I yield to the Senator from Connecticut.

Mr. BRANDEGEE. I wish to ask the Senator from North Carolina, who has this measure in charge, whether he proposes to ask for action upon the entire body of the bills, so to speak?

Mr. OVERMAN. As one substitute.

Mr. BRANDEGEE. As one substitute; and there could be no separate votes on the different sections of the proposed substitute?

Mr. OVERMAN. Just as the Senate desires. We may take it up by chapters, if the Senate desires.

Mr. BRANDEGEE. I thought it would be well if we could understand the method we are to adopt.

Mr. OVERMAN. The bill is offered as a substitute, and it will be proceeded with by chapters.

Mr. GALLINGER. Manifestly it is divisible. There is no question about that.

Mr. CUMMINS. May I ask the Senator from North Carolina, will we take a vote on the different chapters of the bill?

Mr. OVERMAN. It will be like any other great bill. Amendments can be made to a chapter, to strike out, or to strike out and insert.

Mr. CUMMINS. Precisely; but it will be impossible to take a vote finally on any chapter?

Mr. OVERMAN. We will take a final vote on the whole substitute. A final vote will come on the substitute, and votes will be taken on amendments to each chapter. It is just like the consideration of any great bill.

Mr. CUMMINS. I only want to suggest to the Senator from North Carolina that there are a good many of the chapters which I think will provoke no opposition; at least so far as I am concerned they will not be opposed; but there is one question in one or two of them that will arouse, I think, very considerable debate.

Mr. OVERMAN. I recognize that, Mr. President.

Mr. CUMMINS. I did not know but that the Senator from North Carolina would rather get the final action of the Senate upon those that are not seriously in dispute.

Mr. OVERMAN. I will suggest that the bills are consolidated in order to get them properly before the House of Representatives, so that it will have no trouble to pass on the whole number as one measure.

Mr. CUMMINS. I have no preference myself. I only made the suggestion.

Mr. BRANDEGEE. I appreciate the advantage of having the combined set of bills before the Senate in one bill, because we have voted to proceed to its consideration in that shape, and one vote will settle the matter; but, on the other hand, I simply suggest to the Senator that if there are certain of those bills which constitute separate chapters in this combined substitute to which Senators might be very much opposed it might lose their votes upon the entire combination of bills. A Senator might be so violently opposed to one chapter in the bill that he would be compelled to vote against the whole measure.

Mr. OVERMAN. If that situation should arise the action of the Senate will settle the question.

Mr. BRANDEGEE. Then I understand the whole combined substitute is to be proceeded with and will be open for amendment?

Mr. OVERMAN. Yes.

Mr. BRANDEGEE. One chapter after another?

Mr. OVERMAN. Yes.

Mr. BRANDEGEE. And no final vote is to be taken on the chapters until the entire matter has been concluded?

Mr. OVERMAN. Not until the consideration of the entire substitute has been concluded.

Mr. CUMMINS. Mr. President, just a moment. As I understand it, the substitute offered by the Senator from North Carolina contains all the bills as amended by the Judiciary Committee.

Mr. OVERMAN. By the Judiciary Committee.

Mr. CUMMINS. And the committee has no amendments to offer to the substitute?

Mr. OVERMAN. It is a substitute for all of them. I will say if the Senator from Iowa prefers a bill considered in the Judiciary Committee unamended he could offer that as a substitute for one of the chapters.

Mr. CUMMINS. No; I am bound to say that the work of the Judiciary Committee has improved to a degree some of the bills which I have in mind. I really hope that the bills as they originally came in here will never make their appearance on the floor.

Mr. BRANDEGEE. I wish to say to the Senator from North Carolina that I am not going to oppose any motion he makes as to the method for the consideration of this measure, but as it stands the parliamentary situation will be that if a Senator offers an amendment to the proposed substitute submitted by the Senator from North Carolina no other Senator can propose any amendment to that amendment, because it would be an amendment in the third degree.

Mr. SMITH of Georgia. Will the Senator from North Carolina yield to me for a moment?

Mr. OVERMAN. I yield.

Mr. SMITH of Georgia. I wish to ask the Senator if it would meet with his objection if we took up the bill chapter by chapter? Each chapter constitutes a separate subject matter, I understand. I suggest that we take up a chapter and hear amendments upon it, and having disposed of any amendments upon a particular chapter we then vote upon that chapter, expressing our approval or disapproval of the chapter. In that way we will pass upon each one of the subjects as we go along, and if there is a chapter which meets with the opposition of the Senate it will go out and not be in the way of the final passage of the bill and provoke adverse action against the entire bill, as it would provoke if we handled the whole subject together. If the Senator does not object to that mode of procedure, it seems to me it would be easier for us.

Mr. OVERMAN. That is what I suggested and what I propose to do.

The PRESIDING OFFICER. The Secretary will read the proposed substitute.

Mr. OVERMAN. Now, Mr. President, having made this bill the unfinished business, I promised the chairman of the Committee on Post Offices and Post Roads to yield temporarily to take up the Post Office appropriation bill.

The PRESIDING OFFICER. The Senator from North Carolina asks unanimous consent that the bill be temporarily laid aside. Is there objection?

Mr. JONES. For what purpose is the bill being laid aside?

The PRESIDING OFFICER. For the consideration of the Post Office appropriation bill.

Mr. JONES. It seems to me when we get one matter up we had better finish it.

The PRESIDING OFFICER. Is there objection?

Mr. POINDEXTER. I understand that the Post Office appropriation bill is not before the Senate.

Mr. OVERMAN. I ask unanimous consent to lay the unfinished business aside. If there is objection, of course, that ends it.

Mr. POINDEXTER. We can not lay the Post Office bill aside.

The PRESIDING OFFICER. Is there objection to the request of the Senator from North Carolina?

Mr. POINDEXTER. Just a moment. Do I understand the request is to informally lay aside the Post Office appropriation bill?

Mr. BRANDEGEE. No.

The PRESIDING OFFICER. The Senator from North Carolina asks to temporarily lay this bill aside for the pur-

pose of allowing the chairman of the Committee on Post Offices and Post Roads to call up the Post Office appropriation bill.

Mr. THOMAS. I object.

The PRESIDING OFFICER. Objection is made. The Secretary will read the substitute.

Mr. BRYAN. I move that the Senate proceed to the consideration of House bill 19410, the Post Office appropriation bill.

The PRESIDING OFFICER. Objection is made to the request of the Senator from North Carolina for unanimous consent to lay aside the unfinished business.

Mr. OVERMAN. I wish to say to the Senator from Florida that having made this bill the unfinished business I shall have no trouble in getting it through now. The Post Office appropriation bill is pretty nearly finished. I am informed there are only two questions yet to be considered. I have no objection myself to temporarily laying aside the unfinished business and taking up the appropriation bill.

Mr. PENROSE. Mr. President, before that is done I should like to address an inquiry to the Senator from North Carolina. I think it important in connection with the suggestion of the Senator from North Carolina to settle the parliamentary status of the bill reported by him. He states that it is in the nature of an amendment to some half dozen bills referred to his committee.

Mr. BRANDEGEE. Seventeen bills.

Mr. PENROSE. Seventeen?

Mr. OVERMAN. A substitute for the whole number.

Mr. PENROSE. We certainly can not amend 17 bills at once. Therefore this bill was, on first impression, reported as an amendment, and the Senator from Connecticut very properly called attention to the fact that by that method of reporting it only one other amendment is in order to what is really a new bill reported from the committee.

Mr. OVERMAN. Not at all.

Mr. PENROSE. It is not an amendment?

Mr. OVERMAN. It is in the nature of a substitute.

Mr. PENROSE. It is a new bill reported from the committee?

Mr. OVERMAN. No; it is not. I will try to explain it to the Senator. Chapter 1 is Senate bill 8148, the entire bill. If you turn over to chapter 2, that is Senate bill 1613 on the calendar, reported favorably.

Mr. PENROSE. That all may be, but I do not think there is any precedent in the long history of this body for amending 17 bills all at once.

The PRESIDING OFFICER. If the Senator from Pennsylvania will indulge the Chair, he will state the parliamentary situation is that the Senate ordered Senate bill 8148 to be taken up.

Then the Senator from North Carolina offered as a substitute for that bill a measure which the Secretary was proceeding to read as an amendment to the one single bill.

Mr. PENROSE. I did not understand that.

Mr. THOMAS. I withdraw my objection.

The PRESIDING OFFICER. The objection has been withdrawn. Is there objection to the request of the Senator from North Carolina for unanimous consent to lay temporarily aside Senate bill 8148?

Mr. VARDAMAN. Mr. President, I am not going to interpose an objection now, but hereafter I think I shall do what I can to prevent the unwarranted prodigality of which the Senate is guilty by jumping from one measure to another. We could have been through with the Porto Rican bill by this time if that measure had been proceeded with in regular order. I am not going to object now, but I am going to do so hereafter if this waste of time is persisted in.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the bill is temporarily laid aside.

Mr. BRYAN. I understood the Senator from North Carolina coupled with that a request that the Post Office bill be taken up.

Mr. BORAH. That could not be coupled with it.

POST-OFFICE APPROPRIATIONS.

Mr. BRYAN. I ask unanimous consent to proceed to the consideration of the Post Office appropriation bill.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 19410) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1918, and for other purposes.

The PRESIDING OFFICER. The Secretary will state the pending amendment.

The SECRETARY. Amendment proposed by Mr. SMOOT: On page 37 insert a new section, to read as follows:

SEC. 3. That to provide, during the fiscal year 1918, for increased compensation at the rate of 15 per cent per annum to employees who receive salaries at a rate per annum of $480 or less, and for increased compensation at the rate of 10 per cent per annum to employees who receive salaries at a rate of more than $480 per annum and not exceeding $1,000 per annum, so much as may be necessary is appropriated: *Provided*, That this section shall only apply to employees who are appropriated for in the act specifically and under lump sums or whose employment is authorized herein: *Provided further*, That detailed reports shall be submitted to Congress on the first day of the next session showing the number of persons, the grades or character of positions, the original rates of compensation, and the increased rates of compensation provided for herein.

Mr. BRYAN. Mr. President, this is the amendment that was under consideration when the bill was laid aside. It was laid aside for the purpose of ascertaining whether any injustice would be done employees in the different departments if the Senate failed to put the Smoot amendment on this bill, inasmuch as it had been placed upon some other appropriation bills.

Mr. President, there is a policy of promotion followed in the Post Office Department more than in any other department. In addition to that, there is a requirement of law that 75 per cent of the clerks in the post offices shall be automatically promoted.

In view of that, the Postmaster General opposed before the House committee the plan of increasing the salaries of clerks. He opposed it, as I understand, upon this bill, and when the bill was in committee there was no request from the Post Office Department for the Smoot amendment. But since that amendment has been offered the Postmaster General has said that the plan worked out by the department is much more satisfactory to him and to the men than the so-called Smoot amendment.

Therefore, I raise the point of order, Mr. President, that the appropriation carried in the amendment is not estimated for, nor has the amendment been reported by a standing committee.

Mr. SMOOT. Will the Senator withhold the point of order for a moment?

Mr. BRYAN. I will.

Mr. SMOOT. Mr. President, in answer to what the Senator from Florida has just stated I wish to say that the amendment I offered affects only employees who are receiving $1,000 and less. The promotion spoken of by the Senator principally affects clerks who are receiving more than $1,000 per annum. What we want to do and what the Senate has voted in the past on all the other appropriation bills that have come before it this session is to take care of the employees receiving less than $1,000 per annum.

There is no question in the mind of any Senator but that an employee receiving less than $1,000 under conditions existing to-day ought to receive the increase as provided in my amendment.

Mr. BRYAN. May I ask the Senator a question?

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

Mr. SMOOT. I do.

Mr. BRYAN. Has the Senator estimated what the increase will be under his amendment?

Mr. SMOOT. On the Post Office appropriation bill?

Mr. BRYAN. Yes.

Mr. SMOOT. No. I will state to the Senator that in the discussion of the amendment on Saturday I understood the Senator would ask the Postmaster General what the increase would amount to.

Mr. BRYAN. He says it would amount to $1,600,000.

Mr. SMOOT. I have the estimated amount at my office, and I could ascertain what it is; but, I will say to the Senator, it is over a million dollars.

Mr. BRYAN. One million six hundred thousand dollars. Let me state that in this bill as recommended by the department the increase of salaries is $2,000,000.

Mr. SMOOT. The trouble is we are increasing the salaries of clerks, and we do not take care of the most of those provided for in the amendment offered by me.

The PRESIDING OFFICER. Will the Senator from Utah indulge the Chair for a moment? Does the Senator from Florida insist on his point of order?

Mr. BRYAN. The Senator from Utah asked me to withhold it.

Mr. SMOOT. I wish to appeal to the Senator not to make a point of order against this amendment. Every appropriation bill that has come to this body and has been passed upon has been amended to carry this very provision. If the Senate does not put this amendment on the bill, nothing will be in conference—it can not be considered—and whatever is decided upon by the conferees on the other appropriation bills ought to be upon this bill, in fair justice to the men and women who are receiving salaries of $240, $480, $360, and $600 and $720 and $840. The statute fixed many of the salaries and there is no way provided for their promotion.

I will admit that the promotion applies to all clerks from $1,000 and above, but those are not the people who are suffering. My amendment covers those who are in need of this increase, and it only provides for the coming year. It does not propose an annual payment hereafter.

Mr. BRYAN. May I interrupt the Senator?

Mr. SMOOT. Yes.

Mr. BRYAN. The Postmaster General says it will be $1,600,000. In the case of the clerks and carriers, it will be seen that after serving one year they receive an advance of salary equal to 12½ per cent.

Mr. SMOOT. That is only one class of clerks, I will say to the Senator.

Mr. BRYAN. No; the Postmaster General says that a further advance equal to 11.11 per cent after the second year's service, and an advance of 10 per cent after the third year's service. The salaries of the assistant postmasters, of whom the table shows there are 24 at $800, 28 at $900, and 310 at $1,000, will receive another $100, an increase greater than the Senator provides in his amendment, and those at $1,000 a year receive as much as the Senator provides for.

Mr. SMOOT. That applies to clerks, and there are so very few clerks receiving $800 and $900 in the department, it amounts to very little. But the Senator knows that every laboring man and every laboring woman and every messenger and every assistant messenger and every charwoman and every man who is receiving $600 and $720 as an assistant laborer is not affected in any way by the promotion provided for in this bill or in the present law. It is that class of people I am pleading for, and it is only an increase for the year. We are not enacting a provision here that will apply to more than the year.

Mr. STONE. I should like to ask the Senator a question.

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

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

Mr. STONE. Is the increase of salary for the low-paid clerks or employees under $1,000 or under $800, running on down to $240, provided for only in the bills that make appropriations for a particular department?

Mr. SMOOT. If this bill passes without this amendment there is no advance whatever, I will say to the Senator. Another thing, I believe the Senator from Florida is too just a man, knowing that every other appropriation bill passed the Senate at this session provides the increase for these low-salaried people, not to allow it to go upon this bill.

Mr. STONE. I was not seeking to debate the merits of the question. I was trying to get at the facts. This is the Post Office appropriation bill. Suppose we come to appropriate for some other department, will it be necessary to carry the same provision into that bill?

Mr. SMOOT. It will. I will say to the Senator that the legislative, executive, and judicial bill provides generally for the other departments outside of the Department of Agriculture, and that is provided for in the Agricultural appropriation bill.

Mr. STONE. I was laboring under the impression that the amendment put on at the instance of the Senator on the legislative bill related to employees in all the departments.

Mr. SMOOT. No; it only related to the employees provided for in that bill. Since then, I want to say to the Senator, the Indian appropriation bill has passed, and the same amendment was adopted on that bill; the Agricultural appropriation bill was passed, and that amendment was incorporated upon that bill. The legislative, executive, and judicial appropriation bill was passed, and it was first incorporated on that bill; the District of Columbia appropriation bill was passed, and the same thing applies to that bill. This bill comes from the House without any provision for an increase, just the same as the Indian appropriation bill, the same as the District of Columbia appropriation bill, but amendments were placed upon the latter two.

Mr. STONE. I think I understand. I wish to ask further, take the Library of Congress, for example or some rather outside department or semidepartment of the Government or bureau of the Government, how are they provided for?

Mr. SMOOT. They are provided for in the legislative, executive, and judicial appropriation bill, and they receive their increase by the amendment that was adopted upon that bill. The Post Office appropriation bill provides for the salaries of the employees of the Post Office Department.

Mr. STONE. Is this the last big department bill?

Mr. SMOOT. There will be another bill that carries appropriations for employees, and that is the sundry civil appropriation bill.

Mr. STONE. But this is the last distinctively departmental bill?

Mr. SMOOT. This is the last one.

Mr. STONE. And this provision went into all the others?

Mr. SMOOT. Every one of them, I will say to the Senator. I hope the Senator from Florida will not insist upon his point of order.

Another thing, I will say to the Senator. Let it be adopted and let it go to conference, and if there is any question arises that we do not know of now let it go out; and if we do not agree to the provision in the legislative, executive, and judicial appropriation bill or the other bills carrying the same provision, then it can go out and no one will be hurt. But it would be manifestly unfair, Mr. President, to provide for the employees of every other department and leave it out of this appropriation bill and not provide for the men receiving the same salaries, doing just as much work as the work in any other department, they receiving the 10 and 15 per cent and the employees in the Post Office Department not receiving it. If it is applied to the clerks whose regular promotion is provided for here, I should then see reason for its not being incorporated in this bill.

I have said what I wanted to, and I leave the question of the point of order entirely to the Senator from Florida.

Mr. BRYAN. Mr. President, it would be a strange thing if the Post Office Department did not desire to have its employees treated as the employees of other departments. There is a different system in vogue in the Post Office Department from that which usually obtains in the other departments. The law requires promotion.

Mr. GALLINGER. Mr. President——

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

Mr. BRYAN. I yield.

Mr. GALLINGER. Does the Senator think that the Post Office Department will be treating its clerks as well as other departments if the 15 per cent or 10 per cent increase is granted to messengers and assistant messengers and watchmen in all the other departments and not in the Post Office Department? The Postmaster General has not increased those rates of compensation.

Mr. BRYAN. I am coming to that before I conclude.

Mr. GALLINGER. At least I so understand it.

Mr. BRYAN. First, I want to say this: The Senator from Utah offers the same amendment that went on the legislative, executive, and judicial appropriation bill. In this bill there are clerks at $800 who are required by law next year to be paid $900; there are clerks in this bill receiving $900 who under this bill are required to receive $1,000 a year; there are clerks in this bill now receiving $1,000 who by law are required to be paid $1,100 next year. The increases amount to over $2,000,000.

The Senator from Utah speaks of clerks and employees receiving less than $480, and says that they are the people we ought to take care of. They ought to be taken care of, if they are not treated as well as the others, I concede that; but let us see. You can assume something that may not be a fact. The following letter was written to the chairman of the Committee on Post Offices and Post Roads:

Receipt is acknowledged of your letter of the 6th instant, in which you direct attention to an amendment adopted by the Senate to the legislative, executive, and judicial bill, which you anticipate will be offered for inclusion in the Post Office appropriation bill, and inquire what additional expense would be entailed by the enactment of this amendment.

The amendment would provide for increased compensation at the rate of 15 per cent per annum to employees who receive salaries at a rate per annum of $480 or less and for increased compensation at the rate of 10 per cent per annum to employees who receive salaries at a rate of more than $480 per annum and not exceeding $1,000 per annum.

There are no employees in post offices whose salaries are $480 or less per annum.

Mr. SMOOT. Then it would not cost anything.

Mr. BRYAN. What is the use of it?

Mr. SMOOT. Let it go on.

Mr. BRYAN. The following statement shows the number of employees of the different classes at salaries from $720 to $1,000 per annum. As I stated the other day, the $720 class are the lowest in the Post Office Department. The Postmaster General takes the position that if a man is not worth $60 a month he is not worth his room in that department. They do not have boys as they have in the other departments. Here he has them rated at $720, $780, $800, $840, $900, and $1,000.

Of the total of 17,174 employees shown in the table above, 14,517 (clerks and carriers) receive, under the act of March 2, 1907, promotions of $100 each year on the basis of faithfulness and efficiency until they reach the maximum grades of $1,100 and $1,200 per annum, respectively, at first and second class post offices.

He has to promote 75 per cent of those clerks if they remain in the service.

In the case of the clerks and carriers it will be seen that after serving one year they receive an advance of salary equal to 12½ per cent; a further advance equal to 11.11 per cent after the second year's service, and an advance of 10 per cent after the third year's service.

That would be $1,600,000. The advance granted by the House and in the Senate committee by this bill is a greater increase of salary than that proposed by the Senator. The Senator from Utah believes that he has a better method of promotion than the Post Office Department have and than the law enacted by Congress provides.

Of course, if the Senate is going to take $800 and $900 and $1,000 clerks and have their salaries increased 10 per cent, then you are doing what? You are increasing under this bill without this amendment each one of their salaries $100 apiece. Then on top of it you add another 10 per cent to what they have been receiving in that department as a whole, an average of more than a thousand dollars a year.

If the Senator wants anything to go into conference, he ought to limit his amendment to those receiving less than $800, and he ought to limit it to those who work eight hours a day, because if you do not do that you will have men working sometimes two and three hours a day whose salaries will be doubled. All sorts of inequalities and injustices will be perpetrated in the rural-carrier service. I submit it shows a very great degree of generosity that in the bill itself we take every man who gets $800 or $900 or $1,000 and give him a greater increase than is provided for in the Smoot amendment. Then we add to that a provision giving him another increase of 10 per cent. I have not any doubt at all that the employees of the Postal Service have been treated more generously than they would have been treated under the Smoot amendment. Neither have I any doubt that if this bill carrying that increase is passed in its present shape they will be more favorably treated than are any other employees in any other departments of the Government.

If the Senator wants to limit this to classes of employees receiving under $720, I am willing to let the matter go to conference; but I am not willing to let the question go to conference of increasing salaries here 20 or 30 per cent, for that is what his proposition amounts to. Under this bill a man receiving $800 to-day will get another $100, making $900; and if the Smoot amendment is adopted he will get $80 more.

Mr. STONE. May I ask the Senator from Florida a question?

Mr. BRYAN. Certainly.

Mr. STONE. I ought to have enough information on this subject to make it unnecessary to propound the question I shall propound to the Senator; but I do not have. Therefore, I ask the Senator how the clerks and other employees in the city post offices are paid?

Mr. BRYAN. I only know from this statement and from the hearings given to the representatives of the departments upon the legislative bill, when they asked us not to let it apply upon that bill. The Postmaster General says there are no employees in that department whose salaries are $480 or less.

Mr. STONE. At any rate, do we appropriate in this bill for the clerks in the city post offices?

Mr. BRYAN. Undoubtedly we do; on page 11 those appropriations are found.

Mr. GALLINGER. Do I understand the Senator from Florida to say there are none receiving less than $800?

Mr. BRYAN. The Postmaster General says there are none receiving less than $480, but he says there are some who are receiving $720. Then, if they have been working for that salary this year, for the next year they will automatically receive $100 more. In this bill is a provision to give promotions to all of them in the first-class post offices.

Mr. SMOOT. Of course, that is limited.

Mr. GALLINGER. Mr. President, with the permission of the Senator from Florida, I will offer a substitute to be read for the amendment offered by the Senator from Utah [Mr. SMOOT]. Then it can be considered. I will withdraw it if there is special objection to it. I hope the Senator from Florida will pay attention to the proposed substitute.

The PRESIDING OFFICER. The amendment in the nature of a substitute proposed by the Senator from New Hampshire will be stated.

The SECRETARY. In lieu of the amendment proposed by Mr. SMOOT it is proposed to insert:

For increased compensation at the rate of 10 per cent per annum to employees who receive salaries at a rate of $720 per annum and not exceeding $1,000 per annum, so much as may be necessary is appropriated: *Provided*, That this section shall only apply to employees who are appropriated for in the act specifically and under lump sums or whose employment is authorized herein: *Provided further*, That detailed reports shall be submitted to Congress on the first day of the next session, showing the number of persons, the grades or character of positions, the original rates of compensation, and the increased rates of compensation provided for herein: *Provided further*, That the increases shall not apply to employees now receiving less than $1,000 who, under the terms of the bill, are to be promoted to higher salaries.

Mr. BRYAN. I suggest to the Senator from New Hampshire that he leave out the words "under the terms of the bill." It should be "by law."

Mr. GALLINGER. Very well. I ask that the words "under the terms of the bill" be stricken out.

Mr. BRYAN. "By law" would cover it.

Mr. SMOOT. Before the Senator from New Hampshire proposes his amendment, I desire to make a short statement.

Mr. President, the Senator from Florida speaks of the promotions of certain clerks. There will be no promotions under the appropriations in the pending bill. Those clerks have got to work a full year before a promotion is given to them, and no matter what they are now receiving, no promotion will apply until the fiscal year 1918 and paid from appropriation made in the pending bill.

Mr. BRYAN. These clerks get promotions at the end of each year's service.

Mr. SMOOT. Mr. President, it is regular after the fiscal year ends; but we are appropriating in this bill to pay the salaries of employees from July 1, 1917, to June 30, 1918.

Mr. BRYAN. Does the Senator know that these promotions are made only at the end of the fiscal year?

Mr. SMOOT. That is what I am saying.

Mr. BRYAN. The Senator is mistaken about that. It makes no difference when an employee enters the service, the promotion is made at the end of his year's service. The fiscal year has nothing to do with it.

Mr. SMOOT. But no money could be paid out of this appropriation until after June 30, 1917. There is no way of taking one dollar out of this appropriation to pay any employee of the Government until after that date.

Mr. BRYAN. No; but, on the other hand, if there is a man working to-day at $800 a year and his new year begins tomorrow, regardless of this bill or any other bill, he then begins to draw an additional hundred dollars for the next year. I repeat, the fiscal year has nothing to do with it.

Mr. SMOOT. Mr. President, I am only speaking of the bill which we now have under consideration. The Senator from Florida knows that not one single dollar can be paid out of the appropriation we now have under consideration—and the amendment only applies to the pending bill—until after June 30, 1917.

Mr. President, reference has been made to the promotion of certain employees, but they will never get the promotion unless they have earned it. If a man has earned his promotion from a salary of $800 to a salary of $900 per annum, and the other employees in all of the other departments of the Government get an increase of 10 per cent on a $900 salary, and there is a man who has earned a promotion, even if he secured the increase by promotion, there can be no other conclusion than that if the amendment which I have offered to this bill is not adopted there will be a discrimination against the employees of the Post Office Department. I care not how you put it or from what angle you view it, there will be a discrimination. Under the law it is provided that as to the clerks of the first-class post offices who are getting a salary of $800 or $900, only 75 per cent of them can be promoted, though the House provided that they all should be promoted; but the Senate has amended the bill so as to provide for the promotion of only 75 per cent of them.

Mr. VARDAMAN. Mr. President, does the amendment offered by the Senator from Utah apply to the postal clerks all over the United States?

Mr. SMOOT. It applies to every employee provided for in this bill.

Mr. VARDAMAN. Will it apply to the mail carriers as well?

Mr. SMOOT. It will apply to them where they are receiving a less salary than $1,000.

The object of the amendment, Mr. President, is to afford temporary relief to employees of the Government of the United States receiving salaries of less than $1,000.

Mr. VARDAMAN. Does the Senator from Utah know how much it will amount to?

Mr. SMOOT. The Postmaster General states that the increase as provided for in my amendment will cost $1,600,000.

Mr. VARDAMAN. We can save two-thirds of that by abandoning the pneumatic tubes. I do not see why we should not adopt the amendment.

Mr. SMOOT. Neither do I. I can not, for the life of me, see why we should not adopt it. I say now to the Senate that if we do not adopt it the employees of the Post Office Department

will be discriminated against, as compared with the employees of every other department of the Government.

Mr. CLAPP. Mr. President, will the Senator from Utah pardon an interruption?

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

Mr. SMOOT. I yield.

Mr. CLAPP. Under the legislative, executive, and judicial appropriation bill, as I understand, if an employee to-day is getting $700, the increase provided for in that bill applies to him?

Mr. SMOOT. Yes.

Mr. CLAPP. On the basis of a $700 salary?

Mr. SMOOT. And he gets 10 per cent increase.

Mr. CLAPP. If to-morrow for any reason that clerk is granted a promotion—it is so called, though that is a misnomer, of course—an $800 salary, then he gets the increase provided for as to an $800 salary?

Mr. SMOOT. There is no doubt about it.

Mr. CLAPP. And it does discriminate against these other employees not to give them the same increase by provision of law as applied to their salaries which is given to the clerks under the legislative bill, as applied to their salaries, when their salaries are raised. It seems to me the matter is too plain to admit of argument.

Mr. WEEKS. May I call the attention of the Senator from Utah to this difference? As to the employees to whom this increase may be given, there is a classification act which applies to most post-office employees, and those who enter the service at $800 a year are the next year promoted automatically to $900 and the next year to $1,000. There is less reason for applying this increase to those employees than there is for applying it to the employees who are not in the classified list, such as laborers, charwomen, and others of that class. The Senator would then be covering the same ground practically that is covered in other appropriation bills by doing justice to these employees.

Mr. SMOOT. Mr. President, the object that I had in introducing the amendment was to provide a temporary increased salary, only covering the one year, to all Government employees receiving less than $1,000 per annum, based upon the fact that the cost of living is exceedingly high. It is almost impossible for a man to keep his family from—I will not say starvation, but I will say from want, on a salary of $800 under the conditions which exist to-day; and the reason would apply no matter whether the employees are in the classified service or not.

As the Senator from Minnesota [Mr. CLAPP] well says, if there are clerks now in the other departments who are promoted to-day or next week, or at any time before June 30 of this year, when the fiscal year begins they would receive their increase if their promotion did not grant them a salary of over $1,000 per annum. If the amendment is not adopted, then there will be that discrimination against the employees of the Post Office Department.

Mr. WEEKS. Mr. President, the Senator will recall that when this matter was under consideration during the time when the legislative, executive, and judicial appropriation bill was before the Senate, I advocated that the increase in salary should be made immediately effective.

Mr. SMOOT. I remember that well.

Mr. WEEKS. That is what I thought should be done at that time. Now, any employee in the classified service of the Post Office Department who is getting $800 a year is going to be promoted by the time this bill will take effect to at least $900, and those who are now receiving $900 will be promoted automatically to $1,000; so that, as a matter of fact, the only employees that this amendment will affect in the classified service will be those who have entered the service within a year. It seems to me that they are in a different position from the employees who are getting, as laborers in the post office are, from $620 to $840 a year, or charwomen or other employees of that class who are not being promoted and never can be promoted, because they are not on the classified list.

Mr. SMOOT. The Senator from Florida [Mr. BRYAN] said that there was no employee in the Post Office Department receiving less than $720 per annum. There are charwomen in the Post Office Department.

Mr. BRYAN. How long do they work a day?

Mr. SMOOT. I can not tell how long they work. Some of them work the full eight hours and some of them do not. The Senator shakes his head——

Mr. BRYAN. If the Senator will put in his amendment a provision that it shall only apply to those who work eight hours a day it will not increase the salary of a single one of them.

Mr. SMOOT. I do not know that there are any Government employees, so far as that is concerned, who actually work eight hours a day.

Mr. BRYAN. They do not; and so I say to the Senator that if he will put in his amendment a provision that it shall only apply to those who work eight hours a day it will not do any of them any good. The Postmaster General says that, as a rule, they work 7 hours and 30 minutes in the general Postal Service and in the Railway Mail Service 6 hours and 40 minutes.

The Senator speaks of charwomen. The Senator himself, as I recollect, thought they were pretty well paid, because their work only took up an hour or so a day. Under the amendment of the Senator from Utah, which would increase for the second time employees provided for by this bill, the rural carriers, who are pretty highly paid men now, on the short routes, and who are paid on a basis prescribed by law—a basis of a standard route of 24 miles—if their pay happens to be $1,000 or less would receive $100 in addition, when sometimes it does not take them an hour a day to do their work.

Mr. SMOOT. Mr. President, if I have been informed correctly, I think that the rural carriers are the most poorly paid men in the Post Office Department. There has been more of what I consider just complaint on account of the salaries in that service than in any other service in the department.

Mr. BRYAN. I am very much surprised to hear the Senator say that. The Post Office Department informed us that men get out of the Railway Mail Service and out of the post offices as clerks and resign as postmasters in order to become rural carriers. Through transfer and in almost every other possible way they endeavor to get that position.

Mr. SMOOT. That may be the case in some special locations, but I will tell the Senator it is not the case in the West.

Mr. BRYAN. Against the amendment of the Senator in its present form I shall raise the point of order, and I understand the Senator concedes it to be good; but if the Senator wants to offer an amendment applying to those who do not receive automatic promotions below the grade of $800, I will let it go to conference, so far as I am concerned.

Mr. SMOOT. I know that I am absolutely in the power of the Senator. He can make a point of order against the amendment and it will go out. So I will accept that amendment and add such a provision to my amendment.

Mr. BRYAN. The Senator can draw the amendment and in the meantime we can pass on to other amendments.

Mr. GALLINGER. Mr. President, I withdraw my proposed substitute.

Mr. CLAPP. Mr. President, have all the committee amendments been disposed of?

Mr. BRYAN. No; there are some which have been passed over.

On page 4 there is an amendment which will require a two-thirds vote of the Senate to put it in the bill. It is the amendment which provides for a reduction in postage upon certain first-class matter and for an increase of postage upon second-class mail matter. I gave notice on Saturday——

The VICE PRESIDENT. That amendment went out on a point of order.

Mr. BRYAN. It went out on a point of order, but I gave notice on Saturday for the committee that I would offer it again, and gave notice of a motion to suspend the rules. I realize that it will take a two-thirds vote of the Senate to do that. I desire to say in advocacy of the amendment——

Mr. HITCHCOCK. Mr. President, before the Senator takes that matter up, will he permit me to suggest the absence of a quorum, so that we may have a full attendance on this important matter?

Mr. BRYAN. Very well.

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

The VICE PRESIDENT. The Secretary will call the roll.

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

Ashurst	Gallinger	McLean	Sherman
Bankhead	Gronna	Martin, Va.	Shields
Borah	Harding	Martine, N. J.	Simmons
Brady	Hitchcock	Myers	Smith, Ga.
Brandegee	Husting	Nelson	Smoot
Bryan	James	Oliver	Stone
Catron	Johnson, Me.	Overman	Thomas
Clapp	Johnson, S. Dak.	Page	Thompson
Clark	Jones	Penrose	Vardaman
Culberson	Kenyon	Poindexter	Wadsworth
Cummins	Kirby	Ransdell	Warren
Curtis	Lea, Tenn.	Reed	Weeks
Fernald	Lee, Md.	Shafroth	Williams
Fletcher	McCumber	Sheppard	

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

Mr. SMOOT. Mr. President, I offer the following as an amendment to the amendment heretofore offered by me and under consideration a few moments ago.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. At the end of the amendment heretofore offered by Mr. SMOOT it is proposed to add the following words:

Provided further, That the increase shall not apply to employees in the classified service now receiving salaries at the rate of $800 or more per annum.

Mr. BRYAN. I accept that amendment.

The VICE PRESIDENT. The modified amendment of the Senator from Utah is, without objection, adopted.

The question now recurs on agreeing to the amendment as amended.

The amendment as amended was agreed to.

Mr. BRYAN. I ask that the amendment on page 4, to which I referred a moment ago, may be considered as pending. I only desire to take a few moments of the time of the Senate in discussing it. As I have said, it will require a two-thirds vote of the Senate to waive the rule and allow this amendment to go on the bill, and I do not know whether or not that can be done.

For many years the Post Office Department and the Congress have been in this position: There have been funds enough collected from the postage on first-class mail matter at 2 cents an ounce to justify a reduction to 1-cent postage upon that class of mail matter. Three-fourths of the earnings of the Post Office Department are derived from letter postage. That has been swallowed up by the very great deficit growing out of the rate on second-class mail matter. The cost of carrying second-class mail matter to the Government in 1916 was $99,444,324, or nearly $100,000,000, for which service the Government received only $11,383,530.

Senators are familiar with the fact that all over the country there is an agitation in favor of a reduction in the rate for the carriage of letter mail. It is justified. They say, "Why should we contribute over $250,000,000? Why should you take out of the pockets of the people who mail letters $99,000,000 to make up for the loss that accrues because of the carriage of newspapers and magazines at a loss?"

The newspapers and the magazines say that but for their business there would not be so many letters written. That is their argument; but, Mr. President, the committee feel that the time has come when letter postage ought to be reduced to 1 cent throughout the country. However, they have taken only this step at this time, to reduce it on drop letters, including letters upon the rural routes; and they have not recommended an increase upon second-class mail matter that will make that rate self-sustaining. It will only add $5,000,000 to the revenue of the Government. There will still be a deficit, because of the very small rate that newspapers and magazines enjoy, of over $75,000,000 a year. In other words, when the total amount of increase recommended by this committee is adopted and in effect it will only raise an additional amount of $11,383,000, and that divided over two years. Now, will $5,600,000 for the next fiscal year and $5,600,000 for the succeeding year ruin all these newspapers and magazines in the United States? That is what is claimed in the telegrams that are flooding the Capitol to-day.

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

Mr. BRYAN. Certainly.

Mr. OVERMAN. Suppose we should suspend the rules; could we separate, in voting upon them, the proposition as to whether we would increase the rate on newspapers and magazines and the proposition as to whether we would grant 1-cent letter postage? Could those be made separate propositions?

Mr. BRYAN. Of course, in a parliamentary sense the Senate can do that. The Senate can adopt 1-cent letter postage anyhow, and refuse to raise the rates upon newspapers and magazines; but, for one, I would be opposed to that. It seems to me you can not expect to conduct the Post Office Department at a very great loss. A small deficit does not amount to much. In my judgment, there ought not to be a surplus; it ought not to be a money-making concern. On the other hand, I do not think we would be justified in deliberately creating a deficit of twenty to twenty-six million dollars by reducing the rate on first-class mail matter.

Mr. STONE. Mr. President, I should like to ask the Senator a question. We are hard put now in the business of raising revenue to run the Government. We are taxing the people enormously already; we are proposing to increase the taxes to raise an aggregate of several hundreds of millions of dollars, and we are also about to provide for the issuing of two or three hundred millions of bonds to meet the vast increase in our expenditures. Does the Senator really think that now, in this emergency, in this situation, it is a hardship to require people who are sending social letters or business letters to contribute one cent on each letter to the maintenance of the Government? Would it not be very well to continue this tax and save this amount of money, instead of taking 1 cent off of people who have occasion to send letters? I have heard no complaint, so far as that is concerned, that our letter postage is burdensome.

Mr. BRYAN. There has been complaint for years.

Mr. STONE. Well, it has not reached my ears.

Mr. BRYAN. Of course, it is not a very heavy tax on any individual or upon any concern, perhaps. It may be that you could justify the continuance of the tax upon the theory outlined by the Senator from Missouri; but if a tax of 2 cents an ounce is not too much burden to lay upon a letter writer, a tax of 1 cent a pound is not a very heavy tax to lay upon newspapers and magazines. If this question is divided, I shall turn and ask the Senator, Why should not these people who are receiving an annual subsidy from this Government of $100,000,000 contribute $5,000,000 this year and $5,000,000 the next year?

Mr. JAMES. Mr. President——

Mr. STONE. I answer in this way: If we could differentiate between the legitimate newspapers and these muck-raking magazines, which contain when at their best, generally speaking—there are most honorable exceptions, of course, but generally speaking—a lot of trashy stuff, and one-half of the matter within the covers made up of advertisements, from which they get, I am told, in many instances more than $1,000 a page——

Mr. BANKHEAD. Mr. President, some of them get $5,000 a page per issue.

Mr. STONE. Yes; per issue. If we could differentiate, I would be willing to put an increased tax upon these magazines; but I am not willing now, or at least my judgment now is against imposing an extra tax in the form of additional postage upon newspapers, when paper, for some reason or other, has been advanced abnormally.

Mr. BRYAN. Does the Senator understand that the free-in-county privilege still remains untouched by this amendment?

Mr. STONE. No; I do not know anything about that.

Mr. BRYAN. Well, I will tell the Senator. Every newspaper in this country pays nothing for the distribution of the mail within the county of publication.

Mr. FLETCHER. Mr. President——

Mr. BRYAN. It is free in the county. Now, the Senator speaks of the cost of print paper. Here is a magazine weighing 4 pounds and 14 ounces, practically 5 pounds. [Exhibiting magazine.] The Government gets 5 cents for carrying that magazine any distance in this country. It costs the Government 8 cents a pound to carry it. It costs it 40 cents, and it gets 5 cents. Here is this magazine weighing 5 pounds. The Government lost on this issue of this magazine $3,686. The magazine made out of its advertisements $31,800.

Mr. FLETCHER. Mr. President, I should like to ask my colleague whether the proposed increase applies to all newspapers and magazines, or whether it applies only to a certain class of newspapers? For instance, I have before me a statement to the effect that the rider exempts newspapers from the proposed advance, but puts the burden on agricultural, educational, and religious periodicals and magazines.

Mr. BRYAN. Oh, of course it applies to all periodicals alike.

Mr. FLETCHER. And newspapers?

Mr. BRYAN. Newspapers and magazines and everything alike. There are newspaper concerns in this country getting circulation at an expense to this Government in the aggregate of nearly $100,000,000, less $11,000,000—$88,000,000 per annum. That is what it costs the Government.

Mr. GALLINGER. Mr. President, has the Senator any figures that would show the loss to the Government, for instance, of the distribution of the Saturday Evening Post?

Mr. BRYAN. I have some figures on that. The Saturday Evening Post enjoys a subsidy, according to this statement prepared by the One-Cent Letter League or Association—and it is not far wrong, I will say; they got their figures from the Post Office Department—of $3,640,000.

Mr. GALLINGER. That is, they make a profit——

Mr. BRYAN. That is what it costs the Government to distribute their mail above what the Government gets out of it.

Mr. GALLINGER. It costs over $3,000,000 to the Government to distribute that one publication?

Mr. BRYAN. Yes, sir.

Mr. CLARK. How much does the Government get?

Mr. BRYAN. The Government gets $520,000. It costs the Government $4,160,000.

Mr. FLETCHER. Every year?

Mr. BRYAN. Every year; yes, sir.

Mr. TOWNSEND. Mr. President——

The VICE PRESIDENT. Does the Senator from Florida yield to the Senator from Michigan?

Mr. BRYAN. I do.

Mr. TOWNSEND. In connection with the suggestion that has been made about the increased cost of paper, I should like to remind the Senator of something which he already knows, but which was brought to my attention about five minutes ago, when I was called out of the Chamber to speak with a business man to discuss the increased cost of paper. I asked him if he was paying more for his advertisements on account of that increase, and he said he was.

Mr. BRYAN. Why, of course.

Mr. TOWNSEND. And that many business men were being charged more for advertisements because of this increase. I know that an increase has occurred in the price of paper, but I also know that this condition is temporary and that normal conditions will probably soon return.

Mr. BRYAN. Of course they do it. Now, the argument is made—there always will be some argument or excuse against the increase of the rate——

Mr. OLIVER. Mr. President——

Mr. BRYAN. Just a moment. They say the main reason why you can not do it now is because of the advance subscriptions for one, two, and three years; and the gentleman who wrote the article that my colleague [Mr. FLETCHER] has on his desk says that in some instances they have advance-paid subscriptions for 10 years, and it would be an uprooting of vested rights for Congress to legislate until all these 10-year subscriptions run out. That will be the case always. Before print paper was advanced in price the same opposition, from the same sources, as bitter and as strong and as powerful as this opposition, manifested itself. It has been manifested in every Congress since I have been here. The first time I walked into this Chamber the Senator from Washington [Mr. JONES] had the floor, pointing out that some of these magazines were made up three-fourths of advertising. In the case of the Iron Age of this month there are 636 pages of advertising matter, for which the publisher gets $50 a page. The Government contributed to him $3,686 upon an investment out of which he made $31,000.

Now, Senators, that is the proposition. Everybody understands it. I am not going to delay the Senate in arguing it.

Mr. JAMES. Mr. President——

Mr. BRYAN. The Senator from Pennsylvania asked me to yield to him.

Mr. OLIVER. Mr. President, I only wanted to allude to the question raised by the Senator from Michigan [Mr. TOWNSEND] a few minutes ago, when he stated that the rates of advertising had been increased on account of the increased cost of print paper. I will state that if the Senator had anything to do with the conduct of a newspaper, he would realize that the newspaper owner who was fortunate enough to obtain an increase in rates on that account was very exceptionally situated, because the advertising rates are based not upon the cost of print paper but upon what the advertising is worth to the advertiser and upon the circulation of the newspapers themselves. I know that in the case of the newspapers in which I am interested there has been no advance whatever on account of the cost of print paper.

While I am on my feet I wish to say that I do not expect to oppose this proposition. I am somewhat interested in it as a newspaper publisher, and therefore will not speak upon the proposition to increase the second-class rate; in fact, I think the second-class rate ought to be advanced; but I do think, if the Senator from Florida will allow me, that this is a most inopportune time to reduce the rate of postage upon any class of mail matter whatever, upon drop letters or anything else, or to reduce the revenues of the Government in any respect. When one committee of the Senate is busily engaged in devising means of raising money I do not think another committee ought to be engaged in endeavoring to reduce the revenues of the Government. Furthermore, I will say that the Dominion of Canada, for instance, as a means of raising revenue, has advanced the rate of postage and has put a war tax of 1 cent an ounce upon every letter that is mailed within the Dominion; and I do not think we should couple these two propositions with each other. I am opposed to reducing the drop rate at this time.

The Senator from Connecticut [Mr. BRANDEGEE] asks me how much print paper has increased in price. I will say that for the larger dailies and the larger contracts my experience goes to show that there has been an increase of about 50 per cent over the former cost.

Mr. BRYAN. Mr. President, there is only one thing further that I care to say. This plan, if adopted, does not mean a permanent deficit in the post-office revenues. It is estimated by the department that the loss from putting into effect the provision as to drop letters will be, say, $20,000,000 this next fiscal year. It is confidently expected—and the year is nearly over—that there will be a $10,000,000 surplus this year. That leaves $10,000,000, half of it to be made up by the half-cent increase this year and the other half next year, so that by the time the rate upon second-class matter is doubled the rates as a whole, including the reduction in postal rates on first-class mail matter, will be self-sustaining.

Mr. JAMES. Mr. President, I wish to ask the Senator a question. Is it not true that in order to reach a publication so full of advertisements as the Iron Age, making that rate apply to the newspapers which are read daily and circulated throughout the country, while it might do justice in the case of that publication, would be an exceedingly great hardship on the small daily newspapers of the country, which carry small amounts of advertisement and give the public the current news, and in this way are in the class of public educators and enlighteners?

Mr. BRYAN. I may say now to the Senator from Kentucky——

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

Mr. BRYAN. If the Senator will pardon me, I will answer this question, and then I will yield to the Senator from Pennsylvania. Of course, it does not cost the Government any more to carry one kind of second-class matter than the other. It carries it by the pound, and it is at the same expense in carrying a city newspaper as it is in carrying a magazine. But the Senator must remember that the class of papers which it is usually claimed could stand the increase, because they have adjusted themselves to the business conditions, are the country weeklies. Now, the country weeklies circulate for the most part within the county of publication, and they do not pay a dollar. In the case of the daly paper, on the average their circulation does not cover a radius of more than 50 or 100 miles, and those papers are established institutions. They, as a class, are making money. The country is prosperous. They must be sharing in that prosperity, notwithstanding the increase in the rates upon print paper.

Mr. JAMES. I think, if the Senator will pardon me, that there is a distinction that the Government ought to make between carrying a paper which is almost entirely for advertising, as this one seems to be, and a newspaper that circulates and is read for the purpose of enlightening a community.

Mr. BRYAN. Oh, no; there are 132 pages of reading matter in this.

Mr. JAMES. I know, but it is nearly all given over to advertisements.

Mr. SMITH of Georgia. How much advertising is there in it?

Mr. JAMES. Six hundred of the 800 pages.

Mr. BRYAN. Well, a great many of these magazines and newspapers, too, have half of their space taken up with advertising. Take these daily newspapers—half of them is adververtising. Surel; they do not take those advertisements at a loss.

Mr. JAMES. But it is true that if we vote for the motion of the Senator to suspend the rules, the two propositions are not separated in his motion.

Mr. SMITH of Georgia. We would bring it all up.

Mr. BRYAN. Oh, the whole question is open, then. The Senate can do as it pleases with the amendment.

Mr. JAMES. The increased rate upon newspapers and the decreased rate upon drop letters are all involved in one proposition and are not separate.

Mr. BRYAN. They can be separated, of course. The Senate can do as it pleases. In other words, the Senate can reduce the postage on first-class matter and leave out any increase on second-class matter; or it can increase the rate on second-class matter and leave out the reduction on first-class matter, if it cares to do that; or it can change this rate as it pleases by amendment.

Mr. OLIVER. Mr. President, the Senator from Florida has given a great deal of study to this matter, and I should like to ask him whether he has any figures showing whether there actually is a loss to the Government in the transportation of the newspapers by second-class mail? I do not refer to the county papers, which go free; of course, there is a loss in that; but take the daily papers, which, when mailed, are as a rule mailed for a very short distance. Has the Senator any figures showing whether or not there is really a loss in transporting them at this reduced rate?

Mr. BRYAN. Yes, Mr. President. The Hughes Commission undertook to separate the loss on account of newspapers and

on account of magazines. There is a loss on all of them. The loss on magazines, however, is larger.

Mr. OLIVER. Yes; of course, we know it is larger; but is not the loss on the daily papers inconsiderable, on account of the short distance that they are carried, as a rule?

Mr. BRYAN. No; I think not. I think the loss is considerable even on daily newspapers. I am quite sure it is. It can not be otherwise. The pick-up and delivery charge costs the Government more than the postage.

Mr. JAMES. The loss on daily newspapers, however, is not as great as it is on a magazine like this copy of the Iron Age.

Mr. SMITH of Georgia. Mr. President, I am going to discuss that very subject at this time. When I was on the Post Office Committee I gave a good deal of attention to it, and I am sure that the relative loss to the Government on newspapers is entirely different from that upon magazines. The cost to the Post Office Department consists of two elements—the handling element and the hauling element. The hauling element increases with distance, for the department pays the railroad a mileage rate per pound, and for each additional mile there is an additional cost to the Government for the hauling.

The result of the investigation made when I was on the Post Office Committee led me to the conclusion that the average daily newspaper haul was about 50 miles, while the average magazine haul was nearly ten times that much; so that the expense of the haul, which is the heavy element of the expense in second-class postage, is almost ten times as large—certainly six times—for the magazines as it is for the newspapers.

The newspaper average haul being about 50 miles, it is exceedingly doubtful whether there is any considerable loss to the Government upon those newspapers which under this amendment are to have an increased charge for the first year of half a cent a pound and for the second year an entire cent a pound. I am impressed with the belief that the cost to the Government can not be great as a matter of loss upon the daily papers, because I know that the cost of the haul, even from the East, partly by water, did not amount to 2 cents a pound on white paper to the city of Atlanta several years ago, when I was interested in the newspaper business. I have no interest of any kind in newspapers or magazines at this time, so that I am entirely free from any personal interest. It is simply a matter of information that I have gathered from my experience.

I do not think it fair to class the daily newspaper with the magazine in this increased charge, because the loss to the Government is really on the magazines, and I think it is very small, if any at all, upon those newspapers which pay. Of course, there is a substantial loss on the weekly paper that is handled without any charge at all, and there is a loss on the papers, daily and weekly, which go in separate wrappers over rural routes. The papers to which is to be applied these increased charges, when delivered in towns and cities, I do not believe will cost the Government 2 cents a pound. I think if we carried it to 2 cents we would be charging them considerably more than it costs the Government.

Reference was made to the expense of handling a large part of these newspapers together in a single bundle. There is not the individual handling of the individual paper through the mail when daily papers are delivered in towns and cities. There is not the expense that is attached to the individual handling of a letter. It is a different proposition entirely, on account of the different system of handling.

Mr. BRYAN. Mr. President, is it not as much trouble to distribute newspapers as it is to distribute letters?

Mr. SMITH of Georgia. It is as much trouble, at the place of delivery, to distribute, if the mode of distribution were the same; yes.

Mr. BRYAN. Yes.

Mr. SMITH of Georgia. But that is only a part of the trouble of distribution. There is the distribution of the letter all the way through, while the newspaper goes to a town in a package, starting from the office in a package, and there is only one distribution at the town.

Mr. BRYAN. There is the same distribution that there is of the letters.

Mr. SMITH of Georgia. No; there is not.

Mr. OLIVER. Mr. President——

Mr. SMITH of Georgia. One moment; the Senator is mistaken. The letters are taken up one by one at the initial post office.

Mr. BRYAN. I said at the point of distribution.

Mr. SMITH of Georgia. But the Senator said there was as much trouble in the case of the newspapers as in the case of the letters. I say yes at the point of distribution if they are distributed in separate wrappers.

Mr. BRYAN. That is what I was speaking of.

Mr. SMITH of Georgia. But the trouble at the point of distribution is not more than a third of the trouble of handling. You eliminate, therefore, in the case of newspapers two-thirds of the expense of handling, which applies to the case of individual letters, even when distributed at the point of delivery in separate packages.

Mr. OLIVER. Mr. President——

Mr. SMITH of Georgia. I yield to the Senator from Pennsylvania.

Mr. OLIVER. I would also call the attention of the Senator to the fact that the newspapers, as a rule, are delivered at the railway station. Instead of being taken to the post office and handed to the Government there, they are taken in packages, the package for each town tied by itself, and delivered in bulk at the railway station.

Mr. SMITH of Georgia. I was just coming also to that proposition. Only those newspapers which go through the post office in individual wrappers and are distributed to the individual in that way have a distribution at the point of terminus. As a rule, the newspapers go to a carrier in a town in large bundles covering the subscription of the town, and the carrier delivers them, the carrier making the separation, the carrier making the classification, and there being only one handling by the post-office employees from the initial point to the place of delivery at the depot. So this element of the cost of handling is far less as to newspapers than it is as to magazines and far less for individual papers as to newspapers than it is per individual letter as to letters.

I am discussing, Mr. President, the question of expense to the Government of handling newspapers as compared to letters and the expense to the Government of handling newspapers as compared to magazines. It is for this reason I insist that the conclusion which I have reached and which I still entertain is that the relative loss upon magazines and upon newspapers is entirely different. First, because the relative haul is nearly 10 times as much per magazine; second, because the relative cost of handling is very much less for newspapers than for magazines. I can not consent to a measure that classifies the newspapers and the magazines and proposes to put the same increased charge upon the newspapers that it puts upon the magazines. I shall, therefore, vote against suspending the rule.

Mr. FLETCHER. May I ask the Senator if he considers the practice of carrying magazines by freight? Is there not a difference in the cost there as compared with the cost by express?

Mr. SMITH of Georgia. Of course those magazines which are handled by freight cost less than those that go by the ordinary mail trains. It has been a saving, I think, of over $5,000,000 by classifying part of the magazines and sending them by freight. I very warmly advocated that measure when I was connected with the Post Office Department.

Mr. TOWNSEND. Does the Senator think that the newspapers are paying as much as they ought to pay for handling their mail?

Mr. SMITH of Georgia. I am not sure that the cost of the newspapers, barring those that go free, is in excess of a cent a pound, for the reasons I have explained—the handling consists of a number of pounds in a single package.

Let me illustrate it by my own observation. Suppose there is sent from the city of Atlanta to the city of Macon probably a package of 500 papers. They would probably go in one package, and be received there by the newspaper carriers and be distributed by them. There would be but one handling only by post-office employees, and that would be the delivery by the employee of the newspaper to the train and to the agent at the depot.

Mr. BRYAN. The Senator from Georgia does not state that he doubts the Hughes Commission report. It puts the cost per pound on daily newspapers at 6.91 cents; on the weekly and other than daily newspapers, 10.59 cents; on scientific periodicals, 7.25 cents; on educational periodicals, 8.06 cents; on religious periodicals, 11.37 cents; on trade-journal periodicals, 6.47 cents; on agricultural periodicals, 9.53 cents; on magazines, 8.09 cents; and on miscellaneous periodicals, 10.26 cents. So, when you put these rates at 2 cents a pound on daily papers or any second-class mail you are receiving but one-third of a compensatory rate.

Mr. SMITH of Georgia. Mr. President, I am not prepared to accept those figures as correct. I have no idea they are correct, from my own observation. Suppose we send 50 papers——

Mr. SMOOT. Will the Senator allow me to interrupt him? In this connection I wish to call attention to the general practice of the daily papers in sending mail outside a city. The paper itself is prepared by the company issuing the paper, which is put into one bundle, and the paper itself delivers the paper at the depot.

Mr. SMITH of Georgia. That is what I have just said.

Mr. SMOOT. And it reaches its destination.

Mr. SMITH of Georgia. The agent of the paper meets it at the depot, and it is distributed there to carriers, and there is practically no handling by the department except to receive it on the car and deliver it from the car.

Mr. SMOOT. That is all. The paper itself provides the agent in the city who receives the paper, and the agent distributes to the homes.

Mr. SMITH of Georgia. I am much obliged to the Senator; but that is just what I was explaining. I was illustrating it by the transportation of 500 papers going from Atlanta to the city of Macon. The newspaper sends a bundle of 500 by its own machine to the depot and delivers it to the car at Macon.

Mr. SMOOT. The Senator——

Mr. SMITH of Georgia. Wait a moment. I think I can explain it. The Senator is very adept, I understand, on this subject; but let me finish. At Macon the representative of the newspaper meets the car and takes the bundle of 500 papers. All the Post Office Department has done is to pay the transportation on the 500 papers from Atlanta to Macon. It has had practically no expense of handling, and it simply made a straight haul; that is all. It does not cost the Post Office Department over a cent a pound to haul that freight from Atlanta to Macon. It does not cost it 2 cents a pound.

Mr. SMOOT. The only reason why I made the inquiry of the Senator is this: He said "carriers." I thought perhaps other Senators received the same idea I at first received from the statement he made, that he referred to the post-office carriers; but, of course, he referred to the carriers for the newspapers.

Mr. SMITH of Georgia. The newspaper carriers.

Mr. SMOOT. That is all.

Mr. SMITH of Georgia. It is not done by an employee of the Post Office Department. The machine of the newspaper takes them from the office of the newspaper in single bundles, carries the mail to the depot, and loads it on the car in packages for cities and towns. The only distribution is in packages, and that is made at the places by carriers of the papers, who take them out and distribute them. I do not believe there is any such expense to the department.

Now, let us come to the eastern paper. It comes to cities away from New York in large packages to the newsdealers. The distribution does not take place as in letter distribution; it does not take place as in magazines; and I say as the average haul for newspapers is so much less and as the character of distribution is so much cheaper I do not think it is just to class the two together.

I would have been glad to increase the charge on periodicals, especially for the long hauls that really cause the chief expense, but I do not believe it right to put newspapers and magazines into the same class.

Mr. BRYAN. Did the Senator say the cost was ten times greater for magazines?

Mr. SMITH of Georgia. No; I said the haul was approximately ten times longer.

Mr. BRYAN. Is that a mere guess?

Mr. SMITH of Georgia. No; that is my recollection. The magazines have an average of about 500 miles—perhaps 300—while the newspapers have an average of about 50.

Mr. BRYAN. According to the Hughes report, subscribers' copies 255 miles, sample copies 315, subscribers' copies and sample copies combined 255 miles, and scientific periodicals 793 miles.

Mr. SMITH of Georgia. If these figures are applied to subscribers of newspapers they did not know the facts; they did not understand the business of newspaper publishers. Very few newspapers go to subscribers direct.

Mr. POMERENE. The Senator does not include the newsdealers?

Mr. SMITH of Georgia. No; when you speak of subscribers you mean individual distribution.

Mr. BRYAN. Can the Senator state it so as to compare the second-class delivery of newspapers and magazines?

Mr. SMITH of Georgia. To individual subscribers, I said.

Mr. BRYAN. I think the Senator is mistaken about that. According to this table the Hughes Commission reported newspapers and magazines received on all rural routes 39,794 during May, 1911, and there were newspapers 14,280,942 pounds and only 2,377,894 pounds of magazines. So the weight of newspapers delivered and received upon these rural delivery routes is nearly ten times as great as the delivery of letters.

Mr. SMITH of Georgia. I was not referring to the rural routes.

Mr. BRYAN. The Senator was talking about the railway mail.

Mr. SMITH of Georgia. I was referring to the great bulk of the newspaper distribution from my own knowledge and my own observation. The rural routes do not carry a large proportion of the daily papers distributed.

Mr. BRYAN. Then the report of the commission is all wrong.

Mr. SMITH of Georgia. I think it is, if it means that the larger issues from daily papers are delivered upon rural routes.

Mr. POMERENE. May I ask the Senator from Georgia a question?

Mr. SMITH of Georgia. Yes.

Mr. POMERENE. Is the Senator able to state just whether these newspapers are hauled by the Government at a loss or at a profit?

Mr. SMITH of Georgia. I am not; but I am prepared to say that from my observation the loss if there is any is nothing like the loss on the magazines.

Mr. POMERENE. Let me ask the Senator another question. Is the Senator able to state whether the Government hauls the magazines at a loss or at a profit; and if so, what amount.

Mr. SMITH of Georgia. I can not say exactly. My information on that subject is not from my personal knowledge but from reports I have seen from the Post Office Department. The conclusion reached when I was upon the committee was that the average cost of a magazine ranged from 6 to 8 cents a pound, while they were only charging 1 cent a pound.

Mr. POMERENE. I have been informed that the Government receives for this second-class mail between nine and ten million dollars annually, and that it costs the Government about $90,000,000 annually to render this service.

Mr. BRYAN. I can give the Senator some figures.

Mr. SMITH of Georgia. The Senator from Ohio, unfortunately, I think, was not here when I drew the distinction between newspapers and magazines, when I showed the marked difference between the cost of handling the two by the Government.

Mr. POMERENE. I was not here.

Mr. BRYAN. There were 1,202,470,676 pounds mailed at cent-a-pound rate and free in county. Cost to the Government, $99,444,324. Postage received, $11,383,530. Loss in handling, $88,060,794.

Mr. POMERENE. So the Government gets about one dollar for every nine it pays out for this service.

Mr. SMITH of Georgia. That I should not think was correct, according to the report furnished the Post Office Committee when I was on the committee a few years ago.

Mr. POMERENE. I was going to ask the Senator what he thinks is the amount?

Mr. SMITH of Georgia. I will say to the Senator the evidence before us was that the cost for handling the magazines ranged between 6 and 8 cents a pound when the charge was 1 cent a pound.

Mr. POMERENE. The answers of the Senator make it sufficiently clear for me to state my position in a few words.

Mr. SMITH of Georgia. Does the Senator desire to ask me another question?

Mr. POMERENE. I thought the Senator had resumed his seat and simply rose to answer my question. If the Senator still retains the floor I will have nothing to say at this moment.

Mr. SMITH of Georgia. Mr. President, all I desire to say is that the difference in the cost to the Government is great between the newspaper and the magazine. The cost for handling the daily paper is, in my judgment, not 2 cents a pound or in many instances 1 cent a pound. I am unwilling to vote to suspend the rule to put that charge on newspapers.

Mr. POMERENE. Mr. President, it seems that the reports from the department indicate that the Government is rendering service at an expense of about $99,000,000 for which it receives about $11,000,000. The question is whether we shall suspend the rules and vote upon this subject. Very shortly we shall be called upon to provide for additional revenue amounting to hundreds of millions of dollars. I realize the fact that a portion of this loss is chargeable to local papers in every vicinity. That loss to the Government and the benefit to the publishers is rather equitably distributed. The larger losses are due to the very large magazines. I am told that the profit of the Post Office Department on first-class mail is about $90,000,000. So we take from the letter writer and the letter sender $90,000,000 in profits and we turn it over to the publishers of the magazines and daily papers. I do not see how Senators can reconcile that situation.

It seems to me that anybody who receives service from the Government ought to be willing at least to pay the cost of that service. Under the circumstances the question addresses itself thus to the Senate. We have the information that we are doing $99,000,000 of service for which we receive $11,000,000. Shall

we continue this expenditure of the Government for the benefit most largely of the magazine publishers and to-morrow come in and levy taxes to make up this deficit? That is the problem in a nutshell.

I realize the pressure that is brought upon Senators. I have received to-day letters and telegrams urging me to vote to continue this practice as heretofore, but I should like some publisher of a magazine to tell me how he can reconcile my vote, if I should vote as he wishes, with my duty to the public. For that reason I hope that the motion will prevail and that the rule will be suspended.

Mr. SHIELDS. Mr. President, there seems to be some controversy as to the services that are rendered by the Post Office Department to the daily papers in the distribution of their papers. I have a statement by a practical newspaper man, the editor of one of the largest and greatest newspapers in the South, which gives the facts in detail concerning the delivery of his paper, the Commercial Appeal of Memphis, Tenn., and I desire that statement to be read as a part of my remarks.

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

The Secretary read as follows:

MEMPHIS, TENN., *February 11, 1917.*

Senator JOHN K. SHIELDS,
Washington, D. C.:

Under present rate of postage the Commercial Appeal pays the United States $700 per week in postage. The Government makes money out of all such papers as ours. It makes money out of all the large dailies in this country, except possibly a few of the large dailies of New York and Chicago. The express companies take our papers at 50 cents per 100, and are eager to get the business. The Government is put to little expense in handling our papers. We deliver at our own expense most of our papers direct to the trains. Our own clerks get the Government sacks and route the papers from the office. We haul the papers to the depots in our own wagons. At the destination most of our papers are taken direct from the train by our agents. Therefore the only work the Government does is to have clerk come to the office and weigh the papers and to transport the paper in trains. The papers usually take care of both loading and delivery. This even applies to a great deal of our single-wrapped papers up to the point of delivery of said papers to the train. Three-fourths of our out-of-town circulation does not pass through the post offices at all. It is checked up at the newspaper office by a postal employee, goes to them at the trains, and is delivered at train destination direct to agent. We are now paying the United States Government an income tax which this year will amount to about $3,400; we are paying a corporation tax on the market value of the stock; and we are threatened with an added tax on our profits above a certain profit. Our paper bill is higher than ever before. Our subscription rates are not higher, neither are our advertising rates. If all of these plans go though to add more taxes to the newspapers, most of us will come to Washington and request the Government to appoint a receiver to operate our property, because we can not operate it under proposed conditions and make enough money to pay the proposed taxes and the proposed increase in postage.

C. P. J. MOONEY,
Managing Editor the Commercial Appeal.

Mr. THOMAS. Mr. President, may I ask the Secretary to again state what the author of that telegram gives as his income tax?

The Secretary read as follows:

We are now paying the United States Government an income tax which this year will amount to about $3,400.

Mr. THOMAS. That is a corporation, is it?

The Secretary read as follows:

We are paying a corporation tax on the market value of the stock and we are threatened with an added tax on our profits above a certain profit.

Mr. THOMAS. I should think that newspaper was in about as much danger of a receiver as are the telegraph companies, if we may judge of the condition of the latter by the number of telegrams with which they have flooded this Chamber in the last four or five hours.

Mr. SHIELDS. I did not yield for a speech at this time.

Mr. THOMAS. I beg the Senator's pardon. I did not know that he had the floor.

Mr. SHIELDS. The Commercial Appeal is a great and prosperous paper, but that is no reason why it and other papers which are not so prosperous should be discriminated against and subjected to oppressive taxation.

The statement of Col. Mooney sustains what was so strongly stated by the Senator from Georgia [Mr. SMITH]. The daily papers are now paying their full share of postal expenses. If the magazines are not paying what they should, let their postage be increased. There is a clear distinction between the two classes of publications, and the papers should not be classed with them to their prejudice.

The daily newspaper is more than a commercial enterprise. It is published for profit, of course; but it is educational in its nature and use. Does anyone want to increase the cost of them or limit their circulation?

Mr. BRYAN. Mr. President——

Mr. SHIELDS. I yield to the Senator from Florida.

Mr. BRYAN. Does the Senator from Tennessee really think that there is much danger of Col. Mooney having to go into the hands of a receiver if he can pay $3,400 income tax on an income which he makes out of the running of his paper? Is Col. Mooney in any danger of going into the hands of a receiver by reason of contributing 1 cent a pound more upon the postage of his papers? Does not the Senator from Tennessee think that is absurd on the face of it?

Mr. SHIELDS. I do not think the Commercial Appeal is in any danger of going into the hands of a receiver, but that is no reason for confiscating its property by oppressive taxation.

Mr. President, the great daily newspapers of the country are not purely commercial corporations; they are educational institutions. They are in the nature of public utilities for the distribution of news and information to the people of the whole country. They are one of the greatest promoters of civilization and should be treated fairly.

Mr. SMITH of Georgia. Mr. President, will the Senator allow me to ask him a question?

Mr. SHIELDS. I will.

Mr. SMITH of Georgia. The Senator will notice that the Commercial Appeal now pays $700 a week postage; that is nearly $37,000 a year. If we add a cent a pound to their postage, we would make their postage bill $76,000 a year, which would take up over a third of their profits.

Mr. BRYAN. Oh, no.

Mr. SMITH of Georgia. Yes, sir.

Mr. SHIELDS. I will not stop to make the calculation. I have, however, another statement here, showing that the publishers of this paper are now paying the United States for the delivery of its papers about $36,000, and, as shown by the statement of Col. Mooney, they pay to others a very large part of the expense of this real distribution.

It was stated by the Senator from Florida a few moments ago that daily newspapers and magazines were receiving a tremendous subsidy from the United States. That is not a correct statement. They are not receiving a subsidy any more than their subscribers. The Postal Service is maintained for the benefit of the people of the country.

Mr. GALLINGER. Mr. President——

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

Mr. SHIELDS. I will yield in a moment.

The Post Office Department is not a business conducted for profit. It is conducted in the service of the people of the whole United States, and while we should like to see it pay its expenses, it is not necessary that it should do so. The question that always ought to be considered and the policy in conducting it should be to furnish prompt and cheap delivery of mail of all kinds. It is one of the things for which the people are taxed, and for which they are willing to be taxed. They want prompt and reliable delivery of letters and papers, and it is the duty to furnish such service, and if reasonable postal charges will not pay the expense of such service it must be supplied from other sources.

Now, it is said that it is absurd for one committee of this body to be considering a bill to raise revenue and for another committee to be considering one for the reduction of revenue. This is an additional tax, not only upon the newspapers but upon the people who want the papers and will have them. If further burdens are imposed upon newspapers they will be compelled to raise subscription rates, and in the end, as is the case in all indirect taxes, the burden will fall on the consumer, upon the people who take the papers.

The proposed increase of postage upon newspapers is nothing less than a proposition to tax information and education and to deny to the people, especially those of the country, the current news of the day.

Mr. GALLINGER. Mr. President, if this publishing house—and I am glad that they are so prosperous—has not any other income than that from its newspaper, they must be making over $300,000 a year from it.

Mr. SMITH of Georgia. No; this year 2 per cent is the income-tax rate. They state that the tax this year will be 2 per cent. That would indicate an income of $170,000 a year.

Mr. GALLINGER. Then, they are making $170,000 profit; and I think they ought to pay what it costs to transport their papers through the mail.

Mr. SMITH of Georgia. So do I; but I do not believe that it costs the Government the amount claimed.

Mr. President, I wish to call attention to the fact that in the telegram read, the publisher declares that the express company charges him 50 cents a hundred, while he pays the United States Government a dollar a hundred to haul his paper, and the propo-

sition is to raise his charge to $2 a hundred, when the express company rates are 50 cents a hundred.

Mr. GALLINGER. Mr. President——

Mr. SMITH of Georgia. One moment. What I wish to urge is that if the express company rate is 50 cents a hundred, it can not be that the Government is losing much at $1 a hundred.

Mr. GALLINGER. But the express company does not distribute the papers, and more than that, if the Senator, who, I think, has been a newspaper publisher himself, were going to distribute his papers 25 miles or 50 miles or 100 miles from the city where the paper was published he would not be apt to send them by express.

Mr. SMITH of Georgia. Absolutely and frequently, and let me explain why.

Mr. GALLINGER. Perhaps occasionally.

Mr. SMITH of Georgia. Nearly always.

Mr. GALLINGER. The Senator knows that there is always delay in sending a letter or any other parcel by express in comparison with one sent by mail.

Mr. SMITH of Georgia. It is to escape delay that this class of matter is not sent by mail, I will say to the Senator. Let me explan it to him: A city located 50 miles from Atlanta has a train arriving at a certain hour from Atlanta. The newspapers for that city are put in a post-office mail bag in the office of the newspaper, sealed, carried to the train, and put on the train. The car is met at the town by the agent of the newspaper, who receives it from the train, and at once distributes it without stopping to go to the post office.

Mr. GALLINGER. We will concede all that, and yet the fact remains that the Government is carrying this kind of literature, both newspapers and magazines, at a tremendous loss. It does not make any difference how the matter is sent, enough of it is sent through the mails to create a tremendous deficit in the revenues of the Government; and what I say is that the Government ought not to carry newspapers at a loss any more than express companies would carry articles at a loss or that the Government should carry merchandise at a loss. The Government would not carry a package of 5 pounds by parcel post or in any other way which I might offer to the post office for less than it cost to transport it. Why should the Government carry 5 pounds of newspapers or magazines at a loss?

Mr. SMITH of Georgia. I am not asking that the Government carry magazines at a loss, but I am insisting that the Government is not carrying the daily papers at a loss, and I am demonstrating that by the facts presented, for instance, in the telegram from the publisher, which has been read. I am insisting that the daily newspaper is not in the class in point of expense with the magazine.

Mr. GALLINGER. I quite agree to that.

Mr. SMITH of Georgia. What I want is to separate the two subjects. I am ready to vote to make the magazines pay more.

Mr. GALLINGER. I wish we could distinguish between them, and yet all the investigations have shown that they are carried at a loss.

Mr. SMITH of Georgia. I do not think so.

Mr. GALLINGER. I think they are in a different class, and for myself I would be glad to separate them if we could do so.

Mr. SHIELDS. Mr. President, does the Senator mean that the investigations show that the daily newspapers are carried at a loss?

Mr. GALLINGER. I do not know how that may be. The Senator from Florida [Mr. BRYAN] probably can answer that. I think it is so shown.

Mr. BRYAN. What is the Senator's question?

Mr. SHIELDS. Are the daily papers carried at a loss?

Mr. BRYAN. They are carried at a loss of over 6 cents a pound.

Mr. SHIELDS. I think the Senator is mistaken as to facts.

Mr. OVERMAN. Mr. President, I will say to the Senator from New Hampshire that I think I shall vote for the motion of the Senator from Florida [Mr. BRYAN] to suspend the rule, with the idea, if it can be done, of separating newspapers from magazines, because it is the magazines of the country that are costing the Government so much to transport through the mails, according to the reports. If we can separate the two propositions and make the magazines pay, then I will be in favor of 1-cent postage.

Mr. GALLINGER. There is undoubtedly a very great difference in the two classes of publications.

Mr. SHIELDS. I favor reducing the postage on drop letters to 1 cent, but I can not see how this will justify the increase of postage on newspapers. The people will pay the tax, and it will not benefit them to reduce it at one place and offset this by an increase at another place.

Mr. President, it is not a material question whether the newspapers are carried at a loss or not. Of course, the Government does not want to lose any more than possible; but I repeat the Post Office Department is not a business institution; it is not run for profit. The expenses of governmental agencies of this kind have always been more or less paid by general taxation and not by specific taxation upon that served by the particular agency. The daily papers are now paying a reasonable part of the expense of the Postal Service of the country, and they should not be singled out and made to pay more than is fair and just.

Mr. STONE and Mr. TOWNSEND addressed the Chair.

The VICE PRESIDENT. The Senator from Missouri.

Mr. STONE. Mr. President, I will only take a moment, I will say to the Senator from Michigan.

I am going to vote for the motion to suspend the rule so that the matter may be laid before the Senate, as I think the Senate ought to pass upon the question at issue. I shall vote on a division of the question against the proposal to reduce letter postage because of the loss of revenue that would follow such a reduction. I shall then vote for an amendment to the second proposition excepting newspapers from its operation, but imposing the additional tax suggested upon the other kinds of publications, periodicals, and so forth.

I wish simply to state that, for it seems to me that that is the solution to which we ought to come, and we can not get to that solution or any other solution unless the motion of the Senator from Florida to suspend the rules is agreed to.

Mr. SMITH of Georgia. Mr. President, if the rules are suspended I shall vote just as the Senator from Missouri indicates he will, and if I were sure that those votes would be sustained by the Senate I would vote to suspend the rule; but in the meantime I am not sure that they will be, and I believe that this tax would be a great injustice to the daily newspapers, and would impose upon them a charge more than the service costs the Government. For that reason I will vote against suspending the rules.

Mr. TOWNSEND. Mr. President, I realize that it will be difficult to make an argument against experts who are interested or who have been interested in the newspaper business, but there are some things which are very clear to me and which have been made clear by various investigations by the Post Office Department and by congressional commissions appointed for that express purpose. It has been stated here that the Government loses approximately $80,000,000 a year on second-class mail matter; that is, that it costs the Government about $80,000,000 more than it receives. It is also known that first-class letter postage pays more than twice, probably three times, what it actually costs the Government to handle it.

This means that the present charge for first-class-mail postage is 2 cents per ounce, or fraction thereof, or more than 32 cents per pound, for most letters weigh less than 2 ounces. This is more than three times what it costs the Government to deliver it, while the second-class-mail charge is 1 cent a pound, which is about one-eighth of what it costs the Government to handle it, taking the second-class matter as a whole. The proposition before the Senate is to reduce this excess burden that is placed upon the writers of letters throughout the United States and to increase in a very moderate degree the price that is now paid for second-class mail matter.

I had not supposed that the Senator from Georgia [Mr. SMITH] or any other Senator would claim for a moment that any papers or any publications are now paying as much as it costs the Government to handle them. I asked the question of the Senator from Georgia, thinking that he would answer according to what seems to be the proven fact; namely, that we were carrying all second-class mail matter at a loss. Then I proposed to ask him the second question: Would half a cent a pound be too much additional to impose upon all or any of these classes of second-class mail matter? I do not think it is.

If all of these second-class publications, and the letters as well, are to contribute something to the expense of carrying them, the burden should be equitably distributed as nearly as possible. I think a much greater rate than one-half cent a pound should be imposed; but because I knew there was such a difference in the cost of handling second-class mail matter, some of it being handled more cheaply than others, I was willing to start with this almost infinitesimal step in the right direction, knowing as I think I do that it will place no extraordinary burden upon these publications which they ought not to bear.

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

Mr. TOWNSEND. I yield.

Mr. POMERENE. The Senator, I know, has given a great deal of attention to this subject. Is he able to state the cost per pound of the mailing privileges of the daily newspapers? I understand from what the Senator has said that he is not able to give that information with exactness, but can he give that cost approximately?

Mr. TOWNSEND. No; I can not, exactly. Probably 6 cents a pound. The report of the Postmaster General shows that the amount of newspapers handled through the Rural Delivery Service as compared with letters, first-class mail matter, going through the same source, is about fourteen times as great. Now, it may be that the Senator from Georgia is correct when he states that a good many of these newspapers are dumped on to the train without expense to the Government.

Mr. SMITH of Georgia. Mr. President, will the Senator allow me to ask him a question at this time?

Mr. TOWNSEND. Yes.

Mr. SMITH of Georgia. Is it not true that the papers that go over the rural routes are very largely weekly papers and not daily papers?

Mr. TOWNSEND. Mr. President, that is not true in my country. There is scarcely a farmer in Michigan—and I think Michigan is not different from other States in the Union in this respect—there is scarcely a farmer on the rural routes that does not take a daily paper.

Mr. VARDAMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Mississippi?

Mr. TOWNSEND. I do.

Mr. VARDAMAN. If the Senator will permit me, I will say that that is true throughout the United States to-day wherever they have rural mail delivery.

Mr. TOWNSEND. Speaking from my own experience, I know it is true. There is no chance to juggle the facts in that respect. They stand out for themselves. While it may be true, as the Senator from Tennessee says, in reference to the paper whose telegram he has put into the RECORD, that it has not raised the advertising rates, but I have not talked with a single advertiser who has not told me that he is paying a larger price for advertising than he ever did before. But, furthermore, Mr. President, this same opposition was made before the price of paper went up. This question has been before the Congress for years. The publications of the country have always opposed it on the ground that it put an additional burden upon them.

Mr. President, as I said yesterday, I do not want to put any burden upon publications which they ought not to bear, and I know there is a difference between publications. Before the real equitable price is fixed it would be well to discriminate in favor of religious, educational, fraternal, and scientific publications not issued largely for profit; but the burdens of taxation are placed upon all of the people and should be as nearly equitable as possible. All will have to bear their share of them, and there is no reason on earth that can be given in justice why one class of people who are making money should pay one-eighth of what it costs the Government to handle their product while the great majority of the users of the same mail facilities are charged more than 300 per cent of what it costs to deliver their mail. The humblest citizen in my State or in yours who writes a letter and pays three times what it costs the Government to handle it is contributing to business ventures of the country. In other words, the many are taxed for the benefit of the few. This little step can not destroy any legitimate publication, and in the meanwhile there will be an opportunity to adjust these relations between newspapers and magazines, as no one wants to deal unjustly.

I know my position is unpopular with the press. I have received letters and telegrams to that effect. The press speaks to the country. It is speaking to the Senators, inducing them to vote contrary to what their judgment would be if it were not for the influence which can be brought to bear upon them in their various States and communities.

Mr. VARDAMAN. Mr. President, if the Senator from Michigan will permit me to make a suggestion just in this connection, if the press speaks in condemnation of this proposed amendment it will not be speaking for the American people or in the interests of the American people, but rather in the interests of its dividends. I want to say further that there never was in the history of this Republic such universal prosperity among the great newspapers of the country as there is to-day. The honest little country weekly may be having trouble struggling with poverty, but the big dailies are fat with prosperity. The company owning the Commercial Appeal, to which my good friend the distinguished Senator from Tennessee has just referred, I expect is the most profitable enterprise in the city of Memphis. It is a great newspaper as well as a money-making concern.

If the Senator will pardon me, I will interrupt him long enough to say just here that if newspapers were run in the interest of the public, if they were educational enterprises conduct for the good of humanity, altruistic enterprises, it would be a different thing; but every one of them is conducted in the interest of its stockholders, and they are entitled to no more consideration at the hands of the Government than any other enterprise run for profit.

Mr. BRYAN. Mr. President, I do not see why the Senator from Mississippi should say that the Commercial Appeal is a prosperous paper. According to the telegrams which the Senator from Tennessee read, it only made $170,000 net profit. [Laughter.]

Mr. TOWNSEND. Mr. President, I do not object to the newspapers and to the magazines making money. I do not want to impose any burden upon them which would prevent them from making money, but I want them to bear their just share of the cost of government. I want no favorites played. I want the man who writes a letter, the mechanic, the farmer, the laboring girl, or anybody else who writes a letter, to have the same advantages of the mails that the man does who is operating a plant for profit.

Now, I recognize that there are very many elements which enter into this problem. Financial returns come in a measure to the Government from advertisements. The same is true from the merchants' use of the parcel post, or from the man who writes a letter; but I close as I began, namely, that from all the evidence that has been gleaned and submitted to committees of Congress and to the Congress itself, everyone must be convinced that we are carrying on this business at a loss, and that the loss is very great. Nobody disputes that it amounts to about $100,000,000 a year, less $11,000,000 which we receive for it. Now, we start out with an increase of $5,000,000 a year to be paid by these publications toward the deficit which their business has created for the Government. I want the 1-cent letter postage, too, and for this reason: One cent will more than pay the expense of first-class letter postage. If there should be a deficit in the Treasury, the Congress will have some inducement then to adjust mail rates on a proper basis. We should make no money out of the mails. I do not want to make any. We should simply adjust rates so that there will be no great loss, and the publications of the country should contribute their proper share toward the operations of the Post Office Department.

Mr. CLAPP. Mr. President, this matter comes before the Senate, as a good many matters come, in a very unfortunate position, as I view it. The motion is to suspend the rules so that there may be added to the bill an amendment increasing the rate of postage on newspapers and periodicals and reducing the rate of postage on first-class matter. I have long believed that we should reduce the rate on first-class matter, and have on one or two occasions offered a bill for that purpose. On the other hand, I believe that there should be a difference in the postage rate between the ordinary daily paper and periodicals that are devoted almost entirely to advertising.

Mr. BRYAN. Mr. President, does not the Senator recognize that the loss is at least 6 cents a pound? If so, how are we going to injure any of them by making the rate 2 cents a pound?

Mr. CLAPP. In the first place, I do not recognize any such proposition.

Mr. BRYAN. Well, of course, I do not know that. The Senator from Georgia says it is not so.

Mr. SMITH of Georgia. I say that I personally know, so far as the daily papers in my city are concerned, from personal observation of the business, that the statement is a mistake; that it does not cost the Government any 6 cents per pound to handle it, or anything like it, because I have personally paid the bills and personally handled it through express companies at half a cent in the case of a great many papers.

Mr. BRYAN. But this commission authorized by Congress, known as the Hughes Commission, in its report to the President says that the cost is over 6 cents a pound on newspapers.

Mr. CLAPP. Mr. President, I am not at this time discussing the question of what should be done with the proposition to increase the rate, except that I believe that if it can be done there ought to be a distinction made between the ordinary daily paper and the magazine and the advertising periodical. What I am getting at is the legislative exigency that confronts us. Unless we do vote to suspend the rules we can neither reduce the rate nor can we have any opportunity of establishing a distinction between the ordinary daily newspaper and some of these periodicals, which, of course, are little more than advertising mediums. That is the point I was getting at.

Believing, as I do, to begin with, that the time has come—and it ought to have been done before now—when we should reduce the rate on first-class mail matter, I for one shall support the motion to suspend the rules.

ABRAHAM LINCOLN'S BIRTHDAY.

Mr. LEWIS. Mr. President, I am permitted by the honorable members of this committee to divert the argument. I desire to address myself to a subject not now before the Senate, but which I am sure the Senate will welcome. If I were not one of the Senators from Illinois, I would not at this particular time interrupt these proceedings, but my reasons, I am sure, are obvious.

Mr. President, this is the anniversary of the birth of Abraham Lincoln. The Senate can well resolve to commemorate its presence by petitioning to our countrymen that they follow the example set by Lincoln and obey the commands issued by him in the hour when this Government could live only through the devotion of its children and without which it would have died. The precept of Lincoln was that a freeman should live his chosen life by the methods of his own selection, limited only by his responsibility to God and his respect for the rights of his fellow man. To go where he chose, to trade and exchange with the fellow citizenship throughout his country, to enjoy the fruits of his industry, to have what Victor Hugo prayed should be the lot of all men—the broad earth as a field for his struggles for superiority, the whole land as an abiding place, and the opportunities of civilization upon which to enrich his life and elevate the future of mankind.

To-day, in the crisis pending between the United States and lands of Europe, the issue before the world is the issue which Lincoln gave to America—the right of man to exercise liberty of action, freedom of course, and to enjoy justice from all. America must consecrate herself anew to the vows in the pledge of Lincoln, saying: "Let us have faith that right makes might and in that faith let us to the end dare to do our duty as we understand it," and bend every effort to achieve the thing which we know is to the welfare of our citizenship and to the glory of our Republic.

Mr. President, if in this day we hear civilization pleading in the name of God that the Christian century now reeling in death grapple with barbarism shall halt in its crumbling of kingdoms and crushing of empires, we in the Republic of America are not without consolation in the presence of this world's catastrophe. In this cataclysm we behold the coming transformation. It is to be the republican ideal of government—the realized dream of the democracy of man.

We know that when the blood-drenched events have come to their close, and there shall arise the patriots of the new era, seeking for prophets of inspiration and guidance, those who would take increased devotion to the new day will turn to the United States and dedicate their people to those holy standards burning in the sky of the redeemed earth—Lincoln and America.

RECESS.

Mr. CURTIS. Mr. President, as a mark of respect to the memory of Mr. Lincoln, I move that the Senate take a recess until 8 o'clock.

The motion was unanimously agreed to, and (at 5 o'clock p. m.) the Senate took a recess until 8 o'clock p. m.

EVENING SESSION.

The Senate reassembled at 8 o'clock p. m., on the expiration of the recess.

CALEB T. HOLLAND.

The PRESIDING OFFICER (Mr. SHEPPARD in the chair). The Secretary will announce the first bill on the calendar at the point where we are to begin this evening.

The bill (S. 7601) for the relief of Caleb T. Holland was announced as first in order on the calendar.

Mr. SMITH of Georgia. Is there any Senator present who is interested in this bill?

The PRESIDING OFFICER. The Chair is advised that this bill was reached at the last meeting at which we considered the calendar.

Mr. SMITH of Georgia. My own view would be that when a bill is reached and no Senator is present who is interested in it or is willing to be sponsor for it, we might as well carry it to the calendar under Rule IX and get it out of the way for the balance of the session, unless some one moves to take it from its place on the calendar.

Mr. GALLINGER. I should object to that. A Senator might not be present at one time and he might be present at the next call of the calendar. I do not think we would be treating him fairly with only five or six Senators present here to-night.

Mr. MYERS. I think when a bill is called and the author of the bill or a Senator from the State which it affects is not present, and no one can explain it, it ought simply to go over and retain its place on the calendar.

Mr. GALLINGER. Let us proceed with the order and consider unobjected cases.

The PRESIDING OFFICER. If there is no objection, the Secretary will read the bill.

Mr. SMITH of Georgia. I desire to ask if any Senator is here who is familiar with this bill?

Mr. SHERMAN entered the Chamber.

The PRESIDING OFFICER. The Senator who introduced the bill has arrived.

Mr. SMITH of Georgia. All right.

The PRESIDING OFFICER. The Secretary will read the bill, as the Senator from Georgia withdraws his objection, the Chair understands.

Mr. SMITH of Georgia. I withdraw my objection.

The bill was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Caleb T. Holland, who was a private of Company E, Sixtieth Regiment Illinois Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said company and regiment on the 18th day of April, 1864: *Provided*, That no bounty, pay, or allowance shall be held to have accrued prior to the passage of this act.

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

JAMES GLOSTER.

The bill (S. 1379) for the relief of James Gloster was announced as next in order.

Mr. SMITH of Georgia. I desire to know if there is any Senator present who is familiar with the facts in regard to this bill.

The PRESIDING OFFICER. The author of the bill is the Senator from Washington [Mr. POINDEXTER].

Mr. SMITH of Georgia. Let it go over.

Mr. GALLINGER. The report gives the facts in the case. I think we ought to take the trouble to look at the report.

The PRESIDING OFFICER. Does the Senator from Georgia object?

Mr. CATRON. Several of the bills now reached on the calendar were reported by the Senator from Washington [Mr. POINDEXTER] and the Senator from Delaware [Mr. DU PONT], from the Committee on Military Affairs, and every one of them, I think, is meritorious. The object is simply to relieve old soldiers from a technical charge of desertion or something of that kind, and it seems to me that they ought to be passed. Every one is meritorious. They were considered in the Committee on Military Affairs and considered very carefully. Of all the men who carefully investigate such matters the Senator from Delaware [Mr. DU PONT] is the most careful.

Mr. SMITH of Georgia. Is there anyone present who can state that he has investigated the case and is satisfied that the charge of desertion is unfounded?

Mr. CATRON. I will say that I was in the Committee on Military Affairs when the case was investigated, and I helped investigate it.

Mr. SMITH of Georgia. You personally reached the conclusion that the charge of desertion was unfounded?

Mr. CATRON. Yes; I did. I was in favor of reporting the bill favorably.

Mr. SMITH of Georgia. You personally reached the conclusion from the facts that the charge of desertion was unfounded?

Mr. CATRON. Yes.

Mr. SMITH of Georgia. And that for that reason it ought to be removed?

Mr. CATRON. Yes; that the charge should be removed.

Mr. SMITH of Georgia. Very well.

Be it enacted, etc, That in the administration of the pension laws and the laws governing rights and privileges of honorably discharged soldiers, James Gloster, late of the Twenty-seventh Independent Battery, New York Volunteer Light Artillery, shall be held and considered to have been honorably discharged as a member of said company and regiment on the 7th day of April, 1864: *Provided*, That no pension shall accrue prior to passage of this Act.

The bill was reported from the Committee on Military Affairs with an amendment, in line 9, to strike out "seventh" and insert "twenty-ninth," and, in the same line, to strike out "April" and insert "March."

The amendment was agreed to.

Mr. GALLINGER. The proviso is different from our usual form. It provides that no pension shall accrue. I move to

strike out the word "pension" and insert the words "pay, bounty, or other emoluments."

The amendment was agreed to.

Mr. GALLINGER. On line 11 I move to insert the word "the," so as to read "to the passage."

The amendment was agreed to.

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

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

JOHN DOYLE, ALIAS JOHN GEARY.

The bill (S. 2362) for the relief of John Doyle, alias John Geary, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That in the administration of the pension laws and the laws conferring rights and privileges upon honorably discharged soldiers of the Volunteer Army John Doyle, alias John Geary, shall be held and considered to have been honorably discharged from the military service of the United States as a private, Company C, Eleventh Regiment Illinois Volunteer Cavalry, on the 10th day of January, 1863.

The bill was reported from the Committee on Pensions with an amendment to add the following proviso:

Provided, That no back pension, pay, bounty, or other emolument shall be paid by reason of the passage of this act.

The amendment was agreed to.

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

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

FRANCIS M. ATHERTON.

The bill (S. 3269) for the relief of Francis M. Atherton was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That in the administration of the pension laws Francis M. Atherton shall hereafter be held and considered to have been mustered into the service of the United States as a member of the First Battery Vermont Volunteer Light Artillery on the 15th day of March, 1862, and to have been honorably discharged from the same on the 1st day of February, 1863, and to have been mustered into the service of the United States as an unassigned recruit on the 19th day of December, 1863, and to have been honorably discharged from the same on the 9th day of March, 1864.

Mr. GALLINGER. Let the usual proviso be inserted that no pay, bounty, or other emolument shall accrue prior to the passage of this act.

The SECRETARY. On page 2, line 3, after the word "sixty-four" and before the period, insert:

Provided, That no pay, bounty, or other emolument shall accrue prior to the passage of this act.

The amendment was agreed to.

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

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

WILLIAM THOMAS WINSTANLEY.

The bill (S. 7316) for the relief of William Thomas Winstanley was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That in the administration of the pension laws William Thomas Winstanley shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Battery B, Fifth Regiment United States Artillery, on the 11th day of July, 1865: *Provided*, That no pension shall accrue prior to the passage of this act.

Mr. GALLINGER. I move that the word "pension" be stricken out and "pay, bounty, or other emolument" be inserted.

The SECRETARY. In line 8 strike out the word "pension" and insert the words "pay, bounty, or other emoluments."

The amendment was agreed to.

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

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

REFUND OF DUTIES.

The bill (H. R. 9288) providing for the refund of certain duties illegally levied and collected on acetate of lime was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Standard Chemical Iron & Lumber Co., of Toronto, Canada, the sum of $881.30 and interest, being the amount illegally levied and collected on 391,719 pounds of acetate of lime.

Mr. CURTIS. Is it customary to pay interest?

Mr. SMOOT. No; it is not customary to pay interest.

Mr. CURTIS. I have no objection to the bill, but——

Mr. SMOOT. The words "and interest" ought to be stricken from the bill.

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. On page 1, line 7, after the numerals, strike out the words "and interest."

The amendment was agreed to.

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

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

The bill was read the third time, and passed.

STATUE OF ADMIRAL DUPONT.

The joint resolution (S. J. Res. 205) authorizing the removal of the statue of Admiral Dupont in Dupont Circle, in the city of Washington, D. C., and the erection of a memorial to Admiral Dupont in place thereof was considered as in Committee of the Whole.

Mr. GALLINGER. I move that the word "joint" be inserted before "resolution" on page 2, line 7.

The amendment was agreed to.

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

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

COAL LANDS, ETC., IN ALASKA.

The bill (S. 41) to provide for agricultural entries on coal lands in Alaska was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands with amendments, on page 1, line 5, after the word "coal," to insert "oil, or gas"; in line 6, after the word "coal," to insert "oil, or gas"; in line 10, after the word "coal," to insert "oil, or gas"; on page 2 line 2, after the word "coal," to insert "oil, or gas"; in line 3, after the word "coal," insert "oil, or gas"; in line 9, after the word "coal," insert "oil, or gas"; in line 16, after the word "coal," insert "oil, or gas"; in line 18, after the word "coal," insert "oil, or gas"; in line 21, after the word "coal," insert "oil, or gas"; in the same line, after the word "coal," where it appears the second time, insert "oil, or gas"; in line 23, after the word "coal," to insert "oil, or gas"; in line 24, after the word "coal," to insert "or to drill for and remove the oil or gas"; on page 3, line 3, after the word "coal," to insert "oil, or gas"; in line 8, after the word "coal," to insert "oil, or gas"; in line 9, after the word "mine," insert "drill for"; in line 12, after the word "coal," insert "oil, or gas"; in line 13, after the word "coal," insert "or drill for and remove the oil or gas"; and on page 4, line 1, after the word "coal," insert "oil, or gas," so as to make the bill read:

Be it enacted, etc., That from and after the passage of this act homestead claims may be initiated by actual settlers for public lands of the United States in Alaska known to contain workable coal, oil, or gas deposits, or that may be valuable for the coal, oil, or gas contained therein, and which are not otherwise reserved or withdrawn, whenever such claim shall be initiated with a view of obtaining or passing title with a reservation to the United States of the coal, oil, or gas in such lands, and of the right to prospect for, mine, and remove the same; and any settler who has initiated a homestead claim in good faith on lands containing workable deposits of coal, oil, or gas, or that may be valuable for the coal, oil, or gas contained therein, may perfect the same under the provisions of the laws under which the claim was initiated, but shall receive the limited patent provided for in this act: *Provided, however*, That should it be discovered at any time prior to the issuance of a final certificate on any claim initiated for unreserved lands in Alaska that the lands are coal, oil, or gas in character, the patent issued on such entry shall contain the reservation required by this act.

SEC. 2. That upon satisfactory proof of full compliance with the provisions of the laws under which the entry is made and of this act the entryman shall be entitled to a patent to the lands entered by him, which patent shall contain a reservation to the United States of all the coal, oil, or gas in the land so patented, together with the right to prospect for, mine, and remove the same. The coal, oil, or gas deposits so reserved shall be subject to disposal by the United States in accordance with the provisions of the laws applicable to coal, oil, or gas deposits or coal, oil, or gas lands in Alaska in force at the time of such disposal. Any person qualified to acquire coal, oil, or gas deposits, or the right to mine and remove the coal or to drill for and remove the oil or gas under the laws of the United States, shall have the right at all times to enter upon the lands entered or patented, as provided by the provisions of this act, for the purpose of prospecting for coal, oil, or gas therein, upon the approval by the Secretary of the Interior of a bond or undertaking to be filed with him as security for the payment of all damages to the crops and improvements on such lands by reason of such prospecting. Any person who has acquired from the United States the coal, oil, or gas deposits in any such land, or the right to mine, drill for, or remove the same, may reenter and occupy so much of the surface thereof as may be required for all purposes reasonably incident to the mining and removal of the coal, oil, or gas therefrom and mine and remove the coal or drill for and remove the oil or gas upon payment of the damages caused thereby to the owner thereof, or upon giving a good and sufficient bond or undertaking in an action instituted in any competent court to ascertain and fix said damages: *Provided*, That the owner under such limited patent shall have the right to mine the coal for use on the land for domestic purposes at any time prior to the disposal by the United States of the

coal deposits: *Provided further*, That nothing in this act shall be construed as authorizing the exploration upon or entry of any coal deposits withdrawn from such exploration and purchase: *And provided further*, That nothing herein contained shall be held or construed to authorize the entry or disposition of withdrawn or classified coal lands or lands valuable for coal, oil, or gas under section 2306, United States Revised Statutes, or acts amendatory thereof or supplementary thereto, commonly known as soldiers' homestead law.

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.

REGISTERS AND RECEIVERS OF DISTRICT LAND OFFICES.

The bill (S. 7767) relating to the temporary filling of vacancies occurring in the offices of register and receiver of district land offices was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands with an amendment, on page 1, line 11, after the word "register," to strike out "and" and insert "or," so as to make the bill read:

Be it enacted, etc., That in case of the death, resignation, or refusal or inability to act of any register or receiver of any district land office the Secretary of the Interior shall be, and he is hereby, authorized to designate some employee of his department to perform the duties of such officer until the disability of such officer is removed or his successor is appointed and qualified: *Provided*, That the person so designated shall receive the same compensation as would be allowed to a regularly appointed register or receiver while so acting.

The amendment was agreed to.

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

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

The title was amended so as to read: "A bill relating to the temporary filling of vacancies occurring in the offices of register or receiver of district land offices."

PENSIONS AND INCREASE OF PENSIONS.

The bill (H. R. 19937) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and to certain widows and dependent children of soldiers and sailors of said war, was announced as next in order.

Mr. SMITH of Georgia. Mr. President, I have been requested by a half dozen Senators to ask that this and the next two bills go over.

Mr. WARREN. I hope the Senator will not do that. The chairman of the Committee on Pensions is present.

Mr. JOHNSON of Maine. I hope the Senator from Georgia will not insist on that course.

Mr. SMITH of Georgia. The chairman of the Committee on Pensions having come in, I will leave the matter to his control.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with amendments.

The first amendment was, on page 3, after line 17, to strike out:

The name of Cordelia Briggs, widow of Ansel S. Briggs, late of Company F, Thirty-third Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 6, line 3, before the words "per month," to strike out "$36" and insert "$30," so as to make the clause read:

The name of Alexander Swisher, late of Company I, One hundred and forty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 6, line 7, before the words "per month," to strike out "$36" and insert "$30," so as to make the clause read:

The name of John F. Michael, late of Company C, One hundred and eighty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 9, line 22, before the words "per month," to strike out "$36" and insert "$30," so as to make the clause read:

The name of James H. Campbell, late of Company F, Thirty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 12, after line 6, to strike out:

The name of David Gilchrist, late of Company B, Thirty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 13, line 22, before the word "late," to strike out the name "Brown" and insert "Bowers," so as to make the clause read:

The name of Henry C. Bowers, late of Company B, Fifteenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, at the top of page 14, to strike out:

The name of Thomas Phillips, late of Company G, One hundred and tenth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 15, after line 9, to strike out:

The name of Henriette L. Eggert, former widow of William Lehman, late of Company F, Eighth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 17, line 15, before the words "per month," to strike out "$36" and insert "$30," so as to make the clause read:

The name of George Lee, late of Company A, Second Regiment North Carolina Volunteer Mounted Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, at the top of page 20, to strike out:

The name of Alonzo Pendland, late unassigned, Thirty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 21, after line 12, to strike out:

The name of Charles S. Hubbard, late of Company K, Third Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 22, line 3, before the words "per month," to strike out "$30" and insert "$24," so as to make the clause read:

The name of Philip McKinney, late of Company B, One hundred and Sixty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 22, line 14, before the words "per month," to strike out "$27" and insert "$24," so as to make the clause read:

The name of George Lloyd, late of Company F, One hundred and thirty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 24, line 1, before the words "per month," to strike out "$40" and insert "$27," so as to make the clause read:

The name of Cornelius McCafferty, late of Company D, Second Regiment Illinois Volunteer Light Artillery, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 26, after line 6, to strike out:

The name of Annie M. France, helpless and dependent child of William France, late of Company F, One hundred and fourteenth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 29, after line 2, to strike out:

The name of Samuel Shoup, late of Company K, One hundred and second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 29, line 13, before the words "per month," to strike out "$40" and insert "$30," so as to make the clause read:

The name of Andrew Kerr, late of Company B, One hundred and ninety-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 30, after line 14, to strike out:

The name of J. Harrison Rennard, late of Company K, One hundred and twenty-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 31, after line 15, to strike out:

The name of Isaiah E. Lawrence, late of Company E, One hundred and sixty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 32, line 10, before the words "per month," to strike out "$30" and insert "$24," so as to make the clause read:

The name of Alethea L. Sands, widow of Charles J. Sands, late of Company G, Thirteenth Regiment, and Company M, Sixth Regiment, New York Heavy Artillery, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 32, after line 11, to strike out:

The name of Margaret McEvoy, widow of William McEvoy, late of Company D, Permanent Party, General Service Recruits, United States Army, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 33, after line 18, to strike out:

The name of Lucy W. Lockwood, widow of George M. Lockwood, late of Company F, Thirty-third Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The amendment was agreed to.

The next amendment was, on page 34, line 14, before the words "per month," to strike out "$36" and insert "$30," so as to make the clause read:

The name of Francis R. Culp, late of Company K, Seventy-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 36, line 11, before the name "Ingram," to strike out "Pitzer" and insert "Pitsar," and in line 13, before the words "per month," to strike out "$30" and insert "$24," so as to make the clause read:

The name of Pitsar Ingram, late of Company D, Sixty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 36, after line 22, to strike out:

The name of Alanson Tilden, late of Fifty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 37, line 17, before the words "per month," to strike out "$36" and insert "$30," so as to make the clause read:

The name of Charles H. Williams, late of Company F, Fifty-third Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 39, line 16, before the words "per month," to strike out "$30" and insert "$24," so as to make the clause read:

The name of John B. Gillaspie, late of Company G, One hundred and fifty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 39, line 20, before the words "per month," to strike out "$40" and insert "$30," so as to make the clause read:

The name of Edmond Ames, late of Company H, One hundred and fifty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 39, line 24, before the words "per month," to strike out "$30" and insert "$24," so as to make the clause read:

The name of Benjamin B. Griffith, late of Company F, One hundred and seventieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 40, after line 7, to strike out:

The name of Horace F. Calkins, late of Company F, Second Regiment Connecticut Volunteer Heavy Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 41, line 17, before the words "per month," to strike out "$36" and insert "$30," so as to make the clause read:

The name of John E. Whipple, late of Company F, Ninth Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 42, line 6, before the words "per month," to strike out "$40" and insert "$30," so as to make the clause read:

The name of William Heller, late of Company K, Eleventh Regiment Maryland Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 42, line 14, before the words "per month," to strike out "$36" and insert "$30," so as to make the clause read:

The name of William G. Richey, late of Company C, One hundred and fifty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 42, line 16, after the word "Company," to strike out the initial "C" and insert the initial "E," so as to make the clause read:

The name of Charles Young, late of Company E, Ninety-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment was agreed to.

Mr. WARREN. Mr. President, I wish to offer an amendment to one item of the bill, in line 24, page 45.

The PRESIDING OFFICER (Mr. WALSH in the chair). The Chair will say that that point in the reading of the bill has not yet been reached. The Secretary is reading the bill at page 42.

Mr. WARREN. I understand that the last amendment up to that point had been stated.

The PRESIDING OFFICER. Will the Senator defer his amendment until we get through with the committee amendments?

Mr. WARREN. I have no wish to be otherwise than agreeable about it; and if that is the mode of procedure which has been decided upon, I shall wait until the committee amendments are concluded.

The reading of the bill was resumed.

The next amendment of the Committee on Pensions was, on page 42, after line 23, to strike out:

The name of George R. Bowker, late of Company L, Fourteenth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $15 per month.

The amendment was agreed to.

The next amendment was, on page 43, line 6, after the word "Regiment," to insert "Maine Volunteer Heavy Artillery," so as to make the clause read:

The name of James B. Erskine, late of Company B, First Regiment Maine Volunteer Heavy Artillery, and Company A, Thirty-first Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 45, line 3, before the words "per month," to strike out "$36" and insert "$24," so as to make the clause read:

The name of Samuel B. Shadle, late of Company A, Eighth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 45, line 14, before the words "per month," to strike out "$36" and insert "$24," so as to make the clause read:

The name of Daniel Hough, late of United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 46, after line 6, to strike out:

The name of Albert Bennett, late of Company A, Twenty-fifth Regiment New York State Militia Infantry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 46, line 24, before the words "per month," to strike out "$40" and insert "$30," so as to make the clause read:

The name of Victor E. Burnham, late of Company B, First Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 51, after line 12, to strike out:

The name of John A. Medley, late of Company G, Ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 51, line 22, before the name "Fisher," to strike out "Josn" and insert "John," and in line 24, before the words "per month," to strike out "$30" and insert "$24," so as to make the clause read:

The name of Dorothy Fisher, widow of John Fisher, late of Company A, Sixth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 52, line 11, before the words "per month," to strike out "$50" and insert "$40," so as to make the clause read:

The name of Charles Grant, late of Company C, Eighteenth Regiment Ohio Volunteer Infantry, and pay him pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 54, line 5, before the words "per month," to strike out "$30" and insert "$24," so as to make the clause read:

The name of William W. Keen, late of Company F, Eighty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 55, after line 14, to strike out:

The name of John Cochrane, late of Company A, Third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 57, after line 10, to strike out:

The name of Levi Coon, late of Company E, Fifty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 60, line 7, after the words "widow of," to strike out "Elias" and insert "Ellis," so as to make the clause read:

The name of Emily W. Lothrop, widow of Ellis A. Lothrop, late of Company B, Eleventh Regiment Maine Volunteer Infantry, and pay her at pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 62, line 6, after the word "receiving," to insert "*Provided*, That in the event of the death of Libbie Nokes, helpless and dependent child of said Oscar Nokes, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Henrietta Nokes the name of Libbie Nokes shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Henrietta Nokes," so as to make the clause read:

The name of Henrietta Nokes, widow of Oscar Nokes, late of Company F, Twenty-sixth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Libbie Nokes, helpless and dependent child of said Oscar Nokes, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Henrietta Nokes the name of Libbie Nokes shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Henrietta Nokes.

The PRESIDING OFFICER. That completes the committee amendments. The Chair now recognizes the Senator from Wyoming.

Mr. WARREN. Mr. President, the case to which I alluded a moment ago is that of Corpl. William H. Cranston, late of Company C, Forty-ninth Regiment Massachusetts Volunteers.

Mr. Cranston and I enlisted in the same week in the same company and the same regiment and went to the war together under muskets as privates in the Forty-ninth Massachusetts Infantry.

Mr. Cranston was one of the finest characters that I have ever known in any walk of life. He was a man who had the respect of everyone. He was exemplary morally, he was straight in discipline, and soldierlike in all his qualities. He was soon made corporal, and then was made a color bearer of the regiment.

I knew him well because we had the same shelter and almost the same blanket when we had tents and blankets, and when we had nothing left but our poncho blanket and nothing but the mud of the cotton fields to rest ourselves upon we were still comrades and members of the same company.

In the terrible slaughter that followed our attack on Port Hudson on the 27th of May, volunteers were called for for a storming party. Mr. Cranston felt he could not volunteer, and I was informed nearly shed tears because by reason of the position he occupied as bearer of the colors he could not volunteer for detail service. His sense of duty was such that he remained with the colors, and was in the thickest of the battle. In less than two hours nearly 33 per cent of the regiment who were in that engagement were killed or wounded, and he, among the others, was severely wounded. He was taken from the field, but was able to resume his place again in the ranks before we were finally discharged.

Mr. Cranston is totally, stone blind; his wife a paralytic. She has just strength enough in her arms to pull herself about the room in a rolling chair. I saw these people last August. I was in Pittsfield, Mass., on the occasion of the reunion of the regiment. I went to his quarters the day before to see him. It was a little bandbox of a place that he had rented, where he had a workshop just large enough to recane cane-bottom chairs. That vocation has been lost to him now, because a factory for that purpose has been established in the town, where that work can be done cheaper if not better.

Mr. Cranston is weak and feeble. I saw him there, as cheerful as a man could be under such circumstances, but he is 76 years old and his wife is 74 or 75 years old. They really should have the attendance of some other person, and they must soon have it, if they have not already had it provided for them since I saw them.

Mr. Cranston has no property whatever; he is dependent upon his pension; and I submit to every Senator present the proposition of how they would feel if in their youth they had given all they had to the country and now in their old age, when they really need attendance, had not the wherewithal even to feed and clothe themselves outside of Government pension.

At this reunion he was brought into the meeting. He is the chaplain of the regiment. He made a prayer in the opening. I never heard a more patriotic, a more God-loving, a more eloquent heart-reaching prayer in my life. It would have done justice to any clergyman and to the church had it been made in one of our populous city churches. He stood there, so thin that he could hardly make a shadow. His wife, of course, was holding herself in her little chair.

I know what the committee rule is, that $50 shall be the maximum granted, but we have raised that $50 in many cases in the past. It is said that it is an exception that proves the rule, and here is a case the like of which may not exist at all among the few patriots left of our Army. Certainly there can not be many. I submit that $72 is the amount that a blind man should have, and I move that this amount shall be made $72 instead of $50.

Mr. JOHNSON of Maine. Mr. President, I most deeply sympathize with the condition of this poor old soldier, as it has been described by the Senator from Wyoming [Mr. WARREN]. We have many distressing cases brought before the Committee on Pensions, and this surely is one which appeals to the sympathies of every right-minded man; but we have had to set a limit as to what we thought should be done, and that limit, as the Senator from Wyoming has stated, is $50 in cases where the soldier needs the care and attendance of another person and has had a long service. In the case of Mr. Cranston we thought we stretched that rule somewhat. His service was a little less than a year. We have considered the cases of soldiers with a service of two or three years who are paralytics——

Mr. WARREN. Mr. President, may I say to the Senator that the services of Mr. Cranston were in full for the time for which he enlisted and nearly three months more? He was unable to reenlist in the Fifty-seventh Veteran Regiment, because his health would not permit.

Mr. JOHNSON of Maine. I appreciate that may have been the situation; but his service was really a little over 11 months. We have had before us the cases of many old soldiers who served two and three years who are blind and paralyzed; and we had the case of one a short time ago who had been bedridden for several years and unable to move himself, requiring the care and attendance of another person.

The committee felt that there would have to be a limit, and not only the present Committee on Pensions but, I think, the preceding committee have set that limit at $50; and we have not gone beyond that since I have been a member of the committee, I will say to the Senator from Wyoming.

Mr. WARREN. I think the committee has allowed $72 to those who were helpless.

Mr. JOHNSON of Maine. I have no recollection of any such case where more than $50 was allowed.

Mr. WARREN. It has been done many times.

Mr. JOHNSON of Maine. The Senator from Utah [Mr. SMOOT] has served upon the committee a long time, and has followed very carefully what we have done, and I think he will bear me out in saying that $50 has been the limit, and I have not known of any case where we have gone beyond that limit.

Mr. WARREN. I will say to the Senator that I do not wish to dispute his word at all, and he is no doubt correct as to the time since he has been chairman of the committee,; but it has been a long time since a case of this kind or anything like it has been brought up and passed upon by the committee. Of course, the limit that has been fixed is only a rule of the committee; but in times past—and I know whereof I speak and could state the cases here and have them go into the RECORD if it were necessary—the committee have in extreme cases, such as the one to which I have called attention, increased the

amount. While it is true that this man served less than a year, there is many a man who served three or five years who never was wounded as severely as Mr. Cranston was wounded in his service, and, as I have said, he has done everything in his power for his country, and he is now 76 years old, with a wife seventy-odd, and neither one of them can procure a living in any manner, being, as I understand it, without a dollar upon which to support themselves other than pension money. It seems to me that this country ought to be grateful enough to make it a little easier for this very deserving but unhappily situated couple during their remaining days.

Mr. JOHNSON of Maine. Mr. President, I wish to assure the Senator from Wyoming that I would be glad to accept the amendment he has offered if I felt that I could do so with justice to others. Upon the same page in the report—page 88—is the case of Martin V. B. Wyman, aged 81 years, a member of a New Hampshire regiment, whose length of service was 2 years, 9 months, and 29 days. As shown by medical and other testimony his condition was this:

Claimant is in a much worse condition and requires the constant aid and attendance of another person, by reason of umbilical and inguinal hernia, and entire loss of use of feet and hands, due to paralysis; that he has no property, means, nor income except his pension, which it is recommended be increased to $50 per month.

We have allowed $50 in that case although the claimant is 81 years old, with a service of nearly three years.

Mr. WARREN. That lies parallel with the case I speak of, except that, in addition, Mr. Cranston is blind and his wife is helpless. While it may be true that that does not bear in one sense upon the amount of pension he should receive, yet there is the condition. Not only is he absolutely without funds and helpless, but his wife of the early days, the woman he probably married before he went to the war, is in the distressing condition to which I have referred. I endeavored to speak with her, but her speech is very defective. I was not able to quite understand what she said, although I think her soldier husband himself does understand her. I hope the amendment may go in the bill, Mr. President.

Mr. SMOOT. Mr. President, it may seem almost heartless upon the part of the members of the Pension Committee to ask that a plea such as that made by the Senator from Wyoming be not granted, but I have been on the Committee on Pensions now for 14 years, and in no case since I have been on that committee has there been a pension granted to a soldier above $50 where, of course, his blindness was not of service origin.

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

Mr. SMOOT. In just a moment. If the blindness in this case was of service origin, if the soldier had become blind because of a wound received in the Army while he was serving in it, under the law he would receive $72 a month, and he would not have to come to Congress for a special act.

I want to say again that if we allow this increase to this soldier there will be not one but there will be thousands of cases as to which the most pathetic stories can be told that mortal man can listen to. I know about these matters. I have heard people appear before the committee pleading for an increase of pension in cases where the soldier was totally helpless and under constant attendance night and day, and in no case, Mr. President, have we granted a pension above $50, unless the soldier required attendance constantly night and day. That is both the rule in the House and the rule in the Senate. This is a House bill and the pension allowed was $50. Therefore, Mr. President, while it may seem, as I have said, heartless on my part, I must be true to myself and true to the position that I have taken in the past, and I hope that the amendment will not be agreed to.

Mr. WARREN. But, Mr. President, this man must have a constant attendant for the remainder of his days. The Senator, who is usually correct, and means always to be correct, is not quite correct in saying that in 14 years there have not been exceptions made. The exceptions have usually been in the case of officers and the wives of officers rather than of enlisted men, but I want to say, Mr. President——

Mr. SMOOT. The Senator does not mean to say that I meant that no officer of the Army had been allowed more than $50?

Mr. WARREN. Well, officers' wives, too.

Mr. SMOOT. I know that that often happens.

Mr. WARREN. The Senator may be more liberal to officers and officers' wives than to enlisted men; it may be that I may be more sympathetic as to enlisted men, because I went to the war as an enlisted man, but this soldier did all that he could have done as an officer; he lived up to his duties and opportunities, and I think it is rather bad practice where we find people in want, as these two are, to pass them over because the claimant happened to be a private soldier, or noncommissioner officer, rather than a commissioned officer. I hope this amendment which I have offered will be accepted.

The Senator has referred to the pension he would be entitled to if his blindness had been occasioned by his service. If this man had been like many others who have received pensions, he would have received his first pension on the ground that his blindness was due to injury received in the service. He is a man, if I may use the term, who is almost overconscientious. He is one of those men of whom we sometimes use the expression, "he stands so straight that he tips over backward"; one of those men that hesitated to state what his friends might state for him, that they could perhaps trace the disability back to his service. But be that as it may, his condition is at present as I have stated. He has naturally but a short time to live. His wife is in the condition that I have stated. I do not know but that already the kind friends have employed some attendants; but if attendants are not there already they must be soon, unless the grim reaper shall intervene.

I hope the amendment will be agreed to.

Mr. MARTINE of New Jersey. Mr. President, I know that the Senator from Utah [Mr. SMOOT] means to be just. He is always just, I believe. I disagree with him in many ways, but I think he is just. But I confess that my heart was touched as I sat and listened to the story told by the Senator from Wyoming [Mr. WARREN], and then the other case, cited in comparison by the Senator from Maine [Mr. JOHNSON], of the poor old man from New Hampshire. One got $50 a month and in the case of the other an increase to seventy-five is being pleaded for.

I shall wind up my career here in a few weeks; and it would be the greatest gratification in the world to me to do full and utter and absolute justice as an American representative in this sad situation to these two old soldiers. I should like to put them both on a $75 pension roll, if that were possible.

Mr. THOMAS (from his seat). Why not make it a hundred?

Mr. MARTINE of New Jersey. No; I do not say make it a hundred. I know men may argue in that way. The Senator from Colorado is just as sympathetic as I am, but I do feel that this is a crying and a touching case. I should like to see the amendment proposed by the Senator from Wyoming adopted, and I have no worry or fear about there being thousands and thousands of such cases coming to us. There will not be any thousands. These men are all old. They are old men, and almost a breath will carry them away. I shall vote with the greatest relish for the amendment offered by the Senator from Wyoming.

Mr. JOHNSON of Maine. Mr. President, I am afraid the Senator from New Jersey does not stand correctly, if he thinks that in the New Hampshire case the amount allowed was $75. It was $50 a month in each case, and that is the limit.

Mr. MARTINE of New Jersey. I know, but I understood that——

Mr. JOHNSON of Maine. And if the Senator would read this bill through he would find many more distressing cases.

Mr. MARTINE of New Jersey. I know there are some.

Mr. JOHNSON of Maine. And the Senator would find that the limit in all of them has been $50. If we should amend this bill now by increasing that amount I feel very sure that the House never would agree to it, and it would not be just to the Members of the Senate. In no case, no matter how distressing, have we gone beyond the $50. We thought it was necessary to have a limit. We can not go into distinctions between these extreme cases. When we found an old man who was helpless and had to have the care and attendance of another person, and he had a good Army record, good service, we have given him $50 as a maximum, and stopped there. The House has had that rule, and we have had that rule.

Mr. MARTINE of New Jersey. Well, it need not be a rigorous, hard and fast rule. It seems to me that where there is a condition as sad as that which has been depicted we ought to have reason and fairness and, I feel, justice enough to make a discrimination in this case. I know that the New Hampshire soldier was given $50, as the Senator states, but I would gladly vote $25 additional for him.

I realize what money it is. I know. I have earned every dollar I have by struggle and hard knocks. I have no desire to fritter away the public money; but we sit here and vote, almost flippantly, millions of dollars on projects the benefit of which is so remote as to be almost intangible. Here is a crying case of need brought almost to our very doors, and I shall vote with the greatest relish for the amendment offered by the Senator from Wyoming.

Mr. GALLINGER. Mr. President, having served on the Committee on Pensions, and having served as chairman of the committee for a good many years, and having had something to do

with making the rules that govern the committee of the Senate and the committee of the House, I realize the difficulties that confront the committee in dealing with these cases; and yet during my service on that committee, notwithstanding the fact that I had the rule to justify what I did, I was overruled more than once when a case was extreme and a plea was made for the soldier by a Member of this body.

The committee have a rule that they will not allow more than $50 to the widow of an officer who has died not as a result of disease contracted in the service; yet when Mrs. Sternberg's case came here the rule had been applied; she was allowed $50, and on my motion, after making a statement as to Gen. Sternberg's great service as Surgeon General of the Army and his scientific attainments, the Senate kindly voted to increase that to $100. It went to the House, where their rule was likewise operative, and yet they yielded the point in that case and allowed Mrs. Sternberg $100 a month, which she is now receiving. So that it is not a hard and fast rule.

I do think, Mr. President, that when a Member of this body enlisted as a young man with a companion, fought side by side with him and witnessed the wound that was inflicted in a charge that was historic in a sense we might well at least amend this amount to $72 and send it to the House for the consideration of the House. It will likely go to conference at best; and if the committee still insist that their rule is an inflexible one, of course it will not be waived.

I dislike exceedingly to put myself in the attitude of opposition to the committee, because I know how justly the committee acts, and I know how kind-hearted the chairman of the committee is. Nevertheless, if a vote is taken on this matter I shall vote to increase this man's pension to $72, in the hope that the committee may be waived in this case, and if there are similar cases I would vote in favor of every one of them when they were presented to the Senate for consideration.

Mr. THOMAS. Mr. President, I recall the case to which the Senator from New Hampshire refers, and I was one of the Members of the Senate who voted for the increase in pension. That was a case, however, standing by itself, as it were. There was but one Gen. Sternberg, and but one record of that sort with which to deal.

The chairman has called attention to the fact that the precedent set in a case like this is one which would inevitably prompt a repetition of these requests, and we shall, before we know it, have established a new rule for special pensions—the $75 rule in place of $50.

I believe I am as sympathetic as any Member of this body, but of course the principle upon which pensions are granted is not one of sympathy. It is one of merit. I think, in view of what the chairman of the committee has said with regard to the consequence of the precedent which would be established by this application, in which the senior member of the committee on the Republican side so heartily concurs, that we ought not to grant this increase. I do not want to object to the consideration of this bill, and I do not intend to if I can help it.

Mr. WARREN. Mr. President, I want to assure the Senator that there have been a number of cases heretofore where the enlisted men have been recognized in the way I say. It is the first time I have ever asked anything of the kind, but it does seem to me as if, in a case like this, so closely associated with myself, I could not let the occasion pass by without putting this man on a basis upon which many others have been put.

Mr. THOMAS. I am not criticizing the Senator from Wyoming in the slightest degree. On the contrary, I am disposed to concur in and grant any and everything that the Senator wants here, so far as I can; but I shrink from setting this precedent, which the chairman of the committee himself declares is a precedent and a new one, and in which the Senator from Utah concurs. Consequently, I must object to the consideration of this bill if we are to entertain amendments of this character. I do not want to do it.

Mr. SMOOT. Mr. President, to be perfectly frank, I want to say that there was one case in which the Senate, at the earnest solicitation of the late Senator Bradley, of Kentucky, granted an increase from $50 to $60, but that went into conference, the House refused to agree to it, and the amount was put back at $50. So, as far as the action of the Senate is concerned, I want to be perfectly fair in stating just what the Senate has done; and it did that at the earnest solicitation of Senator Bradley, of Kentucky.

Mr. WARREN. I will say to the Senator from Utah that similar action was taken in a number of cases before the one the Senator speaks about in connection with Senator Bradley, some of which were agreed to by the House in conference, and some were not.

Mr. SMOOT. Does the Senator claim that there are cases of private soldiers who have been granted, by special act of Congress, more than $50 a month?

Mr. WARREN. Why, certainly; certainly.

Mr. SMOOT. I mean within 12 or 14 years?

Mr. GALLINGER. I can assure the Senator from Utah that there are a good many, but they antedated the time when the Senator from Utah became a member of the committee. There is no doubt about that.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Wyoming to increase the amount from $50 to $72.

The amendment was agreed to on a division.

Mr. THOMAS. Mr. President, I shall be obliged to object to the further consideration of the bill.

Mr. CURTIS. I hope the Senator will not do that.

Mr. WARREN. Mr. President, I dislike very much to see my friend, the Senator from Colorado, take that course. I know my poor blind friend would not wish to impede this bill because of the hundreds of others interested in it. He would not see others deprived of their pensions because of this action in increasing his pension. I hope the Senator will not take that course. I do not think he himself would feel right about it afterwards.

The PRESIDING OFFICER. The Chair understands that objection is made to the further consideration of the bill.

Mr. WARREN. Does the Senator insist upon the objection?

Mr. THOMAS. I do.

Mr. WARREN. Mr. President, I am not going to let an amendment of mine stand against the other poor men that need pensions. I know that my unselfish friend Cranston would not wish me to do it. I regret—I regret very much—that the Senator from Colorado should feel as he does about it. I am willing to withdraw the amendment rather than see other pensioners suffer.

The PRESIDING OFFICER. Without objection, the vote by which the amendment was adopted will be reconsidered. The question now recurs upon the amendment.

Mr. WARREN. If the Senator insists upon his objection, rather than have this bill defeated I am going to withdraw the amendment, if I am permitted to do so.

Mr. THOMAS. Then I withdraw the objection to the consideration of the bill.

The PRESIDING OFFICER. The amendment offered by the Senator from Wyoming has been withdrawn. The bill is still in Committee of the Whole and open to amendment.

Mr. JOHNSON of Maine. Mr. President, I have certain amendments, made necessary because some of the claimants have died since the bill was introduced.

The PRESIDING OFFICER. The amendments will be stated.

The SECRETARY. On page 25, strike out lines 11, 12, 13, and 14, relative to Frederic Brunner.

The amendment was agreed to.

The SECRETARY. On page 26, strike out lines 19, 20, 21, and 22, relative to Henry O. Nickerson.

The amendment was agreed to.

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

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

The bill was read the third time and passed.

The bill (S. 8113) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent relatives of such soldiers and sailors, was considered as in Committee of the Whole. It proposes to pension the following-named persons at the rates named:

Clara Talbot, widow of George W. Talbot, late of Company E, Tenth Regiment Massachusetts Volunteer Infantry, $20 per month in lieu of that she is now receiving.

C. Ella Hartwell, widow of Charles Hartwell, late of Company D, Twenty-sixth Regiment New York Volunteer Cavalry, $20 per month in lieu of that she is now receiving.

John Fleegle, late of Company B, Fifth Regiment Pennsylvania Reserves Volunteer Infantry, $40 per month in lieu of that he is now receiving.

William J. Pfaff, late of Company A, and quartermaster sergeant, One hundred and first Regiment Indiana Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Lewis G. Smith, late of Company K, Fourteenth Regiment Indiana Volunteer Infantry, $50 per month in lieu of that he is now receiving.

John S. Miles, late of Company H, Forty-second Regiment Missouri Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Ellen A. Paine, widow of Irving H. Paine, late of Company B, Fourth Regiment Vermont Volunteer Infantry, $20 per month in lieu of that she is now receiving.

John P. Hicks, late of Company A, Fifth Regiment Provisional Enrolled Missouri Militia, $30 per month in lieu of that he is now receiving.

Abraham Swango, late of Company G, One hundred and forty-eighth Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Peter Egan, late of Company I, Eighty-first Regiment Ohio Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Samuel Tibbets, late of Company K, Eighth Regiment Indiana Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Thomas F. Stockton, late of Company E, One hundred and fifty-fourth Regiment Indiana Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Martha Beard, widow of William Beard, late of Company K, Eighty-eighth Regiment Indiana Volunteer Infantry, $20 per month in lieu of that she is now receiving.

George P. T. Douglas, late of Company L, Seventh Regiment Indiana Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

James C. Young, late of Company G, Thirty-eighth Regiment Indiana Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Daniel E. Washburn, alias David E. Washburn, late of Company D, One hundred and thirty-eighth Regiment Indiana Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Henry S. Lane, late of Company A, Seventy-sixth Regiment Illinois Volunteer Infantry, $50 per month in lieu of that he is now receiving.

William Smith, late of Company M, Ninth Regiment Ohio Volunteer Cavalry, $36 per month in lieu of that he is now receiving.

Williamson R. Barton, late unassigned One hundred and eighty-fifth Regiment, and Company H, One hundred and eighty-sixth Regiment, Ohio Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Henry Moullenhour, late of Company I, One hundred and fifty-first Regiment Indiana Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Lillie N. Babbitt, widow of Allen Babbitt, late of Company D, Eighteenth Regiment Connecticut Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Charles Mallatte, late first lieutenant Company B, Fifty-first Regiment Indiana Volunteer Infantry, $50 per month in lieu of that he is now receiving.

William H. Beal, late of Company B, One hundred and thirty-sixth Regiment Illinois Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Mary R. Rash, widow of Lawson Rash, late of Company C, Ninth Regiment Indiana Volunteer Infantry, $20 per month in lieu of that she is now receiving.

John Willford, late of Company A, Thirteenth Regiment Ohio Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Catherine C. Lay, widow of John L. Lay, late acting first assistant engineer, United States Navy, $24 per month in lieu of that she is now receiving.

Joel A. Griffin, late of Company F, Eleventh Regiment Indiana Volunteer Cavalry, $36 per month in lieu of that he is now receiving.

Hiram Muir, late of Company C, Seventh Regiment Indiana Volunteer Cavalry, and Company C, One hundred and fifty-sixth Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Jesse Denny, late of Company G, Thirteenth Regiment Kentucky Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

William H. Branaman, late of Company D, Forty-ninth Regiment Kentucky Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Berry H. Smith, late of Company I, Forty-ninth Regiment Kentucky Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Charles S. Thompson, late of Company I, Fourteenth Regiment Maine Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Jonas O. Johnson, late of Company A, First Regiment Nebraska Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Joseph Beckwith, late of Company A, One hundred and thirty-eighth Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Thomas J. Yount, late of Company L, First Regiment Indiana Volunteer Heavy Artillery, $36 per month in lieu of that he is now receiving.

John A. Fike, late of Company F, Twentieth Regiment Indiana Volunteer Infantry, $36 per month in lieu of that he is now receiving.

John P. Ham, late of Company F, Twenty-fourth Regiment Kentucky Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Otis B. Patterson, late of Company E, Nineteenth Regiment Maine Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Thomas J. Lowery, late of Company I, Thirty-ninth Regiment Missouri Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Gustavus A. Kindblade, late of Company G, Fourth Regiment Iowa Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Alfred Slippey, late of Company F, Fifty-fifth Regiment Pennsylvania Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Andrew F. Johnson, late of Company A, Seventh Regiment Iowa Volunteer Infantry, $40 per month in lieu of that he is now receiving.

The name of Lemuel Stokes, late of Company C, Forty-fifth Regiment United States Colored Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Patrick Kine, late of Company F, Thirty-fourth Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Alphonzo J. Cunningham, late of Company A, Maine Volunteer Coast Guards, $36 per month in lieu of that he is now receiving.

Delano Myers, late of Company G, Thirty-third Regiment, and Company F, Thirty-fourth Regiment, Iowa Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Isaac Weaver, late of Company B, Twelfth Regiment Kentucky Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Niles H. Arnold, late of Company I, First Regiment Connecticut Volunteer Heavy Artillery, $50 per month in lieu of that he is now receiving.

Jesse W. Casteel, late of Company H, Thirty-first Regiment Ohio Volunteer Infantry, and Company B, Second Regiment United States Infantry, $40 per month in lieu of that he is now receiving.

Phylow A. Heath, late of Company F, Twenty-second Regiment Indiana Volunteer Infantry, $36 per month in lieu of that he is now receiving.

William Brunette, late of Company I, Twenty-sixth Regiment Kentucky Volunteer Infantry, $30 per month in lieu of that he is now receiving.

John C. Smith, late of Company K, Eighth Regiment Iowa Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Jerome Goforth, late of Company E, Ninth Regiment Kansas Volunteer Cavalry, $36 per month in lieu of that he is now receiving.

John Christian Hohmann, late of Company A, Second Northeast Regiment, Missouri Home Guards, $12 per month.

John A. Vanderhoff, late of Company F, First Regiment New Jersey Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Samuel B. Swift, late of Company I, Third Regiment Iowa Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

John Irvin, late of Companies G and C, Nineteenth Regiment Pennsylvania Volunteer Cavalry, $36 per month in lieu of that he is now receiving.

James P. Hardin, late of Company B, Sixth Regiment Kentucky Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Harvey W. Cory, late of Company H, Tenth Regiment Iowa Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Josiah Sadler, late of Company H, Third Regiment Iowa Volunteer Cavalry, $40 per month in lieu of that he is now receiving.

Elijah Cox, late of Company D, Forty-ninth Regiment Kentucky Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Hugh Findlay, late of Company C, Eighth Regiment Iowa Volunteer Cavalry, $36 per month in lieu of that he is now receiving.

Allen J. Freeland, late of Company I, Sixth Regiment West Virginia Volunteer Infantry, $40 per month in lieu of that he is now receiving.

William Hanger, late of Company D, Thirteenth Regiment Indiana Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

George W. Hupp, late of Company K, One hundred and thirteenth Regiment Ohio Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Paul Sullivan, alias Matthias G. Clark, late of Company A, Eighth Regiment Missouri Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Mary C. Hill, widow of James H. Hill, late of Company A, One hundred and fifty-fifth Regiment Indiana Volunteer Infantry, $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Mary Agnes Hill, helpless and dependent child of said James H. Hill, the additional pension herein granted shall cease and determine: *Provided further*, That in the event of the death of Mary C. Hill, the name of said Mary Agnes Hill shall be placed on the pension roll at $12 per month from and after the date of death of Mary C. Hill.

Emil Schincke, late of Company F, Fifteenth Regiment New York Volunteer Heavy Artillery, $30 per month in lieu of that he is now receiving.

Garrett F. Cowan, late of Company G, Twelfth Regiment Wisconsin Volunteer Infantry, $36 per month in lieu of that he is now receiving.

John French, late of Company B, Fourth Regiment Kentucky Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Lewis Fulton, late of Company E, One hundred and seventy-fourth Regiment Ohio Volunteer Infantry, $30 per month in lieu of that he is now receiving.

William H. Hayes, late acting assistant surgeon, United States Army, $21 per month in lieu of that he is now receiving.

Stephen O. Meyers, late of Company H, Seventeenth Regiment Wisconsin Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Mary J. Lynch, widow of Daniel Lynch, late of Ninth unattached Company, Massachusetts Militia Infantry, $12 per month.

Charles H. Minson, late of Company I, Twenty-sixth Regiment Connecticut Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Charles A. Potter, late of Company D, First Regiment Connecticut Volunteer Heavy Artillery, $36 per month in lieu of that he is now receiving.

George A. Crowley, late of Company F, First Regiment Maine Volunteer Heavy Artillery, $40 per month in lieu of that he is now receiving.

James H. Colby, late of Company I, Thirty-second Regiment Maine Volunteer Infantry, $30 per month in lieu of that he is now receiving.

James Duke, late of Company E, One hundred and forty-eighth Regiment Indiana Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Loren E. Steward, late of Company G, Twenty-sixth Regiment Maine Volunteer Infantry, $30 per month in lieu of that he is now receiving.

William H. Harris, late of Company I, Ninth Regiment New York Volunteer Heavy Artillery, $30 per month in lieu of that he is now receiving.

Stephen Sutton, late of Company K, Fourth Regiment Indiana Volunteer Cavalry, and of Company E, Twelfth Regiment Veteran Reserve Corps, $40 per month in lieu of that he is now receiving.

Martin V. Rand, late of Company B, Second Regiment Wisconsin Volunteer Cavalry, $36 per month in lieu of that he is now receiving.

Edward T. McClannahan, late of Company E, Forty-fourth Regiment Missouri Volunteer Infantry, $30 per month in lieu of that he is now receiving.

John W. Munsell, late of Company I, Seventh Regiment Michigan Volunteer Infantry, $24 per month.

George W. Sperry, late of Company G, Eighth Regiment New York Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Philip Zong, late of Company C, Eighty-seventh Regiment Pennsylvania Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Daniel Sheesly, late of Company A, Tenth Regiment Missouri Volunteer Infantry, $50 per month in lieu of that he is now receiving.

William Dougherty, late of Company D, Fifty-first Regiment Wisconsin Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Jerome Dornsife, late of Company I, First Regiment Iowa Volunteer Cavalry, $50 per month in lieu of that he is now receiving.

Andrew G. Anderson, late commissary sergeant Ninth Regiment Minnesota Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Alice R. Finney, widow of George E. Finney, late second lieutenant Company H, Nineteenth Regiment Indiana Volunteer Infantry, and first lieutenant and adjutant, Twentieth Regiment Indiana Volunteer Infantry, $24 per month in lieu of that she is now receiving.

Riley Damon, late of Company A, Eighteenth Regiment Iowa Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Mary J. Pierson, widow of William E. Pierson, late of Company F, Ninety-eighth Regiment Illinois Volunteer Infantry, $20 per month in lieu of that she is now receiving.

William L. Holmes, late of Company D, First Regiment Maine Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Benjamin F. Goodwin, late of Company C, First Regiment Maine Veteran Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Alvah Babbedge, late of Company L, First Regiment Maine Volunteer Heavy Artillery, $40 per month in lieu of that he is now receiving.

Stephen H. Goodridge, late of Company B, Thirteenth Regiment Maine Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Philander W. Danforth, late of Company B, Fourteenth Regiment Maine Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Henry H. Staubus, late of Company E, One hundred and seventy-fourth Regiment Ohio Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Henry J. Austin, late of Company C, First Regiment Michigan Volunteer Engineers and Mechanics, $36 per month in lieu of that he is now receiving.

Theodore M. Davis, late of Company E, Forty-sixth Regiment Indiana Volunteer Infantry, $50 per month in lieu of that he is now receiving.

William F. Morgan, late of Company K, Twenty-seventh Regiment Maine Volunteer Infantry, $40 per month in lieu of that he is now receiving.

King S. Hill, late of Company H, Thirty-second Regiment Maine Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Claudius Lane, late of Company A, Twenty-fifth Regiment Maine Volunteer Infantry, $30 per month in lieu of that he is now receiving.

George H. Keniston, late of Company H, Ninth Regiment Maine Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Frederick E. Partridge, late of Company A, Sixteenth Regiment Maine Volunteer Infantry, $50 per month in lieu of that he is now receiving.

John O. Boubar, alias James Rockwell, late of Company A, Seventh Regiment New Hampshire Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Benjamin F. Martin, late of Company H, First Regiment Minnesota Volunteer Heavy Artillery, $24 per month in lieu of that he is now receiving.

Charles H. Dunton, late of Company F, Twenty-first Regiment Maine Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Henry Ramsdell, late of Company K, Fifteenth Regiment Maine Volunteer Infantry, $30 per month in lieu of that he is now receiving.

John G. Jackson, late of Company B, Nineteenth Regiment Maine Volunteer Infantry, and Company B, First Regiment Maine Volunteer Heavy Artillery, $40 per month in lieu of that he is now receiving.

Norris J. Thomas, late of Company F, Sixteenth Regiment Maine Volunteer Infantry, $30 per month in lieu of that he is now receiving.

David F. Sanborn, late unassigned, Maine Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Abram Frakes, late of Company D, Seventeenth Regiment Iowa Volunteer Infantry, $40 per month in lieu of that he is now receiving.

John A. Sears, late of Company E, Ninth Regiment Maine Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Thomas B. Wiggin, jr., late of Company F, Sixth Regiment Massachusetts Volunteer Infantry, $24 per month in lieu of that he is now receiving.

John D. Whitted, late of Company G, Twenty-seventh Regiment Indiana Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Peter Lynch, late of Company E, Seventh Regiment, and Company A, First Regiment, United States Infantry, $50 per month in lieu of that he is now receiving.

Mary A. Cooper, widow of Thomas Cooper, late of Company A, Seventeenth Regiment Illinois Volunteer Cavalry, $20 per month in lieu of that she is now receiving.

Francis J. Curtis, late of Company D, First Regiment Minnesota Volunteer Infantry, $30 per month in lieu of that he is now receiving.

James D. Fletcher, late of Company H, Seventh Regiment Kentucky Volunteer Cavalry, $50 per month in lieu of that he is now receiving.

John W. Laughlin, late of Company D, Twenty-eighth Regiment Illinois Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Joseph A. Manning, late of Company E, Eighth Regiment Indiana Volunteer Cavalry, $36 per month in lieu of that he is now receiving.

Christopher C. Brummet, late of Company B, Thirty-third Regiment Indiana Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Charles F. Knowlton, late of Company I, Eighth Regiment Iowa Volunteer Cavalry, $50 per month in lieu of that he is now receiving.

Asa L. Bushnell, late of Company G, Twenty-fourth Regiment New York Volunteer Cavalry, $36 per month in lieu of that he is now receiving.

Egbert Hall, late of Company A, Fifth Regiment Pennsylvania Reserves Volunteer Infantry, and Company F, One hundred and ninety-fifth Regiment Pennsylvania Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Benjamin F. Spangler, late of Company K, One hundred and thirtieth Regiment Pennsylvania Volunteer Infantry, $27 per month in lieu of that he is now receiving.

Lemuel C. Kittrell, late of Company H, Fiftieth Regiment Missouri Volunteer Infantry, $24 per month in lieu of that he is now receiving.

John M. James, late of Company F, First Regiment Arkansas Volunteer Cavalry, $50 per month in lieu of that he is now rereceiving.

Philip C. Cooter, late of Company E, Third Regiment, and Company A, Eleventh Regiment, Missouri Volunteer Cavalry, $40 per month in lieu of that he is now receiving.

Benjamin F. White, late of Company C, Ninth Regiment Provisional Enrolled Missouri Militia, $30 per month in lieu of that he is now receiving.

Benjamin Johnson, late of Company G, Fiftieth Regiment Missouri Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Sylvester E. Stone, late of Company B, Seventy-eighth Regiment Pennsylvania Volunteer Infantry, $36 per month in lieu of that he is now receiving.

William P. Duncan, late of Company B, One hundred and twenty-eighth Regiment Illinois Volunteer Infantry, $27 per month in lieu of that he is now receiving.

John A. Rice, late second lieutenant, Company L, Second Regiment Missouri State Militia Cavalry, $50 per month in lieu of that he is now receiving.

Josiah Brewer, late of Company A, Second Regiment Tennessee Volunteer Mounted Infantry, $40 per month in lieu of that he is now receiving.

Nannie C. Cole, widow of John P. Cole, late acting ensign, United States Navy, $20 per month in lieu of that she is now receiving.

Andrew J. Persons, late of Company K, Thirtieth Regiment Michigan Volunteer Infantry, $36 per month in lieu of that he is now receiving.

George H. Hatch, late of Company I, Seventh Regiment Michigan Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Henry D. Owen, late of Company F, First Regiment United States Lancers, Michigan Volunteer Cavalry, $12 per month.

James H. Call, late of Company K, Eighteenth Regiment Michigan Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Daniel E. Stoneburner, late of Company H, Tenth Regiment Michigan Volunteer Cavalry, $40 per month in lieu of that he is now receiving.

John J. Randall, late of Company B, Forty-seventh Regiment Wisconsin Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Charles H. Slocum, late of Company A, Thirty-fourth Regiment Illinois Volunteer Infantry, $40 per month in lieu of that he is now receiving.

David H. St. Clair, late of Company B, Seventy-eighth Regiment Illinois Volunteer Infantry, $50 per month in lieu of that he is now receiving.

William M. Robertson, late of Company H, Third Regiment Iowa Volunteer Cavalry, $36 per month in lieu of that he is now receiving.

Bradford P. Sparrow, late of Company K, Fourth Regiment Vermont Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Aaron Rowell, late of Company G, Eighth Regiment Vermont Volunteer Infantry, $30 per month in lieu of that he is now receiving.

John M. Gowdy, late of Company H, Fourteenth Regiment Illinois Volunteer Cavalry, $50 per month in lieu of that he is now receiving.

Robert Summerville, late of Company K, Two hundred and eighth Regiment Pennsylvania Volunteer Infantry, $40 per month in lieu of that he is now receiving.

William L. Miles, late of Company C, First Regiment Maine Volunteer Heavy Artillery, $50 per month in lieu of that he is now receiving.

Albert C. White, late of Company D, Sixty-fourth Regiment Ohio Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Moses Tarbox, jr., late of Company I, Sixteenth Regiment Maine Volunteer Infantry, $40 per month in lieu of that he is now receiving.

George Tarbox, late of Company H, First Regiment District of Columbia Volunteer Cavalry, and Company M, First Regiment Maine Volunteer Cavalry, $40 per month in lieu of that he is now receiving.

Samuel Wenthworth, late of Company C, Fifth Regiment Maine Volunteer Infantry, and Company A, Ninth Regiment Veteran Reserve Corps, $40 per month in lieu of that he is now receiving.

Patrick Murphy, late of Battery F, Fourth Regiment United States Artillery, $30 per month in lieu of that he is now receiving.

Frank J. Davis, late of Company F, Second Regiment Maine Volunteer Cavalry, $40 per month in lieu of that he is now receiving.

Lester Holway, late of Fourth Battery, First Battalion Maine Volunteer Light Artillery, $40 per month in lieu of that he is now receiving.

Nelson L. Nourse, late of Company K, Fourth Regiment Vermont Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Henry H. Steward, late of Company K, Ninth Regiment Maine Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Francis M. Whips, late of Company H, Thirty-first Regiment Ohio Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Oluf Volkerts, late of U. S. S. *Potomac* and *Sebago*, United States Navy, $40 per month in lieu of that he is now receiving.

Jeremiah Forguson, late of Company E, Eighth Regiment Tennessee Volunteer Cavalry, $40 per month in lieu of that he is now receiving.

Perry Green, late of Company E, Ninth Regiment Tennessee Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

John A. Crozier, late of Company H, Eleventh Regiment Missouri Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Hartman K. Wismer, late of Company F, One hundred and twenty-eighth Regiment Pennsylvania Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Charles B. Greenhalgh, late captain Company C, Fourth Regiment Maine Volunteer Infantry, $40 per month in lieu of that he is now receiving.

John Eltzroth, late of Seventeenth Battery, Indiana Volunteer Light Artillery, $30 per month in lieu of that he is now receiving.

Carrie E. Carter, widow of William M. Carter, late of U. S. S. *Princeton* and *New Ironsides*, United States Navy, $20 per month in lieu of that she is now receiving.

Joseph Cook, late of Company H, Twenty-fifth Regiment Michigan Volunteer Infantry, $50 per month in lieu of that he is now receiving.

James W. Divelbiss, late of Company L, Second Regiment Minnesota Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Emily S. Robinson, widow of Lemuel Robinson, late of Company I, One hundred and forty-first Regiment Pennsylvania Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Jonathan A. Deaver, late of Company D, Nineteenth Regiment Wisconsin Volunteer Infantry, and Company I, One hundred and sixty-first Regiment Ohio National Guard Infantry, $50 per month in lieu of that he is now receiving.

Melisa Hogan, widow of Robert Hogan, late of Company B, First Regiment Oregon Volunteer Cavalry, $20 per month in lieu of that she is now receiving.

Michael H. Carr, late of Company A, One hundred and eleventh Regiment Illinois Volunteer Infantry, $36 per month in lieu of that he is now receiving.

James Olds, late of Company D, Forty-second Regiment Illinois Volunteer Infantry, and One hundred and fifty-sixth Company, Second Battalion Veteran Reserve Corps, $50 per month in lieu of that he is now receiving.

George M. Kelley, late of Company G, First Regiment Maine Volunteer Cavalry, and ordinary seaman U. S. S. *North Carolina* and *Brooklyn*, United States Navy, $36 per month in lieu of that he is now receiving.

Jane Smith, wife of Seager F. Smith, late of Company E, Fifth Regiment Wisconsin Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Josiah Woodbury, late of Second Unattached Company, Massachusetts Militia Infantry, $36 per month in lieu of that he is now receiving.

John Lee, alias James Riley, late of U. S. S. *Minnesota* and *Vandalia*, United States Navy, and Troop D, Eighth Regiment United States Cavalry, $40 per month in lieu of that he is now receiving.

Marion A. Holman, widow of Edward E. Holman, late second lieutenant Company C, First Regiment Mississippi Volunteer Mounted Rifles, $25 per month in lieu of that she is now receiving.

William A. Black, late of Company K, One hundred and forty-fourth Regiment Illinois Volunteer Infantry, $30 per month in lieu of that he is now receiving.

John G. Coburn, late of Company H, Tenth Regiment Maine Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Charles N. Spear, late of Company A, One hundred and eleventh Regiment New York Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Albert Adams, late unassigned, Michigan Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Charles E. Brown, late of Company A, Fortieth Regiment Wisconsin Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Annie Earnest, widow of Jasper S. Earnest, late of Company A, Forty-seventh Regiment Kentucky Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Emerson G. Reeves, late of Company G, Thirty-second Regiment Wisconsin Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Robert Thomas, late of Company I, Eighteenth Regiment Illinois Volunteer Infantry, $27 per month in lieu of that he is now receiving.

Mary L. Campbell, widow of Alexander Campbell, late of Company M, First Regiment Indiana Volunteer Heavy Artillery, $20 per month in lieu of that she is now receiving.

Frederick Clark, late of Company F, Twentieth Regiment Maine Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Joseph E. Reynolds, late of Company I, Second Regiment Maine Volunteer Cavalry, $36 per month in lieu of that he is now receiving.

Aletha E. Reynolds, dependent mother of Cyrus W. Reynolds, late of Company D, Seventh Regiment Illinois Volunteer Cavalry, $20 per month in lieu of that she is now receiving.

James R. Eaton, late of Company H, Third Regiment Maine Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Howard E. Hoadley, late of Company C, Twelfth Regiment Indiana Volunteer Cavalry, $40 per month in lieu of that he is now receiving.

James A. Montgomery, late of Company M, Ninth Regiment Illinois Volunteer Cavalry, $50 per month in lieu of that he is now receiving.

James Hill, late of Company K, Third Regiment Wisconsin Volunteer Infantry, $24 per month in lieu of that he is now receiving.

James M. Goodrich, late first lieutenant Company D, One hundred and forty-eighth Regiment Indiana Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Augustus Wagner, late of Company I, Sixth Regiment Massachusetts Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Tarrence Murray, late of Company G, One hundred and seventy-third Regiment Ohio Volunteer Infantry, $30 per month in lieu of that he is now receiving.

John A. Schmitt, late first lieutenant Company A, Twenty-seventh Regiment Illinois Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Lena S. Fenn, widow of William R. Fenn, late of Cooley's Battery, Illinois Volunteer Light Artillery (Chicago Mercantile Battery), $20 per month in lieu of that she is now receiving.

Emily N. Robinson, widow of Daniel Robinson, late captain, Seventh Regiment United States Infantry, and major, United States Army, retired, $24 per month in lieu of that she is now receiving.

Jennie M. Hobbs, widow of Harley S. Hobbs, late of Company A, One hundred and fifty-first Regiment New York Volunteer Infantry, $20 per month in lieu of that she is now receiving.

William Abbott, late of U. S. S. *North Carolina*, *Penobscot*, and *Fearnot*, United States Navy, $30 per month in lieu of that he is now receiving.

George Whitcher, late of Second Battery, Vermont Volunteer Light Artillery, $40 per month in lieu of that he is now receiving.

Ellen A. Sawyer, widow of Addison H. Sawyer, late of Company F, First Battalion Nineteenth Regiment United States Infantry, $20 per month in lieu of that she is now receiving.

Caleb P. Nash, late of Company F, Thirteenth Regiment Vermont Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Joseph Carter, late of Company D, One hundred and forty-third Regiment Illinois Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Angenette Barber, widow of William J. Barber, late of Company H, Fifth Regiment Connecticut Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Emma L. Porter, widow of George W. Porter, late of Company B, One hundred and thirty-fifth Regiment Pennsylvania Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Richard L. K. Grant, late of Battery E, First Battalion Maine Volunteer Light Artillery, $30 per month in lieu of that he is now receiving.

George H. Nutting, late of Company B, Sixth Regiment Massachusetts Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Albert S. Farnsworth, late of Company E, Twenty-eighth Regiment Maine Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Warren Seaward, late of Company E, Sixteenth Regiment Maine Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Alphonso Wingate, late of Company H, Eighth Regiment Maine Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Joseph P. Dore, late of Company D, Eighteenth Regiment Maine Volunteer Infantry, and Company D, First Regiment Maine Volunteer Heavy Artillery, $40 per month in lieu of that he is now receiving.

William H. Lindsey, late of Company A, Fifty-fourth Regiment Pennsylvania Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Joseph D. Dunn, late of Company E, Twenty-eighth Regiment Maine Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Edmond Gould, late of Company K, Twenty-first Regiment, and Company I, Thirty-first Regiment, Maine Volunteer Infantry, $40 per month in lieu of that he is now receiving.

George W. Brawn, late unassigned, Fourteenth Regiment Maine Volunteer Infantry, $17 per month in lieu of that he is now receiving.

Barbara E. Wooddell, widow of Isaac N. Wooddell, late of Company E, Twelfth Regiment Ohio Volunteer Cavalry, $20 per month in lieu of that she is now receiving.

John Drown, late of Company A, First Regiment New Hampshire Volunteer Light Artillery, and Company A, Ninth Regiment Veteran Reserve Corps, $36 per month in lieu of that he is now receiving.

Milton M. Adamson, late of Company I, First Regiment Nebraska Volunteer Cavalry, $36 per month in lieu of that he is now receiving.

Aldrich S. Luther, late of Company I, Tenth Regiment New York Volunteer Heavy Artillery, $40 per month in lieu of that he is now receiving.

Margert S. Dustin, widow of Charles Dustin, late captain Company F, First Regiment Iowa Volunteer Cavalry, $20 per month in lieu of that she is now receiving.

Jennie A. Cressman, widow of Daniel H. Cressman, late of the United States Marine Corps, $20 per month in lieu of that she is now receiving.

Vilos E. Bryant, late of Company F, One hundred and forty-second Regiment New York Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Martha R. Griswold, widow of John M. Griswold, late captain Company B, Forty-fourth Regiment Massachusetts Volunteer Infantry, $24 per month in lieu of that she is now receiving.

Hiram J. George, late of Company F, Thirtieth Regiment Maine Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Mary P. Moody, widow of Benjamin A. Moody, late of Company H, Third Regiment United States Colored Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Thomas B. Jones, late of Company C, Fifty-ninth Regiment Indiana Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Charles H. Hack, late of Company I, Eleventh Regiment Michigan Volunteer Infantry, $27 per month in lieu of that he is now receiving.

Albert P. Sheldon, late of Company C, Fourteenth Regiment Vermont Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Joseph M. Donnohue, late captain Company F, One hundred and twenty-third Regiment Indiana Volunteer Infantry, $40 per month in lieu of that he is now receiving.

James Brooks, late of Company G, Seventieth Regiment Ohio Volunteer Infantry, $50 per month in lieu of that he is now receiving.

James Matox, late of Company E, One hundred and eighty-seventh Regiment Ohio Volunteer Infantry, $36 per month in lieu of that he is now receiving.

James P. Taylor, late of Company G, Second Regiment Nebraska Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

James H. Drown, late of Company H, Eleventh Regiment Maine Volunteer Infantry, $30 per month in lieu of that he is now receiving.

George M. Jaco, late of Company B, Seventeenth Regiment West Virginia Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Charles Ellis, late of Eighth Battery, Wisconsin Volunteer Light Artillery, $50 per month in lieu of that he is now receiving.

Henry D. Baxter, late of Company H, Thirtieth Regiment Wisconsin Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Ella R. Brown, widow of William M. Brown, late of Company D, Thirty-third Regiment Missouri Volunteer Infantry, Civil War, $20 per month in lieu of that she is now receiving.

Andrew J. Bridges, late of Company A, Fifty-third Regiment Indiana Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Mary J. Welch, widow of E. Bradford Welch, late of Company I, Second Regiment Minnesota Volunteer Cavalry, $20 per month in lieu of that she is now receiving.

George W. Cushman, late of Company D, Twenty-first Regiment Maine Volunteer Infantry, $30 per month in lieu of that he is now receiving.

William J. Kelsey, late of Company D, Coast Guards, Maine Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Franklin B. Nutt, late of Company D, Ninth Regiment Maine Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Abraham Bachelder, late of Company E, Seventh Regiment Maine Volunteer Infantry, $40 per month in lieu of that he is now receiving.

William C. Hoffman, late of Company F, Seventy-fourth Regiment Ohio Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Cyrillus B. Ayres, late of Company A, Thirteenth Regiment Illinois Volunteer Infantry, $36 per month in lieu of that he is now receiving.

James Johnson, late of Company E, Ninth Regiment Tennessee Volunteer Cavalry, $50 per month in lieu of that he is now receiving.

Daniel Loftis, late of Company K, Tenth Regiment New Hampshire Volunteer Infantry, $36 per month in lieu of that he is now receiving.

George F. Thayer, late of Company K, Sixth Regiment Michigan Volunteer Heavy Artillery, $30 per month in lieu of that he is now receiving.

Michael Burns, late of Company C, Eleventh Regiment Massachusetts Volunteer Infantry, $25 per month in lieu of that he is now receiving.

George E. Cross, late of Company B, Nineteenth Regiment Maine Volunteer Infantry, $27 per month in lieu of that he is now receiving.

Ada M. Kennedy, widow of Edwin R. Kennedy, late of Company H, Ninth Regiment Indiana Volunteer Infantry, and Company D, First Regiment United States Veteran Volunteer Engineers, $20 per month in lieu of that she is now receiving.

Nelson W. Adams, late of Company K, One hundred and thirty-ninth Regiment, and Company G, One hundred and fifty-sixth Regiment, Illinois Volunteer Infantry, $36 per month in lieu of that he is now receiving.

David F. Rudd, late of Fourth Battery, Iowa Volunteer Light Artillery, $50 per month in lieu of that he is now receiving.

Lucy E. McCord, widow of Wilbur F. McCord, late of Thirteenth Independent Battery, Wisconsin Volunteer Light Artillery, $20 per month in lieu of that she is now receiving.

Silas B. Garlick, late of U. S. S. *Forest Rose*, United States Navy, $30 per month in lieu of that he is now receiving.

Nathan H. Applebee, late of Company F, Forty-third Regiment Wisconsin Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Dallas Wamsley, late of Company A, Eleventh Regiment Iowa Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Theodore A. Maltby, late of Company E, First Regiment Connecticut Volunteer Cavalry, $24 per month in lieu of that he is now receiving.

Charles Minor, late of Company F, Second Regiment Vermont Volunteer Infantry, $50 per month in lieu of that he is now receiving.

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

BILL PASSED OVER.

The bill (S. 8120) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, was announced as next in order.

Mr. SMITH of Georgia. I ask that the bill go over, Mr. President.

Mr. SMOOT. This is a Civil War pension bill.

Mr. JOHNSON of Maine. No.

Mr. SMOOT. It is to pension soldiers of the Regular Army and Navy.

The PRESIDING OFFICER. Objection having been made, the bill will be passed over.

S. SPENCER CARR.

The bill (H. R. 10697) for the relief of S. Spencer Carr was considered as in Committee of the Whole. It proposes that in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, S. Spencer Carr, who was a first lieutenant of Company B, Eighth Regiment Illinois Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States, as a first lieutenant of said company and regiment, on the 18th day of September, 1864, provided that no bounty, pay, or allowances shall be held as accrued prior to the passage of this act.

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

GEORGE L. MORRISON.

The bill (S. 7906) to authorize the President of the United States, by and with the advice and consent of the Senate, to appoint George L. Morrison captain of Cavalry, to take rank

as such next after Capt. James A. Mars, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with an amendment, on page 1, line 8, after the word "rank," to strike out "as such next after Capt. James A. Mars" and to insert "at the foot of the lineal list of captains of Cavalry," so as to make the bill read:

Be it enacted, etc., That subject to the examination required for promotion to the grade of captain of Cavalry, the President of the United States, in his discretion, be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, George L. Morrison, formerly a first lieutenant of Cavalry, a captain of Cavalry, to take rank at the foot of the lineal list of captains of Cavalry; and that no back pay or allowances shall accrue as a result of the passage of this act, and there shall be no increase in the total number of captains of Cavalry now authorized by law by reason of the passage of this act.

The amendment was agreed to.

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

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

The title was amended so as to read: "A bill to authorize the President of the United States to appoint George L. Morrison a captain of Cavalry."

Mr. POMERENE. The report in that case is very short, and for the information of Senators I ask that it may be printed in the RECORD.

The PRESIDING OFFICER. In the absence of objection, that may be done.

The report submitted by Mr. BECKHAM February 7, 1917, from the Committee on Military Affairs, is as follows:

[S. Rept. No. 1012, 64th Cong., 2d sess.]

Mr. BECKHAM, from the Committee on Military Affairs, submitted the following report:

The Committee on Military Affairs has had under consideration the bill (S. 7906) to authorize the President of the United States, by and with the advice and consent of the Senate, to appoint George L. Morrison captain of Cavalry, to take rank as such next after Capt. James A. Mars, and report the same back to the Senate with amendments, and as thus amended recommend that the bill do pass.

George L. Morrison was born in Ohio August 31, 1881; was appointed a cadet at the United States Military Academy from Virginia June 13, 1899; was graduated from the Military Academy June 11, 1903, and assigned to the Fifth Cavalry; promoted to be first lieutenant of the same regiment March 11, 1911; resigned his commission in the Army August 31, 1915.

From graduation to the time of submitting his resignation, with the exception of detached service at the Mounted Service School and absence on account of sickness, he was continuously on duty with the regiment, serving consecutively in Arizona, Colorado, Arizona, New Mexico, Hawaii, border duty in Arizona, and Fort Myer. Severe work at the Mounted Service School; the responsibilities of a member of a small command in Hawaii from January, 1909, to April, 1912, during the tense situation between Japan and this country; duty along the Mexican border from April, 1913, to January, 1914, and in command of a section of the American line during six months of that time; and duty at Fort Myer from January, 1914, to April, 1915, produced a state of nervous depletion such that when in March or April, 1915, he was detached for topographical work at Belvoir, Va., at the time of the sinking of the *Lusitania* and the accompanying disturbances, a complete mental and physical breakdown occurred. The unbroken drainage on his nervous vitality had been so great that rest accomplished nothing. He passed through a stage of irresponsibility which grew continuously worse up to December, 1915. It was while his condition was so serious that he was prevailed upon to resign.

With complete recovery he desires to return to the service, in view of the fact that his breakdown was in the line of duty and due to strenuous service, and that his resignation under the circumstances which it was submitted was not submitted with a view of entering other lines of work.

JAMES S. HUNTINGTON.

The bill (S. 6638) for the relief of James S. Huntington was announced as next in order.

The PRESIDING OFFICER. The bill was reported adversely by the Committee on Military Affairs.

Mr. THOMAS. I move the indefinite postponement of the bill.

The motion was agreed to.

WILLIAM M. JOHNSTON.

The bill (S. 7071) for the relief of William M. Johnston was announced as next in order.

The PRESIDING OFFICER. This bill was reported adversely by the Committee on Military Affairs.

Mr. THOMAS. I move the indefinite postponement of the bill.

The motion was agreed to.

PENSIONS AND INCREASE OF PENSIONS.

Mr. WARREN. I am going to ask my friend from Colorado if he will not let me again call up the bill (H. R. 19937) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent children of soldiers and sailors of said war. I move to reconsider the vote by which the bill was ordered to a third reading and passed, and then I wish to offer the amendment which I formerly withdrew.

The PRESIDING OFFICER. The Senator from Wyoming asks unanimous consent to recur to House bill 19937.

Mr. SMITH of Georgia. I understood the Senator from Wyoming to withdraw his amendment and that the bill was passed.

Mr. WARREN. I did so, and I did it on the ground that I did not want to be selfish and because an objection to the matter that I advocated would destroy the chances of the balance of the bill.

Mr. SMITH of Georgia. I do not think we ought to go above $50. I have not made an objection to either of these measures, because I knew that was the limit. When we get beyond, how can we discriminate? If there was but one case and that was the case of the Senator from Wyoming, of course I would vote for it.

Mr. WARREN. They do not come up often. As I said, this is the first case where I have ever asked the Senate to go beyond the committee. I am not sure this will get beyond the conference. I very much hope the Senator will not object, but allow it to go to conference, where I hope it may be sustained. Of course there is no certainty of it.

The PRESIDING OFFICER. The Senator from Wyoming asks unanimous consent to recur to the bill. Is there objection? The Chair hears none, and without objection the vote by which the bill was ordered to a third reading and passed will be reconsidered. The bill is in the Senate and open to amendment.

Mr. WARREN. On page 46, line 1, I move to amend the amount, raising it from $50 to $72.

The PRESIDING OFFICER. Without objection——

Mr. SMITH of Georgia. There is objection to the amendment. I merely want the Senate record to show that the amendment does not go on without objection.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Wyoming.

On a division, the amendment was agreed to.

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

The bill was read the third time and passed.

AFFAIRS IN ALASKA.

The joint resolution (S. J. Res. 204) to create a joint committee from the Senate and House to sit to consider Alaska needs and legislation was announced as next in order.

Mr. GALLINGER. Let that go over.

The PRESIDING OFFICER. The joint resolution will go over.

PANAMA CANAL RULES.

The bill (S. 8055) providing that the Panama Canal rules shall govern in the measurement of vessels for imposing tolls was announced as next in order.

Mr. SMOOT. I have been requested to ask that this bill go over.

The PRESIDING OFFICER. The bill will go over.

OFFENSES AGAINST THE GOVERNMENT.

The bill (S. 6813) to prohibit and punish the willful making of untrue statements under oath to influence the acts or conduct of a foreign Government, or to defeat any measure of the Government of the United States in a dispute or controversy with any foreign nation, was announced as next in order.

Mr. SMOOT. Beginning with this Order of Business No. 907, down to and including Order of Business No. 920, are the bills that were reported by the Senator from North Carolina [Mr. OVERMAN] from the Committee on the Judiciary, and there is now pending a bill covering all these measures.

The PRESIDING OFFICER. The Chair will consider that an objection has been made.

Mr. GALLINGER. The bills will go over.

The PRESIDING OFFICER. The bills will go over, down to and including Senate bill 6819, Order of Business No. 920.

PENSIONS AND INCREASE OF PENSIONS.

Mr. JOHNSON of Maine. I ask unanimous consent to recur to the bill (S. 8120) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors. The bill was passed over on the objection of the Senator from Georgia [Mr. SMITH], but I think he will not insist on his objection.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Maine?

Mr. SMITH of Georgia. I understand from the Senator from Maine that these are cases of injury of service origin, and I not only do not object to them but I believe in them thoroughly.

Mr. SMOOT. I wish to tell the Senator there are also some widows' pensions included.

Mr. SMITH of Georgia. But they grew out of actual service, and I do not object. On the contrary, I find it is a character of pension to which I give my cordial support.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

It proposes to pension the following persons at the rates named:

William W. Cook, late of Company I, Eighteenth Regiment United States Infantry, Regular Establishment, $12 per month.

Charles Milk, late of Companies L and M, Twentieth Regiment United States Infantry, War with Spain, $8 per month.

William R. Dority, late of Company A, Thirtieth Regiment United States Volunteer Infantry, War with Spain, $17 per month.

Joseph P. Sullivan, late of Company D, Second Regiment Oregon Volunteer Infantry, War with Spain, $36 per month in lieu of that he is now receiving.

William H. Merritt, late of Company D, Fourth Regiment United States Infantry, Regular Establishment, $20 per month in lieu of that he is now receiving.

William C. Worthen, late of Company C, Twenty-second Regiment United States Infantry, Regular Establishment, $12 per month.

John T. Edson, late ensign, United States Navy, War with Spain, $17 per month.

Celestine Lacy, widow of James H. Lacy, late chief carpenter's mate, United States Navy, War with Spain, $12 per month.

Homer T. Barnett, late of Troop A, Fourth Regiment United States Cavalry, War with Spain, $17 per month in lieu of that he is now receiving.

Bessie D. Blu, widow of William R. Blu, late of Troop C, Fourth Regiment United States Cavalry, war with Spain, $12 per month.

Maurice H. Myers, late of Company I, Second Regiment Oregon Volunteer Infantry, War with Spain, $10 per month.

Robert H. Cowan, late assistant paymaster, United States Navy, War with Spain, $18 per month.

Peter Downey, late of Company B, First Regiment Wisconsin Volunteer Infantry, War with Spain, $17 per month.

Charles H. Craddock, late of Company K, Eighteenth Regiment United States Infantry, War with Spain, $30 per month.

Herman L. Shank, late of Company A, Thirty-second Regiment Michigan Volunteer Infantry, War with Spain, $12 per month.

Clarence A. Hunt, late of One hundred and seventh Company, United States Coast Artillery Corps, Regular Establishment, $17 per month.

Guss E. Gurtz, late of Company L, Twenty-first Regiment United States Infantry, War with Spain, $12 per month.

Arthur Leland, late of Company L, Eighth Regiment New York Volunteer Infantry, and Signal Corps, United States Army, War with Spain, $12 per month.

William H. Jones, late of the Forty-fifth Company Coast Artillery Corps, United States Army, Regular Establishment, $12 per month.

Victor F. Marshall, late of Company I, Third Regiment Pennsylvania Volunteer Infantry, and Company E, First Regiment United States Infantry, War with Spain, $17 per month.

Joseph O. Dennison, late of Companies E and M, Second Regiment Tennessee Volunteer Infantry, War with Spain, $24 per month.

Thomas R. Peak, late of Company H, Twentieth Regiment United States Infantry, War with Spain, $12 per month.

Edwin C. Gasque, late of Eighty-second Company United States Coast Artillery, Regular Establishment, $12 per month.

Vernon D. Bennitt, late of Company F, First Regiment South Dakota Volunteer Infantry, and Company F, Thirty-sixth Regiment United States Volunteer Infantry, War with Spain, $30 per month.

Horace M. Patton, late first lieutenant Company E, Fourth Regiment United States Volunteer Infantry, War with Spain, $30 per month in lieu of that he is now receiving.

Robert J. May, late of Company F, Twenty-second Regiment United States Infantry, War with Spain, $12 per month.

Arthur Isert, late of Company H, Twelfth Regiment United States Infantry, Regular Establishment, $12 per month.

Elsie M. Duryee, widow of Louis H. Duryee, late of Company E, Battalion of Engineers, United States Army, War with Spain, $12 per month and $2 per month additional on account of the minor child of said Louis H. Duryee until she reaches the age of 16 years.

Francis M. Moore, late of Company B, Fourteenth Regiment United States Infantry, Regular Establishment, $30 per month in lieu of that he is now receiving.

Charles F. Johnson, late of Company F, Twenty-first Regiment Kansas Volunteer Infantry, War with Spain, $12 per month.

Lucius V. Hubbard, late second lieutenant, Company H, Fifteenth Regiment Minnesota Volunteer Infantry, War with Spain, $15 per month.

George L. Aldrich, late of Company H, First Regiment New Hampshire Volunteer Infantry, War with Spain, $20 per month in lieu of that he is now receiving.

Albert G. Daugherty, late of Company K, Twenty-first Regiment Kansas Volunteer Infantry, War with Spain, $20 per month.

Nanette W. Sheffield, widow of Everette R. Sheffield, late of Company E, Ninth Regiment New York Volunteer Infantry, War with Spain, $12 per month, and $2 per month additional on account of each of the minor children of said Everette R. Sheffield until they reach the age of 16 years.

Andrew E. Waterman, late of Company H, First Regiment South Dakota Volunteer Infantry, War with Spain, $20 per month in lieu of that he is now receiving.

Lewis W. Hill, late of Troop C, Third Regiment United States Cavalry, Regular Establishment, $12 per month.

Milton T. Benham, late of Company K, Second Regiment United States Volunteer Engineers, War with Spain, $12 per month.

Robert O. Dunn, late of Company B, Fourth Regiment Tennessee Volunteer Infantry, War with Spain, $12 per month.

George W. Smith, late of Company B, Two hundred and first Regiment New York Volunteer Infantry, War with Spain, $17 per month.

Gordon Hinton, late of Company D, Forty-second Regiment United States Volunteer Infantry, War with Spain, $12 per month.

J. Augustus Thilman, late of Companies D and E, Fourth Regiment United States Infantry, Regular Establishment, $12 per month.

Francis Roy, late of Company C, First Regiment United States Infantry, Regular Establishment, $20 per month in lieu of that he is now receiving.

Frank G. Schutt, jr., late of band, First Regiment District of Columbia Volunteer Infantry, War with Spain, $10 per month.

James Cunningham, late of Company G, Twenty-second Regiment United States Infantry, War with Spain, $12 per month.

Robert M. Watkins, late of Troop H, Third Regiment United States Cavalry, War with Spain, $17 per month in lieu of that he is now receiving.

Stephen H. Whitman, late of Company F, First Regiment Maine Volunteer Infantry, War with Spain, $12 per month in lieu of that he is now receiving.

Adelbert R. Burke, late of Company H, First Regiment Montana Volunteer Infantry and band, Thirty-seventh Regiment United States Volunteer Infantry, War with Spain, $17 per month.

Mary R. Edwards, widow of Frank A. Edwards, late colonel, United States Army, retired, Regular Establishment, $40 per month in lieu of that she is now receiving.

Wilbur C. Gahret, late of Company L, Second Regiment Ohio Volunteer Infantry, War with Spain, $20 per month.

James G. Rollins, late of Company A, Fourth Regiment Kentucky Volunteer Infantry, War with Spain, $12 per month.

Frank W. Brown, late of Company G, Twentieth Regiment Kansas Volunteer Infantry, War with Spain, $12 per month in lieu of that he is now receiving.

Walter H. Sterling, late second lieutenant and battalion adjutant, First Regiment Vermont Volunteer Infantry, War with Spain, $15 per month.

Walter P. Norris, late of Company D, Fourth Regiment Kentucky Volunteer Infantry, War with Spain, $15 per month in lieu of that he is now receiving.

Edmond de Jarnac, late of band, Fourth Regiment United States Artillery, Regular Establishment, $24 per month in lieu of that he is now receiving.

Charles H. Kelley, late of U. S. S. *Alabama*, United States Navy, Regular Establishment, $20 per month.

Frank H. Latham, late of Company K, Twelfth Regiment United States Infantry, War with Spain, $8 per month.

Charles William Finley, late of Company C, Twenty-third Regiment United States Infantry, Regular Establishment, $24 per month in lieu of that he is now receiving.

Florence V. Handbury, widow of Thomas H. Handbury, late colonel, Engineer Corps, United States Army, Regular Establishment, $40 per month in lieu of that she is now receiving.

Mary Jane Bowman, widow of Albert Bowman, late of Company E, Second Regiment United States Dragoons, Texas and New Mexico Indian War, $20 per month in lieu of that she is now receiving.

Durbin L. Badley, late sergeant-major and first lieutenant Company G, first Regiment Idaho Volunteer Infantry, War with Spain, $17 per month in lieu of that he is now receiving.

Mary Battle, dependent mother of Thomas A. Battle, late of Company M, Fourteenth Regiment, United States Infantry, War with Spain, $12 per month.

Mary H. Trimble, widow of Joel G. Trimble, late captain, First Regiment United States Cavalry, and major United States Army, retired, Regular Establishment, $25 per month in lieu of that she is now receiving.

James Pickett, late of Company C, Ninth Regiment United States Infantry, War with Spain, $30 per month in lieu of that he is now receiving.

Ander J. Heatley, late of Company A, Third Regiment Georgia Volunteer Infantry, War with Spain, $16 per month.

Robert Starkey, late of the U. S. S. *Potomac*, United States Navy, War with Mexico, $40 per month in lieu of that he is now receiving.

Alice Hathaway, widow of Forrest H. Hathaway, late lieutenant colonel, Quartermaster's Department, and brigadier general, United States Army, Regular Establishment, $50 per month in lieu of that she is now receiving.

George J. Ham, late of Troop C, Seventh Regiment United States Cavalry, Regular Establishment, $30 per month.

Rittie Wilson, dependent mother of Robert Griffith, late of Company D, Fifth Regiment United States Infantry, War with Spain, $12 per month.

Charles M. Way, late of Company K, First Regiment South Dakota Volunteer Infantry, and Troop K, Eleventh Regiment United States Volunteer Cavalry, War with Spain, $20 per month.

John Safranek, late chief musician Thirty-fourth Regiment United States Volunteer Infantry, War with Spain, $17 per month in lieu of that he is now receiving.

Walter K. Neal, late of First Company, United States Volunteer Signal Corps, War with Spain, $12 per month.

Robert W. Irvine, late of Troop H, First Regiment Ohio Volunteer Cavalry, War with Spain, $12 per month.

Eugenia L. Williams, widow of William M. Williams, late captain Company I, Forty-fifth Regiment Ohio Volunteer Infantry, and captain and major, United States Army, retired, Regular Establishment, $30 per month in lieu of that she is now receiving.

Mary B. Orner, dependent mother of William B. Orner, late of U. S. S. *Baltimore* and *Buffalo*, United States Navy, War with Spain, $12 per month.

John W. McCown, late of Company K, Fifth Regiment Missouri Volunteer Infantry, and Hospital Corps, United States Army, War with Spain, $12 per month.

Henry Ferguson, late of Company B, Twenty-fifth Regiment United States Infantry, War with Spain, $8 per month.

Elizabeth Bellion, widow of Henry Bellion, late of Company E, First Regiment United States Dragoons, Oregon and Washington Territory Indian war, $20 per month in lieu of that she is now receiving.

Arthur H. King, late of Battery A, First Regiment Maine Volunteer Heavy Artillery, War with Spain, $12 per month.

Charles H. Bachelder, late of Battery C, First Regiment Maine Volunteer Heavy Artillery, War with Spain, $20 per month.

John W. Thomas, late of Company C, First Regiment South Dakota Volunteer Infantry, War with Spain, $12 per month in lieu of that he is now receiving.

Fred D. Abbott, late of Company G, First Regiment Montana Volunteer Infantry, War with Spain, $24 per month.

Mary T. Seay, widow of Samuel Seay, late major, Tenth Regiment United States Infantry, Regular Establishment, $35 per month in lieu of that she is now receiving and $2 per month additional on account of the minor child of said Samuel Seay until he becomes 16 years of age.

Daniel I. Jeinei, late of Company G, First Regiment Maine Volunteer Infantry, War with Spain, $36 per month in lieu of that he is now receiving.

Albert S. Clouse, late of Troop E, Third Regiment United States Volunteer Cavalry, War with Spain, $12 per month.

Frank J. Conway, late of Company H, First Regiment Vermont Volunteer Infantry, War with Spain, $12 per month.

Leonard P. Kehrmeyer, late of U. S. S. *Rhode Island*, United States Navy, Regular Establishment, $12 per month.

Thomas B. Jeffries, late of Company M, One hundred and sixty-first Regiment Indiana Volunteer Infantry, War with Spain, $20 per month in lieu of that he is now receiving.

Bertha C. Pratt, widow of Peter L. Pratt, late ensign, United States Navy, Regular Establishment, $15 per month and $2 per month additional on account of the minor child of said Peter L. Pratt until she reaches the age of 16 years.

Harry C. Chute, late of Company D, Twenty-seventh Regiment United States Infantry, Regular Establishment, $8 per month.

Emma E. Normoyle, widow of James E. Normoyle, late major, Third Regiment United States Infantry, Regular Establishment, $50 per month in lieu of that she is now receiving.

Milton M. Lile, late of Company F, Second Battalion of Engineers, United States Army, Regular Establishment, $46 per month.

Anna B. Davis, widow of Wirt Davis, late colonel Third Regiment United States Cavalry, and brigadier general, United States Army, retired, Regular Establishment, $30 per month in lieu of that she is now receiving.

Flora G. Redman, widow of Henry Redman, late first lieutenant Company D, First Regiment North Dakota Volunteer Infantry, War with Spain, $17 per month, and $2 per month additional on account of each of the minor children of the said Henry Redman until they reach the age of 16 years.

Elizabeth J. Anderson, widow of Charles Anderson, late of Company D (Capt. M. M. Williams), Second Regiment Oregon Mounted Volunteers, Oregon and Washington Territory Indian war, $20 per month in lieu of that she is now receiving.

Maude Deignan, widow of Osborn Deignan, late boatswain, United States Navy, Regular Establishment, $12 per month, and $2 per month additional on account of the minor child of said Osborn Deignan until she reaches the age of 16 years.

Perry Ryals, late of Capt. Downman's company Alabama Volunteers, War with Mexico, $40 per month in lieu of that he is now receiving.

Bertha M. Shaw, widow of John W. Shaw, late of Company G, First Regiment Maine Volunteer Infantry, War with Spain, $20 per month in lieu of that she is now receiving, and $2 per month additional on account of each of the minor children of said John W. Shaw until they reach the age of 16 years.

Charles A. Dobratz, late of U. S. S. *Puritan*, United States Navy, War with Spain, $12 per month in lieu of that he is now receiving.

Annie A. Haines, widow of John T. Haines, late major United States Cavalry, Regular Establishment, $35 per month in lieu of that she is now receiving.

Emory C. Powers, late of Company D, Second Regiment Virginia Volunteer Infantry, War with Spain, $12 per month.

Lavina A. E. Rogers, widow of William W. Rogers, late of Capt. Sweat's company, Georgia Mounted Volunteer Infantry, Florida Indian War, $20 per month in lieu of that she is now receiving.

Letta D. Webster, widow of Edmund K. Webster, late major, Twenty-seventh Regiment United States Infantry, Regular Establishment, $20 per month.

Mary Renfroe, widow of Nathaniel Green Renfroe, late of Capt. E. T. Kendrick's independent company, Florida Mounted Volunteers, Seminole Indian War, $20 per month in lieu of that she is now receiving.

Emma E. Barrett, widow of John Barrett, late of ordnance detachment, United States Army, Regular Establishment, $12 per month.

Martha P. Johnson, widow of William Johnson, late of Capt. James P. Goodall's company, Oregon Volunteers, Oregon and Washington Territory Indian War, $20 per month in lieu of that she is now receiving.

William H. Van Name, late of Company G, Second Regiment New Jersey Volunteer Infantry, War with Spain, $50 per month in lieu of that he is now receiving.

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

POST OFFICE APPROPRIATIONS.

The bill (H. R. 19410) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1918, and for other purposes, was announced as next in order.

Mr. SMOOT. That, of course, will go over.

The PRESIDING OFFICER. The bill will go over.

ALFRED CLUFF AND OTHERS.

The bill (S. 3771) for the relief of Alfred Cluff, Orson Cluff, Henry E. Norton, William B. Ballard, Elijah Hancock, Susan

R. Saline, Oscar Mann, Celia Thayne, William Cox, Theodore Farley, Adelaide Laxton, Clara L. Tenney, George M. Adams, Charlotte Jensen, and Sophia Huff was considered as in Committee of the Whole.

The bill was reported from the Committee on Indian Affairs with amendments.

The first amendment was, on page 1, line 6, to strike out "$5,000" and insert "$2,500," so as to read:

To Alfred Cluff, of Mesa, Ariz., $2,500.

The amendment was agreed to.

The next amendment was, in line 7, to strike out "$6,000" and insert "$3,000," so as to read:

To Orson Cluff, of Mesa, Ariz., $3,000.

The amendment was agreed to.

The next amendment was, in line 8, to strike out "$10,000" and insert "$5,000," so as to read:

To Henry E. Norton, of Pima, Ariz., $5,000.

Mr. SMITH of Georgia. I understand that this is a bill of a nature which ought to have gone to the Committee on Claims; that these are claims against the Government.

Mr. ASHURST. It is a bill over which the Committee on Indian Affairs has jurisdiction for the reason that the claims arose because of the exclusion of certain persons from land which the Government claimed to be an Indian reservation but which was subsequently ascertained to be public land.

The bill was introduced by myself in the Sixty-third Congress and in the Sixty-fourth Congress and was referred to the Committee on Claims. Learning, however, that that committee did not have the appropriate jurisdiction and that it was not the appropriate committee, after a year's time I moved in open Senate, and the Senate ordered the bill to be recalled from the Committee on Claims and sent to the Committee on Indian Affairs, together with all the papers thereon.

Mr. SMITH of Georgia. What is the amount involved?

Mr. ASHURST. The amount recommended to be paid by the committee is $66,500 to 17 different persons.

Mr. SMITH of Georgia. Will the Senator state, just in a general way, the nature of the claims?

Mr. ASHURST. I will take two or three minutes and do so. I have before me, Mr. President, a map of the then Territory of Arizona issued by the Government in 1879. I ask the especial attention of Senators to the question of the map. The Indian reservations, according to this map, are indicated thereon by pale pink. This was the official Government map issued by the United States Government in 1879, the only map in existence. It was the official map used in the War Department, in the Interior Department, and in all the branches and bureaus thereof.

Seventeen families in 1878, 1879, 1880, and 1881 settled at a point about 10 miles above what appeared on the map to be public lands. The Indian reservation by proclamation of President Grant and the Indian reservation by the map also showed that this settlement was not upon an Indian reservation, but was on public lands. The settlers commenced in 1878, built homes, opened farms of value, raised crops, and they had a smiling little village there. Some coal was discovered near by and some miners went in there, but the settlers did not attempt to mine any of the coal.

The War Department, in my judgment, arbitrarily and unjustly excluded these people from what was public land, drove them away from their homes in the wintertime, and did not even permit these 17 families to take their cattle or their other stock. The families lost all their investment there, so the Secretary of the Interior says in his report. The place was then called Apache Springs.

I want Senators to examine this map and to watch parallel 34 and meridian 130 where they converge [indicating]. You will find here [indicating] Apache Springs, which was, according to the President's proclamation and according to the map, not an Indian reservation but public land.

I have also a map which was sent to the committee by the Secretary of the Interior. This map contains the red line which the Secretary of the Interior marked, and in his report he says that the red dotted line indicates what was then regarded as the north boundary line of the reservation, that the War Department excluded these settlers; that later by some kind of triangulation the department took the view that this land was an Indian reservation.

Mr. SMITH of Georgia. Has there been any hearing before the Court of Claims as to the value of the property that they lost?

Mr. ASHURST. No; there was no hearing, but the Senate committee adds an amendment here in substance as follows:

Provided, however, That the Secretary of the Treasury shall make no payment hereunder until the Secretary of the Interior shall first ascertain what damages, if any, were occasioned, and, secondly, how much, if any, damages were occasioned.

That amendment was made by the committee.

Mr. SMITH of Georgia. It is referred, then, to the Secretary of the Interior to ascertain——

Mr. ASHURST. To ascertain upon the facts what damages occurred, if any; secondly, if any occurred, how much. That is the committee amendment. The precedent for that was established in a case which arose near by in the year 1900. The Government believed that it ought to have certain coal lands that belonged to the white settlers on that reservation. So an act was passed——

Mr. SMITH of Georgia. I am familiar with references to the Interior Department to ascertain the value of land improperly taken from settlers by the Government. The bill appropriates $66,500 or so much thereof as may be necessary under the findings of the Secretary of the Interior?

Mr. ASHURST. That is the intent. We may not have used the appropriate language. I have no objection to an amendment of that sort, but that is certainly the intent of the bill.

If the Senator will look at the last page of the bill he will ascertain that we attempted at least to provide that no money should be paid unless and until the Secretary ascertained as a substantial fact by an investigation de novo how much damages if any, were occasioned, and further that the damages ascertained and the amount to be paid are equitable and in proportion to the losses sustained, if any.

Mr. SHAFROTH. The amendment reads as follows——

Mr. ASHURST. I wish the Senator would read it.

Mr. SHAFROTH (reading)—

Provided, however, That the Secretary of the Treasury shall make no payment to any of the above-named persons, or to their personal representatives, for any of said losses and damages sustained by reason of the eviction and expulsion of said persons from said lands until and unless the Secretary of the Interior shall have ascertained and determined that in his opinion and judgment the amounts proposed to be paid to the said above-named persons for such loss and damage aforementioned are fair, just, equitable, and in proportion to the losses and damages sustained by the above-named persons.

I should like to ask the Senator from Arizona a question.

Mr. ASHURST. Certainly.

Mr. SHAFROTH. Does the Secretary of the Interior approve this?

Mr. ASHURST. He does.

Mr. SMITH of Georgia. I am familiar with a number of references of this character to the Interior Department. Those with which I am familiar, however, simply called attention to certain classes of claims and directed the Secretary of the Interior to determine the extent of their loss and after that had been determined to report the same to Congress for the consideration of Congress, and then the appropriation bill followed a prior finding by the Interior Department.

Mr. SHAFROTH. I suggest to the Senator that in this case we have cut the claims of these persons 50 per cent now. That is about the amount, is it not?

Mr. ASHURST. Yes, sir. Let me say, briefly——

Mr. SMITH of Georgia. Suppose the Interior Department should find that they are entitled to recover, but that they are not entitled to the amount herein provided for under your bill, would he proceed to pay the amount that he had found?

Mr. ASHURST. He would. He would have that authority under the bill.

Mr. SMITH of Georgia. I have no further objection to the consideration of the bill.

Mr. ASHURST. I think I ought to answer specifically the question propounded by the Senator from Colorado. I will read only a few lines from the report of the Secretary of the Interior. It is dated February 24, 1916, and is addressed to the chairman of the Committee on Claims, and was sent to the Committee on Indian Affairs by the order of the Senate:

The difficulty of these settlers may be explained by the fact that the northern line of the reservation was not, apparently, based originally on actual official surveys, but was only approximated. The maps prepared in the General Land Office in 1879 and 1883 show the northern boundary to lie considerably south of the boundary line as shown on the present map of Arizona. The record shows that a survey was made by the War Department in 1882–1883 to settle disputes between the Indians and the settlers, and that it was about this time that complaints were received in the Indian Office relative to the location of the line so as to include the settlement at Forest Dale or Apache Springs. It appears, therefore, that this survey, by definitely locating the northern boundary line of the reservation as established in 1871 (which line had theretofore been approximated only) took in the settlement of Forest Dale and caused the damage complained of.

He concludes by saying:

However, it is quite possible that these settlers might be morally entitled to some relief, and, if so, I would have no objection thereto.

In other words, I am appealing only to the legislative conscience for legislative equity. I ask that the report of the committee be incorporated in the RECORD.

The report referred to is as follows:

[Senate Report No. 1022, Sixty-fourth Congress, second session.]

Mr. ASHURST, from the Committee on Indian Affairs, submitted the following report:

The Committee on Indian Affairs, to whom was referred the bill (S. 3771) for the relief of Alfred Cluff, Orson Cluff, Henry E. Norton, William B. Ballard, Elijah Hancock, Mrs. Susan R. Saline, Oscar Mann, Celia Thayne, William E. Cox, Theodore Farley, Adelaide Laxton, Clara L. Tenney, George M. Adams, Charlotte Jensen, Sophia Huff, Peter H. McBride, and David Edward Adams, having examined the same, make favorable report thereon, with certain amendments as follows;

Page 1, line 6, strike out the figures "$5,000" and in lieu thereof insert "$2,500"; in line 7, page 1, strike out the figures "$6,000" and insert "$3,000"; in line 8, page 1, strike out the figures "$10,000" and insert "$5,000."

On page 2 of said bill, the following amendments: Line 1, strike out the figures "$7,000" and insert in lieu thereof "$3,500"; in said line 1, strike out the figures "$12,000" and insert "$6,000"; in line 2, before the name "Susan," insert the word "Mrs." and strike out the figures "$12,000" and in lieu thereof insert "$6,000"; in line 3, strike out "$5,000" and insert "$2,500"; in line 4, strike out "$10,000" and insert "$5,000," and insert the letter "E." before the name "Cox" in said line 4; line 5, strike out the figures "$5,000" and insert "$2,500"; line 6, strike out "$5,000" and insert "$2,500"; also in line 6, strike out the figures "$2,000" and insert "$1,000"; line 7, strike out the figures "$10,000" and insert "$5,000"; in line 8, strike out the figures "$6,000" and insert "$3,000"; in line 9, strike out the figures "$10,000" and insert "$5,000"; and in line 10, strike out the figures "$3,000" and insert "$1,500" and the following: "To Peter H. McBride, of Pima, Ariz., $5,000; and to David Edward Adams, of Central, Ariz., $7,500."

On page 3, after the word "destroyed," in line 12, insert the following:

"*Provided, however*, That the Secretary of the Treasury shall make no payment to any of the above-named persons, or to their personal representatives, for any of said losses and damages sustained by reason of the eviction and expulsion of said persons from said lands until and unless the Secretary of the Interior shall have ascertained and determined that in his opinion and judgment the amounts proposed to be paid to the said above-named persons for such loss and damage aforementioned are fair, just, equitable, and in proportion to the losses and damages sustained by the above-named persons."

The persons seeking relief settled upon certain lands in Arizona during the latter seventies and early eighties; that is to say, from 1876 to 1882. It developed that the lands upon which they had located were upon the San Carlos Indian Reservation, as shown by a resurvey and addition thereto made during the year 1883. Their settlements were made at and near a place called Forest Dale, in what was Apache County, then Territory of Arizona, each settler choosing a 160-acre tract of land of the public domain of the United States. At that time none of the land had been surveyed.

The first so-called designation of the White Mountain or San Carlos Reservation was by H. M. Robert, major of Engineers, in a letter dated January 31, 1870, at San Francisco, Cal., addressed to Gen. Whipple, Adjutant General Military Division of the Pacific, as follows:

ENGINEER'S OFFICE,
HEADQUARTERS MILITARY DIVISION OF THE PACIFIC,
San Francisco, Cal., January 31, 1870.

SIR: I respectfully forward the following description of the proposed Indian reservation in Arizona, the boundaries of the reservation to be as follows, as shown in red on the accompanying map: Starting at the point of intersection of the boundary between New Mexico and Arizona with the south edge of the Black Mesa, and following the southern edge of the Black Mesa to a point due north of Sombrero or Plumoso Butte; then in the direction of the Picacho Colorado to the crest of the Apache Mountains following said crest down the Salt River to Pinal Creek, and then up the Pinal Creek to the top of the Pinal Mountains; then following the crest of the Pinal Range "the Cordilleras de la Gila," the "Almagra Mountains," and other mountains bordering the north bank of the Gila River to the New Mexico boundary near Steeple Rock; then following said boundary north to its intersection with the south edge of the Black Mesa, the starting point.

H. M. ROBERT,
Major, Engineers.

Gen. W. D. WHIPPLE,
Adjutant General Military Division of the Pacific.

The map mentioned by Maj. Robert does not appear to be in existence. The first survey of this reservation appears to have been made in 1876, and shows that the lands upon which the claimants settled was situated about 8 miles north of the north line of the reservation.

The map issued by the Government in 1879 shows this survey, and the location of Forest Dale (or Apache Springs) is shown to be north of the reservation about 8 miles.

Seventeen families settled upon the land in the vicinity of Apache Springs, calling the locality "Forest Dale." The settlers, in the order of their location, respectively, were as follows:

1. William E. Cox, who in January, 1878, settled upon 160 acres of land when he was 21 years of age. Mr. Cox cultivated 40 acres of the land for two years, raising crops sufficient for the support of himself and family. He made improvements upon the land to the value of $5,000.

2. William Laxton settled upon 160 acres of said land on February 1, 1878, with his wife, Adelaide Laxton, when he was 65 years of age, and he cultivated 60 acres of the land; growing crops thereon, and made improvements to the amount of $2,000. William Laxton died in 1890 and is survived by his widow, Adelaide Laxton.

3. David Edward Adams, who in February, 1878, settled upon 160 acres when he was 26 years of age. Mr. Adams cultivated 60 acres of the land for three years, raising crops sufficient to support his family and to furnish corn to the troops at Fort Apache. He made improvements to the value of $15,000.

4. Warren R. Tenney settled upon 160 acres on March 1, 1878, with his wife, Clare L. Tenney, who now survives him, when he was 54 years of age, and cultivated 40 acres of the land and made improvements to the value of $10,000. Warren R. Tenney died in 1889 and is survived by Clare L. Tenney.

5. Theodore Farley in the spring of 1878 settled upon 160 acres when he was of the age of 21 years. He cultivated 30 acres of the land for three seasons, raising crops sufficient to support himself and his family, consisting of his wife and children. He made improvements to the value of $5,000, consisting of residence, outhouses, farmhouses, and fences.

6. Oscar Mann, who in the spring of 1878 settled upon 160 acres of land, when he was 38 years of age. Mr. Mann cultivated between 25 and 50 acres of the land for three seasons, raising crops sufficient for the support of himself and his family, consisting of a wife and eight children. He made improvements to the value of $5,000.

7. Peter H. McBride, who, on July 3, 1878, located 160 acres when he was 28 years of age. Mr. McBride cultivated 25 acres of the land for two seasons, raising crops sufficient for the support of himself and his family. He made improvements to the value of $10,000.

8. Orson Cluff, who, on February 1, 1880, settled upon 160 acres when he was 35 years of age. Mr. Cluff cultivated 80 acres of said land for two seasons, raising crops thereon sufficient for the support of himself and family. He made improvements to the value of $6,000.

9. Henry E. Norton, who, on February 15, 1880, settled upon 160 acres of land, when he was 55 years of age. Mr. Norton cultivated 50 acres of said land for one season, raising crops sufficient for the support of himself and his family. He made improvements to the value of $10,000.

10. Joseph Thayne, who, on March 1, 1880, settled upon 160 acres when he was 26 years of age. Mr. Thayne cultivated 80 acres of land for two seasons, raising crops thereon sufficient to support himself and family. He made improvements to the value of $10,000. Mr. Thayne is now dead and is survived by his wife, Celia Thayne.

11. Peter J. Jensen, who, on March 11, 1880, settled upon 160 acres when he was 58 years of age, cultivating 80 acres thereof, and supporting his family and made improvements to the value of $10,000. He is survived by his widow, Charlotte Jensen, who makes the proof by affidavit, Mr. Jensen having died April 16, 1893.

12. Alfred Cluff, who, on December 1, 1880, settled upon 160 acres when he was 37 years of age, cultivating 40 acres thereof and supporting his family and made improvements to the value of $5,000.

13. James Huff, who, on February 28, 1881, settled upon 40 acres of land when he was 42 years of age, cultivated the entire tract for two seasons, raising crops thereon and making improvements to the value of $3,000. He died October 16, 1904, and is survived by his widow, Sophia Huff, who is the claimant.

14. George M. Adams, who, on April 30, 1881, located 160 acres when he was 22 years of age, cultivating 80 acres thereof and providing for his family, and making improvements to the value of $6,000.

15. John Saline, on February 1, 1882, located 160 acres when he was 51 years of age; he cultivated 40 acres of the land and placed crops, improvements, and wells thereon to the value of $12,000. Mr. Saline died at Long Beach, Cal., July 3, 1896, and is survived by his widow, Susan R. Saline, who makes proof of the loss. She is the claimant.

16. William B. Ballard, February 15, 1882, settled upon 40 acres of this land. He cultivated 15 acres of land and made extensive improvements. He was 50 years old at the time of making the entry; that when he abandoned the property the improvements, crops, and other accretions and additions amounted to $7,000.

17. Elijah Hancock, on February 15, 1882, located 160 acres when he was 38 years of age. He cultivated 35 acres of the land, had growing crops, and made improvements, such as houses, fences, and barns, to the value of $12,000.

The map of 1879 bears out the contention of the claimants that the north boundary line was south of their settlements. It is a plat outlining the reservation with reference to the general lines of the State of Arizona. It shows the settlements made as being north and west of the Prieto Plateau or Black Mesa. All of the settlers made their locations with the intention of making regular applictaion to the Land Office when the ground should be identified by Government surveys. All of them were citizens of the United States and entitled under the law to make such entries at that time. The locations were honestly made for the purpose of creating a home in each case for the settler and his family. The settlements were made with the full approval and consent of the commanding officer of the adjacent military post at Fort Apache, Ariz.

About the 1st day of December, 1882, the boundary line of the reservation was extended north about 10 miles arbitrarily, and Lieut. Gatewood or some other military officer stationed at Fort Apache dispossessed all the settlers from their land. The land was abandoned by the claimants, together with all property, they being evicted from the same.

Shortly after the notice to vacate their property the settlers, through Mr. George Lake, addressed a communication to Delegate G. H. Oury, of Arizona, who referred the protest to the Commissioner of Indian Affairs. The reply of the commissioner, dated January 30, 1883, is as follows:

WASHINGTON, D. C., *January 30, 1883.*

Hon. G. H. OURY,
House of Representatives.

SIR: This office is in receipt by your reference of a letter from Mr. George Lake, of Forest Dale, Apache County, Arizona Territory, dated December 26, 1882, protesting against the removal of himself and other settlers from certain lands occupied and cultivated by them at Forest Dale. He states that there are about 25 families settled in that vicinity; that they went upon the lands with the understanding that they were not intruding upon the Indian reservation, having been so assured by the "proper authorities"; that they have made valuable improvements there, etc.; and that they have recently been ordered away by "a lieutenant having charge of the Indians at this (that) point," and that if the boundary of the reservation is determined to be where the as yet unfinished surveys (recently in progress) would seem to indicate the lands occupied by them will fall within the reservation, which would prove very disastrous to the settlers.

In reply I have to say that during last summer information reached this office through the War Department of threatened trouble between the whites and Indians growing out of a disputed boundary question on the northern line of the White Mountain Reservation—the Indians claiming that the lands about Forest Dale are within their reservation, in which view, it is understood, they were supported by the military, while the whites claimed they were not within the reservation limits.

The importance of an early survey was urged by the military officers in order to settle the controversy, and upon the representation of this office that there were no funds available for the purpose the War Department, at the request of this department, gave instructions to the proper military officers for the execution of the needed survey, of which due notice was given by letter to this department of June 23, 1882.

This office has not been advised as to how far the work has been pushed, but it is inferred from the statement of your correspondent that the surveys have gone far enough to indicate that the lands occupied by him and the others in whose interest he writes are within the limits of the reservation.

I can only say that if it has been or shall hereafter be demonstrated by the official survey, for it is presumed the work has been discontinued for the winter, that these people have settled upon the reservation, there is no help for them but to remove. The reservation was set apart for the exclusive use of the Indians long before the settlers went in there, according to their own statement, and if they have ventured to settle upon unsurveyed lands, and have expended time and money in improving the same, without ascertaining positively whether they were encroaching upon Indian lands, when they knew very well they were very likely to be in error in that respect, it is their own misfortune, for which they have no one to blame but themselves.

The Indians of that reservation have learned to be very sensitive in regard to their boundaries. The reservation has been cut down no less than five times within the past 10 years, and during the last few years their peace of mind has been almost constantly disturbed by the encroachments of settlers on their southern and western line.

As is well known to you, bills are now pending in Congress providing for a change in the boundaries of the reservation. What action may be taken, of course, can not be premised, but it is proper to say that as long as the reservation remains as it is it will be the duty of the Government to expel intruders wheresoever they may be found.

Very respectfully,

H. PRICE, *Commissioner.*

Meanwhile, on January 4, 1883, Mr. H. D. Norton, hereinbefore mentioned as the ninth in point of seniority in the settlement at Forest Dale, wrote to the Secretary of the Interior, as follows:

FOREST DALE, OR APACHE SPRINGS, *January 4, 1883.*

To his honor the SECRETARY OF THE INTERIOR.

SIR: We, the settlers of Apache Springs, Apache County, Arizona Territory, having settled in here 12 months ago, supposing that we were on Government land, knowing by the official map of Arizona that we were some 8 miles north of the reservation line. Having the assurance of Gen. Carr, then in command at Fort Apache, that we were not on the reserve and that he would protect us in settling said land, and we settled here in good faith, and we also have the assurance of the sectionizing engineer that we were not on the reservation. We hold his plats ready for entry. With these assurances we have done a vast amount of labor, and now we have been ordered away from our improvements and homes in dead of winter, and we now apply to you for redress, as we doubt this being your orders to run the line around us; we feel that we are being wronged by the influence around us. If these are your orders for the benefit of the Indians, we humbly submit there are some 25 families in here and 5 more on the Apache Road south, and we now want to know through your office if we are to be deprived of our real and fixed property without remuneration. We understand from the engineer running this line that he has abandoned the line somewhere near the northwest corner until spring, and also says that if it is agreeable that he can leave us off and run it on the line of official map. As there seems to be an understanding in regard to the line, the citizen has no other guide but the official map. We have paid taxes on this property and we feel we should have remuneration if we have to leave it, as we are ordered away by Lieut. Gatewood at Fort Apache. And we understand that there are other white men to take possession to a limited extent of our property. Are we compelled to leave before the time the lines are run, as our time is short? We wish a speedy reply to this communication. If this is misdirected, please forward it to the proper tribunal.

All communications should be directed to Forest Dale, via Show Low, Apache County.

H. D. NORTON, *Corresponding Secretary.*

On February 2, 1883, the Commissioner of Indian Affairs replied officially to Mr. Norton in substantially the terms of his communication of January 30, 1883, to Mr. Oury. The commissioner also states:

"Some time last summer (1882) information reached this office through the War Department of a dispute between the Indians and settlers as to the location of the northern boundary line of the reservation. The military officers urged the importance of a survey of the line in order to settle the dispute, and upon the representation of this office that there were no funds at its disposal for that purpose, the War Department, at the request of this department, directed the survey to be made."

The report of the Commission of Indian Affairs for the year 1882, at page 48, contains the following statement:

"In the early part of last year valuable deposits of coal were discovered within the limits of what is generally known as the San Carlos Division of the White Mountain Indian Reservation, in Arizona Territory. Owing to the scarcity of wood or other fuel in that section of Arizona, the news of the discoveries created intense excitement, and speculators, miners, and prospectors poured in upon the reservation, thereby greatly endangering the peace of the Territory. No serious trouble occurred, however, and by the exercise of prompt and vigorous measures the reservation was finally cleared of intruders and tranquillity restored."

On page 44 of his report for the year 1883 the commissioner also refers to the location of coal mines upon the reservation. On page 37 of his report for 1884 reference is made to the reservation and the fact that two persons be sent to investigate the value of such coal deposits. At page 46 of the report of the Indian Office for 1885 the commissioner states that the experts sent to examine the coal fields had reported (S. Doc. No. 20, 48th Cong., 2d sess.) that the coal fields were of doubtful value.

On pages 3–4 of the report of Mr. Bannon and Prof. C. D. Walcott (S. Ex. Doc. No. 20, 48th Cong., 2d sess.), the following appears:

"The Indian agent, Tiffany, at the San Carlos Agency, notified the miners that they were within the limits of the reservations, by posting notices dated March 4, 1881, on the trails leading to the mines, on the works about the mines, and also had the notice read to passers. This did not deter the prospectors, and the work of development went on until ———, 1883, when they were removed, by order of the Department of the Interior, by the military under Gen. Crook."

The military action which evicted the prospectors was also extended beyond the then known limits of the reservation to the north and farmers who had settled upon the public domain were included in the general proscription. Thus the claimants under this bill were deprived of their rights upon territory justly regarded as being open to entry, through no fault of their own.

This bill was submitted to the Secretary of the Interior, and in his report of February 24, 1916, he says:

"The difficulty of these settlers may be explained by the fact that the northern line of the reservation was not, apparently, based originally on actual official surveys, but was only approximated. The maps prepared in the General Land Office in 1879 and 1883 show the northern boundary to lie considerably south of the boundary line as shown on the present map of Arizona. The record shows that a survey was made by the War Department in 1882–83 to settle disputes between the Indians and the settlers, and that it was about this time that complaints were received in the Indian Office relative to the location of the line so as to include the settlement at Forest Dale or Apache Springs. It appears therefore that this survey, by definitely locating the northern boundary line of the reservation as established in 1871 (which line had theretofore been approximated only) took in the setttlement of Forest Dale and caused the damage complained of."

The Secretary further says:

"However, it is quite possible that these settlers might be morally entitled to some relief, and if so, I would have no objection thereto."

The total amount of these claims is $133,000. It is recommended by this committee that the sums claimed by each of the claimants be adjusted by payment of one-half the sum claimed as being justly due, in full compensation for the loss sustained. All of the claims are fully sustained by the sworn statement of each of the claimants, or their representatives, having knowledge of the facts.

Mr. GALLINGER. I will ask the Senator from Arizona if this is not a typical case that should go to the Court of Claims? The Senator reads from the Secretary of the Interior, who in a very cautious way has committed himself to the bill. Then it provides that the Secretary of the Interior shall determine the equities and fairness of these claims. It looks to me like sending it to a judge who has already looked into it. It does seem to me that it ought to go to the Court of Claims for fair consideration by that court, which is appointed for this very purpose.

Mr. ASHURST. Let me say to the distinguished Senator the Secretary of the Interior has abundant facilities now in the way of inspectors and other persons, and he is equipped to make a speedy investigation, and I think can get results. If the inspectors or other authorities find that no damage was in fact done, then of course this legislation is rendered null and void. They were all excluded, but if he should find that their losses and damages were only a part of what the committee has found, he may then make payment according to his finding.

I wish the Senate to understand that this is an old claim. Many of these people are now citizens of Arizona, Utah, and New Mexico. I know most of them, and know them well. I think it is nothing but just that these claims should be paid at an early date. They were excluded; there is no doubt about that. Everybody in the northern part of the State knows that. Probably a cold, technical construction might send it to the Court of Claims, but I hope that will not be done.

I presented this matter to the best of my ability to the Committee on Indian Affairs. The committee had a large attendance present; hearings were had, a report made, and it has been printed. The most convincing thing is the map of the State of Arizona marked by the honorable Secretary showing that the land at that time was, according to the official map, public land.

Mr. GALLINGER. Has this bill ever been before the Committee on Claims, I will ask the Senator?

Mr. ASHURST. Let me say when I first introduced it it was sent to the Committee on Claims, and the report of the Secretary of the Interior is addressed to the chairman of the Committee on Claims.

Mr. GALLINGER. I noticed that.

Mr. ASHURST. But later, by order of the Senate, the bill was withdrawn from the Committee on Claims and sent to the Committee on Indian Affairs, which committee has jurisdiction over a large number of matters of this kind. I did not ask that it be put in the appropriation bill. I do not believe that it is an appropriate thing to put such items in the Indian appropriation bill. I realize that it will be very difficult besides that to pass the other body in this Congress, but I do ask that Senators support it.

Mr. GALLINGER. One difficulty I have in giving my assent to this bill is that we have so many other claims that are due citizens of the United States. I have observed that in any claim that an Indian or a band of Indians makes an appeal is made here in behalf of the Indians, but it is not so potent when it comes to the white man. I have in my desk a bill that passed in the closing days of the Sixty-second Congress adjusting hundreds of claims of citizens of the State of New Hampshire. I had the promise that that bill would be reported at the next session, but it has not been reported out. It is in the committee now, I presume, lodged safely in a pigeonhole of the Committee on Claims, and it is going to remain there. Citizens of New Hampshire, hundreds in number, are not going to get what is their due.

Every one of those claims has been before the Court of Claims; the facts have been found; the recommendations have been made that they are just claims and should be paid; and yet I have no means of getting consideration even for that bill at the present time. In consideration of that case and many others, I think it is asking a good deal for the Senator from Arizona to require us at this late hour of the night, and with but a handful of Senators present, to pass this $66,000 claim. It is a claim, my judgment is, that ought to have been referred to the Committee on Claims or have been sent to the Court of Claims. I think I know the circumstances under which the bill was recalled from the Committee on Claims. However, I will say to the Senator from Arizona that I am not going to object to it. If no other Senator representing the western part of the country is going to object to it, I will not do so; for I know it is said that Senators from the East are not always fully informed about these matters, and possibly I am not.

Mr. THOMAS. Mr. President, I do not think any western Senator has ever accused the Senator from New Hampshire of being unfriendly to the West. If they have done so, they have done him a great injustice.

Mr. GALLINGER. I never have been; but I myself realize that I do not understand as much about some of these western matters as do some other Senators; and I would be very unwilling to do an injustice either to the Senator from Arizona, who I know is acting in entire good faith, or to these poor people whom he represents in a way; and yet I do think it is very questionable whether we ought to-night to take action on this bill. However, I will content myself with what I have said about it and let it take such course as other Members of the Senate see fit to allow it to take.

Mr. SHAFROTH. Mr. President, I am sure there has been no suggestion made by any Senator from the West that would indicate in any way that there has been any such criticism as the remarks of the Senator from New Hampshire might indicate. The people of the West have always recognized that the Senator from New Hampshire has been exceedingly liberal to the West.

Now, in relation to this bill, I desire to say, as has been verified and stated clearly, that there was an eviction in this case. These people were forcibly ejected and great damage resulted. Inasmuch as the amount has been cut down 50 per cent and they have lost the interest on this money from 1879 up to the present time, even if the amount were one-fourth more than is allowed in this bill, it would not compensate them for their loss. I hope the bill will be passed.

Mr. ASHURST. Mr. President, I will not say another word, except to thank, as I ought to thank, the distinguished Senator from New Hampshire [Mr. GALLINGER]; and I want to add that long, long before I had the honor to be in Congress my distinguished colleague [Mr. SMITH] told me that one of the greatest friends the West had was the distinguished Senator from New Hampshire.

Mr. BRANDEGEE. Mr. President, I desire to ask the Senator from Arizona if these people had in any way perfected their title to these lands? They do not claim that they have any title to the lands, do they?

Mr. ASHURST. Oh, no, Mr. President, but they were getting themselves in shape so that they could make a regular application for homestead entry of the land. The land at that time was not surveyed.

Mr. BRANDEGEE. I will not object to the bill.

Mr. ASHURST. They would have been entitled to make homestead entry, however, had the land been surveyed.

Mr. BRANDEGEE. Inasmuch as the bill provides that no money shall be paid unless the Secretary of the Interior is satisfied that the claim is absolutely just and approves of it, I shall not object.

Mr. GALLINGER. I will ask that a line or two of the paragraph be read where the amount of the claim is stated. There is a certain amount stated in the bill, I think.

Mr. BRANDEGEE. For each person.

Mr. GALLINGER. For each person.

Mr. BRANDEGEE. The total is about $62,000.

Mr. GALLINGER. I was about to suggest that it should read "or so much thereof as may be necessary." I think, however, under the circumstances, I shall not make any further suggestion about it.

The PRESIDING OFFICER. The Secretary will resume stating the amendments of the Committee on Indian Affairs.

The Secretary read the next amendment of the Committee on Indian Affairs, which was on page 2, line 1, after the name "Arizona," to strike out "$7,000" and to insert "$3,500"; in line 2, after the name "Arizona," to strike out "$12,000" and to insert "$6,000"; in the same line before the name "Susan," to insert "Mrs."; in line 3, after the name "Arizona," to strike out "$12,000" and to insert "$6,000"; in line 4, after the name "Utah," to strike out "$5,000" and to insert "$2,500"; in line 5, after the name "Utah," to strike out "$10,000" and insert "$5,000"; in the same line, after the name "William," to insert the initial "E."; in line 6, after the name "Utah," to strike out "$5,000" and insert "$2,500"; in line 7, after the name "Utah," to strike out "$5,000" and to insert "$2,500"; in line 8, after the name "Arizona," to strike out "$2,000" and insert "$1,000"; in line 9, after the name "Arizona," to strike out "$10,000" and insert "$5,000"; in line 10, after the name "Arizona," to strike "$6,000" and insert "$3,000"; in line 11, after the name "Arizona," to strike out "$10,000 and insert "$5,000"; in the same line before the word "to," to strike out "and"; in line 12, after the name "New Mexico," to strike out "$3,000" and insert "$1,500, to Peter H. McBride, of Pima, Ariz."; in line 14, after the name "Arizona," to strike out "$10,000" and insert "$5,000; and to David Edward Adams, of Central, Ariz."; and in line 14, after the name "Arizona," to strike out "$15,000" and insert "$7,500," so as to read:

To William B. Ballard, of Pima, Ariz., $3,500; to Elijah Hancock, of Eden, Ariz., $6,000; to Mrs. Susan R. Saline, of Pima, Ariz, $6,000; to Oscar Mann, of Provo Bench, Utah, $2,500; to Celia Thayne, of Orangeville, Utah, $5,000; to William E. Cox, of Union, Utah, $2,500; to Theodore Farley, of Provo Bench, Utah, $2,500; to Adelaide Laxton, of Show Low, Ariz., $1,000; to Clara L. Tenney, of Taylor, Ariz., $5,000; to George M. Adams, of Show Low, Ariz., $3,000; to Charlotte Jensen, of Eagar, Ariz., $5,000; to Sophia Huff, of Bluewater, N. Mex., $1,500; to Peter H. McBride, of Pima, Ariz., $5,000; and to David Edward Adams of Central, Ariz., $7,500, in full compensation for loss and damage sustained by reason of the eviction and expulsion of the persons aforesaid from lands at the place known as Forest Dale, in Apache County, Ariz.

The amendment was agreed to.

The next amendment was, on page 3, line 15, after the word "destroy," to insert:

Provided, however, That the Secretary of the Treasury shall make no payment to any of the above-named persons, or to their personal representatives, for any of said losses and damages sustained by reason of the eviction and expulsion of said persons from said lands until and unless the Secretary of the Interior shall have ascertained and determined that in his opinion and judgment the amounts proposed to be paid to the said above-named persons for such loss and damage aforementioned are fair, just, equitable, and in proportion to the losses and damages sustained by the above-named persons.

The amendment was agreed to.

Mr. GALLINGER. Mr. President, I will ask the Senator from Arizona if he has knowledge as to whether or not these claims have been placed in the hands of a claim agent or of claims agents who are to get a "rake-off," as we call it, on these claims?

Mr. ASHURST. I am glad the Senator from New Hampshire has asked that question. I will take a few minutes to state that when I was elected to the Senate I had some law business in the county in which most of these people live, the county seat being Holbrook. They consulted me as to the best means to adopt to secure some relief. They asked me if I would advise them to employ a claims attorney. I told them that so far as I was concerned, I believed—because I was quite familiar with the situation—that I could in time secure the passage of some kind of a relief bill for them through Congress. So I think I am perfectly secure in stating, and I think I am telling the truth when I say, that, so far as I know, no attorney whatever is now interested in the claims.

A certain attorney in Prescott was connected with them some years ago, but I do not think he is now. His services only went so far as to take an affidavit from each one of the 15 claimants. I think his services were no longer required, and were dispensed with after he had taken the evidence and put it into the form of a memorial so as to perpetuate it. I do not know of any attorney or other person who will be paid any sum whatever in connection with these claims. The correspondence which I have had with respect to them has, as a rule, been with the claimants themselves or their personal representatives or heirs.

Mr. GALLINGER. I am very glad to know that. My anxiety about the matter was not so much as to whether or not some attorney was interested in the claims as it was as to the percentage of the claims which may have been promised to an attorney. I know that in some of these claims, particularly in claims on the part of Indians, exorbitant fees have been taken and have been allowed. If this money is to go to these poor Indians or to their families, I want them to get a reasonable share of it, at least, as I hope they will.

I will ask the Senator one further question. Who estimated the claims in the first place?

Mr. ASHURST. The claims were estimated in the first place by the claimants, if living, or by their wives or in some cases by their sons. I think the report sets that out fully. The estimate was made about four or five years ago.

Mr. GALLINGER. Upon what hypothesis has the committee reduced the claims by 50 per cent—upon any knowledge?

Mr. ASHURST. I think merely as a penalty possibly for not presenting the claims sooner. Some suggestion had been made that they had been guilty of delay or laches; and it seems to me that it was a sort of penalty for not presenting the claims more speedily.

Mr. THOMAS. Lack of diligence.

Mr. ASHURST. Lack of diligence—that is the proper phrase.

Mr. GALLINGER. Well, Mr. President, that answers my question.

The PRESIDING OFFICER. Without objection, the amendment will be deemed agreed to.

Mr. BRANDEGEE. Mr. President, would the Senator from Arizona object to an amendment that no attorney should have any claim against any beneficiary mentioned in this bill for services rendered in procuring this legislation?

Mr. ASHURST. Mr. President, I not only would not object, but I would welcome such an amendment; and I think it would be very salutary to say that none of this money shall be paid to any attorney or other person, but shall be paid directly, if paid at all, to the claimant or his or her personal representative, that is, the executor. I would welcome an amendment such as that. and would have no objection to it whatever.

Mr. BRANDEGEE. We know nothing about these matters. There may be in the hands of attorneys orders on the department or the Government officials to pay a portion of this money to them and that such orders shall be their receipt for the same. I do not know, however, that such is the case.

Mr. ASHURST. I hope the Senator will offer an amendment to cover the point he has suggested.

Mr. BRANDEGEE. I would not have suggested it if the Senator had not said that, so far as he knew, there were no such claims, and, of course, I take his word for that.

Mr. ASHURST. As I have said, I would welcome such an amendment.

Mr. BRANDEGEE. I am not prepared to suggest the exact form of the amendment just now. The Senator is familiar with such amendments, as they have frequently been put on bills we have passed.

Mr. ASHURST. If the Senator will pardon me, I will suggest an amendment.

Mr. SHAFROTH. Let me suggest to the Senator that if there have been any lawyers employed they ought to have some compensation, and I would suggest an amendment to the effect that not exceeding 10 per cent of the amount shall be paid for any such purpose.

Mr. ASHURST. If the Senator will pardon me, I think that the attorney—and he was the only attorney in the case—who gathered the evidence has been compensated long ago. These are respectable people and worthy citizens of the community where they reside.

Mr. BRANDEGEE. I have no doubt of that.

Mr. ASHURST. They compensated the attorney, I am sure, long ago for his services in gathering the evidence.

Mr. BRANDEGEE. What I meant was this: If this bill passes, it is because of the services of the Senator from Arizona, which have been rendered freely to his constituents.

Mr. ASHURST. Certainly.

Mr. BRANDEGEE. And I simply would like something put in the bill to protect these claimants against a lot of trumped-up claims that may be presented by attorneys they may formerly have had who have rendered no services in connection with this bill.

Mr. ASHURST. Then I suggest an amendment. After the word "persons," on page 4, line 2, to insert the following:

Provided further, That none of the moneys proposed to be paid by this act shall be paid to any person other than the claimant named herein or his or her personal representative, and that no lien of any kind or nature shall be recognized by the Secretary of the Interior in making payment hereunder.

Mr. BRANDEGEE. Let me suggest to the Senator that he put in this phrase: "And that no attorney's lien shall attach to any amount of money appropriated under this act."

Mr. ASHURST. I accept that suggested amendment.

The PRESIDING OFFICER. Without objection, the amendment of the Senator from Arizona as modified is 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:

The title was amended so as to read: "A bill for the relief of Alfred Cluff, Orson Cluff, Henry E. Norton, William B. Ballard, Elijah Hancock, Mrs. Susan R. Saline, Oscar Mann, Celia Thayne, William E. Cox, Theodore Farley, Adelaide Laxton, Clara L. Tenney, George M. Adams, Charlotte Jensen, Sophia Huff, Peter H. McBride, and David Edward Adams."

RECLAMATION OF OREGON LANDS UNDER CAREY ACT.

The bill (S. 8044) providing for the extension of time for the reclamation of certain lands in the State of Oregon under the Carey Act was considered as in Committee of the Whole. It authorizes the Secretary of the Interior, within his discretion, to extend for a period of not exceeding 10 years the time of segregation in the Oregon Carey Act segregation lists Nos. 6 and 19, the two areas comprising 140,714 acres in the aggregate, approximately 86,000 of which are irrigable, being situated in Crook County, Oreg.; and the Secretary of the Interior if further authorized to grant to the State of Oregon a similar extension of 10 years for the reclamation of such lands in addition to the time allotted under existing rules, regulations, contracts, and laws.

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

BILLS PASSED OVER.

The bill (S. 1695) to provide for the military and naval training of the citizen forces of the United States, was announced as next in order.

Mr. GALLINGER. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 8201) to amend an act providing mediation, conciliation, etc., approved July 15, 1913; to authorize the President to protect the operation of trains in time of peace, and to take possession of the common carriers and draft their crews and officials in time of war, and for other purposes, was announced as next in order.

Mr. GALLINGER. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 20079) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, was announced as next in order.

Mr. GALLINGER. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

AMERICUS A. GORDON.

The bill (S. 6690) for the relief of Americus A. Gordon was considered as in Committee of the Whole. It provides that in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, Americus A. Gordon shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Company H, Fourth Regiment Indiana Volunteer Cavalry, on the 20th day of April, 1864.

Mr. GALLINGER. I move to amend the bill by inserting the usual proviso, to read:

Provided, That no pay, bounty, or other emolument shall accrue prior to the passage of this act.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. At the end of line 10 it is proposed to insert the following:

Provided, That no pay, bounty, or other emolument shall accrue prior to the passage of this act.

The amendment was agreed to.

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

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

BILL PASSED OVER.

Mr. SHAFROTH. I understand that completes the calendar.

Mr. SMITH of Georgia. There are several other bills which have been reported to-day and which do not appear on the calendar, namely, Order of Business No. 928 and Order of Business No. 929, copies of which I have in my hand. I suppose they could properly be considered.

Mr. SMOOT. And also Order of Business No. 930 and Order of Business No. 931.

Mr. SHAFROTH. I ask for the consideration of Order of Business No. 931.

Mr. SMOOT. Let that come up in regular order.

The PRESIDING OFFICER. The Secretary will state the next bill on the calendar.

The SECRETARY. A bill (H. R. 8033) to amend section 162 of an act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911.

Mr. SMOOT. I ask that that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. SMITH of Georgia. I have no personal interest in this matter, except that I have been pressed by a great many people to get it before the Senate, and I want them to be sure that I have done so.

LONGEVITY CLAIMS.

The bill (S. 6286) to confer jurisdiction on the Court of Claims was announced as next in order.

Mr. SMOOT. Let that bill go over.

Mr. SMITH of Georgia. That bill relates to longevity claims.

Mr. GALLINGER. Mr. President, there are hundreds of longevity claims, and I will never agree that a single longevity claim, or that two or three or four or five such claims, shall be selected out and passed here.

Mr. SMITH of Georgia. This bill does not select out any of the claims, but it is a general bill allowing those longevity claimants to go to the Court of Claims and have their rights adjudicated.

Mr. GALLINGER. Yes; but I have a bill in my desk carrying hundreds of longevity claims that have been before the Court of Claims and adjudicated, and yet every time it is suggested that we should take it up there is objection to it. I think we had better pass those that have been already favorably reported before we take up a new batch.

Mr. SMITH of Georgia. I was under the impression that this bill applied to all such claims. I do not, however, know anything about it myself.

Mr. GALLINGER. It does not cover all such claims.

Mr. SMOOT. The claims to which the Senator from New Hampshire has referred have already been to the Court of Claims and been passed upon.

Mr. GALLINGER. Certainly; and have been here for years, but we can not get consideration for them.

Mr. SMITH of Georgia. Are they the claims of that class of officers who were turned down just by one comptroller?

Mr. GALLINGER. I think so.

Mr. SMOOT. I think they are in the same class, only with this distinction—that they have already gone to the Court of Claims and have been acted upon.

Mr. SMITH of Georgia. As I understood it, there was a right of certain Army officers to receive pay growing out of the allowance that came to them for the time they were at West Point. The claims were recognized and paid and approved by every comptroller except one. The Supreme Court sustained their right to recover. One comptroller had held adversely to their claims, and subsequent comptrollers declined to reverse the adverse ruling of the prior comptroller. That is what I understand.

Mr. SMOOT. This bill does cover that.

Mr. SMITH of Georgia. And this bill is intended to cover that.

Mr. SMOOT. But there are a great many other claims. There are longevity claims.

Mr. WARREN. Mr. President——

Mr. TOWNSEND. Mr. President, with reference to the statement made by the Senator from Georgia, I want to say that the claims to which the Senator refers were selected out of the claims bills by the Claims Committee as having especial merit on the ground that they had been determined, and that there was no valid objection to them anywhere except the technical one that one comptroller had declined to pass them. Now, I do not believe—I may be mistaken—that any such claims have ever been passed upon here. No; they never have been; so that the Senator is absolutely right.

Mr. SMITH of Georgia. This is not a bill that I introduced. It is a bill that was referred to the Judiciary Committee, and I have been called on and called on to get it up. I am simply trying to get it before the Senate. I hope that somebody who knows more about it than I do—a number of members of the Judiciary Committee seem to know about it—will explain it.

Mr. WARREN. Mr. President, I will not assume that I know more about it than the Senator does. Perhaps he knows more about it than I do; but this matter is very much as he says. One comptroller ruled against it and the following comptroller would not reverse his ruling. The amount claimed by all of these officers is away up in the millions.

Mr. SMITH of Georgia. Covered by this bill?

Mr. WARREN. Claims for longevity. Once in an omnibus bill they were gotten through the Senate but could not get through the House. In the meantime suits were brought by certain officers, where perhaps there was some exception in their favor, and they obtained judgment of the court. What this bill seeks to do, as I read it, is to take the others and have them passed through according to the court's finding in some particular case. We ought to look that case up, and I think the bill ought to go over until we can look it up.

Mr. SMITH of Georgia. The Senator from Utah is more familiar with the details than I am. He was on the subcommittee. The bill is now upon the calendar of the Senate, subject to action by the Senate, and my responsibility is discharged.

Mr. SMOOT. I ask that it go over.

Mr. WARREN. I think it ought to go over.

Mr. GALLINGER. Before it goes over I want to say that I hold in my hand a bill for 140 officers for allowances known as longevity claims which have been before the Court of Claims, acted upon favorably by that court, referred here, and the Senator from Wyoming says they once passed the Senate. I have reintroduced the bill, but it gets no consideration in the committee.

The PRESIDING OFFICER (Mr. SHEPPARD in the chair). Objection is made, and the bill will be passed over.

The Secretary will state the next bill on the calendar.

RIGHT OF WAY FOR IRRIGATION OR DRAINAGE.

The bill (S. 7710) to amend the irrigation act of March 3, 1891 (26 Stats., p. 1095), section 18, and to amend section 2 of the act of May 11, 1898 (30 Stats., p. 404), was announced as next in order.

Mr. POINDEXTER. Is there a report on that bill? If so, I should like to have it read.

The PRESIDING OFFICER. The Chair is informed that the report has not been printed.

Mr. SMOOT. The bill was reported to-day.

Mr. POINDEXTER. I ask that it go over. It gives the right of eminent domain.

Mr. WALSH. Mr. President——

The PRESIDING OFFICER. Will the Senator from Washington withhold his objection until the Senator from Montana can be heard?

Mr. POINDEXTER. Yes; I withhold the objection.

Mr. WALSH. Mr. President, this bill was considered by the Irrigation Committee, or rather the committee was polled on it by one of the members of the committee. I do not recall who it was; but he represented to me a condition which I think may very readily appeal to the Senator from Washington.

The right of way is granted now for irrigation companies to traverse the public lands, but a good many of the States are in a condition like that which exists in our State; they desire the right of way for pipe purposes rather than for irrigation purposes. The present act grants the right of way for irrigation purposes, but does not grant the right of way for ditch companies engaged in the construction of drainage enterprises; and it occurred to me that there could be no possible objection to amending the act so as to permit that.

Mr. POINDEXTER. There may not be, but I should like to have a little more opportunity to consider it, in view of its importance, that is all.

Mr. BRANDEGEE. Mr. President, I should like to suggest to the Senator from Montana that the language of the bill seems to me to be somewhat peculiar—"that the right of way is granted through all the public lands of the United States." That means, of course, a right of way anywhere that anybody who is granted it wants to go. Will that encumber the lands which are now public lands and which may hereafter become private lands?

Mr. WALSH. Undoubtedly it will. That has been the law, I will say to the Senator, since 1866. Any one can construct a ditch for purposes of irrigation across the public lands anywhere. No permission of any kind is required.

Mr. SHAFROTH. Mr. President——

Mr. BRANDEGEE. My position is somewhat similar to that of the Senator from New Hampshire in that I am not particularly familiar with these western subjects, but it seems to me to be a little broad to say now that any ditch company or irrigation company shall forever have a right of way across all the public lands anywhere they have a mind to exercise it, which makes it an encumbrance upon all those lands, no matter for what purpose they may prove to be valuable in the future.

Mr. WALSH. I think I ought to say to the Senator from Connecticut that the term "public lands," as used in all of these acts, includes no lands that are reserved for any purpose.

Mr. BRANDEGEE. Oh, I understand that. It is only lands subject to entry.

Mr. WALSH. It would not grant a right of way over an Indian reservation, or a military reservation, or anything of that kind. Only those lands that are open to appropriation under the general laws are included in the term "public lands."

Mr. BRANDEGEE. We in the East, when we grant a right of way over a particular piece of land, are rather in the habit of defining the right of way, or at least limiting it by some boundaries.

The PRESIDING OFFICER. Does the Senator from Washington renew his objection?

Mr. POINDEXTER. I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. POINDEXTER. I will say to the Senator from Montana that if it is brought up again after the report is printed I may withdraw the objection; but I should like to look into it.

Mr. WALSH. I desire to say to the Senator from Washington that it is not my bill, and I have no personal interest at all in it.

Mr. SHAFROTH. I will say to the Senator that I think the necessity for the enactment of this legislation arises very largely from the fact that lands under large irrigation enterprises have become what they call water-logged. They are saturated with water, and it is important that drainage pipes should be laid. It is a right of way that would really occupy hardly any space whatever and would be of no detriment whatever. Inasmuch as this is a bill which must be passed by the House also—it is a Senate bill, is it not?

Mr. SMOOT. Mr. President, has not an objection been made?

The PRESIDING OFFICER. Objection has been made.

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

The PRESIDING OFFICER. The regular order is called for. The Secretary will state the next bill on the calendar.

Mr. FLETCHER. Mr. President, will not the Senator permit me to say a word upon this bill? It is a very important matter.

Mr. SMOOT. It has been discussed here already for nearly 18 minutes, and there is an objection to it; so why not make the statement when the bill is up for consideration?

Mr. FLETCHER. Let me say this, Mr. President: I have been engaged all the evening in a session of the Commerce Committee, beginning at 7.30. A very important hearing is going on there, and I have been there all the time. I have not been neglecting my work a minute, and I did not know that this bill was up until now, when I got word; and I left the committee to come up here just to say one word about it. I know that if the Senator understands the facts, which I can state in just one minute, he will not have the slightest objection to the bill.

Mr. SMOOT. Mr. President, I have not said that the Senator was neglecting his duties in any way, and I have not objected to the consideration of the bill; but 18 or 20 minutes have been consumed in the discussion of this bill, and the Senator from Washington [Mr. POINDEXTER] says that he wants to see the report before the bill passes.

Mr. FLETCHER. I do not want to take up time. I introduced the bill, however, and I ought to know something about it, and I think I am the man to discuss it and explain it.

There is only one word added to the present law, and that is the word "drainage." There are in Florida particularly drainage districts organized under State law.

There is one company, for instance, that is putting in a drainage system, and the line has to go across a piece of Government land, say, of 40 acres. All we want is authority to permit this drainage to take place across Government land. Unless I can get the bill passed to-night and get it over to the House there is no use in doing it at all, and it means the interruption of a very great public development down there in the way of drainage of lands. There are not many Government lands there; but there can be no possible harm in it, and there will be a positive benefit to what little Government land this drainage ditch would run through.

The same law will apply to drainage, if the bill is passed, that applies now to irrigation, so that it seems to me there could be no possible objection to it. The department is in favor of it and has made a favorable report on it. The department was perfectly willing to give the permission, but said it had no authority to do so. This simply gives authority to put the drainage ditch through a piece of Government land in order that this work may go on and not have the whole system interrupted because the Government happens to own a little piece of land in the entire area.

Mr. SMOOT. The Senator from Utah is in favor of the bill.

Mr. THOMAS. I think the right of way can be condemned through there.

Mr. FLETCHER. I do not know but that the Senator from Colorado is right about that.

Mr. THOMAS. I know I am right about it.

Mr. FLETCHER. But the department has taken the other view, and this would clear up the whole thing. There can be no possible harm in it.

Mr. BRANDEGEE. Mr. President, will the Senator allow me to interrupt him there? I did not object to the consideration of this bill. On looking it over, I made some remark to the effect that it was rather a broad power, but I see that the present statute allows the exercise of this right, in exactly the same language, as to irrigation.

Mr. FLETCHER. Precisely.

Mr. BRANDEGEE. And this simply adds the same privilege as to drainage.

Mr. FLETCHER. Precisely. It adds the word "drainage." The Senator is entirely correct.

Mr. BRANDEGEE. I want to ask the Senator from Washington, therefore, if he will insist on his objection?

Mr. FLETCHER. I wish the Senator from Washington would not insist.

Mr. BRANDEGEE. As I understand, this authority is in the law now as to irrigation, and the Senator wants to make it apply also to drainage.

Mr. FLETCHER. It simply adds the word "drainage" to the word "irrigation." That is all it does. I hope the Senator will permit the bill to go through. It is favorably reported by the committee and favorably reported on by the department.

Mr. SHAFROTH. Mr. President, I should like to appeal to the Senator from Washington to withdraw his objection, for the reason, also, that this very condition exists in our western country and, do doubt, in the Senator's State, where by reason of the construction of irrigation canals the lands below become saturated with water and must be drained. I have not any doubt that in some instances the drainage pipes pass over some quantity of land belonging to the Government.

Mr. GALLINGER. Mr. President, I have reason to believe that if the appeals cease the objection may be withdrawn.

Mr. FLETCHER. I do not want to discuss it a minute.

Mr. POINDEXTER. Mr. President, in view of the deep interest taken in the bill by the Senator from Florida and the Senator from Colorado, I am very much disposed not to obstruct its passage. I only heard the reading of the bill in a very cursory way. It is not printed upon the calendar even by number. Evidently it has been recently reported without a meeting of the committee, merely by polling the committee, so that we have no printed report explaining the purposes of the bill. I have sent for the report and have it in my hand. I find that the report contains a letter from the Secretary of the Interior recommending a number of amendments to the bill.

Mr. FLETCHER. The bill as it is here now is precisely as the department recommends it.

Mr. POINDEXTER. Not the form that I have in my hand.

Mr. FLETCHER. I think the Senator will find that the bill as reported from the committee is precisely as the department recommend it. It is precisely in accordance with the form recommended by the Secretary of the Interior.

Mr. POINDEXTER. Are there any public lands in Florida?

Mr. FLETCHER. Oh, yes; there are some 450,000 acres of public lands in the State, mostly in small tracts very much scattered over the State; about 450,000 acres, I think. I will say to the Senator that it is quite important in one particular instance that I know of, where there is a drainage company about to issue bonds, and the prosecution of the work and the sale of the bonds depends on their having authority to run one of their ditches through a 40-acre piece of Government land.

Mr. POINDEXTER. As pointed out by the Senator from Connecticut, the bill as it stands here, with this report, is the vaguest possible kind of a measure, granting rights of way which might be a mile wide and might be 10 feet wide. There are no restrictions whatever upon them. No administrative officer is designated to pass on the question of the extent of the right of way or the circumstances or conditions under which it should be granted. The bill that I have in my hand, as printed, says that it is reported without amendment, and yet I have in my hand a report from the Secretary of the Interior in which he says:

> But the construction of the bill is somewhat misleading and ambiguous, inasmuch as it adds to the first sentence of said section 18 the words "or drainage," and, by implication at least, omits all that follows in said section. I suggest, therefore, that this section be amended so as to read——

Mr. FLETCHER. Yes; that had reference, if the Senator will allow me, to the bill as I originally introduced it. I asked the committee to report the bill precisely as recommended by the Secretary of the Interior, and this is the bill which it reported; and it should be "without amendment," because it is exactly as the Secretary recommended it.

Mr. POINDEXTER. Evidently this is not reported as the Senator requested that it be reported.

Mr. FLETCHER. It is reported as recommended by the Secretary, precisely.

Mr. POINDEXTER. Why, it is reported without amendment. That is printed on the bill—"Reported by Mr. LANE, without amendment."

Mr. FLETCHER. He means that the report of the committee is the bill as recommended by the Secretary of the Interior.

Mr. POINDEXTER. Furthermore, while I have not any desire to obstruct the passage of this bill, it is a very loose way to legislate to be granting rights of way with nothing more definite than to say "the right of way of all irrigation projects is hereby granted over the public lands."

Mr. FLETCHER. That is exactly as the law is. This leaves practically the language of the statute.

Mr. THOMAS. It has been the law for 51 years and it has not been changed.

Mr. FLETCHER. It does not change the law at all. It simply extends it to drainage as well as irrigation; that is all.

Mr. POINDEXTER. The Secretary of the Interior, in his letter that is incorporated in the report, suggests that the section be amended to read:

That the right of way through the public lands and reservations of the United States is hereby granted to any canal or ditch company formed for the purpose of irrigation or drainage and duly organized under the laws of any State or Territory—

Is that in the bill?

which shall have filed or may hereafter file with the Secretary of the Interior a copy of its articles of incorporation and due proofs of its organization under the same, to the extent of the ground occupied by the water of the reservoir and of the canal and its laterals, and 50 feet on each side of the marginal limits thereof; also the right to take from the public lands adjacent to the line of the canal or ditch material, earth, and stone necessary for the construction of such canal or ditch: *Provided*, That no such right of way shall be so located as to interfere with the proper occupation by the Government of any such reservation, and all maps of location shall be subject to the approval of the department of the Government having jurisdiction of such reservation, and the privilege herein granted shall not be construed to interfere with the control of water for irrigation and other purposes under authority of the respective States or Territories.

That sounds more like scientific legislation.

Mr. FLETCHER. I have not seen the letter the Senator reads from. If the department recommends that as a part of the bill, I am perfectly willing to amend the bill by adding it.

Mr. POINDEXTER. I thought the Senator stated that there was already in the bill what the department recommended.

Mr. FLETCHER. I thought it was as he recommended it.

Mr. POINDEXTER. That shows how little anybody knows about the bill and the form it is in. It is simply reported——

Mr. FLETCHER. I am not on the committee, and I do not know how the committee reported it, except that I was assured the department was in favor of the bill.

Mr. SMOOT. Is the Senator from Washington going to object to the consideration of the bill now?

Mr. POINDEXTER. I should like to withhold my objection.

Mr. FLETCHER. I am perfectly willing to amend it as suggested by the Secretary of the Interior——

Mr. SMOOT. I call for the regular order.

Mr. FLETCHER. If that is a part of the recommendation of the Secretary, and the Senator will offer it.

Mr. POINDEXTER. I will not offer the amendment, because I have not heard of the bill before. I am not prepared to offer the amendment, but I am calling attention to the recommendation made by the Secretary of the Interior. It is not the only amendment that he suggests.

Mr. SMOOT. Regular order!

The PRESIDING OFFICER. The Senator from Utah demands the regular order.

Mr. POINDEXTER. Yet the Senator says that the department sustains it.

The PRESIDING OFFICER. The next bill will be announced.

Mr. FLETCHER. I move that the bill be recommitted to the Committee on Irrigation and Reclamation of Arid Lands.

The motion was agreed to.

FEDERAL BUILDING SITE AT HONOLULU.

The bill (S. 7872) to confirm and ratify the sale of the Federal building site at Honolulu, Territory of Hawaii, and for other purposes, 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.

Mr. BRANDEGEE. I wish to ask about the bill that it was just stated would be passed without any objection. It says that the sale of the Federal building site at Honolulu made under the provisions of the act of March 3, 1915, to a corporation "is hereby ratified and confirmed." If the act authorized the sale of it, what is the necessity for having a ratification?

Mr. SHAFROTH. The bill was reported by the Senator from Mississippi [Mr. WILLIAMS]. He is not here, but he sent word down that he is very anxious to have the bill passed, and he requested me to urge its passage. I have not seen the report, but from the wording of the bill it is apparent that the United States Government has sold to Castle & Cooke the old site of a Federal building there, and they are no doubt erecting or have erected on it a large building. There is some defect in the title, and they want to have it confirmed by a quitclaim deed. I think the report evidently would show it.

Mr. BRANDEGEE. Of course——

Mr. WARREN. The original act for the purchase of a site was found to be insufficient. By legislation here two or three years ago we provided for the sale and another purchase. It is a Territory now; and, to go on with the transaction of business, I suppose they require the sanction or indorsement of Congress, in the way Territories often do in their matters of legislation. Their legislation, as I understand it, is fully in line and all right with the act of two years ago, in which we added an appropriation to authorize the sale and purchase.

Mr. SMOOT. Nearly two years ago there was an appropriation made to purchase a piece of land in Honolulu for a Federal building. As the Senator says, it was found not to be the proper location or the necessary size. That piece of property was sold to Castle & Cooke, and this is to ratify the sale and to authorize the quitclaim of the property to Castle & Cooke. They have already agreed upon the purchase of another site, and in fact I think they have purchased the other site. Of course, the money they receive from this will go to paying for the building upon the new site.

Mr. MARTINE of New Jersey. They not only purchased a new site but a site infinitely more desirable, considerably larger in area, and for a price considerably less than the sum arising from the sale of the other lot.

Mr. BRANDEGEE. I have the report here now.

The PRESIDING OFFICER. Does the Senator from Connecticut move to reconsider the vote by which the bill was passed?

Mr. BRANDEGEE. I was simply objecting to the passage of the bill until I could get some information about it. It was passed so quickly that I could not understand it.

The PRESIDING OFFICER. Without objection, the vote by which the bill was passed will be reconsidered.

Mr. BRANDEGEE. It simply shows how casually these bills are passed without anybody knowing anything about them; that is all. The three Senators who have spoken upon this matter have not given the reason for the passage of the bill at all. The reason is shown in the letter and report of the Assistant Secretary of the Treasury, and it is that the advertisement under which the previous sale was made was defective, and they want to have it ratified and confirmed. I can understand that, and that is satisfactory to me. I have no objection, however, at all. I ask that the report of the committee be printed in the RECORD to explain the bill.

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

The report is as follows:

[Senate Rept. No. 1038, 64th Cong., 2d sess.]

Mr. SWANSON, from the Committee on Public Buildings and Grounds, submitted the following report:

The Committee on Public Buildings and Grounds, to which was referred Senate bill 7872, to confirm and ratify the sale of the Federal-building site at Honolulu, Territory of Hawaii, and for other purposes, having considered the same, report it to the Senate with the recommendation that it do pass.

The necessity and purpose of this legislation is fully set forth in a letter to the Committee on Public Buildings and Grounds of the House of Representatives, which is attached and made a part of this report. The letter is from Hon. B. R. Newton, Assistant Secretary of the Treasury, and is as follows:

TREASURY DEPARTMENT,
OFFICE OF ASSISTANT SECRETARY,
Washington, December 26, 1916.

MY DEAR CONGRESSMAN: Under the authority given by Congress this department purchased a site for a post office, courthouse, and customhouse at Honolulu, Hawaii, at a cost of $104,531.29. Due to subsequent developments, this site proved to be too small, and Congress authorized the acquisition of additional land for its enlargement, but the awards in condemnation proceedings instituted for the purpose were in excess of the amount made available for the purpose. Thereafter additional legislation was enacted authorizing the Secretary of the Treasury to sell said site at not less than $165,000 and to acquire a new site at not to exceed $275,000. A new site has been selected, and steps are being perfected for its acquisition at a cost of $200,000. The old site has been offered for sale at public auction, and the highest price offered, after a somewhat spirited competition, was $475,000, which bid has been accepted.

The act of Congress, approved March 3, 1915, authorizing the sale of the old site requires, among other things, that notices of the sale be given "by advertisement for 30 days in at least two newspapers" published in Honolulu. Advertisements were published in two daily papers,

each paper having published the advertisement for 11 days between September 14 and October 19, 1916, covering a period of more than 30 days.

Some question has been raised as to the sufficiency of this advertising of the sale in question, it being suggested that the advertisement should have appeared daily for 30 consecutive days prior to the sale. The decisions of the courts are not uniform as to what constitutes compliance with a direction of the character contained in the act in question, and in view of the large sum bid and in order that no question may be raised hereafter touching the validity of the advertisement, it is deemed best to have correctionary legislation in this case in the nature of a ratification of the sale.

Inasmuch as you have been in Honolulu and are familiar with the old and new sites, the department ventures to bring this matter to your attention with request that you take such action in connection with the matter as your large experience in public-building affairs may suggest.

There is inclosed a tentative draft of a bill which, if enacted into law, will be satisfactory to the bidder.

Very truly yours,

B. R. NEWTON, *Assistant Secretary.*

Hon. JOHN L. BURNETT,
House of Representatives.

The bill was passed.

ORDER OF BUSINESS.

Mr. POMERENE. Does that conclude the last bill on the calendar?

The PRESIDING OFFICER. The regular order is to start with the first bill on the calendar.

Mr. POMERENE. I ask unanimous consent to take up the bill (H. R. 8348) to amend an act entitled "An act to create a juvenile court in and for the District of Columbia, and for other purposes." This is a matter of great importance, and I hope there will be no objection to it.

Mr. SMOOT. I understand that the time has arrived when we were to adjourn, but I shall not object to the consideration of this bill.

Mr. MYERS. I hope the Senate will not adjourn until we have had a further opportunity to consider bills on the calendar.

The PRESIDING OFFICER. The Chair will state that no agreement has been made as to the hour of adjournment.

Mr. SMOOT. I am perfectly aware of that. If we are going on with the calendar now, I want to begin at the beginning; but I am perfectly willing if there is only one bill to be called up out of order to agree to have it passed. If we are going to consider bills further, we had better consider them as it was agreed by unanimous consent they should be considered.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Ohio?

Mr. TOWNSEND. What bill is that?

The PRESIDING OFFICER. The District juvenile court bill.

Mr. SMOOT. I have no objection to the juvenile court bill.

Mr. GALLINGER. It is a very good bill.

Mr. CHILTON. Before that is done, I ask the Senator from Ohio to allow me——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from West Virginia?

Mr. POMERENE. I yield to the Senator from West Virginia.

LONGEVITY CLAIMS.

Mr. CHILTON. A while ago Order of Business 929, Senate bill 6286, known as the longevity bill, was up, and there was some objection to it on the other side. Since that time I have examined the decision referred to in that bill. I suggest that with one little amendment there could possibly be no objection to the bill.

Mr. SMOOT. I will say to the Senator there is more in the bill than we ought to be asked to consider to-night.

Mr. CHILTON. I think if the Senator will look at the bill again he will see there can possibly be but one thing in it. It is simply this: Certain officers were decided against under an act of Congress by two comptrollers. As to those cases they can never be reopened. Afterwards the Supreme Court of the United States in two cases decided that the comptroller had mistaken the law and that they were entitled to their pay under the act of Congress. They have a rule there that they never reverse an auditor in the particular case in which he has decided against a claimant. The majority of these people have gotten their pay under the decisions of the Supreme Court, and the men who happened to be decided against wrongfully by the comptroller must forever stay out of their pay unless they can get relief by an act of Congress.

Mr. SMOOT. What is the amendment the Senator suggests?

Mr. CHILTON. The amendment I suggest would be on page 2, line 11, where it says "and no settlement heretofore made shall conclude a settlement under the terms of this act," instead of those words to say "and no decision of a comptroller heretofore made against these claimants under said section 15 shall preclude a settlement under the terms of this act where the claim has not been paid."

That will make it so that it will include everybody and do a simple act of justice. It is plain upon its face, and I think we ought to pass it.

The PRESIDING OFFICER. If the Senator from West Virginia will permit the Chair, the request of the Senator from Ohio for unanimous consent is pending.

Mr. CHILTON. He yielded the floor for a moment.

The PRESIDING OFFICER. He yielded to the Senator from West Virginia to make another request. The Chair will hold that the first request has to be put now.

Mr. POMERENE. I hope the Senator will not try to inject that bill now.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Ohio?

Mr. POMERENE. I think the juvenile court bill is a very important measure, and I hope the Senate will consider it.

The PRESIDING OFFICER. Let the Chair put the question.

Mr. SMITH of Georgia. I shall have to object.

The PRESIDING OFFICER. There is objection.

Mr. BRANDEGEE. I do not object. I object to the consideration of both bills at the same time.

The PRESIDING OFFICER. There is objection to the request of the Senator from Ohio.

Mr. POMERENE. Who interposed the objection, may I ask?

Mr. SMITH of Georgia. I interposed the objection, and I wish to state why I did it. The bill to which the Senator from West Virginia calls attention is one that was before the Senate a moment ago, and objection was made to its consideration, and that objection now is withdrawn. I think it should be disposed of as a part of the regular calender that we are on. As soon as that is done I shall interpose no objection to unanimous consent to take up the bill to which the Senator from Ohio has referred.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia?

Mr. GALLINGER. I made the objection and withdraw it because of the fact that the Senator proposed an amendment that I think is a very proper one.

The PRESIDING OFFICER. The Senator from West Virginia asks unanimous consent to proceed to the consideration of the bill (S. 6286) to confer jurisdiction on the Court of Claims.

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

Mr. CHILTON. I have drawn an amendment which I will ask the Secretary to read.

The SECRETARY. On page 2, line 11, strike out the word "settlement" and insert "decision of a comptroller."

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The SECRETARY. After the word "made" in line 12 insert the words "against the claimant under said section 15."

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The SECRETARY. In line 13, after the word "act" and before the period, insert "where the claimant has not been paid."

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. BRANDEGEE. Before the bill is passed I wish to ask the Senator a question. The bill applies only to certain cases. Why should not the same power be given for the Court of Claims to pronounce judgment upon all claims on which the facts have been found?

Mr. CHILTON. I understood it did. Some of them have not been presented to the Court of Claims. This covers those cases that are pending in the Court of Claims and allows the comptroller to act where a suit has not been brought.

Mr. BRANDEGEE. The language of the bill is that they are authorized to enter judgment upon the findings of fact heretofore made. I wondered why these were selected; why, if there were other cases where the findings of fact had been heretofore made the court should not be authorized to pronounce judgment upon them also.

Mr. CHILTON. They would have the right where the case would be brought hereafter without doing that.

Mr. BRANDEGEE. No; but upon all cases heretofore.

Mr. CHILTON. In the cases hereafter brought they would have a right to do it, anyhow.

Mr. BRANDEGEE. These cases were brought and findings were practically made upon them, and they evidently could not pronounce judgment; and this legislation is necessary to give them authority to pronounce judgment upon the facts as found.

Mr. CHILTON. Just put that in the bill.

Mr. BRANDEGEE. I will not ask the Senator to insert anything else, because I am not familiar enough with the subject

to know whether it would be doing right or not. I was simply inquiring whether the Senator knew. I am not going to object to the bill.

Mr. CHILTON. I have stated the facts exactly as I understand them from reputable men who are interested that some of the cases have been brought in the Court of Claims and others have not. For some reason or other, I do not know why exactly, the Court of Claims could not enter judgment upon those facts, but I suppose the important thing was to require the comptroller, where the facts are the same as in those cases where the Supreme Court has settled the law, to allow settlement to be made notwithstanding the peculiar rule that they will not reverse themselves.

Mr. BRANDEGEE. I hope the Senator will not speak any more about it, because I am afraid somebody will object to the bill. I simply asked for information. I do not understand it, but I will not object.

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

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

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

DISTRICT JUVENILE COURT.

Mr. POMERENE. I renew my request for unanimous consent to call up the bill (H. R. 8348) to amend an act entitled "An act to create a juvenile court in and for the District of Columbia," and for other purposes.

Mr. SMITH of Georgia. A few evenings ago when the Senator from Ohio sought to bring up this bill I objected. I had examined the bill which passed the House, to which I thought there were a number of serious objections and a number of amendments that ought to be made. I have examined as carefully as I can the bill as it is reported from the committee. The Senate committee has certainly corrected a number of those things that I thought were objectionable in the bill as passed by the House. Not knowing myself how to suggest that it be made better than the committee has recommended it, I will not further object.

Mr. POMERENE. I thank the Senator.

Mr. SMOOT. Do I understand the Senator from Georgia to say that we are to begin now to consider bills by unanimous consent anywhere on the calendar?

Mr. SMITH of Georgia. No; I understood that we were to take this bill up, if the Senate does not object; but I am sure by the time we get through with this bill we will have consumed the evening, and I shall ask the Senate to adjourn after the disposition of this measure.

Mr. MYERS. Will the Senator from Ohio yield to me for a minute? After he gets through with his bill I want to make a request for the consideration of one very short bill. I am the cause of this session being held, I obtained unanimous consent for it, and I have not had a single measure passed this evening. After the Senator gets through I want to make a request for the consideration of a bill that it will not take two minutes to dispose of.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Ohio?

Mr. SMOOT. With that understanding, I have no objection.

Mr. THOMAS. Mr. President, I think there is a great deal of justice in the protest of the Senator from Montana. He has a short bill in charge, and I think it ought to be considered.

Mr. MYERS. I am not asking that now. The Senator from Ohio is ahead of me. After he gets through I shall make the request.

Mr. THOMAS. After he gets through it may be that all the evening will have passed.

There being no objection, the bill (H. R. 8348) to amend an act entitled "An act to create a juvenile court in and for the District of Columbia," and for other purposes, was considered as in Committee of the Whole.

The bill was reported from the Committee on the District of Columbia with amendments.

The first amendment of the Committee on the District of Columbia was, in section 2, page 2, line 3, after the words "appointed and," to strike out "confirmed" and insert "qualified," so as to make the section read:

SEC. 2. That said court shall be a court of record and the judge thereof shall be appointed by the President of the United States, by and with the advice and consent of the Senate, for a term of six years, or until his successor is appointed and qualified. No person shall be appointed to the office of judge of the said court who is not a duly licensed and practicing attorney at law. Said judge shall, before entering upon the duties of his office, take the oath prescribed for judges of courts of the United States.

The amendment was agreed to.

The next amendment was, in section 3, page 2, line 18, after the word "duties," to insert "or in case it is necessary to provide a substitute for himself on account of his own sickness, absence, or disability," so as to make the section read:

SEC. 3. That the judge of the juvenile court shall immediately upon his appointment and qualification designate a judge of the municipal court of the District of Columbia to discharge the duties of the said judge of the juvenile court in case of sickness, absence, disability, or death of said judge of the juvenile court, until such disability be removed or vacancy filled. Such designation may be thereafter changed from time to time by the judge of the juvenile court or such judge of the municipal court performing such duties or in case it is necessary to provide a substitute for himself on account of his own sickness, absence, or disability.

The amendment was agreed to.

The next amendment was, in section 4, on page 2, after line 23, to strike out:

(a) Who violates any penal law, or any regulation or ordinance of the District of Columbia, or who commits any act or offense for which he could be prosecuted in a method partaking of the nature of a criminal action or proceeding; or.

The amendment was agreed to.

The next amendment was, on page 3, line 4, to strike out the letter "b" in parentheses and insert the letter "a"; in line 5, after the word "or," to strike out "is found in any place for permitting" and insert "who commits any act for"; in line 9, after the word "morals," to insert "or"; and, in line 10, after the word "health," to strike out "or general welfare," so as to make the clause read:

(a) Who engages in any occupation, calling, or exhibition, or who commits any act for which an adult may be punished by law, or who so deports himself or is in such condition or surroundings or under such improper or insufficient guardianship or control as to endanger the morals or health of such child; or.

The amendment was agreed to.

The next amendment was, on page 3, line 11, to strike out the letter "c" in parentheses and insert the letter "b."

The amendment was agreed to.

The next amendment was, on page 3, line 14, to strike out the letter "d" in parentheses and insert the letter "c."

The amendment was agreed to.

The next amendment was, in section 5, page 4, line 4, after the word "that," to insert "in the absence of any natural or legal guardian"; in line 7, after the word "court," to strike out "should give such child" and insert "determines"; in line 9, after the word "case," to strike out "and such discipline and protection may, in the discretion of the court, continue until the child shall attain the age of 21 years, during which period the court may from time to time make such orders as the welfare of the child may require"; so as to make the section read:

SEC. 5. That, except as herein otherwise provided, the Juvenile Court of the District of Columbia shall have original and exclusive jurisdiction of all cases coming within the terms and provisions of this act. This act shall be construed liberally and as remedial in character; and the powers hereby conferred are intended to be general to effect the beneficial purposes herein set forth. It is the intention of this act that in all proceedings coming under its provisions the court shall proceed upon the theory that in the absence of any natural or legal guardian the child is the ward of the District of Columbia and is subject to the discipline and entitled to the protection which the court determines under the conditions disclosed in the case.

The amendment was agreed to.

The next amendment was, in section 8, page 5, line 25, after the word "or," to strike out "custodian" and insert "next friend"; on page 6, line 5, after the word "or," to strike out "custodian" and insert "next friend"; in line 7, after the word "or," to strike out "custodian" and insert "next friend"; and, in line 11, after the word "or," to strike out "custodian" and insert "next friend"; so as to make the section read:

SEC. 8. That the judge of the juvenile court may designate a female probation officer as commissioner in the first instance to hear and determine the disposition of any cases of females coming within the provisions of this act and make report thereof to the said judge, together with said commissioner's conclusions and recommendations. If no exceptions be taken to said report and no review be asked thereof, such report and recommendations may be confirmed by an order of said court, and, if confirmed, shall become the judgment of said court. A review by the court of the conclusions and recommendations of said commissioner may be had by any child, or the parent, guardian, or next friend of any child, who may feel aggrieved at the report of said commissioner by filing a request for review thereof at any time within five days after notice of the finding of said commissioner. Immediately upon the entry of said commissioner's finding the clerk of the court shall notify the parent, guardian, or next friend of the child personally or by registered mail giving the substance of said finding. Such parent, guardian, or next friend shall be presumed to have had actual notice of such finding five days after said notice shall have been deposited in the mail by said clerk, addressed to such parent, guardian, or next friend at his last known place of residence.

The amendment was agreed to.

The next amendment was, in section 9, page 6, line 19, after the word "court," to insert "Probation officers shall have, for

all purposes of this act, the power of police officers," so as to make the section read:

SEC. 9. That whenever a child is to be brought before the court under this act it shall be the duty of the chief probation officer to make, or cause to be made, such investigation of the child as may be required by the court; to be present in court at the hearing and to furnish the court such information and assistance as the judge may require; to take charge of the child before and after hearing as may be directed by the court. Probation officers shall have, for all purposes of this act, the power of police officers.

The amendment was agreed to.

The next amendment was, in section 11, page 7, line 15, after the word "officer," to strike out "or other person," so as to make the section read:

SEC. 11. That upon filing the petition the court may forthwith, or after first causing an investigation to be made by a probation officer, cause a summons to be issued requiring the child to appear before the court, and the parents, or the guardian, or the person having the custody, control, or supervision of the child, or the person with whom the child may be, to appear with the child, at a place and time stated in the summons, to show cause why the child should not be dealt with according to the provisions of this act.

The amendment was agreed to.

The next amendment was, in section 12, on page 7, line 24, after the word "child," to strike out "is embraced within subdivision (a) of section 4, or"; in line 25, after the word "condition," to insert "or surroundings"; and in the same line, after the word "that," to strike out "the welfare of the child requires" and insert "its morals or health require," so as to make the section read:

SEC. 12. That if it appears from the petition that the child is in such condition or surroundings that its morals or health require that its custody be immediately assumed, the court may indorse, or cause to be indorsed, upon the summons a direction that the officer serving the same shall at once take said child into his custody.

The amendment was agreed to.

The next amendment was, in section 13, on page 8, line 15, after the words "to some," to strike out "person above the age of 21 years residing on the premises where the said child may be found, or where he or she may live" and insert "member of the family or other person with whom said child may live or be found, above 21 years of age"; on page 9, line 8, after the words "in cases," to strike out "arising under subdivision (a) of section 4" and insert "of emergency"; and in line 10, after the word "court," to strike out "make" and insert "shall have made," so as to make the section read:

SEC. 13. That service of summons within the District of Columbia shall be made personally, by delivering to and leaving with the person summoned a true copy thereof. If it shall be made to appear to the satisfaction of the court that reasonable but unsuccessful effort has been made to serve the summons personally upon the parties named therein, other than said child, the court, at any stage of the proceedings, may pass an order providing for substitute service, by delivering a copy of the summons or a supplemental summons to some member of the family or other person with whom said child may live or be found, above 21 years of age; and if it shall appear to the satisfaction of the court that any of the parties, other than said child named in said summons, are without the District of Columbia, service may be made by registered mail, by publication, or personally without the District of Columbia, in such manner and at such time before the hearing as may be directed in said order. It shall be sufficient to confer jurisdiction if service is effected at any time before the time fixed in the summons or supplemental summons for the return thereof, but the court, if requested, shall not proceed with the hearing earlier than the third day after the day of the service. Proof of service shall be made substantially as in other courts of record. Failure to serve summons upon any person, other than said child, shall not impair the jurisdiction of the court to proceed in cases of emergency: *Provided*, That for good cause shown the court shall have made an order dispensing with such service. The summons shall be considered a mandate of the court, and willful failure to obey its requirements shall subject any person guilty thereof to liability for punishment as for a contempt.

The amendment was agreed to.

The next amendment was, in section 17, page 10, line 22, after the word "official," to strike out "only"; so as to make the section read:

SEC. 17. That until the first hearing of the case by the court a probation officer, or any other official duly authorized so to do by the court, may release the child upon its own recognizance or promise, or upon the recognizance or promise of the parent or person having the custody, control, or supervision of the child, to appear before the court at such time as may be therein fixed or when notified. Any child embraced in this Act shall have the right now given by law to any person to give bond or other security for appearance at the hearing of its case.

The amendment was agreed to.

The next amendment was, in section 18, page 11, line 7, after the word "parents," to strike out "custodian, or," and, in line 8, after the word "guardian," to insert "or next friend," so as to make the section read:

SEC. 18. That in all cases the nature of the proceeding shall be explained to said child and to the parents, guardian, or next friend; and between the time such child is taken into custody, and the appearance of said child before the juvenile court, if not released, he shall be detained subject to the order of the court. The court may, in its discretion, in any case of a child brought before it, as herein provided, permit such child to be proceeded against in accordance with the laws that may be in force in the District of Columbia governing the commission of crimes, and in such case the petition, if any, filed under this act shall be dismissed and the matter shall be certified to the proper prosecuting officer for proceedings either in the police court or in the Supreme Court of the District of Columbia in accordance with law, which said courts are hereby vested with jurisdiction to try and enter judgments in any cases thus certified.

The amendment was agreed to.

The next amendment was, on page 11, after line 22, to strike out:

SEC. 19. That a suitable place for the temporary detention of children coming within the provisions of this act shall be established, equipped, and maintained under the direction of the Board of Children's Guardians entirely apart from any place of confinement of adults. In no case shall any child coming within the provisions of this act be detained in or committed to a jail, common lockup, or other place where such child can come in contact at any time or in any manner with adults convicted or under arrest.

And insert:

SEC. 19. That in no case shall a child coming within the provisions of this act be committed to or detained in a jail or common lockup, but if committed to or detained in the house of detention or other place no such child shall come in contact with adults convicted or under arrest.

The amendment was agreed to.

The next amendment was, in section 20, on page 12, line 17, after the word "necessary," to strike out "or the court may authorize the child to be placed in a suitable family home, subject to the friendly supervision of the probation officer and the further order of the court; or it may authorize the child to be boarded out in some suitable family home in such manner as may be provided by law, or arrange by voluntary contribution or otherwise, until suitable provision may be made for the child in a home without such payment"; and on page 13, line 2, after the word "girls," to strike out "or to any institution, association, or corporation willing to receive it that may care for children within or without the District of Columbia; and the court, if satisfied that the child is in need of the care or discipline or protection of the court, may so adjudicate" and insert ": *Provided, however*, That the parents, guardian, or next friend of any child who has been or shall hereafter be committed to the Board of Children's Guardians by said court may at any time file in said court a petition, verified by oath, setting forth the action of said Board of Children's Guardians in respect to such child, where and with whom, and under what circumstances such child is living, as well as the character of its surroundings, and any other facts which may exist which indicate a reason why said child shall be released and returned to its parents or guardian, or why its condition should be changed, or the former order of the court be modified. A copy of said petition shall at once be served by said court upon the Board of Children's Guardians, whose duty it shall be to file a reply to the same within five days. If, upon examination of the petition and reply, the court is of the opinion that an investigation should be had, it may, upon due notice to all concerned, proceed to hear the facts and determine the questions in issue, and may return such child to the custody of its parent or guardian, or direct said Board of Children's Guardians to make other arrangements for the child's care and welfare as the circumstances of the case may require," so as to make the section read:

SEC. 20. That the court, after a hearing, may place the child in the care and control of a probation officer, and may allow such child to remain in its home, subject to the visitation and control of the probation officer, to be returned to the court for further proceedings whenever such action may appear to the court to be necessary; or the court may commit the child to the Board of Children's Guardians, the National Training School for Boys, or the National Training School for Girls: *Provided, however*, That the parents, guardian, or next friend of any child who has been or shall hereafter be committed to the Board of Children's Guardians by said court may at any time file in said court a petition, verified by oath, setting forth the action of said Board of Children's Guardians in respect to such child, where and with whom, and under what circumstances such child is living, as well as the character of its surroundings, and any other facts which may exist which indicate a reason why said child shall be released and returned to its parents or guardian, or why its condition should be changed, or the former order of the court be modified. A copy of said petition shall at once be served by said court upon the Board of Children's Guardians, whose duty it shall be to file a reply to the same within five days. If, upon examination of the petition and reply, the court is of the opinion that an investigation should be had, it may, upon due notice to all concerned, proceed to hear the facts and determine the questions in issue, and may return such child to the custody of its parent or guardian or direct said Board of Children's Guardians to make other arrangements for the child's care and welfare as the circumstances of the case may require.

The amendment was agreed to.

The next amendment was, in section 21, on page 14, line 6, after the word "child," to strike out "and during the time that said child may be committed to any institution, or to the care of the Board of Children's Guardians, or to any other association or person for custodial or disciplinary purposes"; in line 13, after the word "judgment," to insert "interlocutory or final"; and in line 16, after the word "child," to strike out "and no commitment of any child to the Board of Children's Guardians,

or to any institution or other custodial agency, shall deprive the court of the jurisdiction to change the form of the commitment or transfer the custody of said child to some other institution or agency on such conditions as the court may see fit to impose, the duty being constant upon the court to give to all children subject to its jurisdiction such oversight and control in the premises as will conduce to the welfare of said children and the best interests of the District. No order transferring the custody of a child shall be made except after a full hearing and upon not less than 10 days' written notice to the guardian, institution, or agency to whose care such child has theretofore been committed, unless such guardian, institution, or agency consents thereto. An appeal may be taken both upon the law and upon the facts from any order of the court transferring the custody of a child from one guardian, institution, or agency to another guardian, institution, or agency aggrieved by such order in the same manner as other appeals provided herein. The court shall have no power, however, to transfer the custody of any child embraced herein after such child may have been adopted as provided by law, except at a subsequent hearing and upon a petition filed as herein provided in a new proceeding involving such child," so as to make the section read:

SEC. 21. That during the probationary period of any child said child shall, if it should appear to the court that the welfare of said child will be conserved thereby, be subject to the friendly visitation of the probation officer or other agent of the court; and any order or judgment made by the court in the case of any such child shall be subject to such modification from time to time as the court may consider to be for the welfare of such child.

The amendment was agreed to.

The next amendment was, in section 22, on page 15, line 16, after the word "child," to strike out "is found to be in such condition or surroundings or under such improper or insufficient guardianship, parental or otherwise, as to lead" and insert "under the terms of this act is placed by"; in line 19, after the word "court," to strike out "in its discretion, to take the custody of said child from said guardianship and place it"; in line 21 after the word "Guardians," to strike out "or in some institutions or under some other custodial agency"; in line 23, after the words "petition of," to insert "said Board of Children's Guardians or"; on page 16, line 3, after the words "Children's Guardians," to strike out "or other custodial agency or institution"; in line 8, after the words "Children's Guardians," to strike out "or other custodial agency or institution"; and in line 16, after the word "court," to strike out "to any institution or," so as to make the section read:

"SEC. 22. That whenever any child under the terms of this act is placed by the court with the Board of Children's Guardians, the court may, upon petition of said Board of Children's Guardians or any person interested and after service of an order to show cause upon the parent or parents or other person having the duty under the law to support said child, and a hearing, adjudge that the expense of caring for said child by said Board of Children's Guardians, or such part thereof as may be fixed by the court, shall be paid by the person or persons bound by law to support said child, in which event such person or persons shall be liable to pay to the Board of Children's Guardians, and in such manner as the court may direct, the money so adjudged to be payable by him or them; and willful failure to pay said sum may be punished as a contempt of court. The order of the court for the payment of money may be enforced as money judgments in other courts of record are enforced. Any unlawful removal or attempt to remove or the unlawful harboring of any child committed by the juvenile court to the Board of Children's Guardians, or other agency, may likewise be punished as a contempt of court. In the enforcement of any order the court shall have power to issue process for the arrest of any persons, to compel the attendance of witnesses, to punish contempts by a fine of not exceeding $200 or imprisonment not exceeding six months, or both fine and imprisonment, in the discretion of the court, and to enforce any of its judgments by such fine or imprisonment, or both; to make such rules, regulations, and conditions in reference to the payment of such fines or the suspension of the commitment of any person as to the court may seem right and proper."

The amendment was agreed to.

The next amendment was, on page 17, after line 3, to strike out:

SEC. 23. That whenever a child within the jurisdiction of said court and under the provisions of this Act, either before or after hearing, appears to be in need of medical care it shall be the duty of the parent, guardian, or custodian of said child to cause said child to be examined by a duly licensed and practicing physician and report thereof to be made to the court, and to the end that such child may receive such medical examination and care as the welfare of said child may require the court may enter a suitable order to cause said child to be treated in a hospital, and upon the failure of the parent, guardian, or custodian of said child to have the medical examination of said child made, as herein above provided, the court by proper order may cause said child to be examined by a duly licensed and practicing physician.

The amendment was agreed to.

The next amendment was, on page 17, after line 18, to strike out:

SEC. 24. That whenever it shall appear to the court, in the case of any child in need of more suitable guardianship which has been taken from its home or the custody of its parents, that conditions have so changed that it is consistent with the public good and the welfare of said child that the parents again have the custody of said child, the court, subject to the provisions of this act, may make a suitable order in the premises.

The amendment was agreed to.

The next amendment was, on page 18, after line 2, to insert:

SEC. 23. That whenever a child within the jurisdiction of said court and under the provisions of this act, either before or after hearing, appears to be in need of care or treatment for its health, it shall be the duty of the parent, guardian, or custodian of said child to furnish such care or treatment as it needs; and to the end that such child may receive such care or treatment as its health may require the court, by proper order may cause said child to be examined by a duly licensed and practicing physician and have a report thereof made to the court, and upon the failure of the parent, guardian, or custodian to furnish such care or treatment as the health of said child required, the court may enter a suitable order to cause such child to be cared for or treated in a hospital or in such other manner as the court may direct.

The amendment was agreed to.

The next amendment was, on page 18, after line 16, to insert:

SEC. 24. That if the parent or parents of any dependent or neglected child are poor and are unable to properly care for said child, but are otherwise proper guardians, and it is for the welfare of such child to remain at home, the court, upon application of the Board of Children's Guardians, may enter an order finding such facts and fixing the amount of money necessary to enable the parent or parents properly to care for such child, and thereupon it shall be the duty of the Board of Children's Guardians to pay to such parent or parents, out of the public funds under its control at such times as said order may designate, the amount so specified for the care of such dependent or neglected child until the further or of the court.

The amendment was agreed to.

The next amendment was, in section 25, on page 19, line 5, after the word "That," to strike out "in committing any child to any custodial agency or placing it under any guardianship other than that of a public institution or its natural guardians the court" and insert "the Board of Children's Guardians," so as to make the section read:

SEC. 25. That the Board of Children's Guardians shall, so far as practicable, select as the custodial agency some individual holding the same religious belief as the parents of said child, or some institution or association governed by persons of like religious faith.

The amendment was agreed to.

The next amendment was, in section 26, on page 19, line 15, before the words "of said child," to strike out "welfare" and insert "morals or health," and in line 20, after the words "relative or," to insert "next," so as to make the clause read:

SEC. 26. That whenever in the course of a proceeding instituted under this act it shall appear to the court that the morals or health of said child will be promoted by the appointment of an individual as guardian of his person, when such child is not committed to an institution or to the custody of an incorporated society, the court shall have jurisdiction to make such appointment either upon the application of the child or some relative or next friend or upon the court's own motion, and in that event an order to show cause may be made by the court to be served upon the parent or parents or custodian of said child in such manner and for such time prior to the hearing as the court may deem reasonable. In a case arising under this act the court may determine as between parents whether the father or mother shall have the custody, tuition, and direction of said child.

The amendment was agreed to.

The next amendment was, in section 27, on page 20, line 4, before the words "as practicable," to strike out "far" and insert "soon"; in line 5, before the words "in charge," to insert "placed and kept"; and, in the same line, after the word "charge," to strike out "of" and insert "by," so as to make the section read:

SEC. 27. That whenever a girl is in custody under the provisions of this act she shall, so soon as practicable, be placed and kept in charge by a woman attendant.

The amendment was agreed to.

The next amendment was, in section 29, on page 20, line 11, after the word "court," to strike out "is" and insert "the Board of Charities, and the Board of Children's Guardians are"; in line 15, after the word "that," to strike out "the court" and insert "they"; in line 17, before the word "assistance," to strike out "and"; in the same line, after the word "assistance," to insert "and discipline"; in line 25, after the words "information to," to strike out "the court or any of said officers" and insert "them"; and, on page 21, line 1, before the word "may," to strike out "said court or officers" and insert "they," so as to make the section read:

SEC. 29. That the court, the Board of Charities, and the Board of Children's Guardians are authorized to seek the cooperation of all societies or organizations, public or private, having for their object the protection or aid of children, to the end that they may be assisted in every reasonable way to give to all children the care, protection, assistance, and discipline which will conserve the welfare of such children. And it is hereby made the duty of every official of the District of Columbia or department thereof to render such assistance and cooperation within his or its jurisdictional power to further the objects of this act; and all institutions, associations, or other custodial agencies in which any child may be, coming within the provisions of this act, are hereby required to give such information to them appointed by it as they may require for the purposes of this act.

The amendment was agreed to.

The next amendment was, on page 21, after line 2, to strike out:

SEC. 30. That an appeal may be taken to the Court of Appeals of the District of Columbia from any order of the court committing any child to an institution, or from any order changing the custody or guardianship of any child, within the time and in the manner provided by law or rule of court for appeals in equity cases: *Provided*, That no such order shall be superseded except with the approval of the judge of the juvenile court, but the order of the court in such case shall stand until reversed or modified by the Court of Appeals of the District of Columbia. Such appeals from judgments which are not permitted to be superseded shall take precedence over all other business of the court. Appeals may also be taken to the Court of Appeals of the District of Columbia from all judgments of conviction in other cases over which the juvenile court is given jurisdiction, under such rules and regulations as may be prescribed by the said court of appeals.

The amendment was agreed to.

The next amendment was, on page 21, after line 19, to insert:

SEC. 30. That any party aggrieved by any final order or judgment or by any interlocutory order of said juvenile court may apply to the Court of Appeals of the District of Columbia for the allowance of a special appeal, and said court of appeals may allow such special appeal whenever it is made to appear to said court, upon petition, that it will be in the interest of justice to allow an appeal. The time for, and manner of, taking and prosecuting such special appeals shall be the same as now obtaining or as hereafter modified for special appeals in law causes from the Supreme Court of the District of Columbia to said court of appeals: *Provided, however*, That no order or judgment changing the custody or guardianship of any child shall be superseded unless the judge of the juvenile court shall order a stay of execution pending the appeal, and it shall be the duty of such judge to order such stay unless he is satisfied that the best interests of the child will be seriously prejudiced by such stay.

The amendment was agreed to.

The next amendment was, on page 23, after line 22, to strike out:

SEC. 32. That the Board of Children's Guardians shall act as an advisory board to the judge of the juvenile court, and in addition to their other duties provided by law they shall perform the following duties:

(a) To visit as often as twice a year all institutions, societies, or associations receiving children under this act. Such visits shall be made by not less than three of the members of said board, who shall go together and make a report, and said board shall report to the juvenile court from time to time the condition of the children received by or in charge of any persons, institutions, or associations, and shall make an annual report to the judge of the juvenile court.

(b) To advise and cooperate with the judge of the juvenile court upon all matters affecting the workings of this act and to recommend to the court any and all needful measures for the purpose of carrying out the provisions of this act.

(c) From time to time, and as often as may be necessary, to hold examinations for the selection of officials to be appointed under this act, and in the performance of any duties said board may promulgate any rules and regulations not in conflict with this act.

The amendment was agreed to.

The next amendment was, on page 24, line 22, to change the number of the section from "33" to "32."

The amendment was agreed to.

The next amendment was, on page 26, line 1, to change the number of the section from "34" to "33."

The amendment was agreed to.

The next amendment was, on page 26, line 4, to change the number of the section from "35" to "34."

The amendment was agreed to.

The next amendment was, on page 26, line 14, to change the number of the section from "36" to "35."

The amendment was agreed to.

The next amendment was, on page 26, line 17, to change the number of the section from "37" to "36."

The amendment was agreed to.

The next amendment was, on page 26, line 24, to change the number of the section from "38" to "37."

The amendment was agreed to.

The next amendment was, on page 27, line 1, to change the number of the section from "39" to "38."

The amendment was agreed to.

The next amendment was, on page 28, line 8, to change the number of the section from "40" to "39."

The amendment was agreed to.

The next amendment was, on page 28, line 21, to change the number of the section from "41" to "40."

The amendment was agreed to.

The next amendment was, on page 29, line 6, to change the number of the section from "42" to "41"; in line 18, before the words "be appointed" to insert "hereafter"; in the same line, after the word "by," to strike out "the judge of the juvenile court" and insert "the President"; in line 23, after the word "The," to strike out "judge of the juvenile court" and insert "President"; on page 30, line 1, after the word "board," to strike out "*Provided*, That such member shall be given an opportunity to be heard in his own defense"; and on page 31, line 4, before the words "any portion," to strike out "appeal" and insert "repeal"; so as to make the section read:

SEC. 41. That said juvenile court shall have original and exclusive jurisdiction of all cases arising under the act entitled "An act to provide for the care of dependent children in the District of Columbia and to create a Board of Children's Guardians," approved July 26, 1892, and all acts amendatory thereof. So much of section 2 of said act aforesaid as provides for the appointment and removal of said board by the judges of the police court and the judge holding the criminal court of the District is hereby amended so that said section 2, as amended, shall read as follows: "That the members of the Board of Children's Guardians shall hereafter be appointed by the President: *Provided*, That there shall always be at least three representatives of each sex upon the board. All appointments to the said board, except such as shall be made for the remainder of unexpired terms, shall be for the term of three years. The President may remove for cause any member of the board. The members of said Board of Children's Guardians in office at the time this act becomes effective shall continue in office for the respective terms for which such persons shall have been appointed, unless sooner removed as herein provided." Said juvenile court shall have concurrent jurisdiction with the Supreme Court of the District of Columbia in all cases involving children arising under the act entitled "An act making it a misdemeanor in the District of Columbia to abondon or willfully neglect to provide for the support and maintenance by any person of his wife or of his or her minor children in destitute and necessitous circumstances," approved March 23, 1906. The court may, in its discretion, order payments under this act to be made through the Metropolitan police of the District of Columbia, who shall make daily returns to the clerk of said court of all such receipts; and it shall be the duty of the clerk, within 48 hours after the receipt thereof, to disburse, by check, all moneys collected under said act to the parties entitled; and said juvenile court shall continue to have and exercise the jurisdiction conferred upon it by the act entitled "An act to provide for the support and maintenance of bastards in the District of Columbia," approved June 18, 1912. Nothing in this act shall be construed to modify, abridge, or repeal any portion of the acts establishing the National Training School for Boys and the National Training School for Girls, or any act supplementing said acts or amendatory thereof, except as provided in section 20 hereof.

The amendment was agreed to.

The next amendment was, on page 31, line 9, to change the number of the section from "43" to "42."

The amendment was agreed to.

The next amendment was, on page 31, line 12, to change the number of the section from "44" to "43."

The amendment was agreed to.

The next amendment was, on page 31, after line 16, to strike out:

SEC. 45. That appropriations made, or that may be made, for the fiscal year 1917 for the house of detention under the Metropolitan police are made available for the suitable place for the detention of children authorized to be established hereunder.

The amendment was agreed to.

The next amendment was, on page 31, line 22, to change the number of the section from "46" to "44," and in line 23, after the word "after," to strike out "the first day of July, nineteen hundred and sixteen" and insert "its approval," so as to make the clause read:

SEC. 44. That this act shall take effect from and after its approval, and all provisions of law inconsistent with or repugnant to this act shall be considered inapplicable to the cases arising under this act.

The amendment was agreed to.

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

Mr. BRANDEGEE. Mr. President, I desire to ask the Senator in charge of the bill a question. Calling his attention to page 5, line 3, down to line 12, I notice that the provision of the bill appointing the probation officers provides that they shall be appointed "on the basis of merit only, determined by a public competitive examination held by three members of the Board of Children's Guardians," and so forth, and that the highest three shall be appointed. I think it would be much wiser to leave the appointment of those probation officers to the discretion of the judge of the court. I do not think in such instances public competitive examinations can be held which will signify anything. I do not like to see officers of that kind, who should be really officers of the court, foisted upon the court by some outside board based upon competitive examination. Nobody knows what that would be. It is impossible to formulate questions that will test the capacity of a probation officer. Their appointment ought to be left in the discretion of the court.

Mr. POMERENE. Mr. President, I realize that there is a good deal of force in what the Senator from Connecticut has said. These appointments are to be made by the court from the highest three. I understand it is somewhat like the civil-service law. I think that both are pretty seriously objectionable; but as we have that system prevailing throughout the United States in the competitive classified service, I did not myself see any reason why it should be changed here. As for myself, I should be quite willing to trust to the court.

Mr. SMITH of Georgia. Mr. President, I do not think it possible by any kind of competitive examination to secure information as to the value of an officer who would be adapted to this work. I have had some experience in it, and I say it is utterly impossible for any competitive examination to disclose the fitness of such officers. It is a knowledge of the man, and of the particular man, which should be the basis of the appoint-

ment. I quite favor the suggestion of the Senator from Connecticut [Mr. BRANDEGEE].

Mr. BRANDEGEE. Mr. President, I was going to move, and I do move, to strike out, beginning in line 3, on page 5, all after the word "act," the remainder of the section, and to leave it read:

That the judge of the juvenile court shall appoint a chief probation officer, and such other officers as are now or may hereafter be authorized by law, to serve under the direction of the court in all cases arising under this act.

And let it stop there.

The PRESIDING OFFICER. The amendment proposed by the Senator from Connecticut will be stated.

The SECRETARY. In section 7, on page 5, beginning in line 3, after the word "act," it is proposed to strike out as follows:

All appointments of probation officers shall be made on the basis of merit only, determined by a public competitive examination held by three members of the Board of Children's Guardians, hereinafter provided for. The examiners shall conduct the examination of all applicants according to such rules and regulations as they may provide and shall certify to the court for appointment to each position the names of the highest three, from which the appointment shall be made by the court, unless there are less than three applicants.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The bill was read the third time and passed.

Mr. POMERENE. Mr. President, as there has been no explanation made of the amendments which have been reported by the Senate committee and which have been adopted, except that which is contained in the report of the committee, I ask that that portion of the report beginning with "Your committee is of the opinion that the bill as it passed the House of Representatives," and so forth, and the following pages, which I have marked in the copy of the report which I hold in my hand, be printed in the RECORD.

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

The matter referred to is as follows:

Your committee is of the opinion that the bill as it passed the House is well conceived, but as a result of hearings and careful study of the measure we propose the amendments as above indicated.

It will not be our purpose to discuss these changes in detail. We shall only refer to the more important ones.

The act as it passed the House applies to any child less than 17 years of age residing in or being actually within the District of Columbia, and the juvenile court is given jurisdiction over the child for every violation of law, regulation, or ordinance, and has a right to determine the custody of the child when the subject is in controversy. (Sec. 4.)

By section 5 the discipline and protection of the court in its discretion may continue until the child shall attain the age of 21 years, during which period the court may from time to time make such orders as the welfare of the child may require.

The House bill further provides for a place of detention for children entirely apart from any place of confinement with adults. This, in the judgment of the Senate committee, would require a separate home for the children.

The court is given the power, after a hearing, to place the child in the care and control of the probation officer, and may allow it to remain in its home, subject to visitation and control by the probation officer; or the court is authorized to place the child in a suitable family home subject to the same provisions; or it might authorize the child to be boarded out in some suitable family home in such manner as may be provided by law; or arrange by voluntary contribution or otherwise until suitable provision may be made for the child in a home without such payment; or the court may commit the child to the Board of Children's Guardians, to the National Training School for Boys, or to the National Training School for Girls, or to any institution, association, or corporation willing to receive it, either within or without the District.

Heretofore the judges of the police court and the judge holding the criminal court of the District have had the power to appoint and remove the Board of Children's Guardians. Under this bill as it passed the House the power of appointment of the Board of Children's Guardians and the power of removal is conferred upon the judge of the juvenile court. As indicated above, the court is likewise given full power to place the children with their parents, or in some other family home; to board the child wherever the court may see fit in such manner as may be provided by law or arranged by voluntary contribution or otherwise; or it may be committed to the Board of Children's Guardians, to the National Training School for Boys, or to the National Training School for Girls, or to any institution, association, or corporation willing to receive it, within or out of the District.

It will be noted also that the court is given almost plenary power over the discipline and protection of the child, in his discretion, of course, until the child becomes 21 years of age.

Your committee feels, after carefully considering this bill in all its phases, that it will serve the welfare of the child and of the public best if the jurisdiction of the court should be limited to judicial functions, leaving the administrative duties relating to the child to be performed largely by the Board of Children's Guardians, which was created for that special purpose. We have, therefore, given to the court by the committee amendments the power to commit the children, in proper cases, to their own homes, subject to visitation and control by the probation officer. In all other cases the proposed amendments require that they must be committed by the court either to the Board of Children's Guardians or to the National Training School for Boys or to the National Training School for Girls.

The Board of Children's Guardians is a child-caring agency with about 25 years of experience. It now has 1,900 children under its care, placed in suitable homes both in and out of the District. We believe that they are better fitted to look after the children who are in need of public care than the juvenile court, with its multifarious judicial duties to perform. We feel that this board can better find suitable homes than can the court, and we believe it should be substantially independent of the court in ministering to the wants of the child, except where complaint may be lodged in behalf of the child. We have therefore recommended the following changes in the House bill among others:

1. That the members of the Board of Children's Guardians shall be appointed by the President and subject to removal by him.

2. We feel that children who come under the jurisdiction of the court should be committed to the Board of Children's Guardians except where, in the judgment of the court, they should be left with the parents, or where the facts are such as seem to require that the child be committed to the National Training School for Boys or the National Training School for Girls. In this way we have one common, responsible agency to whose care shall be committed the children, and who will be held responsible for them.

3. While we realize that it may be necessary to keep many children under the continuing control of the court, our belief is that the Board of Children's Guardians, or the parents, or the next friend, should have the right, upon their own initiative, at any time after the child shall have been first committed, to begin a proceeding for such modification of this order as may seem just and proper under all the circumstances. We have, therefore, added to section 20 the following proviso:

"*Provided, however,* That the parents, guardian, or next friend of any child who has been or shall hereafter be committed to the Board of Children's Guardians by said court may at any time file in said court a petition, verified by oath, setting forth the action of said Board of Children's Guardians in respect to such child, where and with whom, and under what circumstances such child is living, as well as the character of its surroundings, and any other facts which may exist which indicate a reason why said child shall be released and returned to its parents or guardians, or why its condition should be changed or the former order of the court be modified. A copy of said petition shall at once be served by said court upon the Board of Children's Guardians, whose duty it shall be to file a reply to the same within five days. If, upon examination of the petition and reply, the court is of the opinion that an investigation should be had, it may, upon due notice to all concerned, proceed to hear the facts and determine the questions in issue, and may return such child to the custody of its parent or guardian, or direct said Board of Children's Guardians to make other arrangements for the child's care and welfare, as the circumstances of the case may require."

In this way those who are interested in the child can invoke the aid of the court at any time during the probationary period of the child.

4. We have sought to avoid the necessity of providing a new detention home for the children, and we therefore amend section 19 so as to read as follows:

"SEC. 19. That in no case shall a child coming within the provisions of this act be committed to or detained in a jail or common lockup, but if committed to or detained in the house of detention or other place no such child shall come in contact with adults convicted or under arrest."

5. Experience proves that it is often best that the child be left in the care of its parents. Ordinarily they are the best guardians; but where adversity overcomes them and they are not able financially to support their children of tender years, though otherwise fully qualified, we believe that we would best serve the interest of the child and of the public by giving the Board of Children's Guardians the right, in proper cases, to make suitable payments to the parents for the care of their children in their own homes. This provision is akin to similar provisions of law in Ohio, Illinois, and other States.

6. Section 25 has been amended so as to read:

"SEC. 25. That the Board of Children's Guardians shall, so far as practicable, select as the custodial agency some individual holding the same religious belief as the parents of said child, or some institution or association governed by persons of like religious faith."

7. Appeal: As the committee has recommended a change in the bill so as to give the right for a rehearing on application of the parents, guardians, or next friend, we felt that it would be wise to modify the appeal provisions of the House bill, and accordingly suggest as the substitute for section 30 of the House bill the following:

"SEC. 30. That any party aggrieved by any final order or judgment or by any interlocutory order of said juvenile court may apply to the Court of Appeals of the District of Columbia for the allowance of a special appeal, and said court of appeals may allow such special appeal whenever it is made to appear to said court, upon petition, that it will be in the interest of justice to allow an appeal. The time for and manner of taking and prosecuting such special appeals shall be the same as now obtaining or as hereafter modified for special appeals in law causes from the Supreme Court of the District of Columbia to said court of appeals: *Provided, however,* That no order or judgment changing the custody or guardianship of any child shall be superseded unless the judge of the juvenile court shall order a stay of execution pending the appeal, and it shall be the duty of such judge to order such stay unless he is satisfied that the best interests of the child will be seriously prejudiced by such stay."

8. In conclusion, we desire especially to call attention to paragraph b of section 4, which makes the act apply to any child less than 17 years old "who engages in any occupation, calling, or exhibition, who commits, or is found in any place for permitting, any act for which an adult may be punished by law, or who so deports himself or is in such condition or surroundings or under such improper or insufficient guardianship or control as to endanger the morals, or health, or general welfare of such child."

We believe this attempted control of the child is too comprehensive. The jurisdiction of the court should be limited to such cases as affect the morals or health of a child, and not extend to what may be termed its "general welfare."

What is "general welfare"? It includes everything affecting the child's physical, mental, or moral development or well-being.

It might be for the "general welfare" of a child of poor and respectable parentage to turn it over to the custody of some rich man who could afford it every educational advantage, but would anyone claim a court should have power to so do? It might be for the "general welfare" of a child of very rich parents who were bringing it up in the midst of ease and luxury to have its custody turned over to a poor but respectable family for their care and training, but who would give such power to any court?

We accordingly believe the words "general welfare" should be stricken from the bill.

SALES OF LANDS IN MONTANA.

Mr. MYERS. Mr. President, it is evident that we can not begin at the beginning of the calendar and go through it now up to the point where we began to-night. There is a small bill on the calendar, but one which is very important, which it will take only a moment or two to consider, which was objected to the last time the calendar was called, because there was no Senator here to explain it, for which I now desire consideration. My colleague [Mr. WALSH] is the author of the bill, and I reported it from the Committee on Public Lands. We are both interested in the bill. It pertains wholly to the State of Montana. It will only take a minute or two to consider it. I ask unanimous consent for the present consideration of the bill (S. 7796) authorizing the Secretary of the Interior to sell and convey to the Great Northern Railway Co. certain lands in the State of Montana for division terminal yards and other railway purposes, and for other purposes. If any Senator wants any explanation now of the bill I know that my colleague will explain it to his satisfaction.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill named by the Senator from Montana?

Mr. GALLINGER. Mr. President, I shall not object to the consideration of this bill, but I think that after it has been considered we ought to adjourn.

Mr. SMITH of Georgia. I think so, too.

Mr. MYERS. I am willing that that shall be done after the bill has been acted upon.

Mr. SMITH of Georgia. I will move to adjourn as soon as the consideration of this bill is concluded.

Mr. SMOOT. Mr. President, I want to say to the junior Senator from Montana [Mr. MYERS] that an attorney called upon me the other day with relation to this bill, who explained to me the object and the necessity of its passage. He did say, however, that there were 40 acres—I believe it was a quarter of a quarter section, which would be 40 acres—that the railroad could get along without. I desire to ask the Senator from Montana if those 40 acres will be eliminated by an amendment which he may offer to-night, or does he expect to pass the bill in its present shape?

Mr. WALSH. Mr. President, I have had no suggestion of that character from any source. I have heard no objection from any source to the bill as it has been reported.

Mr. SMOOT. I will say that the attorney representing the railroad, as I understood, would, of course, like to have all of the lands that were included in the bill; but if there was to be any objection at all on account of the amount of land to be sold, he stated that he thought the railroad could get along without the 40 acres. He had a blue print with him and showed me the 40 acres that could be withdrawn, from the description of the land in the bill.

Mr. WALSH. Did the attorney purport to represent the railroad company?

Mr. SMOOT. I so understand. He is their resident attorney here. Really I have not his card with me, and I forget his name.

Mr. MYERS. I ask if it was Mr. John H. Carroll?

Mr. SMOOT. I repeat to the Senator from Montana that I have forgotten his name; but he called to see me. Has the question ever been brought to the Senator's attention?

Mr. WALSH. Never. I assume, as a matter of course, that the railroad company would not buy any more of this land at the extraordinary price that they have to pay for it than they desire to use. A portion of it is within the area withdrawn under the Milk River irrigation project. The bill provides that the land shall be appraised. The company needs the land for new terminals. They will be obliged to put in new terminals on account of the recent legislation enacted by Congress, and the demands of business require it as well.

The land that is to be appropriated is under the project. The bill provides that after appraisal the company shall pay the market price and pay also such proportion of the cost of the irrigation project as is justly chargeable against that particular land. So they have to pay the market value of the land, and they have to pay their proportionate share of the cost of the irrigation project. Therefore, it would be very expensive land, and I would not imagine they would take any more than they need.

Mr. SHAFROTH. I would suggest to the Senator——

Mr. SMOOT. Just a moment. Have the railroads now got a "Y" on part of the public lands?

Mr. WALSH. I do not think so, in the case of the lands at Wolf Point. They may have.

Mr. SMOOT. Is it the intention of the railroad to move the "Y"?

Mr. WALSH. No; it is the intention of the railroad company to make this a freight division.

Mr. SMOOT. Yes; and in doing so they have to change the railroad tracks?

Mr. WALSH. I can not say as to that. It is to be a terminal yard.

Mr. SMOOT. I gathered that from what the attorney said. He had a blue print there to show the sections that were involved and how they lay, but I have not checked them up, nor could I unless I had the blue print. I suppose, however, that it is only 40 acres anyhow, more or less, and perhaps we had better let the railroad have it.

Mr. SHAFROTH. I will also suggest, Mr. President, that it will subject these lands to State taxation, which is so much needed in all the Western States.

The PRESIDING OFFICER. There being no objection, the Secretary will read the bill.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which was read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to cause to be appraised all those parts of section 32 and 33, township 31 north, range 32 east, and of section 5, township 30 north, range 32 east, Montana meridian, State of Montana, described as follows:

Beginning at the point of intersection of the present right of way of the Great Northern Railway with the east line of the northwest quarter of the southeast quarter of said section 33, which point is 75 feet northerly at right angles from the center line of said Great Northern Railway as the same is now constructed across said section 33; thence westerly to a point on the west line of said quarter quarter section 300 feet northerly at right angles from said center line; thence southwesterly parallel with said center line to an intersection with the east and west quarter quarter section line in the southwest quarter of said section 33; thence westerly along said quarter quarter section line to the west line of said section 33; thence westerly along the east and west quarter quarter section line in the south half of said section 32 to the northwest corner of the southwest quarter of the southwest quarter of said section 32; thence southerly along the west line of said quarter quarter section to the north line of section 5, township 30 north, range 32 east; thence westerly along said north line to the northwest corner of said section 5; thence southerly along said west line to the present northerly right-of-way line of said railway, which right-of-way line is 75 feet northerly at right angles from the center line of said railway as the same is now constructed; thence northeasterly parallel with said center line to the place of beginning. Also beginning at the point of intersection of the southerly right-of-way line of said railway with the east line of the southwest quarter of the southeast quarter of said section 32, said point being 75 feet distant southerly at right angles from said center line; thence southwesterly parallel with said center line to the west line of lot 3, section 5, township 30 north, range 32 east; thence southerly along said west line to a point 200 feet distant southerly at right angles from said center line; thence northeasterly parallel with said center line to the east line of the southwest quarter of the southeast quarter of said section 32; thence northerly along said east line to the place of beginning, the said tracts containing in the aggregate 170.07 acres, more or less. The said center line of railway is described as beginning 129 feet south of the east quarter corner of said section 33, running thence southwesterly in a straight line, intersecting the west line of said section 32 921 feet north of the southwest corner, a distance of 10,422 feet; thence on a curve to the left, with a radius of 11,459.2 feet, a distance of 500 feet; thence southwesterly, tangent to said curve 511.4 feet to the west line of said section 5 at a point 825.5 feet south of the northwest corner.

SEC. 2. That the Secretary of the Interior be, and he is hereby, further authorized and directed to cause to be appraised all those parts of sections 14 and 15, township 27 north, range 47 east, Montana meridian, in the Fort Peck Indian Reservation, State of Montana, described as follows:

Beginning at the point of intersection of the present right-of-way line of the Great Northern Railway with the east line of the northwest quarter of the northeast quarter of said section 14, which point is 75 feet distant northerly at right angles from the center line of said Great Northern Railway as the same is now constructed over said section; thence westerly in a straight line to a point on the west line of said quarter quarter section which is 275 feet distant northerly at right angles from said center line; thence southwesterly parallel with said center line to an intersection with the south line of the northwest quarter of the northwest quarter of said section 14; thence westerly along said south line to the west line of said section 14; thence westerly along the east and west quarter quarter section line in the north half of said section 15, to the northwest corner of the southeast quarter of the northwest quarter of said section 15; thence south along the west line of said quarter quarter section 1,170 feet; thence southwesterly 850 feet to a point on the present northerly right-of-way line of the said Great Northern Railway, which point is 100 feet distant northerly at right angles from the center line of said railway as the same is now constructed; thence northeasterly parallel with said center line to the north and south quarter section line of said section 15; thence southerly along said quarter line to a point 75 feet distant northerly at right angles from the said center line; thence northeasterly parallel with said center line to the place of beginning, containing 94.15 acres, more or less. The said center line of railway is a tangent intersecting the east line of section 14, 365.7 feet south of the northeast corner thereof, the east line of section 15, 905.8 feet north of the east quarter corner and the west line of section 15, 466.8 feet south of the west quarter corner.

SEC. 3. That upon appraising the said lands the Secretary of the Interior is authorized and directed to sell and convey the same to the Great Northern Railway Co., a corporation of the State of Minnesota and owning and operating lines of railway in the State of Montana and other States, for division terminal yards and other railway purposes, upon such terms as he may deem advisable. If the sale of any of the lands described in section 2 hereof shall include the whole or any part of the allotment of an individual Indian, the purchase price of such allotted land shall be paid to such Indian, subject to the control of the Secretary of the Interior as to the funds of incompetent Indians.

SEC. 4. That the appraisal of the lands described in section 1 of this act shall take into consideration the estimated cost per acre for the construction of irrigation works for the Milk River irrigation project, and in no event shall be less than the actual market value of said land and the estimated cost per acre for the construction of said irrigation project. The conveyances for the lands described above in sections 1 and 2 shall reserve to the United States and its successors in interest right of way for canals or ditches heretofore or hereafter constructed thereon, and the railway company shall construct at its own expense any crossings of said canals or ditches which may be necessary for its purposes, and such crossings shall be built and maintained in such a manner as not to interfere with the operations of said canals or ditches by the United States or its successors in interest, and such conveyances shall be subject to any prior valid rights of way.

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

Mr. SMITH of Georgia. Mr. President, I move that the Senate now take a recess until 11 o'clock to-morrow morning.

Mr. BRANDEGEE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia withhold the motion for a moment?

Mr. SMITH of Georgia. I do.

Mr. BRANDEGEE. I hope the Senator will not propose a recess. I move that the Senate adjourn until 11 o'clock to-morrow morning.

Mr. SMITH of Georgia. The Senator from North Carolina [Mr. OVERMAN], who has charge of the business that will be immediately before the Senate to-morrow morning, was quite anxious that we should take a recess.

Mr. BRANDEGEE. I know he was, but I am quite anxious that we should take an adjournment.

Mr. SMITH of Georgia. It will be utterly impossible to take a recess over the objection of any Senator——

Mr. BRANDEGEE. I know it will.

Mr. SMITH of Georgia. So I change the motion to a motion to adjourn.

Mr. BRANDEGEE. I thank the Senator.

The PRESIDING OFFICER. The Senator from Georgia moves that the Senate adjourn.

The motion was agreed to; and (at 10 o'clock and 43 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, February 13, 1917, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

MONDAY, *February 12, 1917.*

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

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Eternal God, ever working in and through the minds and hearts of Thy children, making for righteousness and nobility of soul, we thank Thee for all the pure, the true, the noble, the great whom Thou hast raised up in every age of the world's history to be leaders among men, the trend of whose lives has been toward the higher ideals. Our hearts turn with one accord to-day to our own beloved Lincoln whose marvelous life challenges the most profound faith in the over-ruling of Thy providence. From the log cabin to the White House, from the barefooted boy in homespun to the man affixing his signature to the Emancipation Proclamation, from the rail-splitter to the man pleading before the bar of justice, from the struggling lawyer to the man whose counsels were sought by the wisest and most learned, from the village politician to the greatest statesman of his age, the man of the hour to be the savior of his country in its greatest peril, a Moses leading his people through the Wilderness to the Land of Promise; surely if ever a prophet or seer was inspired of Heaven so was Lincoln inspired of God who for four long years bore the burdens and sorrows of his people, North, South, East, and West, upon his heart. And we pray that as citizens, statesmen, and patriots of a reunited country we may follow his illustrious example in every crisis that may arise in the onward course of human events under the divine leadership of the intrepid and dauntless, yet meek and lowly Jesus. Amen.

The Journal of the proceedings of Saturday, February 10, 1917, was read and approved.

BRIDGE OVER ALLEGHENY RIVER, N. Y.

The SPEAKER laid before the House the following resolution:

THE SENATE OF THE UNITED STATES,
February 10, 1917.

Resolved, That the Secretary be directed to return to the House of Representatives, in compliance with its request, the bill (H. R. 19298) authorizing the Western New York & Pennsylvania Railway Co. to reconstruct, maintain, and operate a bridge across the Allegheny River in the town of Allegany, county of Cattaraugus, N. Y.

Mr. ADAMSON. Mr. Speaker, that is the bill recalled from the Senate, and I desire to insist upon the motion of the gentleman from Illinois [Mr. MANN] made to reconsider. I ask unanimous consent that at this time the bill be reconsidered, and that it lie on the table.

The SPEAKER. The gentleman from Georgia asks unanimous consent to reconsider the bill and that it lie on the table. Is there objection?

There was no objection, and it was so ordered.

QUESTION OF PRIVILEGE.

Mr. LINDBERGH. Mr. Speaker, I rise to a point of the highest privilege to prefer impeachment proceedings.

The SPEAKER. The gentleman from Minnesota is recognized.

Mr. MANN. Mr. Speaker, under the unanimous-consent agreement which was entered into respecting proceedings to-day can the gentleman interrupt? Will he not have to wait until the proceedings are had fixed under the unanimous-consent agreement? I would ask the gentleman to voluntarily withhold, in any event.

The SPEAKER. The gentleman can interrupt the reading of the Journal with a question of that kind.

Mr. MANN. Of course he could interrupt the reading of the Journal.

The SPEAKER. A question of the highest privilege takes precedence over everything.

Mr. MANN. I should doubt whether it would take precedence over unanimous-consent agreements, but I hope the gentleman will consent to wait.

The SPEAKER. The Chair will ask the gentleman to withhold his matter for a short time.

Mr. LINDBERGH. I am willing to wait, but I would like to get in to-day.

The SPEAKER. The Chair will recognize the gentleman later.

DIPLOMATIC RELATIONS WITH GERMANY.

Mr. WASON. Mr. Speaker, I ask unanimous consent to have printed in the RECORD some resolutions passed by the Legislature of New Hampshire indorsing the action of the President in severing diplomatic relations with Germany.

The SPEAKER. The gentleman from New Hampshire asks unanimous consent to extend his remarks in the RECORD by printing some resolutions passed by the Legislature of New Hampshire. Is there objection?

There was no objection.

The resolutions are as follows:

CONCORD, N. H., *February 10, 1917.*

To the Hon. EDWARD H. WASON, M. C.,
Washington, D. C.

SIR: I have the honor to transmit to you the inclosed resolutions, which have been unanimously adopted by the house of representatives and the senate.

Respectfully, yours,

EARLE C. GORDON,
Clerk of the Senate.

STATE OF NEW HAMPSHIRE, 1917.

Whereas the German Government has notified the Government of the United States that it is the purpose of Germany to sink without warning all merchant ships found within certain prescribed zones, regardless of the rights of neutrals to the freedom of the seas and regardless of all humanitarian considerations; and

Whereas the President of the United States on April 18, 1916, notified the German Government that unless that Government immediately abandoned its frightful and inhumane methods of submarine warfare as applied to neutrals the Government of the United States can have no choice but to sever diplomatic relations with the German Empire; and

Whereas the President of the United States, in accordance with this warning to the German Government and the subsequent declaration of that Government that it will no longer regard the rights of neutrals and the dictates of humanity in conducting its submarine warfare, has broken off diplomatic relations with Germany: Therefore

Resolved by the house of representatives (the senate concurring), That we approve the action taken by the President of the United States, and that we pledge to him the united support of the people of this State in all his efforts to maintain and defend the dignity, integrity, and rights of this country.

Resolved, That copies of these resolutions be forwarded to the President of the United States and to our Senators and Representatives in Congress.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had insisted upon its amendments to the bill (H. R. 8229) to establish a national military park at the battle field of Guilford Courthouse, had agreed to the conference asked by the House, and had appointed Mr. CHAMBERLAIN, Mr. HITCHCOCK, and Mr. DU PONT as the conferees on the part of the Senate.

The message also announced that the Senate had passed joint resolution (S. J. Res. 210) authorizing the temporary employment of additional policemen for the Capitol Building and