Department of Agriculture in the State of Idaho; to the Committee on Agriculture.

By Mr. HUTCHINSON: Petition of undergraduates of Princeton University in favor of universal military training; to the Committee on Military Affairs.

Also, petitions of 50 Flemington Woman's Christian Temperance Union people, Flemington, N. J., and 50 people at a public meeting at Bernardsville, N. J., favoring a national constitutional prohibition amendment; to the Committee on the Judiciary.

By Mr. KELLEY: Petition for an increase of pay of rural carriers from Edward J. Marshick and others; to the Committee on the Post Office and Post Roads.

By Mr. LAFEAN: Memorial of employees of Post Office Department, relative to House bill 17806; to the Committee on the Post Office and Post Roads.

Also, memorial adopted by the Equal Rights Association of Kentucky at its annual convention of 1916 to protect women against State denial of the rights of citizens of the United States to vote for Members of Congress, etc.; to the Committee on the Judiciary.

By Mr. LINTHICUM: Petition of sundry citizens of Baltimore, opposing a declaration of war unless the question of war be submitted to a referendum of the people; to the Committee on Foreign Affairs.

By Mr. McFADDEN: Letter from William P. Beeber, Williamsport, Pa., favoring the selection of Cairo, Ill., as a site for the location of the new Government armor plant; to the Committee on Naval Affairs.

By Mr. MORIN: Petition of Mr. B. L. Becker, secretary of the Pittsburgh Rationalist Society, Pittsburgh, Pa., protesting against anything that will embroil the Nation in war; to the Committee on Foreign Affairs.

Also, petition of Jessie Leigh Hutchinson, corresponding secretary of the Kentucky Equal Rights' Association, of Lexington, Ky., with reference to the enactment of laws that "shall abridge the privileges or immunities of citizens of the United States"; to the Committee on the Judiciary.

By Mr. OVERMYER: Petition of Sandusky Local, Socialist Party of Ohio, protesting against involving this country in the European war and favoring complete embargo against the warring nations; to the Committee on Foreign Affairs.

By Mr. SNELL: Petition of members of Congregational Church of Willsboro, N. Y., Rev. C. W. Grupe, Mrs. C. W. Grupe, W. H. Mussen, E. A. Lewis, E. W. Hoskins, F. F. Hayward, Mrs. Mussen, Mrs. Sadie F. Hoffnagle, Mrs. Jacob Reaffel, Miss E. E. Reed, E. B. Shedd, A. B. Chatterton, Mrs. Carrie Higby, Mrs. Jennie J. Hoskins, Mrs. Thomas Rathbun, Mrs. Leon Weston, Oscar F. Styles, Mrs. William Nichols, J. M. Shedd, Elizabeth Morhous, L. H. Baldwin, C. H. Stafford, and W. B. Seymour, favoring submission to the States of a national-prohibition amendment; to the Committee on the Judiciary.

By Mr. SNYDER: Petition of the Rome (N. Y.) Typographical Union, against legislation prohibiting the advertising in newspapers of alcoholic liquors; to the Committee on the Judiciary.

Also, petition of the Rome (N. Y.) Typographical Union, for increased compensation of printers in United States post offices; to the Committee on the Post Office and Post Roads.

By Mr. STAFFORD: Petitions of residents of the fifth Wisconsin district, protesting against national and District of Columbia prohibition and the mail-exclusion acts; to the Committee on the District of Columbia.

By Mr. TAYLOR of Colorado: Petition of citizens of Grand Junction, Colo., protesting against the proposed zone rate of postage for periodicals and magazines; to the Committee on the Post Office and Post Roads.

Also, memorial of State legislative committee of the Farmers' Educational and Cooperative Union of Colorado, protesting against the passage of the Shields water-power bill; to the Committee on Interstate and Foreign Commerce.

Also, petitions of 50 members of the Woman's Christian Temperance Union of Hotchkiss; 53 members of Sunday school and 36 members of Bible assembly of Montrose, Colo., favoring national prohibition; to the Committee on the Judiciary.

By Mr. TIMBERLAKE: Petitions of Methodist Church, Lafayette; Friends' Woman's Foreign Missionary Society, Boulder; Ladies' Aid of Baptist Church, Boulder; Woman's Home Mission Society, Boulder; the Nazarene Congregation, Boulder; Erie Methodist Episcopal Congregation, Erie; Boulder Assembly, No. 69, National Americans, Boulder; Methodist Sunday School, Lafayette; Christian Woman's Board of Missions, Boulder, all in the State of Colorado, favoring a national constitutional prohibition amendment; to the Committee on the Judiciary.

SENATE.

WEDNESDAY, *February 14, 1917.*

The Senate met at 10 o'clock a. m.

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

Almighty God, as we are called upon once more to face the solemn responsibilities of this hour and this place, we call upon Thy name and open our hearts to the impression of Thy truth and spirit. Every thought of God elevates and chastens our minds, and every thought of our hearts we desire to bring into subjection to Thy will that we may understand the far-reaching influence of all the acts of our lives, especially when we act as representatives of the States of this great country. Guide us this day in the discharge of the duties that are before us, and at its close may we have the comfortable assurance that we have done that which is pleasing in Thy sight. For Christ's sake. Amen.

Mr. JONES. Mr. President, there are not more than a dozen Senators present, and to save time I raise the point of no quorum.

Mr. PENROSE. I think the Senator is incorrect. There are nine Senators present.

The VICE PRESIDENT. The Secretary will call the roll.

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

Ashurst	Hollis	Page	Smith, Ga.
Brady	Jones	Penrose	Smith, Md.
Brandegee	Kenyon	Pomerene	Smith, S. C.
Bryan	La Follette	Ransdell	Smoot
Clapp	Lodge	Robinson	Stone
Curtis	Martin, Va.	Shafroth	Sutherland
Fernald	Martine, N. J.	Sheppard	Thomas
Fletcher	Norris	Shields	Weeks
Gallinger	Overman	Simmons	

The VICE PRESIDENT. Thirty-five Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of the absent Senators, and Mr. OLIVER, Mr. VARDAMAN, Mr. WADSWORTH, and Mr. WALSH answered to their names when called.

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

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

Mr. BRYAN. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The VICE PRESIDENT. The Sergeant at Arms will carry out the instructions of the Senate.

Mr. SHEPPARD. I wish to state that the Senator from Oregon [Mr. CHAMBERLAIN] is detained from the Senate on official business.

Mr. KIRBY, Mr. JOHNSON of South Dakota, Mr. THOMPSON, Mr. LANE, Mr. WORKS, Mr. NELSON, Mr. LEA of Tennessee, Mr. LEWIS, Mr. HUSTING, and Mr. CUMMINS entered the Chamber and answered to their names.

Mr. LEA of Tennessee. I have been requested to announce that the senior Senator from Kentucky [Mr. JAMES] is detained on official business.

The VICE PRESIDENT. Fifty 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 yesterday's proceedings, when, on request of Mr. BRYAN and by unanimous consent, the further reading was dispensed with and the Journal was approved.

ENROLLED BILL SIGNED.

The VICE PRESIDENT announced his signature to the enrolled bill (H. R. 8092) confirming patents heretofore issued to certain Indians in the State of Washington, which had previously been signed by the Speaker of the House of Representatives.

PETITIONS AND MEMORIALS.

Mr. LODGE. I present resolutions adopted by the House of Representatives of the Legislature of the Commonwealth of Massachusetts, which I ask may be read.

The resolutions were read and ordered to lie on the table, as follows:

THE COMMONWEALTH OF MASSACHUSETTS,
HOUSE OF REPRESENTATIVES,
February 9, 1917.

Ordered, That it is the sense of the house of representatives that the citizens of the Commonwealth of Massachusetts, regardless of race, creed, color, or party, in the present national crisis, stand now, as always, as one man ready to support with their blood and treasure the

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President and the Congress of the United States in whatsoever action he or it may take to preserve the dignity, honor, and safety of our country; and be it further

Ordered, That a copy of this expression of the house of representatives be sent to the President of the United States and to each Senator and Representative in Congress from this Commonwealth.

JAMES W. KIMBALL, *Clerk.*

A true copy.
Attest:

JAMES W. KIMBALL,
Clerk House of Representatives.

Mr. LODGE. I present a petition of the board of aldermen of Somerville, Mass., approving the action of the President in severing diplomatic relations with Germany, which I ask may be printed in the RECORD.

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

CITY OF SOMERVILLE,
IN BOARD OF ALDERMEN,
February 8, 1917.

Whereas the President of the United States has deemed it necessary to sever diplomatic relations with the Imperial German Government for reasons publicly given by him before the Congress of the United States on the 3d instant; and

Whereas, notwithstanding his action in the matter, he has endeavored, as far as possible, to avoid conflict: It is hereby

Resolved, That the attitude of the President, as expressed in his actions and in his remarks to Congress, merits the earnest approval and patriotic support of all the people of the United States; and be it further

Resolved, That the board of aldermen of Somerville, for and in behalf of the people of Somerville, hereby pledges to the President their full loyalty and support; and be it further

Resolved, That the national colors be displayed from all public buildings of the city, and it is urged that places of business and residences display such colors so far as possible; and be it further

Resolved, That copies of these resolutions be forwarded to the President, the Senate, and House of Representatives of the United States.

In board of aldermen, February 8, 1917.
Read twice and adopted. Frederic W. Cook, clerk.
Somerville, February 10, 1917. Approved, Z. E. Cliff, mayor.
A true copy.
Attest:

F. W. COOK, *Clerk.*

Mr. SMOOT. I present a joint memorial of the twelfth regular session of the Legislature of Utah, praying for the adoption of an amendment to the Constitution for national prohibition, which I ask may be printed in the RECORD.

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

STATE OF UTAH, EXECUTIVE DEPARTMENT,
SECRETARY OF STATE'S OFFICE.

I, Harden Bennion, secretary of state of the State of Utah, do hereby certify that the attached is a full, true, and correct copy of house joint memorial No. 1, adopted by the twelfth regular session of the Utah Legislature, as appears of record in my office.

In witness whereof I have hereunto set my hand and affixed the great seal of the State of Utah this 7th day of February, 1917.

[SEAL.] HARDEN BENNION,
Secretary of State.

House joint memorial 1.

A memorial to the Congress of the United States that Congress submit to the States a proposed amendment to the Constitution of the United States, prohibiting the sale, manufacture, transportation, importation, and exportation of intoxicating liquors.

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

Whereas there is now pending in the Congress of the United States a resolution proposing an amendment to the Constitution of the United States whereby the sale, manufacture, or transportation of intoxicating liquors within, the importation thereof into, and the exportation thereof from, the United States and all Territories subject to the jurisdiction thereof, for beverage purposes, are prohibited; and

Whereas your memorialists favor and desire an amendment to the Constitution of the United States, as proposed by said resolution, believing that the happiness, prosperity, and well-being of the people of the United States will be greatly promoted thereby; and

Whereas your memorialists are informed that said resolution has been reported upon favorably by the Judiciary Committees of both Houses of Congress;

Resolved by the Legislature of the State of Utah, That we respectfully memorialize the Congress of the United States that Congress adopt said resolution and that said proposed amendment to the Constitution of the United States be submitted to the legislatures of the States at the earliest possible date for their consideration.

Resolved further, That the secretary of state be, and he is hereby, directed to prepare and transmit forthwith certified copies of this memorial to the President of the United States, to the presiding officers of both branches of Congress, and to each of the Senators and Representatives from Utah.

G. H. DERN,
President pro tempore of the Senate.
J. F. TOLTON,
Speaker of the House.

Mr. JONES. Mr. President, I have received a great many letters, telegrams, and petitions with reference to the European war situation, which I have not presented to the Senate, not having deemed it necessary to do so; but I have here a letter which speaks for and speaks to a large class who, in my judgment, are among the best and most patriotic citizens of my State. I feel that in justice to many of our citizens whose loyalty is repeatedly questioned this letter should be read to the Senate and be printed in the RECORD. It is a letter from the president of the German Alliance of the State of Washington to the various bodies of that organization in the State. It should not be deemed necessary for any American citizens or any organization of American citizens to be proclaiming their loyalty in any national crisis. Their loyalty should be assumed. Citizens of every descent and different organizations are constantly proclaiming their loyalty. In view of this and because of the special and distressing circumstances, it is not out of place for those of German descent to set forth their views and attitude and declare to the world that their supreme allegiance is to the country of their adoption.

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

The Secretary read as follows:

TACOMA, WASH., *February 6, 1917.*

To American citizens of German birth and descent.

BRETHREN: As the president of the German-American Alliance of the State of Washington, I deem it my duty to address you a few lines in regard to our duties and obligations as citizens, as they appear to me.

At the present time we as no other citizens are being tested as by fire. Our patriotism, our loyalty, and our love for our adopted country are being tried now as never before, and it behooves us now to guard our very words and actions lest they be misunderstood.

Look back over the pages of history and see how your forefathers fought and at all times were ready and willing to lay down their lives and to offer all they had at the altar of their adopted country. They were always at the front with a burning desire to defend the country of their choice against any enemy that sought to trample upon its right. They fought and fell for its Constitution, its liberties, and for the exercise of free speech and religious toleration.

Our forefathers, history abundantly proves, were loyal to their adopted country, and so will we be found to be. Let us as their offspring stand firm to our oath of allegiance. Let us, as they did, defend our homes and our adopted land and all its institutions against Germany, if need be, as well as against any other nation or combination of nations who would dare to trample on our sacred rights.

It may be that before this message reaches you that some American or other ship loaded with munitions of war but officially designated as "merchandise" may be destroyed by the Germans in defense of their homes and their country, and on that same ship there may be some American citizens, who dare anything to amass dollars out of this murderer's trade, may be lost.

If this should happen it will be more taken notice of than it was with Mexico, and no matter under what conditions the jingo press and the unthinking mob will howl and rage. Then, my fellow citizens of German descent, is the time you will be tried as by fire to show the world that you are indeed for America and its free institutions first, last, and all the time.

But then, my brethren, as long as this country is not at war we have the right to enter a protest against what we consider unjust and unfair. While we stand as one man for our country when it is in danger, we are not willing to offer ourselves and give over our sons for the benefit of any European nation. Nor are we willing to sacrifice ourselves and our blood for Wall Street or any combination of capital or any combination of ammunition makers who might lose their fortunes if we do not hold up the hands of their creditors.

Our blood and the sufferings of our wives and children will be freely offered on the altar of our country for the protection of its sacred rights, but should it be offered for the few daring monsters who have loaned millions of money to foreign countries that they may be made secure in their investments by our sacrifices?

Trusting to God that in the near future this dreadful calamity will be ended, and that we emerge from it as pure as gold from the furnace, and trusting that you will at all times remember your holy duties to your adopted country, and that no disloyal act of any of you disgrace our Nation, I am,

Sincerely, yours, H. MAHNCKE, *President.*

Mr. SUTHERLAND presented a joint memorial of the Legislature of Utah, praying for national prohibition, which was ordered to lie on the table.

Mr. BRADY. I present a joint memorial of the Legislature of Idaho, which I ask may be printed in the RECORD and referred to the Committee on Public Lands.

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

STATE OF IDAHO,
DEPARTMENT OF STATE.

I, W. T. Dougherty, secretary of state of the State of Idaho, do hereby certify that the annexed is a full, true, and complete transcript of senate joint memorial No. 4 (by Evans) to the honorable the Senate and House of Representatives of the United States of America in Congress assembled (passed the senate Jan. 24, 1917; passed the house Jan. 31, 1917), which was filed in this office on the 8th day of February, A. D. 1917, and admitted to record.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State. Done at Boise City, the capital of Idaho, this 9th day of February, in the year of our Lord 1917 and of the independence of the United States of America the one hundred and forty-first.

[SEAL.] W. T. DOUGHERTY,
Secretary of State.

Senate joint memorial 4. (By Mr. Evans.)

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

Your memorialist, the Legislature of the State of Idaho, respectfully represents that—

Whereas by an act of December 29, 1916, Congress has provided for stock-raising homestead entries of not to exceed 640 acres of lands "the surface of which is chiefly valuable for grazing and raising forage crops"; and

Whereas the Secretary of the Interior is authorized by the said act, on application or otherwise, to designate the lands which shall be susceptible of entry under the said act; and

Whereas the application of the said act to the State of Idaho and the designation of lands thereunder would work great and irreparable injury to the small ranchers and farmers and stockmen of this State, in this: That the greater part of the said small ranchers, farmers, and stockmen will be ineligible to enter grazing lands under the act designated above; that the grazing lands of Idaho are of such character that 640 acres used for grazing purposes only are wholly insufficient to support a family; that as a natural result of these facts patents for the lands so designated will go to entrymen who can not use the land for the purposes intended by Congress, and that the said lands will ultimately pass into the hands of the large cattlemen and sheepmen, who will thus obtain a virtual monopoly of the grazing lands of this State, while the small ranchers, farmers, and stockmen will find themselves wholly deprived of lands available for grazing purposes; that much of the land subject to designation under the act is of such character that if left open to other forms of entry it will within a few years become available for dry-farming purposes as this industry is extended within our State; and

Whereas there is strong evidence to indicate that the lands already applied for have been applied for by dummy entrymen acting in the interest of the large cattle and sheep men of this and surrounding States:

Now, therefore, your memorialist earnestly requests and recommends that the said act be so amended by Congress, at the earliest possible opportunity, as to make it inapplicable to public lands within the territorial limits of the State of Idaho.

The secretary of state of the State of Idaho is hereby instructed to forward this memorial to the Senate and House of Representatives of the United States of America and copies of the same to our Senators and Representatives in Congress.

This senate joint memorial passed the senate on the 24th day of January, 1917.

ERNEST L. PARKER,
President of the Senate.

This senate joint memorial passed the house of representatives on the 31st day of January, 1917.

B. HARVEY ALLRED,
Speaker of the House of Representatives.

I hereby certify that the within senate joint memorial No. 4 originated in the senate during the fourteenth session of the Legislature of the State of Idaho.

RICH'D BURKE,
Secretary of the Senate.

Mr. HARDING presented a petition of the Association Rifle Co., of Cleveland, Ohio, praying for compulsory military training, which was ordered to lie on the table.

Mr. KENYON presented a memorial of sundry citizens of Hamburg, Iowa, remonstrating against the enactment of legislation to amend the migratory-bird law, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Maquoketa, Iowa, praying for the enactment of legislation to reduce the age limit for granting pensions and increase of pensions under the provisions of the act of May 12, 1911, which was ordered to lie on the table.

He also presented a petition of the Commercial Club, of Davenport, Iowa, praying for the use of all surplus funds from naturalization sources for the education of immigrants, which was ordered to lie on the table.

He also presented a petition of Local Union No. 634, United Mine Workers of America, of Mystic, Iowa, praying for the placing of an embargo on food products, which was referred to the Committee on Foreign Relations.

He also presented a memorial of Tri-City Bricklayers' Local Union, No. 7, of Davenport, Iowa, remonstrating against the enactment of legislation to exclude liquor advertisements from the mail, which was ordered to lie on the table.

Mr. SHEPPARD. I present resolutions adopted by the Lamar County Farmers' Union, of Paris, Tex., which I ask may be printed in the RECORD.

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

Whereas the unfortunate and suicidal war now being waged in Europe seems to be spreading to a greater degree of slaughter of human life; and

Whereas we deplore war in any form and fervently trust that this conflict may yet soon end; and

Whereas our President of the United States, the Hon. Woodrow Wilson, has, with apparent reluctance, severed diplomatic relations with Germany; and

Whereas this act may not necessarily lead to war, the gravity of the situation must be realized; and

Whereas while we deplore war in every particular and we regard the present conflict in Europe as being a useless waste of human life, of property, and of States and Government; and

Whereas we trust that our country will yet be spared from being involved in this bloody conflict, should this be our fate we will loyally stand by our Government and President in any way we can be of service: So be it

Resolved by the Lamar County Farmers' Union, in session at Paris, Tex., February 3, 1917, That we wish to declare our unswerving loyalty to our President and Government, and trust we will not be involved in war; but should such be our deplorable fate we extend our loyal support in any way we can be of assistance, and the secretary be instructed to send copy of these resolutions to the Farmers' Fireside Bulletin, Senators C. A. CULBERSON and MORRIS SHEPPARD, and Congressman EUGENE BLACK.

R. E. L. JACKSON,
Secretary Lamar County Farmers' Union, Paris, Tex.

—

Whereas it is reported in the press that Congress proposes to assess a tax on cotton-future sales; and

Whereas it does seem as if the cotton farmers of this country have suffered from the neglect of our lawmakers, and millions of our women, children, and men have not yet recovered from the great disaster of 1914, when the price of cotton was reduced to prices which brought ruin to many of our people: So be it

Resolved by the Lamar County Farmers' Union, That they bitterly oppose any tax of any kind whatsoever on cotton, either future or spot sales, as all such taxes are taken out of the price of the cotton, and the secretary be instructed to give a copy of these resolutions to the Farmers' Fireside Bulletin, send a copy to Senator CHARLES A. CULBERSON, Senator MORRIS SHEPPARD, Congressman EUGENE BLACK, also Senator THOMAS P. GORE, who has proven himself to be a friend of the farmers.

R. E. L. JACKSON,
Secretary Lamar County Farmers' Union, Paris, Tex.

Mr. SHEPPARD presented petitions of sundry citizens of Texas, praying for national prohibition, which were ordered to lie on the table.

He also presented a petition of sundry citizens of Dallas, Tex., praying for Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

Mr. WEEKS. I present resolutions adopted by the House of Representatives of the Legislature of the Commonwealth of Massachusetts, indorsing the President and the Congress of the United States in whatsoever action may be taken to preserve the dignity, honor, and safety of our country. A similar copy has been presented by my colleague this morning, and I ask that this one may lie on the table.

The VICE PRESIDENT. The resolutions will lie on the table.

Mr. WEEKS presented memorials of the students of the Theological Seminary of Andover; the Theological Institution of Newton; and the University School of Theology, of Boston, all in the State of Massachusetts, remonstrating against compulsory military training, which were ordered to lie on the table.

Mr. POINDEXTER presented a petition of the Sectional Central Labor Council of Spokane, Wash., praying for Government ownership of telephones in the District of Columbia, which was referred to the Committee on Post Offices and Post Roads.

He also presented the memorial of H. P. Hewett and sundry other citizens of Northport, Wash., remonstrating against any change in the second-class postal rates, which was ordered to lie on the table.

He also presented a petition of the International Brotherhood Welfare Association, of Washington, D. C., praying for the placing of an embargo on munitions of war and food products, which was referred to the Committee on Foreign Relations.

Mr. LANE. I present a joint memorial of the Legislature of Oregon, which I ask to have printed in the RECORD and referred to the Committee on Irrigation and Reclamation of Arid Lands.

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

Senate joint memorial 10, relating to the recession to the State of Oregon by the United States of all its right, title, interest, and claim in and to Lower or Little Klamath Lake, in Klamath County, Oreg., and all its right, title, interest, and claim in and to any and all of the lands surrounding said Lower Klamath Lake in Klamath County, Oreg., ceded to it by an act of the Legislature of the State of Oregon approved January 20, 1905 (Statutes of 1905, p. 63).

Whereas the Legislature of the State of Oregon passed an act approved January 20, 1905, of which the following is a copy:

"CHAPTER V.

"An act to authorize the utilization of Upper Klamath Lake, Lower or Little Klamath Lake, and Tule or Rhett Lake, situate in Klamath County, Oreg., and Goose Lake, situate in Lake County, Oreg., in connection with the irrigation and reclamation operations of the Reclamation Service of the United States, and to cede to the United States all the right, title, interest, and claim of the State of Oregon to any and all lands recovered by the lowering of the water levels, or by the drainage of any or all of said lakes.

"*Be it enacted by the people of the State of Oregon:*

"SECTION 1. That for the purpose of aiding in the operations of irrigation and reclamation, conducted by the Reclamation Service of the United States, established by the act of Congress approved June 17, 1902 (32 Stat., 388), known as the reclamation act, the United States is hereby authorized to lower the water level of Upper Klamath Lake, situate in Klamath County, Oreg., and to lower the water level of or to drain any or all of the following lakes: Lower or Little Klamath Lake and the Tule or Rhett Lake, situate in Klamath County, Oreg., and Goose Lake, situate in Lake County, Oreg.; and to use any part or all of the beds of said lakes for the storage of water in connection with such operations.

"SEC. 2. That there be, and hereby is, ceded to the United States all the right, title, interest, or claim of this State to any land uncovered by the lowering of the water levels, or by the drainage of any or all of said lakes not already disposed of by the State; and the lands hereby ceded may be disposed of by the United States, free of any claim on the part of this State, in any manner that may be deemed advisable by its authorized agencies, in pursuance of the provisions of said reclamation act."

Approved, January 20, 1905.

Filed in the office of the secretary of state January 20, 1905; and

Whereas the Reclamation Service of the United States has not, during the 12 years which have elapsed since the approval of the aforesaid act, lowered the water level of said Lower or Little Klamath Lake, nor used the bed of said lake for the purpose of storing water to use in connection with the reclamation of the land adjacent to said lake, and there are no indications that the Reclamation Service intends to ever reclaim the land, thereby accomplishing the purposes of the Legislature of the State of Oregon as expressed in said act of January 20, 1905; and

Whereas there is a large body of swamp and overflowed land surrounding said lake in Klamath County unfit for cultivation without reclamation, upon the title to which a cloud has been cast by the above-mentioned act, which it is necessary to remove before such land can be successfully thrown open to entry, reclamation, and cultivation: Therefore

Resolved by the senate (the house concurring), That we request our Senators and Representatives in Congress to use their influence to have a bill introduced and passed by Congress and approved by the President of the United States, ceding back to the State of Oregon the right to use all or any part of the bed of Lower or Little Klamath Lake for the storage of water connected with the operations of the Reclamation Service of the United States, and also ceding back to the State all the right, title, interest, or claim of the United States in or to any of the lands surrounding or connected with said lake in Klamath County ceded to it by the above-mentioned act of the Legislature of Oregon, to the end that such lake, water, and land shall be returned to said State as they were prior to the approval of said act, and be governed by the general laws by which they were governed prior thereto, reserving, however, to the United States the right to lower the water level in said lake, as provided in said act.

Resolved, That the chief clerk of the Senate of the State of Oregon be directed to transmit by mail a copy of this memorial to the President of the United States Senate and the Speaker of the House of Representatives of the United States and to each of the Senators and Representatives from the State of Oregon in Congress.

Concurred in by the house February 2, 1917.

R. N. STANFIELD,
Speaker of the House.

Adopted by the senate January 30, 1917.

GUS C. MOSER,
President of the Senate.

—

STATE OF OREGON,
SENATE CHAMBER.

I, J. W. Cochran, chief clerk of the Senate of the Twenty-ninth Legislative Assembly of the State of Oregon, do hereby certify:

That I have carefully compared the annexed copy of Senate joint memorial No. 10, Twenty-ninth Legislative Assembly, State of Oregon, with the original thereof as adopted by the senate January 30, 1917, and concurred in by the house February 2, 1917, and that the same is a full, true, and correct transcript therefrom and of the whole thereof.

In witness whereof I have hereunto set my hand this 6th day of February, 1917.

J. W. COCHRAN,
Chief Clerk Senate,
Twenty-ninth Legislative Assembly of the State of Oregon.

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

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

Senate joint memorial 15.

To the honorable the Senators and Representatives in Congress assembled:

We, your memorialists, the members of the Oregon Legislature, would most respectfully call the attention of your honorable body to an incongruity in our laws relative to naturalization and citizenship which works an injustice to quite a number of the citizens of the Republic:

Several States of the Union have adopted equal suffrage whereby both men and women are accorded equal prerogatives and privileges in the exercise of the elective franchise.

Under the law, a woman having all the qualifications of a legal voter—in fact, she may have exercised the right to vote—should she marry a foreigner not yet naturalized is thereby disfranchised, while if the woman from a foreign country, ignorant of our laws, should marry a citizen of the United States she at once becomes a legal voter.

This manifest injustice should be corrected, and we earnestly urge your honorable body to do so, either by amending the present laws or by some adequate enactment that will accomplish such desired result. All that we ask is that equal qualifications be required of, and equal privileges granted to, each individual voter irrespective of sex or the marriage relation in the States adopting equal suffrage, thereby harmonizing the operation of our laws with the civic progressiveness of twentieth-century civilization.

And your memorialists will ever pray.

The chief clerk of the Senate is directed, upon the adoption of this memorial by the house and senate, to transmit copies of the same to the members of the Oregon delegation in Congress.

Concurred in by the house February 2, 1917.

R. N. STANFIELD,
Speaker of the House.

Adopted by the senate January 30, 1917.

GUS C. MOSER,
President of the Senate.

STATE OF OREGON,
SENATE CHAMBER.

I, J. W. Cochran, chief clerk of the senate of the Twenty-ninth Legislative Assembly of the State of Oregon, do hereby certify:

That I have carefully compared the annexed copy of senate joint memorial No. 15, Twenty-ninth Legislative Assembly, State of Oregon, with the original thereof as adopted by the senate January 30, 1917, and concurred in by the house February 2, 1917, and that the same is a full, true, and correct transcript therefrom and of the whole thereof.

In witness whereof I have hereunto set my hand this 6th day of February, 1917.

J. W. COCHRAN,
Chief Clerk Senate,
Twenty-ninth Legislative Assembly of the State of Oregon.

Mr. TILLMAN presented a petition of the City Council, Chamber of Commerce, and sundry citizens of Beaufort, S. C., praying for the enactment of legislation to provide for the construction of works of defense for Port Royal Harbor, S. C., which was referred to the Committee on Naval Affairs.

Mr. MARTINE of New Jersey. I present telegrams remonstrating against the proposed change in the postal rates on second-class matter, 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:

NEW YORK, N. Y., *February 13, 1917.*

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

The Senate amendment to the Post Office bill increasing second-class rates will work hardship to all religious periodicals and put many of them out of business. They are not published for profit, but for moral and religious influence in the homes of America. I earnestly protest against its passage.

JAMES R. JOY,
Editor The Christian Advocate.

—

NEW YORK, N. Y., *February 13, 1917.*

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

The Hughes Commission report of 1912 states the commission is further of the opinion that it would be a mistake to discriminate between newspapers and magazines or other periodicals so far as educational value is concerned. No satisfactory distinction can be made, and we have no basis for the conclusion that the comparative cost of transporting and handling would justify a difference in rate. Manifestly the proposed amendment is grossly discriminatory in that it gives one class of second-class mail matter a privilege not enjoyed by all. Added to the already heavy burdens of greatly increased costs of production, especially paper, this confiscatory tax means bankruptcy for hundreds of publications. We strongly urge upon you the necessity for the defeat of the rider.

PERIODICAL PUBLISHERS' ASSOCIATION OF AMERICA.
AGRICULTURAL PUBLISHERS' ASSOCIATION.

—

NEW YORK, N. Y., *February 10, 1917.*

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

Members of the printing trades union vigorously protest against proposed increase in second-class postage rates. Passage of this bill will be seriously detrimental to over 1,000,000 employees in the printing industry. Trust you will oppose suspension of rules allowing bill to be railroaded through without opportunity for public hearing.

E. W. EDWARDS,
Allied Printing Trades Council.

Mr. PAGE presented a memorial of Mountain View Grange, No. 451, Patrons of Husbandry, of Brandon, Vt., remonstrating against the proposed reduction in the tax on oleomargarine, which was ordered to lie on the table.

Mr. GALLINGER. I have a telegram from Mr. and Mrs. H. S. Hering, of Concord, N. H., which I ask to have printed in the RECORD.

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

CONCORD, N. H., *February 14, 1917.*

Hon. JACOB H. GALLINGER,
United States Senate, Washington, D. C.:

Look to you to do your best to help keep our country out of war. No righteous demand, national or international, requires our entrance into the struggle. Indemnity can be secured later.

Mr. and Mrs. H. S. HERING.

Mr. PHELAN presented a telegram in the nature of a petition from the California Associated Societies for the Conservation of Wild Life, of Berkeley, Cal., praying for the passage of the so-called migratory-bird treaty bill, which was ordered to lie on the table.

Mr. TOWNSEND presented a memorial of sundry citizens of Grand Rapids, Mich., remonstrating against the United States becoming engaged in war with Germany, which was referred to the Committee on Foreign Relations.

REPORTS OF COMMITTEES.

Mr. WADSWORTH, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 8082) authorizing the acquisition of a site and the erection thereon of a public building at Yonkers, N. Y., reported it without amendment and submitted a report (No. 1052) thereon.

Mr. CATRON, from the Committee on Military Affairs, to which was referred the bill (H. R. 16590) for the relief of George Le Clear, reported it without amendment and submitted a report (No. 1053) thereon.

Mr. THOMPSON, 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 Stat., 1095), section 18, and to amend section 2 of the act of May 11, 1898 (30 Stat., 404), reported it with an amendment and submitted a report (No. 1054) thereon.

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. BECKHAM:

A bill (S. 8246) granting a pension to William Cecil (with accompanying papers); to the Committee on Pensions.

By Mr. TILLMAN:

A bill (S. 8247) authorizing the President to drop from the rolls officers of the Navy and Marine Corps in certain cases; to the Committee on Naval Affairs.

By Mr. LANE:

A bill (S. 8248) granting a pension to Gertrude M. Farrar (with accompanying paper); to the Committee on Pensions.

By Mr. SHIELDS:

A bill (S. 8249) granting a pension to Tide Owens; to the Committee on Pensions.

By Mr. ASHURST:

A bill (S. 8250) to establish the Grand Canyon National Park in the State of Arizona; to the Committee on Public Lands.

By Mr. GALLINGER:

A bill (S. 8251) granting an increase of pension to Francis E. Derby; to the Committee on Pensions.

By Mr. HARDING:

A bill (S. 8252) to authorize the change of name of the steamer *Charles L. Hutchinson* to *Fayette Brown;* to the Committee on Commerce.

By Mr. MYERS:

A bill (S. 8253) authorizing the leasing for grazing purposes of public lands withdrawn for power sites; to the Committee on Public Lands.

By Mr. OWEN:

A bill (S. 8254) to amend the act approved December 23, 1913, known as the Federal reserve act, as amended by the acts of August 4, 1914; August 15, 1914; March 3, 1915; and September 7, 1916; to the Committee on Banking and Currency.

By Mr. TOWNSEND:

A bill (S. 8255) making appropriation for payment of balances due by readjustment of salaries of postmasters under existing law; to the Committee on Post Offices and Post Roads.

By Mr. STONE:

A bill (S. 8256) to provide a government for the West India Islands acquired by the United States from Denmark by the convention entered into between said countries on the 4th day of August, 1916, and ratified by the Senate of the United States on the 7th day of September, 1916, and for other purposes; to the Committee on Foreign Relations.

By Mr. ROBINSON:

A joint resolution (S. J. Res. 213) to authorize and provide for a joint assembly and meeting of representatives of the parliaments and national legislative bodies of the nations of the world in the United States, and to extend an invitation to said parliaments and legislative bodies, and for other purposes; to the Committee on Foreign Relations.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. DU PONT submitted an amendment authorizing the President to appoint on the retired list of the Army with the rank and pay of one grade above that actually held at date of retirement any officer on the active list of the Army below the grade of brigadier general, etc., intended to be proposed by him to the Army appropriation bill (H. R. 20783), which was referred to the Committee on Military Affairs and ordered to be printed.

He also submitted an amendment providing that no colonel of Cavalry, Field Artillery, or Infantry shall be assigned or attached to any regiment of those arms without his consent while such regiment is in command of another colonel assigned or attached thereto, intended to be proposed by him to the Army appropriation bill (H. R. 20783), which was referred to the Committee on Military Affairs and ordered to be printed.

He also submitted an amendment providing that no cadet who is reported as deficient in his studies and recommended to be discharged from the Military Academy shall, unless upon recommendation of the academic board, be returned or reappointed, etc., intended to be proposed by him to the Military Academy appropriation bill (H. R. 20872), which was referred to the Committee on Military Affairs and ordered to be printed.

He also submitted an amendment proposing to amend the act of February 18, 1896, relative to chaplains for the Military Academy, intended to be proposed by him to the Military Academy appropriation bill (H. R. 20872), which was referred to the Committee on Military Affairs and ordered to be printed.

Mr. WORKS submitted an amendment authorizing the Secretary of the Navy to accept a tract of land in Los Angeles Harbor, Cal., for the purpose of establishing thereon a submarine base, etc., intended to be proposed by him to the naval appropriation bill (H. R. 20632), which was referred to the Committee on Naval Affairs and ordered to be printed.

ST. JOHN RIVER.

Mr. JOHNSON of Maine. On behalf of the chairman of the Committee on Foreign Relations [Mr. STONE], I submit a resolution and ask that it, with the accompanying papers, be referred to the Committee on Printing.

The resolution was read, and, with the accompanying papers, referred to the Committee on Printing, as follows:

Senate resolution 362.

Resolved, That 5,000 copies of the report of the International Commission pertaining to the St. John River be printed for the use of the Senate.

EULOGIES ON THE LATE REPRESENTATIVE FINLEY.

Mr. TILLMAN. Mr. President, I desire to give notice that on Saturday, the 24th of February, immediately following the memorial exercises relative to the death of the late Representatives BROWN and MOSS, of West Virginia, I shall ask the Senate to consider resolutions in tribute to the memory of DAVID EDWARD FINLEY, late a Member of the House from the State of South Carolina.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by E. T. Taylor, jr., one of its clerks, announced that the House had passed the bill (S. 5672) for the relief of sundry building and loan associations, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House insists upon its amendments to the bill (S. 1878) making appropriations for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, and under the provisions of section 151 of the act approved March 3, 1911, commonly known as the Judicial Code; agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon and had appointed Mr. GREGG, Mr. BYRNES of South Carolina, and Mr. FOCHT managers at the conference on the part of the House.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 5412. An act to establish the military record of Marshall M. Pool;

H. R. 11661. An act for the relief of Catherine Burns, widow of Patrick Burns;

H. R. 20632. An act making appropriations for the naval service for the fiscal year ending June 30, 1918, and for other purposes; and

H. R. 20748. An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1918, and for other purposes.

The message also announced that the House had agreed to a concurrent resolution authorizing the printing of 2,000 additional copies of the soil survey of Jefferson County, Ala., etc., in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to a concurrent resolution authorizing the printing and binding of 17,000 copies of the proceedings upon the unveiling of the statue of Count Casimir Pulaski in Washington May 11, 1910, etc., in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to a concurrent resolution authorizing the printing of 17,100 copies of the proceedings upon the unveiling of the statue of Gen. Thaddeus Kosciusko in Washington May 11, 1910, etc., in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to a concurrent resolution authorizing the printing of 10,000 copies of the Biographical Congressional Directory, revised and corrected to the Sixty-fourth Congress, etc., in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

S. 809. An act authorizing the Secretary of the Interior to accept the application for land entry of Richard Daeley;

S. 5424. An act to construct a bridge in San Juan County, State of New Mexico;

S. 7486. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

H. R. 455. An act to define the rights and privileges of the trustees of municipally owned interstate railways and construing the act to regulate commerce with reference thereto; and

H. R. 10697. An act for the relief of S. Spencer Carr.

POST OFFICE APPROPRIATIONS.

The VICE PRESIDENT. Is there further morning business? [A pause.] There being none, the morning business is closed.

Mr. BRYAN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the Post Office appropriation bill.

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.

Mr. KENYON. Mr. President, at the close of the session last night the matter in question was an appeal from the decision of the Chair. The junior Senator from Iowa happening to be occupying the chair at the time the decision was made from which the appeal was taken, I think it will very much shorten matters and will save time if the unanimous consent which I am about to ask shall be granted. The question was, I think, a rather intricate parliamentary one. The junior Senator from Iowa is no expert on questions of parliamentary law and made the best guess at it that he could. He would very much prefer, however, that the whole matter be relegated back for the decision of the Vice President.

I therefore ask unanimous consent that the question at issue concerning which the decision was made may be decided by the Vice President as if no decision had been made by the then occupant of the chair.

The VICE PRESIDENT. Well, the Vice President has something to say about that. The Chair does not think there is any conflict between the decision of the Senator from Iowa [Mr. KENYON] when in the chair and the former ruling of the present occupant of the chair, unless it be upon the question as to whether the amendment was or was not general legislation. At one time the present occupant of the chair decided, where there was a motion to strike out and to insert, a point of order being raised and there being a request for a division of the question, that the point of order must be sustained or overruled as to the entire amendment, with the statement that, if sustained, then that portion of it which was not subject to the point of order could immediately be re-presented as an amendment. As the Chair now recollects the ruling, at the time it was made there was no request to divide the question until after the point of order had been raised. It seems that in the present instance the request for a division was made first and the point of order afterwards. So that the Chair does not believe there is any conflict in the ruling that was made by the Senator from Iowa when occupying the chair and the present occupant of the chair. The Chair does not think it makes very much difference if there is.

Mr. KENYON. Mr. President, I should like, if I may be permitted, to correct one statement of the Chair. I think the Chair will find upon examination of the RECORD that the point of order was made before the division was asked for. That will be found at the bottom of page 3619 of the RECORD.

The VICE PRESIDENT. Well, it is not important enough to change the ruling. There has been an appeal from the ruling of the Chair.

Mr. WATSON. Mr. President, in order to save both the Chair and the Senator from Iowa from embarrassment, I object to the unanimous consent.

The VICE PRESIDENT. But there has been an appeal taken by the Senator from Washington [Mr. POINDEXTER] from the decision of the Chair, and the question is, Shall the ruling of the Chair stand as the ruling of the Senate?

Mr. CATRON. Mr. President, I am unable to vote, because I do not understand what the question is. Will the Chair have it stated? The Chair has stated that the question is on the appeal from the decision of the Chair, but he has not stated the decision from which the appeal was taken.

The VICE PRESIDENT. The Secretary will state the appeal.

The SECRETARY. The Journal has the following minute:

On the question to agree to the reported amendment, on page 15, to strike out in line 10 all after the word "devices" down to and including the word "Brooklyn" in line 12, and in lieu thereof insert certain other words.

After debate,

Mr. POINDEXTER raised a question of order, viz, that the part proposed to be inserted by said amendment proposed general legislation to a general appropriation bill and therefore was not in order under the rule.

Mr. LODGE demanded a division of the amendment.

Whereupon,

The Presiding Officer (Mr. KENYON in the chair) held to be in order the first branch of the amendment, viz, to insert the following: "$1,001,000: *Provided*, That the Postmaster General is hereby authorized and directed to extend existing contracts for pneumatic-tube service until June 30, 1918, and the Postmaster General is directed to expend this appropriation for the sole purpose of continuing the existing pneumatic mail-tube service, and no part thereof shall be expended for the transportation of mails in any other manner than herein authorized."

On that branch of the amendment, viz, to insert the following:

"*Provided further*, That a commission consisting of three members of the Committee on Post Offices and Post Roads of the United States Senate, to be designated by the Vice President, and three members of the Committee on Post Offices and Post Roads of the House of Representatives, to be designated by the Speaker of the House, is hereby authorized and directed to investigate the value of the pneumatic-tube service, their properties, franchises, and other equipment, with a view to the purchase and operation of the same or any portion thereof by the Government and to ascertain the cost and the terms upon which such purchase may be made. The employment of expert and other assistance is authorized, and the expense of such assistance and of the inquiry shall be paid from the appropriation for service by pneumatic tubes, not to exceed $25,000, and said commission shall make a report, with recommendations to Congress, on or by the 1st day of January, 1918."

The presiding officer sustained the point of order.

Mr. POINDEXTER appealed from the decision of the Chair declaring the first branch of the amendment to be in order.

Mr. WEEKS. Mr. President, is this question debatable?

The VICE PRESIDENT. The Chair is sorry to say that it is. [Laughter.]

Mr. WEEKS. I am extremely sorry to embarrass the Chair by taking a moment of time, but I do want to make a brief explanation, so that the matter will be reasonably clear in the minds of Senators who are present and who may not have been present last night.

I personally intended to take an appeal from the decision of the Chair, but found that the Senator from Washington [Mr. POINDEXTER] had already done so. I supposed that appeal would apply to both parts of the proposition in the amendment. Otherwise I should have taken an appeal from the second part, which the Senator from Washington evidently did not, according to the Journal. It was a case of misunderstanding on my part, and what I should like to know now is whether an appeal from the second part of the Presiding Officer's decision will be in order?

The VICE PRESIDENT. The Chair was not here at the time but was informed this morning that the Senator from Massachusetts had appealed from the ruling on the second part of the amendment.

Mr. WEEKS. Well, Mr. President, there was some confusion. It was about the time of adjournment. I asked a parliamentary question, whether an appeal had been taken in regard to the provisions of the amendment, and it was stated that it had been, and I supposed at that time it applied to both parts of the decision of the Senator from Iowa [Mr. KENYON], who was in the chair.

The VICE PRESIDENT. Just one moment. [A pause.] The Chair is of the opinion that the state of the RECORD is such that the Senator from Massachusetts has a right to appeal from the decision of the Chair sustaining the point of order to the second clause, and for this reason:

Just at the conclusion of the session of last evening the Senator from Massachusetts said:

Mr. President, I wish to understand the parliamentary situation. I understand that the Senator from Washington has appealed from the decision of the Chair. If the Senate adjourns now, would that open up this whole question in the Senate to-morrow?

To which the Presiding Officer responded:

The Chair did understand that an appeal was taken, so that it will open up the whole question to-morrow.

The Chair thinks that a fair construction of the RECORD is that both the Presiding Officer and the Senator from Massachusetts understood that the entire question was to be settled by the Senate with reference to the decision of the point of order.

Mr. NORRIS. Mr. President——

Mr. WEEKS. A parliamentary inquiry. As I understand, the Senator from Washington did not intend to make the point of order against the second part of this proposition, and therefore the occupant of the chair made a ruling on a matter as

to which an appeal had not been made from his decision. What is the parliamentary situation as to that?

The VICE PRESIDENT. The Chair, of course, has not read the entire RECORD. The Chair thought that the purpose of this construction this morning was to enable the Senator from Massachusetts to formally state a point of order against the second clause and take an appeal therefrom.

Mr. JONES. Mr. President, in connection with the parliamentary inquiry, and in the nature of a parliamentary inquiry bearing upon that, I want to ask the Chair if this would be true:

This provision, from line 12 on page 15 to line 11 on the next page, is all one amendment; and I want to ask, if the point of order is sustained to any part of that amendment, whether under parliamentary law it does not take out the whole amendment? Now, I know that that is the rule in another body, uniformly, and if they want to present the remaining part they have to offer it as another amendment. I am not sure about the rules of the Senate, but it occurred to me——

The VICE PRESIDENT. That is what the Chair did decide, but the Senator from Iowa did not so decide last night; and the Chair is standing by the ruling of the Senator from Iowa.

Mr. NORRIS. Mr. President——

Mr. JONES. What I want to get at is this: If the ruling of the Senator from Iowa is sustained by the Senate that a part of this is out of order, does it not follow that the whole amendment then goes out?

Mr. NORRIS. Mr. President, I desire to appeal from the decision of the Chair permitting the division of this question. I think the Senator from Massachusetts appeals because one part of it was held out of order. The Senator from Washington appeals because another part was held in order; but in order to permit them to do that the Presiding Officer decided that it was divisible. The Senator from Washington having made the point of order against the amendment, the Chair divided it. My idea is that the Chair had no authority to do that; and I therefore appeal from the decision of the Chair permitting the division of the question.

Mr. KENYON. Mr. President, the former occupant of the chair does not care anything about it, but I want to say this: When the question of division was suggested, the Chair asked if there was objection to it, and there was no objection. The Senator from Massachusetts demanded the division. I think the unanimous consent which I asked a while ago ought to be granted. It is apparent that this matter ought to go back where it was, and let the Vice President decide it; and I renew my request for unanimous consent.

Mr. ASHURST. That the subject be reopened?

Mr. KENYON. Yes.

Mr. THOMAS. Mr. President, there are now three different appeals from the Chair. I am afraid that there will be a fourth in a few moments, unless something is done to prevent it; and I therefore move to lay all three appeals upon the table.

Mr. REED. I raise the question of order whether a motion can embrace three appeals.

The VICE PRESIDENT. The Chair sustains the point of order.

Mr. POINDEXTER. Mr. President, I desire to make a new point of order.

The VICE PRESIDENT. Why do we not decide the question that is before the Senate, and that is the appeal by the Senator from Washington from the ruling of the Presiding Officer last night on the first part of this amendment? That is the question before the Senate.

Mr. POINDEXTER. I understand that, Mr. President; but it occurs to me that if the point of order which I now make should be sustained the appeal would be disposed of, and it would not be necessary to take a vote upon it. I make the point of order against this entire amendment, beginning on page 15, on the ground that a portion of it has been held out of order, and that, a portion of it having been held out of order, the entire amendment is out of order.

The Senator from Iowa, as Presiding Officer, did not decide that question. That point has never yet been made. The Senator from Iowa did rule upon a point of order being made to each portion of the amendment; but the point of order was not made, subsequent to the ruling upon those several points of order, that the entire amendment was out of order on account of part of it having been held out of order.

I submit that point of order upon the precedents of this body and upon the previous rulings of the Vice President.

Mr. KENYON. Mr. President, I understand that the Senator from Indiana [Mr. WATSON] will withdraw his objection to the unanimous-consent request. It is perfectly apparent that we shall be lost in this maze of parliamentary technicalities. That will get it back, and let the Vice President determine all questions; and I ask that my unanimous-consent request be submitted.

The VICE PRESIDENT. Is there any objection to setting aside all the rulings of the Senator from Iowa, as made last night, on the points of order to this amendment, so that the Senate may proceed de novo? The Chair hears none. Now, does the Senator from Washington renew his point of order?

Mr. POINDEXTER. I am just going to renew my point of order and, if the Chair will permit me, to state in a word the basis of it, on the ground that it is general legislation upon an appropriation bill. In order to make it clear that it is general legislation, it is necessary to say a word as to the effect of this amendment if it is adopted.

If this amendment is adopted, Mr. President, the Postmaster General will be compelled to make a contract for pneumatic-tube mail service in certain cities where contracts are already existing, for another year—for the year ending June 30, 1918. Under the existing law he is not compelled to make those contracts; and, although it is outside of the record, it illustrates the situation if I state that under the existing law he will not make those contracts. He has announced that he will not make them. The law does not require him to make them. There is nothing in the House provision which would require him to make them, nor is there anything in the House provision dealing with the question of making additional contracts for the year ending June 30, 1918.

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

Mr. POINDEXTER. I yield.

Mr. VARDAMAN. Is it not a fact that until this committee makes a favorable report, as provided for in the law, the Postmaster General could not renew this contract?

Mr. POINDEXTER. Until what? I did not quite catch the Senator's question.

Mr. VARDAMAN. I say under the existing law he is compelled to have this investigation made before he can renew the contract, is he not?

Mr. POINDEXTER. The investigation has already been made, and there has been an adverse report.

Mr. VARDAMAN. I understand; but the report is unfavorable.

Mr. POINDEXTER. Yes.

Mr. VARDAMAN. Now, unless this amendment is adopted which the Senate committee has proposed, the Postmaster General would not be compelled to enter into this agreement.

Mr. POINDEXTER. That is what I was undertaking to state.

Mr. WADSWORTH. Mr. President, let it be thoroughly understood that the fact that the report happens to be unfavorable does not necessarily preclude the Postmaster General from entering into a contract.

Mr. POINDEXTER. That is true.

Mr. VARDAMAN. But the fact that the Senate amendment compels the Postmaster General to renew it necessarily implies that it repeals existing law.

Mr. POINDEXTER. It all comes to this, Mr. President: The sum of $613,000 a year depends upon the adoption of this Senate amendment. If the amendment is adopted, the Government will be put to that expense. If it is not adopted, the Government will not be put to that expense. That is the difference between the adoption of the amendment and the rejection of the amendment; and we have here, in the most explicit terms, the statement of the Postmaster General that the mail service of the country will not be benefited by that expenditure of money.

Mr. WEEKS. Mr. President——

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

Mr. POINDEXTER. I yield.

Mr. WEEKS. I wish to call the attention of the Senator from Washington, so that he may not be deceived himself, to the fact that there is a provision in the bill as it came from the House adding $400,000 to the appropriation for automobiles. The department recommends the expenditure of $482,000 for pneumatic tubes; so that those two items would make $882,000, or less than $100,000 less than the amount appropriated last year. So that the statement that there would be a saving of five or six hundred thousand dollars is absolutely without any basis; and I can demonstrate to the Senator from Washington, when I have the time, that very largely the statements made in these reports are unfounded.

Mr. POINDEXTER. The Senator from Massachusetts assumes that the amount which he has just stated will be expended for pneumatic-tube service.

Mr. WEEKS. Mr. President, I am assuming that instead of spending it for pneumatic-tube service the Postmaster General is asking for the $400,000 additional to spend for automobile service, so that it is not a saving to the Government; and the Postmaster General, in effect, is saying to Congress: "You may appropriate this money if you like, but I will not spend it as you want it expended. I will spend it as I want to spend it."

Mr. POINDEXTER. Here is the statement, Mr. President, signed by the Postmaster General, and forwarded to me with a special letter indorsing it by the First Assistant Postmaster General. I understand that a portion of this letter has been already put in the RECORD. In it he says:

The department is confronted with this situation: Whether it shall continue the use of the service at an enormous rental and continue to impose on the public an inefficient service by delaying its mail when the mail can be expedited by other means which are efficient and which can save the Government $613,000 each year.

Mr. WEEKS. Mr. President, if the Senator from Washington will yield, I wish he would let this question go to its merits. I want to take up in detail that letter of the Postmaster General, and I want to show the Senate that those statements are very largely without sound basis. As I have just explained to the Senator from Washington, we are appropriating $400,000 for automobiles to take the place of these tubes. In other words, the Postmaster General is saying to Congress, just as I said before: "I want to spend this money as it seems to me best, not as Congress thinks it should be spent." The question ought not to be involved in a point of order. It is an important service being rendered to five great cities of this country to the satisfaction of the business men of those cities; and to throw out that service on a point of order is entirely unjustifiable.

Mr. POINDEXTER. Mr. President, just one word more. In this same statement from the Postmaster General he says:

In accordance with this act a commission composed of the ablest postal experts in the service was appointed, and, after thorough investigation, recommended that the service be discontinued in the cities of Boston, Brooklyn, Philadelphia, Chicago, and St. Louis. These recommendations had the unanimous approval of the postmasters and supervisory officials of the post offices involved——

Mr. WADSWORTH. Mr. President——

Mr. POINDEXTER. Just a moment—

and from the facts before me I am thoroughly convinced that the needs of the Postal Service are not such as to justify the expenditure involved for pneumatic tubes as the act of 1902 requires. The rental paid for the tubes ($17,000 per annum per mile) is exorbitant, and more efficient service can be rendered by other means at less than one-fifth of the cost.

These statements are so specific and so much in detail that it is incredible to me that they are not absolutely reliable.

Mr. WADSWORTH. Mr. President, will the Senator yield?

Mr. POINDEXTER. I yield to the Senator from New York.

Mr. WADSWORTH. Let me say to the Senator it is absolutely incredible to me that the Postmaster General could ever make such a statement with respect to the unanimous approval of the postmasters of the cities involved.

Mr. POINDEXTER. Does the Senator from New York dispute this statement?

Mr. WADSWORTH. I think——

The VICE PRESIDENT. The Chair has been inclined to hear the Senator from Washington, but the rules provide that these points of order are to be decided by the Chair without debate. The Chair is willing to hear reasonably upon the question, but is not willing to take the day to decide this point of order.

Mr. POINDEXTER. I submit the matter upon the point of order.

Mr. WATSON. I simply rose to discuss the point of order, but will not do so if the Chair is ready to rule.

The VICE PRESIDENT. The rule says it shall be decided by the Presiding Officer without debate, and it will save a little time, I think, because there is sure to be an appeal. Aaron Burr once said that the law was anything that was confidently asserted and plausibly maintained. So no one can speak with authority on these subjects.

As to whether this be general legislation or not, the Senate is the ultimate judge upon an appeal. The Chair does not think this is general legislation at all. The Chair believes that the Postmaster General is given the conduct of the affairs of the Post Office Department as a servant of the Congress of the United States and not its master, which conduct the Congress may change at will. The Chair thinks whether you make or lose money by any change in the method of conducting the Post Office Department is a question for the discretion of the Senate. The Chair saw yesterday where money could have been saved, but the Senate did not want to save it. It is entirely a matter for the opinion of the Congress of the United States. The Chair does not believe that this is general legislation and overrules the point of order. The question is on agreeing to the amendment of the committee.

Mr. POINDEXTER. I take an appeal from the decision of the Chair.

The VICE PRESIDENT. That is the short way to settle it. The question is, Shall the ruling of the Chair stand as the ruling of the Senate?

Mr. POINDEXTER. A parliamentary inquiry.

Mr. VARDAMAN. 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	Nelson	Smith, Md.
Bankhead	Harding	Norris	Smoot
Beckham	Hvsting	Oliver	Thomas
Brandegee	James	Overman	Thompson
Bryan	Johnson, Me.	Page	Townsend
Catron	Johnson, S. Dak.	Poindexter	Vardaman
Chilton	Jones	Ransdell	Wadsworth
Clapp	Kenyon	Reed	Walsh
Culberson	Kirby	Robinson	Warren
Cummins	Lane	Saulsbury	Watson
Curtis	Lee, Md.	Shafroth	Weeks
Fall	Lewis	Sheppard	
Fernald	Martin, Va.	Sherman	
Fletcher	Martine, N. J.	Smith, Ga.	

The PRESIDING OFFICER (Mr. WATSON in the chair). Fifty-three Senators have responded to their names. A quorum is present. The question is, Shall the decision of the Chair stand as the ruling of the Senate?

Mr. REED. Mr. President, I think we ought to settle this question as a question of parliamentary law and not determine it by the opinions the Members of the Senate may entertain with reference to the merits of the legislation. If we do not have some regard to parliamentary law we will soon be proceeding here without any law, and the effect is bound to be disastrous in the long run. The question is, Does the proposed amendment carry substantive legislation? Is this merely an appropriation we are making, or are we doing something more than making an appropriation and directing how the appropriation shall be expended?

I maintain that no lawyer can read this clause and read it fairly with an unprejudiced mind and arrive at any other conclusion than that the language under consideration does go beyond an appropriation, does go beyond directing the expenditure of that appropriation, and does make substantive provisions of law. We may disregard that; we may set it aside; we may vote on this question not according to its merits, but according to the merits of the general proposition involved, but it is not wise to do so.

Let me call the attention of the Senate to the language. Following the language which makes an appropriation of $1,001,000, which the Postmaster General is authorized and directed to expend and to extend existing contracts, comes this language:

Provided further, That a commission, consisting of three members of the Committee on Post Offices and Post Roads of the United States Senate, to be designated by the Vice President, and three members of the Committee on the Post Office and Post Roads of the House of Representatives, to be designated by the Speaker of the House—

To do what?

Is hereby authorized and directed to investigate the value of the pneumatic-tube service, their properties, franchises, and other equipment, with a view to the purchase and operation of the same or any portion thereof by the Government and to ascertain the cost and the terms upon which such purchase may be made. The employment of expert and other assistance is authorized, and the expense of such assistance and of the inquiry shall be paid from the appropriation for service by pneumatic tubes, not to exceed $25,000, and said commission shall make a report, with recommendations to Congress, on or by the 1st day of January, 1918.

Mr. President, that creates a commission; that authorizes a commission to do certain things. You can not create a commission by a new law unless that new law be a law, if I may perpetrate such a bit of Irish logic as that. You can not do a new thing by law—create a new thing by law—and then say you have not passed any law. With all respect for the opinions of others, I say that it is simply absurd to assert that that language is not legislation.

I have no special interest for the present in considering the merits of the question whether the pneumatic-tube service is a graft or is not a graft, although I unhesitatingly say in view of the investigations that have been made, in view of the report that has been made, probably they are charging the Government an exorbitant price. That is a question, however, aside from the question whether the tubes should be thrown out or not. But I do not care to discuss that question.

How can Senators under their oath, charged with the maintenance of the laws of the Government, charged on their honor with the maintenance of the rules of this body, say that lan-

guage which creates a commission and gives to that commission certain powers is not legislation? How can they say that you create a thing by law and yet that you are not passing a law?

Mr. BRYAN. Mr. President, I agree with the Senator from Missouri that we ought to settle this question of the point of order without reference to our attitude toward the amendment itself. I have not any doubt about the correct ruling of the Vice President on the point of order. I have not any grave doubt about what ought to be done with the amendment itself.

The Senator from Missouri discussed the proviso beginning with line 20. After all, that language, clear to the end of the amendment, is to appoint a commission to investigate and report, that is all. It has no other power except to go out and gather information for Congress and report back to Congress. Undoubtedly under that provision of law it is authorized to be done by Congress; it is required to be done. If the rule provided that Congress could not enact a law in connection with a general appropriation bill, the conclusion of the Senator would be inevitable, but that is not the rule of the Senate. The rule of the Senate is that we can not put general legislation upon a general appropriation bill.

Now, is this general legislation? Is it general legislation for Congress to say: "Go out and get me some information and bring it in here?" I say it is not. I understand that term in the rule to mean that you can not put upon an appropriation bill laws of a general and extensive character.

Mr. REED. Where does the word "extensive" appear?

Mr. BRYAN. That is my interpretation of what is meant by "general legislation." So far as that requirement is concerned, we could put private laws upon an appropriation bill; we could put upon it laws for the benefit of individuals. Laws to pay the claims of individuals would not come within the prohibition of that provision of Rule XVI. That is shown very clearly by the fact that Rule XVI itself goes further, and by another paragraph prohibits private legislation or private claims on appropriation bills. I have no difficulty with that part of it. I think that it would be rather a strained construction to say that because Congress could not enact general legislation upon an appropriation bill it could not, therefore, provide for a commission to gather information and to report that information back to Congress. So much for the proviso.

The House of Representatives appropriated $1,061,000 for the continuance of the tube service.

Mr. LEWIS. How much did the Senator say that the House appropriated?

Mr. BRYAN. It appropriated $1,061,000. The Senate committee recommends the appropriation of $1,001,000 for the continuance of the service; but it is claimed—I do not know with what authority—that the Postmaster General says that though you can appropriate $1,061,000 for this service he does not have to spend the $1,061,000, and therefore he will not enter into the contract. So the committee thought if we were going to appropriate the money we would say to him, "Spend the money." That is all the other part of this amendment does. That, Mr. President, is the argument I make upon the point of order. I will not at this time, at least, argue upon the merits of the committee amendment.

Mr. WEEKS. Mr. President, I want to take a moment of the time of the Senate to discuss the point of order and not the merits of this question.

The first part of this proposition is in exactly the same language which was used in last year's appropriation bill. Let me quote what the last year's appropriation act provided:

For the transmission of mail by pneumatic tubes or other similar devices, $976,000: *Provided*, That the Postmaster General is hereby authorized and directed to extend existing contracts for pneumatic-tube mail service until March 4, 1917.

That is exactly what we are providing in this proposition, that the Postmaster General is authorized and directed to do just what we authorized and directed him to do last year.

As to the second part of this proposition, we provided for a commission to consider the advisability of purchasing the pneumatic-tube system. That commission has made a report, and so far as the proposition in the pending bill is concerned, it simply considers carrying it up to the point of reporting to Congress the price at which the purchase may be made and the recommendations of the commission which was authorized. There is no power given to the commission to buy the tubes. They are simply authorized to report to Congress a price at which they may be purchased and then Congress will act on that recommendation. That would be legislation, but we are simply extending the powers of the commission, which was known as the Hoke Smith Commission, and which heretofore reported to Congress.

Mr. President, in 1901 there was authorized one of the many commissions which have been appointed to consider this subject. The provision for the appointment was before the Senate, and the wording of the bill was as follows:

"For transportation of mail by pneumatic tube or other devices, by purchase or otherwise, for maintenance and extension in cities having the system, and for establishing the system in Chicago, $500,000: *Provided*, That all contracts hereafter to be made shall first be advertised publicly for proposals in the manner now provided by law for advertising contracts for carrying mails, and shall only be made after and upon the approval of a board of three engineers, one of whom shall be appointed by the Secretary of the Treasury from the Treasury Department, one by the Secretary of the Navy from the Navy Department, and one by the Postmaster General, who shall be some engineer known for skill and experience in such matters: *And provided further*, That all contracts hereafter to be made shall contain a stipulation that the United States may acquire by the purchase any system constructed or to be constructed under such contract upon the payment to the owner of such system of the value thereof, to be determined by a board of three appraisers, one of whom shall be selected by such owner, another to be appointed by the Postmaster General, and the third by mutual agreement, or, in case of disagreement, by the judge of the district court of the United States for the district in which such system is located. Said appraisers in determining such price shall award and determine the actual structural value of said system, considering the use for which the same was designed, and may also take into account the earning power of such system. The Postmaster General is directed to investigate and report what, if any, extra charge should be made by the Government to the citizen for the use of pneumatic tube."

Mr. Hale raised a question of order, viz: That the amendment proposed general legislation to a general appropriation bill, and was therefore not in order under the third clause of Rule 16.

The President pro tempore (Mr. Frye) submitted the question to the Senate, Is the amendment in order?—yeas 55, nays 16. (See CONGRESSIONAL RECORD, pp. 2685–2694.)

In other words, exactly the same question which we now have—which, in my judgment, has been correctly decided by the Vice President—was then before the Senate on a precisely similar proposition relating to the same subject; and the Senate then decided by a vote of 55 to 16 that the decision of the Chair was correct.

The PRESIDING OFFICER. The question is, Shall the decision of the Vice President stand as the ruling of the Senate?

Mr. WEEKS. On that question I ask for the yeas and nays.

Mr. VARDAMAN. I call for the yeas and nays, Mr. President.

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

Mr. HARDING (when his name was called). I have a general pair with the junior Senator from Alabama [Mr. UNDERWOOD], but I am privileged to vote on this question, and therefore vote "yea."

Mr. TOWNSEND (when the name of Mr. SMITH of Michigan was called). The senior Senator from Michigan [Mr. SMITH] is absent and is paired with the junior Senator from Missouri [Mr. REED]. I ask that this announcement may stand for the day.

Mr. SMITH of South Carolina (when his name was called). I have a general pair with the Senator from South Dakota [Mr. STERLING]. I transfer that pair to the Senator from Georgia [Mr. HARDWICK] and vote "yea."

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from New Jersey [Mr. HUGHES] and vote "yea."

Mr. BANKHEAD (when Mr. UNDERWOOD's name was called). My colleague [Mr. UNDERWOOD] is confined to his room on account of sickness. He has a pair with the Senator from Ohio [Mr. HARDING]. If my colleague were present, he would vote "yea."

Mr. WALSH (when his name was called). I inquire if the Senator from Rhode Island [Mr. LIPPITT] has voted?

The PRESIDING OFFICER. He has not voted.

Mr. WALSH. I have a general pair with him, and in his absence I withhold my vote.

Mr. WILLIAMS (when his name was called). I inquire if the senior Senator from Pennsylvania [Mr. PENROSE] has voted?

The PRESIDING OFFICER. He has not voted.

Mr. WILLIAMS. Then I transfer my pair with that Senator to the Senator from Arizona [Mr. SMITH] and vote "yea."

The roll call was concluded.

Mr. CURTIS. I have a pair with the junior Senator from Georgia [Mr. HARDWICK], but I am released from that pair on this vote, and I vote "yea."

I desire to announce the absence of the Senator from Vermont [Mr. DILLINGHAM] on account of illness, and will let this announcement stand for the day.

Mr. GALLINGER. I inquire whether the senior Senator from New York [Mr. O'GORMAN] has voted?

The PRESIDING OFFICER. He has not voted.

Mr. GALLINGER. I have a pair with that Senator, but on this motion I am assured that he would vote as I am about to vote, and I vote "yea."

Mr. SAULSBURY. I have a general pair with the junior Senator from Rhode Island [Mr. COLT]. I am told, however, that, if present, he would vote as I shall vote, and I vote "yea."

Mr. SIMMONS. I will ask if the Senator from Minnesota [Mr. CLAPP] has voted?

The PRESIDING OFFICER. He has not voted.

Mr. SIMMONS. I have a pair with that Senator, which I transfer to the junior Senator from California [Mr. PHELAN] and vote "yea."

Mr. JOHNSON of Maine. I should like to inquire whether the junior Senator from North Dakota [Mr. GRONNA] has voted?

The PRESIDING OFFICER. He has not voted.

Mr. JOHNSON of Maine. I have a general pair with that Senator, and in his absence I withhold my vote. If at liberty to vote, I should vote "yea."

Mr. REED (after having voted in the negative). When I voted a moment ago I had forgotten that the Senator from Michigan [Mr. SMITH], with whom I am paired during his absence from the city, was not present. I therefore now transfer my pair with that Senator to the Senator from Oklahoma [Mr. GORE] and will allow my vote to stand.

Mr. MARTINE of New Jersey. I rise to announce the absence of the senior Senator from Oklahoma [Mr. GORE], who is detained at his home through illness. I ask that this announcement stand for the day.

Mr. OWEN. I wish to announce the unavoidable absence of the Senator from Oregon [Mr. CHAMBERLAIN] on official business.

Mr. OLIVER (after having voted in the affirmative). I am informed that the senior Senator from Oregon [Mr. CHAMBERLAIN], with whom I have a pair, has not voted. I transfer my pair with that Senator to the junior Senator from Rhode Island [Mr. COLT] and will allow my vote to stand.

The result was announced—yeas 53, nays 14, as follows:

YEAS—53.

Ashurst	Fletcher	Nelson	Smoot
Bankhead	Gallinger	Oliver	Sutherland
Beckham	Harding	Overman	Swanson
Broussard	Hitchcock	Owen	Thompson
Bryan	Hollis	Page	Tillman
Catron	James	Pittman	Townsend
Chilton	Johnson, S. Dak.	Ransdell	Wadsworth
Clark	Lea, Tenn.	Saulsbury	Warren
Culberson	Lewis	Sheppard	Watson
Cummins	Lodge	Sherman	Weeks
Curtis	McCumber	Shields	Williams
du Pont	McLean	Simmons	
Fall	Martin, Va.	Smith, Ga.	
Fernald	Martine, N. J.	Smith, S. C.	

NAYS—14.

Borah	La Follette	Poindexter	Thomas
Husting	Lane	Reed	Vardaman
Jones	Lee, Md.	Shafroth	
Kenyon	Norris	Stone	

NOT VOTING—29.

Brady	Gronna	Newlands	Smith, Mich.
Brandegee	Hardwick	O'Gorman	Sterling
Chamberlain	Hughes	Penrose	Underwood
Clapp	Johnson, Me.	Phelan	Walsh
Colt	Kern	Pomerene	Works
Dillingham	Kirby	Robinson	
Goff	Lippitt	Smith, Ariz.	
Gore	Myers	Smith, Md.	

So the ruling of the Chair was sustained.

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

Mr. REED obtained the floor.

Mr. POINDEXTER. Mr. President——

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

Mr. POINDEXTER. Mr. President, from the remarks of the Chair a moment ago the impression seems to be extensively entertained that the question before the Senate is whether or not the Postmaster General is the master of the Senate and Congress or the Senate and Congress the master of the Postmaster General, and whether the Senate should economize in expenditures. The Chair announced the conclusion, with which I, of course, agree, that the Congress is the master of the Postmaster General and that Congress can determine whether or not it wants to save money; but I should like also to remark in that connection that that proposition is about as far removed from the question before the Senate as a sing-a-way bird on the banks of a far-away river. Nobody denies the proposition stated by the Chair. But the question is quite different. Under the existing law the Government is not required to continue to maintain a mail service which has been declared by two different investigating boards and is now asserted by the Postmaster General to be obsolete. At the time this pneumatic-tube mail service was first adopted automobile truck mail cars for the delivery of mails in cities had not been developed. The parcel post had not been established and extended as it has been now. The conditions were entirely different. Under the revolutionary development of mail service in the cities of the country which has occurred since this service was first adopted these commissions and the Postmaster General find that the pneumatic-tube method of delivering mail is not only not an advantage but is a positive disadvantage; and the question involved here is whether or not in its discretion, which nobody denies, Congress is going to compel the Postmaster General to make these contracts against the judgment of the authorities, who are attempting to save the $613,000 a year, or whether we are going to leave the matter as it stands now, with the discretion vested in the Postmaster General and the experts of the department to deliver the mail in the cities according to the best appliances which they are able to obtain.

One of the motives which is back of the powerful influence which is maintaining and perpetuating this pneumatic-tube mail service is the fact that they are obtaining for this service more per mile for pneumatic tubes than the railroads are obtaining per mile for the entire volume of mail that comes from all directions into these cities.

There is a provision in this amendment for an investigation. I hold in my hand a volume of considerable size which embodies the reports of investigations which have already been made, containing most voluminous details and figures and a discussion of every phase of the subject. On page 10 of the report they refer to another report which has been made prior to this report, in 1907, covering the investigation of the pneumatic-tube service by post-office inspectors, in which it was stated that this is the most expensive method of mail transportation in use, and the inspectors very much doubt whether, even under the conditions existing then, the advantages obtained were commensurate with the heavy expense.

Then this commission goes on to state that—

Since the present contracts for pneumatic-tube service were entered into the domestic parcel post has been established and has materially changed the conditions of Postal Service operation. The automobile truck, which is now used extensively in the commercial world, has also become available for the transportation of mail, so that the conditions prevailing in the service at present did not exist at the time of previous investigations.

The principal advantages of pneumatic tubes for the transportation of mail are:

1. A high rate of speed between stations for limited quantities of mail.

2. Freedom from surface traffic congestion.

The principal limitations and disadvantages of pneumatic tubes for the transportation of mail are:

1. The capacity of each tube container is limited to about 5 pounds of letter mail, and all classes of mail can not be carried.

2. The rapidity of dispatch of tube containers is limited to intervals of about 15 seconds, so that only about 20 pounds of letter mail can be dispatched each minute, thus necessitating the paralleling of the entire system of tubes by vehicular service at the time of heavy dispatches.

3. Inability of tubes to carry many special-delivery parcels, owing to the limited size of the containers.

4. The necessary relaying of containers at way stations involves loss of time and requires that all intermediate stations be kept open, with attendants on duty.

5. The inability to dispatch mail to intermediate stations during continuous transmission between any two points.

6. Inability to dispatch mail to the point where it is received by or taken from the railroad companies without additional handling.

7. Frequent complaints resulting from damage to mail, caused by careless locking of containers and by the accidental opening of containers in transit.

8. Inability to prevent dampness and oil in the tubes at certain times, resulting in damage to the mails.

9. Discontinuance of service on an entire line results from stoppage of the operation of the tube at any point on that line.

10. Inflexibility of the service, as it can not be expanded to meet recurring or emergent conditions, thus resulting in congestion.

11. The terminal equipment of the tubes occupies a considerable amount of desirable space in post-office quarters, for which high rentals are paid by the department.

12. The excessive cost of tube service ($17,000 per mile per annum).

The letter of the Postmaster General, addressed to the chairman of the Senate Committee on Post Offices and Post Roads, has been printed in the RECORD; but in order that Senators who did not read it in the RECORD may know its contents I am going to read it, and then, if I may, ask that the printing of it in the RECORD be not duplicated. Before reading it, I should like to make this comment upon it:

Not only have the Post Office Department had the benefit of minute examination by a number of commissions appointed for that special purpose, but they have had the benefit of a far more reliable source of information than any investigation could possibly be, and that is the practical testing of these tubes through a series of years, the actual use of them in the regular business of the Government. For Senators, whether they are members of the Committee on Post Offices and Post Roads or not, to say that they are in a better position to determine the advantages of this particular means of delivering the mail than the employees of the Government, whose disinterestedness no-

body has challenged, who are engaged in the use of these appliances every day, is entirely unreasonable.

This letter, addressed to Senator BANKHEAD, the chairman of the Post Office Committee, says:

The bill making appropriations for the Post Office Department for the fiscal year ending June 30, 1918, and for other purposes, now under consideration by the Senate, contains a provision, on page 15, which authorizes and directs the Postmaster General to extend existing contracts for pneumatic-tube service until June 30, 1918.

If I may interpolate here, rather by way of repetition, that statement contains the gist of all this question which the Senate has been considering yesterday afternoon and this morning. However we may indulge in sophistical arguments about its being a mere change of a provision in the House bill, we can not escape from the conclusion that the effect of this Senate amendment is to adopt the pneumatic-tube service, and that without the Senate amendment we do not adopt the pneumatic-tube service. That can not be denied by any reasonable man who reads this language; so what is the use of arguing that it is a mere condition attached to an appropriation, or that it is a mere enlargement of a provision in the House bill? It is far more than that. It is substantial and vital in the principle which it adds to the bill.

This proposed amendment is a change in existing law and practically nullifies the act of Congress of 1902 relating to this service, which provides:

"(a) That no advertisement shall issue until after careful investigation shall have been made"—

This is the existing law which is changed—

"as to the needs and practicability of such service and until a favorable report in writing shall have been submitted to the Postmaster General by a commission of not less than three expert postal officials, to be named by him."

This amendment proposes to make these contracts of $613,000 a year without the investigation and favorable report of a commission of not less than three expert postal officials, which the law as it stands now requires. The effect of this amendment is to repeal that law, not only without sufficient information, but in the face of the best information that can possibly be obtained, and direct that these contracts shall be made without the favorable report of three expert officials, which the law requires. It is perfectly useless to talk about that being the imposing by the Postmaster General of his authority upon Congress, because it was Congress which provided this. It is in pursuance of the will of Congress. It was Congress which proposed that in the interests of honesty and economy contracts for new methods of delivering the mails should not be made until they had been approved by people who were informed about those things, and so they put it into the law; and yet we propose, in this amendment, to repeal that provision.

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

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

Mr. POINDEXTER. I yield.

Mr. NELSON. Is the pneumatic-tube service in all these towns conducted and carried on by a single company or concern?

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

Mr. WEEKS. Mr. President, I will answer that question, if the Senator from Washington does not object.

Mr. POINDEXTER. Not at all.

Mr. WEEKS. One company carries on the service in four or five cities where the pneumatic-tube service is installed, and one company carries it on in the city of Philadelphia.

Mr. NELSON. All the others are under one company?

Mr. WEEKS. Yes.

Mr. NELSON. I should like to ask another question, if the Senator will allow me.

Mr. POINDEXTER. Certainly.

Mr. NELSON. Perhaps the Senator from Massachusetts can answer it. Does the Senator know at what rate the companies which own this pneumatic service are capitalized? What is the capital of the company that is serving the four places, and what is the capital of the other company that is serving one place?

Mr. WEEKS. Mr. President, I do not know what the capital is in either case. Both companies have some outstanding bonds and some capital stock. I think the stocks of the Boston, New York, Chicago, and St. Louis company are listed on the Boston Stock Exchange. I have not looked at the price recently.

Mr. NELSON. Does the Senator know what revenue they get out of this allowance—what percentage it is on the capital?

Mr. WEEKS. They have not paid any dividends on the stocks for years. I do not know that they have ever paid any dividends on the stocks. They have simply paid the interest on the bonds and the operating expenses; and the bonds do not include, in the case of the Boston company, more than one-third, or I think about a quarter, of what it is claimed was the cost of the system.

Mr. POINDEXTER. A history of the original adoption of this service is contained in the report to which I referred.

There is another change in the law which this amendment makes. The present law provides that such an advertisement shall not be issued—

Until, in the judgment of the Postmaster General, the needs of the Postal Service are such as to justify the expenditure involved.

We override that.

In accordance with this act a commission composed of the ablest postal experts in the service was appointed, and, after thorough investigation, recommended that the service be discontinued in the cities of Boston, Brooklyn, Philadelphia, Chicago, and St. Louis.

The Senator from New York [Mr. WADSWORTH], who disputed the statement as to the fact that these recommendations had the unanimous approval of the postmasters and supervisory officials of the post offices involved, will notice that New York is not named in that list, so that it does not refer to the postmaster in New York.

The VICE PRESIDENT. The morning hour having expired, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 8148) to define and punish espionage.

Mr. OVERMAN. Mr. President, I ask that the unfinished business be temporarily laid aside for the further consideration of the Post Office appropriation bill.

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

Mr. WADSWORTH. Mr. President, I think the Senator will find, upon examining the report of the commission, that New York is involved.

Mr. POINDEXTER. We were not talking about the report of the commission at the time the Senator disputed this proposition. I was reading from this same letter.

Mr. WADSWORTH. Mr. President, the letter of the Postmaster General certainly gives the impression that the postmasters of all the cities involved are opposed to the retention of the pneumatic-tube service.

Mr. POINDEXTER. Well, I will let the statement speak for itself. I will read it over again. It says it is—

recommended that the service be discontinued in the cities of Boston, Brooklyn, Philadelphia, Chicago, and St. Louis.

Not New York.

These recommendations had the unanimous approval of the postmasters and supervisory officials of the post offices involved, and from the facts before me I am thoroughly convinced that the needs of the Postal Service are not such as to justify the expenditure involved for pneumatic tubes, as the act of 1902 requires. The rental paid for the tubes ($17,000 per annum per mile) is exorbitant, and more efficient service can be rendered by other means at less than one-fifth of the cost.

Mr. NELSON. Will the Senator yield to me?

Mr. POINDEXTER. Yes; I will yield for a question.

Mr. NELSON. I notice in the last part of the committee amendment that a commission is to be appointed to investigate the value of the property with a view to purchasing the property. What is the idea of purchasing the property? Are these people anxious to unload it on the Government? Can the Senator furnish any information on that point?

Mr. REED. Mr. President——

Mr. POINDEXTER. I can furnish the suggestion that occurs to me from the amendment which is proposed. I suppose it comes from the same opinion that provides in a mandatory form that we should renew our contracts with them, without the usual safeguards that are thrown around Post Office contracts, and this being a portion of the same amendment, coming from the same source, I assume the desire is that the Government shall acquire these tubes. No doubt the owners desire that they all shall be unloaded upon the Government.

The PRESIDING OFFICER (Mr. WATSON in the chair). Does the Senator from Washington yield to the Senator from Missouri?

Mr. POINDEXTER. I yield.

Mr. REED. Mr. President, I think I perhaps can throw a little light on that question.

Some months ago I was in the city of St. Louis. A gentleman insisted that he wanted to talk with me, and he began talking in favor of renewing the contracts for the tube system. He went on to say that the Government ought to acquire this system. I could not place the gentleman at first. I finally inquired who he was and what his business was. He said to me that he was the attorney for the pneumatic-tube company; and in further conversation he said to me that the Government ought to acquire these tubes, that the companies had not made

any money out of them, and that they would be glad to sell them to the Government.

It looks very much to me as though that industrious gentleman is now about to secure the enactment of a law that will create a commission to buy these tubes from the companies. I do not think that there is the slightest doubt but that this is an effort of the companies to unload their apparatus on the Government.

I wish to say further, if the Senator will permit me, that it has been stated to me from what I believe to be reliable authority that at least some gentlemen who have come to the city of Washington and have been active in this propaganda had their expenses paid by these companies. I remember one instance which occurred, I think, about four years ago, when a delegation waited upon me; and at its head was a gentleman whom I understood was there as a public-spirited citizen. I have since been informed—and I believe my information to be absolutely reliable—that he has been an attorney for these companies all the time. I give this information in response to the inquiry of the Senator from Minnesota.

Mr. LEWIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Illinois?

Mr. POINDEXTER. I prefer not to yield just now.

Mr. LEWIS. I only wanted to submit an inquiry to the Senator from Missouri before the Senator from Missouri resumed his seat.

Mr. POINDEXTER. Very well. I yield for that purpose.

Mr. LEWIS. I should like to ask the Senator from Missouri if, in the judgment of this commission, these tubes are efficient, if they are serviceable, and if they are beneficial to the Government service, would it not be better for the Government really to operate them than that private individuals should?

Mr. REED. If all those "ifs" are true, it might be the Government ought to acquire them. The trouble is, every investigation which has been made has resulted in their condemnation. However, I was answering the inquiry propounded by the Senator from Minnesota, whether there was a desire on the part of the owners of these companies to unload on the Government. That was his phrase, not mine.

Mr. LEWIS. The Senator from Missouri would not regard it against the merits of these tubes if they are meritorious merely that there might be some advice on the part of some to turn them over to the Government for the Government to take and operate them?

Mr. REED. I regard any efforts by private individuals to get through a law which will ultimately compel the purchase of their property, as such a proposition as demands very careful investigation.

Mr. POINDEXTER. Mr. President, upon the same question I should like to suggest that there is a very obvious reason for the desire of these tube companies to sell them to the Government, because they are so utterly unsuccessful that they can not be used in any other capacity than in the Government service. The Government is the only one that continues to pay them a profitable amount for their services.

In this same report, which I referred to a moment ago, at page 12, the matter is discussed. It says:

> Pneumatic tubes have not been a success for commercial purposes. A line of 10-inch tubes, about 4¾ miles in length, was laid in Boston for commercial uses, but was not a success, and was subsequently leased to the Post Office Department—

An easy game, I suppose—

> November 1, 1906, for the transportation of mail, at an annual rental of $17,000 per mile per annum for a period of 10 years.

Mr. WEEKS. Will the Senator yield?

Mr. POINDEXTER. In just a moment, if the Senator pleases.

> It will therefore be seen that the department has already paid approximately $800,000 for a service that was not a success for commercial purposes and of questionable value to the Postal Service. If underground pneumatic-tube service is as valuable as the tube companies represent, the commercial world would not have abandoned this means of transportation, but would have developed and improved it. In New York, with its many miles of subways, no attempt has been made to use tubes for commercial purposes.

The Senator from New York will know whether or not that statement is correct, but if it is correct it seems to me to be a very eloquent commentary upon the failure of this mode of transporting packages, whether packages of letters or parcel-post or ordinary commercial packages, in the business of the city. I yield to the Senator from Massachusetts.

Mr. WEEKS. I do not want to let the impression pass that there is anything about this proposition of pneumatic tubes which is not in the regular order. The commission of Senators and Representatives considered this subject within three years, reported in the year 1914 in favor of purchasing the tubes, and the proposition which is in the bill does not require the purchase of the tubes. It simply says, in furthering the purposes of the report which was made by the commission to which I have just referred, a commission shall be appointed to determine a price at which the tubes may be purchased in whole or in part, and to report that to Congress, so that Congress may then pass on the question whether it is desirable to make the purchase or not.

Mr. MARTINE of New Jersey. Will the Senator yield to me for just a moment?

Mr. POINDEXTER. Yes; I yield.

Mr. MARTINE of New Jersey. The Senator remarks, "if they are efficient." I was very attentive at the hearings of the committee and I asked every one of the gentlemen who appeared before us as to their efficiency, men who were in the service, mercantile men, the postmaster of New York, and the universal response was, "Yes; they are very efficient."

The intimitation that somebody's expenses were paid to come here and advocate the purchase of these tubes seems to me monstrous. Who can believe that Mayor Mitchel, of the city of New York, who appeared before the committee, left his business and his great affairs to come here and advocate this measure and his expenses here were paid?

Mr. POINDEXTER. Will the Senator yield?

Mr. MARTINE of New Jersey. Certainly; I do not want to take the Senator's time.

Mr. POINDEXTER. Are these tubes in use commercially in any of those cities?

Mr. MARTINE of New Jersey. They are not in use commercially.

Mr. POINDEXTER. Why not, if they are so valuable?

Mr. MARTINE of New Jersey. The query remains, Why not? It has been less than 20 years that subways were used in New York. They have not grown up to it, but the fact is, if you are asking as to the practicability of it, the city of London is building an immense tube system for the purpose of transporting mails as well as for the transportation of parcels.

Mr. POINDEXTER. Instead of developing and advancing in this country they are declared to be obsolete.

Mr. MARTINE of New Jersey. I do not think they are obsolete at all.

Mr. POINDEXTER. Now, I will proceed, and my only purpose is to get the information before the Senate. I have not the slightest interest in this matter other than to have the Senate proceed with a reasonable amount of available information which these reports contain. For that reason, I want to read a few more paragraphs from this statement:

> Notwithstanding the inefficiency and limited capacity of the tubes, the rental paid is greater per mile than the entire amounts paid the railroads per mile that enter New York City for carrying the entire volume of mail, and approximately three times as much as is paid the railroads that enter Boston for the same purpose.
>
> Owing to the inflexibility of the tube service—

Here he points out in great detail not only the lack of advantages but of positive disadvantages of this system, how they not only do not benefit the service but they do a positive injury to it—

> and because it can not be expanded to meet recurrent or emergent conditions, congestion occurs and great quantities of mail are delayed. Only recently, during one evening, more than 700 containers were delayed in New York City in the territory below Forty-second Street, where the great financial and business institutions of New York City are located—

Mr. WEEKS. Let me say to the Senator——

Mr. POINDEXTER. Just a moment. I should like to finish reading this paragraph—

> and because of this fact the congestion caused train connections to be missed and resulted in delays in some instances of 12 hours in reaching the addressee. In Philadelphia the incoming mail on December 29, 1914, was delayed at Penn Square Terminal from 26 minutes to 1 hour and 16 minutes before even the first container of mail from each train could be sent through the tubes; and similar conditions prevail in other cities where any quantity of mail is to be transported.
>
> Such conditions in the Postal Service are deplorable, and in justice to the public steps should be taken to render more efficient service.
>
> Approximately 87½ per cent of the mail now transported by tubes can be transported by the present means of surface transportation without additional cost or delay. If the tubes are abandoned, it will be necessary to provide transportation for 12½ per cent of the first-class mail now forwarded by tubes, which represents 0.7 per cent of the entire volume handled at the stations having tube service. It can be easily seen that the claim that this would greatly congest the streets is ridiculous.
>
> The contracts for this service will expire on March 4, 1917, and the department is not under the least moral obligation to renew these contracts or to continue the service further, and the representatives of one of the companies so admitted when appearing before your committee.
>
> This pneumatic-tube service as a means of transportation is obsolete and has little or no merit. To continue its use would be an extravagance and waste of public money. The companies, realizing this, have no hope of securing a renewal of their contracts under the law of 1902, and are now endeavoring, although they admit the department is not under the slightest obligation to them to have the service extended, to continue the service by having the Congress direct the Postmaster General to extend the contracts to June 30, 1918. If this amendment prevails and the Congress directs the extension of the contract without

competition or regard to the merits of the service involved, it will be establishing a precedent, as there would be nothing to prevent any other contractor for any other branch of the service coming to Congress and asking that the same consideration be shown him.

That the pneumatic tubes as a means of transportation are obsolete can not be demonstrated better than by the fact that a large portion of the system in Boston, which was installed more than 15 years ago for the use of the merchants in transporting parcels, proved an absolute failure and was abandoned and then railroaded on the Postal Service.

Mr. WADSWORTH. Did he use the word "railroaded"?

Mr. POINDEXTER. I am reading the words:

The department is confronted with this situation, whether it shall continue the use of the service at an enormous rental and continue to impose on the public an inefficient service by delaying its mail when the mail can be expedited by other means which are efficient and which can save the Government $613,000 each year.

The Postmaster General is charged with the responsibility of administering the Postal Service in an efficient manner and must stand the criticisms of the public when he fails to do so. For that reason he should not have an inefficient service imposed on him, and I trust that the amendment will not prevail and that the department will be permitted to undertake the responsibility for working the matter out in its own way under the law as Congress has written it and in the interest of the public and without an extravagant waste of money.

Very sincerely, A. S. BURLESSON,
Postmaster General.

Mr. President, I have taken rather laborious means of getting the question before the Senate by reading at length the Postmaster General's statement and a portion of the report of the commission appointed to investigate this particular matter; and the Senate will vote, the country having knowledge of the facts, will know that when we are denying new rural-delivery routes in new sections of the country, where the people are engaged in opening up new lands and extending the resources of the Nation, establishing homes, adding to the power and the wealth of the country, and yet are deprived of the commonest, most ordinary postal facilities, we have taken $613,000 which might be used to give those facilities and devoted it to a service which is declared by the experts in the Post Office Department to be worse than useless. Not only that, but we are going still further with this most astonishing provision in the face of this report that this service is obsolete, that it is inefficient, that it results in congestion and delay of the mail, that it adds unnecessarily this large amount of money to the postal expenses, and it is proposed here to appoint a commission to ascertain terms with the view of the purchase by the Government of the pneumatic tubes and their franchises and so to permanently load it down with this utterly out-of-date equipment at a great burden of taxes and added annual expense, which such a purchase would entail.

VOCATIONAL EDUCATION (S. DOC. NO. 711).

Mr. SMITH of Georgia. I present a conference report on Senate bill 703, known as the vocational educational bill, and ask that it lie on the table and be printed.

The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 703) to provide for the promotion of vocational education; to provide for cooperation with the States in the promotion of such education in agriculture and the trades and industries; to provide for cooperation with the States in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditure having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House, and agree to the same with an amendment as follows: In lieu of the matter proposed by the House insert the following:

"That there is hereby annually appropriated, out of any money in the Treasury not otherwise appropriated, the sums provided in sections 2, 3, and 4 of this act, to be paid to the respective States for the purpose of cooperating with the States in paying the salaries of teachers, supervisors, and directors of agricultural subjects, and teachers of trade, home economics, and industrial subjects, and in the preparation of teachers of agricultural, trade, industrial, and home economics subjects; and the sum provided for in section 7 for the use of the Federal board for vocational education for the administration of this act and for the purpose of making studies, investigations, and reports to aid in the organization and conduct of vocational education, which sums shall be expended as hereinafter provided.

"SEC. 2. That for the purpose of cooperating with the States in paying the salaries of teachers, supervisors, or directors of agricultural subjects there is hereby appropriated for the use of the States, subject to the provisions of this act, for the fiscal year ending June 30, 1918, the sum of $500,000; for the fiscal year ending June 30, 1919, the sum of $750,000; for the fiscal year ending June 30, 1920, the sum of $1,000,000; for the fiscal year ending June 30, 1921, the sum of $1,250,000; for the fiscal year ending June 30, 1922, the sum of $1,500,000; for the fiscal year ending June 30, 1923, the sum of $1,750,000; for the fiscal year ending June 30, 1924, the sum of $2,000,000; for the fiscal year ending June 30, 1925, the sum of $2,500,000; for the fiscal year ending June 30, 1926, and annually thereafter, the sum of $3,000,000. Said sums shall be allotted to the States in the proportion which their rural population bears to the total rural population in the United States, not including outlying possessions, according to the last preceding United States census: *Provided*, That the allotment of funds to any State shall be not less than a minimum of $5,000 for any fiscal year prior to and including the fiscal year ending June 30, 1923, nor less than $10,000 for any fiscal year thereafter, and there is hereby appropriated the following sums, or so much thereof as may be necessary, which shall be used for the purpose of providing the minimum allotment to the States provided for in this section: For the fiscal year ending June 30, 1918, the sum of $48,000; for the fiscal year ending June 30, 1919, the sum of $34,000; for the fiscal year ending June 30, 1920, the sum of $24,000; for the fiscal year ending June 30, 1921, the sum of $18,000; for the fiscal year ending June 30, 1922, the sum of $14,000; for the fiscal year ending June 30, 1923, the sum of $11,000; for the fiscal year ending June 30, 1924, the sum of $9,000; for the fiscal year ending June 30, 1925, the sum of $34,000; and annually thereafter the sum of $27,000.

"SEC. 3. That for the purpose of cooperating with the States in paying the salaries of teachers of trade, home economics, and industrial subjects there is hereby appropriated for the use of the States, for the fiscal year ending June 30, 1918, the sum of $500,000; for the fiscal year ending June 30, 1919, the sum of $750,000; for the fiscal year ending June 30, 1920, the sum of $1,000,000; for the fiscal year ending June 30, 1921, the sum of $1,250,000; for the fiscal year ending June 30, 1922, the sum of $1,500,000; for the fiscal year ending June 30, 1923, the sum of $1,750,000; for the fiscal year ending June 30, 1924, the sum of $2,000,000; for the fiscal year ending June 30, 1925, the sum of $2,500,000; for the fiscal year ending June 30, 1926, the sum of $3,000,000; and annually thereafter the sum of $3,000,000. Said sums shall be allotted to the States in the proportion which their urban population bears to the total urban population in the United States, not including outlying possessions, according to the last preceding United States census: *Provided*, That the allotment of funds to any State shall be not less than a minimum of $5,000 for any fiscal year prior to and including the fiscal year ending June 30, 1923, nor less than $10,000 for any fiscal year thereafter, and there is hereby appropriated the following sums, or so much thereof as may be needed, which shall be used for the purpose of providing the minimum allotment to the States provided for in this section: For the fiscal year ending June 30, 1918, the sum of $66,000; for the fiscal year ending June 30, 1919, the sum of $46,000; for the fiscal year ending June 30, 1920, the sum of $34,000; for the fiscal year ending June 30, 1921, the sum of $28,000; for the fiscal year ending June 30, 1922, the sum of $25,000; for the fiscal year ending June 30, 1923, the sum of $22,000; for the fiscal year ending June 30, 1924, the sum of $19,000; for the fiscal year ending June 30, 1925, the sum of $56,000; for the fiscal year ending June 30, 1926, and annually thereafter, the sum of $50,000.

"That not more than 20 per cent of the money appropriated under this act for the payment of salaries of teachers of trade, home economics, and industrial subjects, for any year, shall be expended for the salaries of teachers of home economics subjects.

"SEC. 4. That for the purpose of cooperating with the States in preparing teachers, supervisors, and directors of agricultural subjects and teachers of trade and industrial and home economics subjects there is hereby appropriated for the use of the States for the fiscal year ending June 30, 1918, the sum of $500,000; for the fiscal year ending June 30, 1919, the sum of $700,000; for the fiscal year ending June 30, 1920, the sum of $900,000; for the fiscal year ending June 30, 1921, and annually thereafter the sum of $1,000,000. Said sums shall be allotted to the States in the proportion which their population bears to the total population of the United States, not including outlying possessions, according to the last preceding United States census: *Provided*, That the allotment of funds to any State shall be not less than a minimum of $5,000 for any fiscal year prior to and including the fiscal year ending June 30, 1919, nor less than $10,000 for any fiscal year thereafter. And there is hereby appropriated the following sums, or so much thereof

as may be needed, which shall be used for the purpose of providing the minimum allotment provided for in this section: For the fiscal year ending June 30, 1918, the sum of $46,000; for the fiscal year ending June 30, 1919, the sum of $32,000; for the fiscal year ending June 30, 1920, the sum of $24,000; for the fiscal year ending June 30, 1921, and annually thereafter, the sum of $90,000.

"SEC. 5. That in order to secure the benefits of the appropriations provided for in sections 2, 3, and 4 of this act any State shall, through the legislative authority thereof, accept the provisions of this act and designate or create a State board, consisting of not less than three members and having all necessary power to cooperate, as herein provided, with the Federal board for vocational education in the administration of the provisions of this act. The State board of education, or other board having charge of the administration of public education in the State, or any State board having charge of the administration of any kind of vocational education in the State may, if the State so elect, be designated as the State board, for the purpose of this act.

"In any State the legislature of which does not meet in 1917, if the governor of that State, so far as he is authorized to do so, shall accept the provisions of this act and name a State board of not less than three members to act in cooperation with the Federal board for vocational education, the Federal board shall recognize such local board for the purposes of this act until the legislature of such State meets in due course and has been in session 60 days.

"Any State may accept the benefits of any one or more of the respective funds herein appropriated, and it may defer the acceptance of the benefits of any one or more of such funds, and shall be required to meet only the conditions relative to the fund or funds the benefits of which it has accepted: *Provided*, That after June 30, 1920, no State shall receive any appropriation for salaries of teachers, supervisors, or directors of agricultural subjects, until it shall have taken advantage of at least the minimum amount appropriated for the training of teachers, supervisors, or directors of agricultural subjects, as provided for in this act, and that after said date no State shall receive any appropriation for the salaries of teachers of trade, home economics, and industrial subjects until it shall have taken advantage of at least the minimum amount appropriated for the training of teachers of trade, home economics, and industrial subjects, as provided for in this act.

"SEC. 6. That a Federal board for vocational education is hereby created, to consist of the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Labor, the United States Commissioner of Education, and three citizens of the United States to be appointed by the President, by and with the advice and consent of the Senate. One of said three citizens shall be a representative of the manufacturing and commercial interests, one a representative of the agricultural interests, and one a representative of labor. The board shall elect annually one of its members as chairman. In the first instance, one of the citizen members shall be appointed for one year, one for two years, and one for three years, and thereafter for three years each. The members of the board other than the members of the Cabinet and the United States Commissioner of Education shall receive a salary of $5,000 per annum.

"The board shall have power to cooperate with State boards in carrying out the provisions of this act. It shall be the duty of the Federal board for vocational education to make, or cause to have made studies, investigations, and reports, with particular reference to their use in aiding the States in the establishment of vocational schools and classes and in giving instruction in agriculture, trades and industries, commerce and commercial pursuits, and home economics. Such studies, investigations, and reports shall include agriculture and agricultural processes and requirements upon agricultural workers; trades, industries, and apprenticeships, trade and industrial requirements upon industrial workers, and classification of industrial processes and pursuits; commerce and commercial pursuits and requirements upon commercial workers; home management, domestic science, and the study of related facts and principles; and problems of administration of vocational schools and of courses of study and instruction in vocational subjects.

"When the board deems it advisable such studies, investigations, and reports concerning agriculture, for the purposes of agricultural education, may be made in cooperation with or through the Department of Agriculture; such studies, investigations, and reports concerning trades and industries, for the purposes of trade and industrial education, may be made in cooperation with or through the Department of Labor; such studies, investigations, and reports concerning commerce and commercial pursuits, for the purposes of commercial education, may be made in cooperation with or through the Department of Commerce; such studies, investigations, and reports concerning the administration of vocational schools, courses of study and instruction in vocational subjects, may be made in cooperation with or through the Bureau of Education.

"The Commissioner of Education may make such recommendations to the board relative to the administration of this act as he may from time to time deem advisable. It shall be the duty of the chairman of the board to carry out the rules, regulations, and decisions which the board may adopt. The Federal board for vocational education shall have power to employ such assistants as may be necessary to carry out the provisions of this act.

"SEC. 7. That there is hereby appropriated to the Federal board for vocational education the sum of $200,000 annually, to be available from and after the passage of this act, for the purpose of making or cooperating in making the studies, investigations, and reports provided for in section 6 of this act, and for the purpose of paying the salaries of the officers, the assistants, and such office and other expenses as the board may deem necessary to the execution and administration of this act.

"SEC. 8. That in order to secure the benefits of the appropriation for any purpose specified in this act, the State board shall prepare plans, showing the kinds of vocational education for which it is proposed that the appropriation shall be used; the kinds of schools and equipment; courses of study; methods of instruction; qualifications of teachers; and, in the case of agricultural subjects the qualifications of supervisors or directors; plans for the training of teachers; and, in the case of agricultural subjects, plans for the supervision of agricultural education, as provided for in section 10. Such plans shall be submitted by the State board to the Federal board for vocational education, and if the Federal board finds the same to be in conformity with the provisions and purposes of this act, the same shall be approved. The State board shall make an annual report to the Federal board for vocational education, on or before September 1 of each year, on the work done in the State and the receipts and expenditures of money under the provisions of this act.

"SEC. 9. That the appropriation for the salaries of teachers, supervisors, or directors of agricultural subjects and of teachers of trade, home economics, and industrial subjects shall be devoted exclusively to the payment of salaries of such teachers, supervisors, or directors having the minimum qualifications set up for the State by the State board, with the approval of the Federal board for vocational education. The cost of instruction supplementary to the instruction in agricultural and in trade, home economics, and industrial subjects provided for in this act, necessary to build a well-rounded course of training, shall be borne by the State and local communities, and no part of the cost thereof shall be borne out of appropriations herein made. The moneys expended under the provisions of this act, in cooperation with the States, for the salaries of teachers, supervisors, or directors of agricultural subjects, or for the salaries of teachers of trade, home economics, and industrial subjects, shall be conditioned that for each dollar of Federal money expended for such salaries the State or local community, or both, shall expend an equal amount for such salaries; and that appropriations for the training of teachers of vocational subjects, as herein provided, shall be conditioned that such money be expended for maintenance of such training and that for each dollar of Federal money so expended for maintenance, the State or local community, or both, shall expend an equal amount for the maintenance of such training.

"SEC. 10. That any State may use the appropriation for agricultural purposes, or any part thereof allotted to it, under the provisions of this act, for the salaries of teachers, supervisors, or directors of agricultural subjects, either for the salaries of teachers of such subjects in schools or classes or for the salaries of supervisors or directors of such subjects under a plan of supervision for the State to be set up by the State board, with the approval of the Federal board for vocational education. That in order to receive the benefits of such appropriation for the salaries of teachers, supervisors, or directors of agricultural subjects the State board of any State shall provide in its plan for agricultural education that such education shall be that which is under public supervision or control; that the controlling purpose of such education shall be to fit for useful employment; that such education shall be of less than college grade and be designed to meet the needs of persons over 14 years of age who have entered upon or who are preparing to enter upon the work of the farm or of the farm home; that the State or local community, or both, shall provide the necessary plant and equip-

ment determined upon by the State board, with the approval of the Federal board for vocational education, as the minimum requirement for such education in schools and classes in the State; that the amount expended for the maintenance of such education in any school or class receiving the benefit of such appropriation shall be not less annually than the amount fixed by the State board, with the approval of the Federal board as the minimum for such schools or classes in the State; that such schools shall provide for directed or supervised practice in agriculture, either on a farm provided for by the school or other farm, for at least six months per year; that the teachers, supervisors, or directors of agricultural subjects shall have at least the minimum qualifications determined for the State by the State board, with the approval of the Federal board for vocational education.

"SEC. 11. That in order to receive the benefits of the appropriation for the salaries of teachers of trade, home economics, and industrial subjects the State board of any State shall provide in its plan for trade, home economics, and industrial education that such education shall be given in schools or classes under public supervision or control; that the controlling purpose of such education shall be to fit for useful employment; that such education shall be of less than college grade and shall be designed to meet the needs of persons over 14 years of age who are preparing for a trade or industrial pursuit or who have entered upon the work of a trade or industrial pursuit; that the State or local community, or both, shall provide the necessary plant and equipment determined upon by the State board, with the approval of the Federal board for vocational education, as the minimum requirement in such State for education for any given trade or industrial pursuit; that the total amount expended for the maintenance of such education in any school or class receiving the benefit of such appropriation shall be not less annually than the amount fixed by the State board, with the approval of the Federal board, as the minimum for such schools or classes in the State; that such schools or classes giving instruction to persons who have not entered upon employment shall require that at least half of the time of such instruction be given to practical work on a useful or productive basis, such instruction to extend over not less than 9 months per year and not less than 30 hours per week; that at least one-third of the sum appropriated to any State for the salaries of teachers of trade, home economics, and industrial subjects shall, if expended, be applied to part-time schools or classes for workers over 14 years of age who have entered upon employment, and such subjects in a part-time school or class may mean any subject given to enlarge the civic or vocational intelligence of such workers over 14 and less than 18 years of age; that such part-time schools or classes shall provide for not less than 144 hours of classroom instruction per year; that evening industrial schools shall fix the age of 16 years as a minimum entrance requirement and shall confine instruction to that which is supplemental to the daily employment; that the teachers of any trade or industrial subject in any State shall have at least the minimum qualifications for teachers of such subject determined upon for such State by the State board, with the approval of the Federal board for vocational education: *Provided*, That for cities and towns of less than 25,000 population, according to the last preceding United States census, the State board, with the approval of the Federal board for vocational education, may modify the conditions as to the length of course and hours of instruction per week for schools and classes giving instruction to those who have not entered upon employment, in order to meet the particular needs of such cities and towns.

"SEC. 12. That in order for any State to receive the benefits of the appropriation in this act for the training of teachers, supervisors, or directors of agricultural subjects, or of teachers of trade, industrial, or home economics subjects, the State board of such State shall provide in its plan for such training that the same shall be carried out under the supervision of the State board; that such training shall be given in schools or classes under public supervision or control; that such training shall be given only to persons who have had adequate vocational experience or contact in the line of work for which they are preparing themselves as teachers, supervisors, or directors, or who are acquiring such experience or contact as a part of their training; and that the State board, with the approval of the Federal board, shall establish minimum requirements for such experience or contact for teachers, supervisors, or directors of agricultural subjects and for teachers of trade, industrial, and home economics subjects; that not more than 60 per cent nor less than 20 per cent of the money appropriated under this act for the training of teachers of vocational subjects to any State for any year shall be expended for any one of the following purposes: For the preparation of teachers, supervisors, or directors of agricultural subjects, or the preparation of teachers of trade and industrial subjects, or the preparation of teachers of home economics subjects.

"SEC. 13. That in order to secure the benefits of the appropriations for the salaries of teachers, supervisors, or directors of agricultural subjects, or for the salaries of teachers of trade, home economics, and industrial subjects, or for the training of teachers as herein provided, any State shall, through the legislative authority thereof, appoint as custodian for said appropriations its State treasurer, who shall receive and provide for the proper custody and disbursements of all money paid to the State from said appropriations.

"SEC. 14. That the Federal board for vocational education shall annually ascertain whether the several States are using, or are prepared to use, the money received by them in accordance with the provisions of this act. On or before the first day of January of each year the Federal board for vocational education shall certify to the Secretary of the Treasury each State which has accepted the provisions of this act and complied therewith, certifying the amounts which each State is entitled to receive under the provisions of this act. Upon such certification the Secretary of the Treasury shall pay quarterly to the custodian for vocational education of each State the moneys to which it is entitled under the provisions of this act. The moneys so received by the custodian for vocational education for any State shall be paid out on the requisition of the State board as reimbursement for expenditures already incurred to such schools as are approved by said State board and are entitled to receive such moneys under the provisions of this act.

"SEC. 15. That whenever any portion of the fund annually allotted to any State has not been expended for the purpose provided for in this act, a sum equal to such portion shall be deducted by the Federal board from the next succeeding annual allotment from such fund to such State.

"SEC. 16. That the Federal board for vocational education may withhold the allotment of moneys to any State whenever it shall be determined that such moneys are not being expended for the purposes and under the conditions of this act.

"If any allotment is withheld from any State, the State board of such State may appeal to the Congress of the United States, and if the Congress shall not direct such sum to be paid it shall be covered into the Treasury.

"SEC. 17. That if any portion of the moneys received by the custodian for vocational education of any State under this act, for any given purpose named in this act, shall, by any action or contingency, be diminished or lost, it shall be replaced by such State, and until so replaced no subsequent appropriation for such education shall be paid to such State. No portion of any moneys appropriated under this act for the benefit of the States shall be applied, directly or indirectly, to the purchase, erection, preservation, or repair of any building or buildings or equipment, or for the purchase or rental of lands, or for the support of any religious or privately owned or conducted school or college.

"SEC. 18. That the Federal board of vocational education shall make an annual report to Congress, on or before December first, on the administration of this act and shall include in such report the reports made by the State boards on the administration of this act by each State and the expenditure of the money to each State."

And the House agree to the same.

HOKE SMITH,
CARROLL S. PAGE,
Managers on the part of the Senate.

DUDLEY M. HUGHES,
W. W. RUCKER,
CALEB POWERS.
Managers on the part of the House.

Mr. SMITH of Georgia. Mr. President, I ask that an order be made for a print of the bill as agreed upon in varying type, so that the Senate can understand the changes that have been made in the bill. This is necessary because the House adopted an entire substitute for the Senate bill, and otherwise it would be very difficult to take the two bills and the report and understand just what the conferees have done. We have undertaken to have it prepared in varying type and in a manner that the bill can be used by Senators so that they can easily comprehend the changes from the House bill and from the Senate bill in the conference report.

Mr. SMOOT. Do I understand the Senator to state that in the conference report there is new matter?

Mr. SMITH of Georgia. Not at all.

Mr. SMOOT. New matter not considered by the two Houses?

Mr. SMITH of Georgia. No; the Senator misunderstood me.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Georgia? The Chair hears none, and it is so ordered.

Mr. SMITH of Georgia subsequently said: In presenting the report of the conferees on the vocational educational bill I also presented an order authorizing a republication of the bill. The Senator from Utah [Mr. SMOOT] asked a question while I was presenting the report and the Senator from Washington [Mr. POINDEXTER] failed to yield the floor long enough for me to explain the facts.

I did not in any sense suggest that new matter was found in the conference report. What I wished the Senate to understand was that the House did not take the Senate bill and amend certain paragraphs in the bill. The House adopted an entirely new bill, striking out the Senate bill after the caption, but the House bill is in the language of the Senate bill almost from first to last. There were a few places in which changes were made in the Senate bill by the House, yet we had to deal with the entire House substitute as one amendment to our bill.

For that reason the conferees desire a reprint in varying type, from which the Senator can take the conference report and easily see just what changes were made by the House and just which of the changes by the House the conferees on the part of the Senate have agreed to. I ask an order for the print for the convenience of the Senate.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The order was reduced to writing, as follows:

Ordered, That the bill (S. 703) to provide for the promotion of vocational education, to provide for cooperation with the States in the promotion of such education in agriculture and the trades and industries, to provide for cooperation with the States in the preparation of teachers of vocational subjects, and to appropriate money and regulate its expenditure, be printed showing the Senate bill in roman; House changes in italic and stricken-through type; new language inserted by conferees in bold-face type; Senate matter stricken out by House and restored by conferees in small capitals; all matter eliminated by the conferees to be shown in brackets or stricken-through type.

CHEYENNE AND ARAPAHOE INDIAN RESERVATION.

The VICE PRESIDENT laid before the Senate the amendments of the House to the bill (S. 7757) authorizing a further extension of time to purchasers of land in the former Cheyenne and Arapahoe Indian Reservation, Okla., within which to make payment, which were, on page 2, line 1, after "paid," to insert "annually," and on page 2, line 2, to strike out "when due."

Mr. OWEN. The amendments make no substantial difference in the bill; they are merely verbal changes. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

SOIL SURVEY OF JEFFERSON COUNTY, ALA.

The VICE PRESIDENT laid before the Senate the following concurrent resolution (H. Con. Res. 74) of the House of Representatives, which was referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That there be printed 2,000 additional copies of the Soil Survey of Jefferson County, Ala., for use in the House document room.

STATUE OF COUNT CASIMIR PULASKI.

The VICE PRESIDENT laid before the Senate the following concurrent resolution (H. Con. Res. 59) of the House of Representatives, which was referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That there shall be printed and bound in the form of eulogies, with accompanying illustrations, 17,100 copies of the proceedings upon the unveiling of the statue of Count Casimir Pulaski in Washington, May 11, 1910, of which 5,000 shall be for the use of the Senate, 10,000 for the use of the House of Representatives, 2,000 to be delivered to the National Polish-American Alliance for such distribution as said alliance may desire to make, and the remaining 100 copies shall be bound in full morocco and distributed through the Department of State to the descendants of Count Casimir Pulaski and the speakers who took part in said celebration.

STATUE OF GEN. KOSCIUSZKO.

The VICE PRESIDENT laid before the Senate the following concurrent resolution (H. Con. Res. 58) of the House of Representatives, which was referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That there shall be printed and bound in the form of eulogies, with accompanying illustrations, 17,100 copies of the proceedings upon the unveiling of the statue of Gen. Thaddeus Kosciuszko in Washington, May 11, 1910, of which 5,000 shall be for the use of the Senate, 10,000 for the use of the House of Representatives, 2,000 to be delivered to the National Polish-American Alliance for such distribution as said alliance may desire to make, and the remaining 100 copies shall be bound in full morocco and distributed through the Department of State to the descendants of Gen. Thaddeus Kosciuszko and the speakers who took part in said celebration.

BIOGRAPHICAL CONGRESSIONAL DIRECTORY.

The VICE PRESIDENT laid before the Senate the following concurrent resolution (H. Con. Res. 23) of the House of Representatives, which was referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That there be printed and bound 10,000 copies of the Biographical Congressional Directory, revised and corrected to the Sixty-fourth Congress, under the direction of the Joint Committee on Printing, 7,000 copies for the use of the House of Representatives and 3,000 copies for the use of the Senate.

HOUSE BILLS REFERRED.

H. R. 5412. An act to establish the military record of Marshall M. Pool was read twice by its title and referred to the Committee on Military Affairs.

H. R. 11661. An act for the relief of Catherine Burns, widow of Patrick Burns, was read twice by its title and referred to the Committee on Claims.

H. R. 20632. An act making appropriations for the naval service for the fiscal year ending June 30, 1918, and for other purposes, was read twice by its title and referred to the Committee on Naval Affairs.

H. R. 20748. An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1918, and for other purposes, was read twice by its title and referred to the Committee on Pensions.

BUILDING AND LOAN ASSOCIATIONS.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 5672) for the relief of sundry building and loan associations, which were, on page 7, after line 6, to insert:

To the Savings & Homestead Association, of New Orleans, La., $28.49.

To the Citizens' Building & Loan Association Co., of Newark, Ohio, $83.60.

To the Eagle Savings & Loan Association, of Cincinnati, Ohio, $141.24.

To the Home Building Association, of Newark, Ohio, $351.13.

To the Johnstown Building & Loan Association Co., of Johnstown, Ohio, $116.34.

To the People's Building & Loan Co., of Delaware, Ohio, $206.04.

To the People's Building & Savings Co., of Troy, Ohio, $197.16.

To the Orange Building & Loan Association, of Orange, Cal., $238.72.

To the Silver Gate Building & Loan Association, of San Diego, Cal., $232.73.

To the Modern Building & Loan Association, of Newark, N. J., $110.76.

To the Preferred Building & Loan Association, of Newark, N. J., $116.22.

To the Assurance Permanent Loan & Savings Association, of Baltimore, Md., $97.01.

To the Baltic Perpetual Building & Loan Association, of Baltimore, Md., $59.82.

To the Calvert Mortgage Co., of Baltimore, Md., $1,734.18.

To the Eureka Permanent Building Association, of Baltimore, Md., $44.69.

To the Fidelity Permanent Building & Loan Association, of Baltimore, Md., $16.20.

To the Hampden Building Association, of Baltimore, Md., $21.11.

To the Mozart Building & Loan Association, of Baltimore, Md., $12.13.

To the North Avenue Permanent Building & Loan Association, of Baltimore, Md., $3.13.

To the North Baltimore Permanent Building Association, of Baltimore, Md., $25.

To the Orleans Permanent Building Association, of Baltimore, Md., $186.40.

To the West Lafayette Building & Loan Association, of Baltimore, Md., $6.91.

To the Central Building, Loan & Savings Co., of Columbus, Ohio, $103.57.

To the Industrial Savings & Loan Association, of Bellevue, Ohio, $201.44.

To the Royal Savings & Loan Co., of Portsmouth, Ohio, $130.48.

To the Granville Building, Savings & Loan Co., of Granville, Ohio, $25.

To the Riverside County Mutual Building & Loan Association, of Riverside, Cal., $105.78.

To the Pearl Street Perpetual Savings & Building Association, of Baltimore, Md., $84.17.

To the Pearl Street Perpetual Savings & Building Association No. 2, of Baltimore, Md., $70.98.

To the East End Loan & Savings Association, Baltimore, Md., $354.88.

To the Millington Building & Loan Association, of Baltimore, Md., $15.52.

To the Northeast Permanent Building Association, of Baltimore, Md., $30.54.

To the Standard Permanent Building & Savings Association, of Baltimore Md., $30.59.

In all, the sum of $29,859.93; which said sum is hereby appropriated, out of any money in the Treasury not otherwise appropriated, in full settlement of the claims of the 96 above-named associations.

Mr. BROUSSARD. I move to concur in the amendments of the House of Representatives.

Mr. SMOOT. From the reading of the amendments made by the House I judge that there have been about as many claims added to the bill as were passed by the Senate in the original measure. I think it ought to go over and be printed so that we may inquire into some of the claims that have been added to the bill in the House.

Mr. BROUSSARD. Mr. President, I think I can explain to the satisfaction of the Senator from Utah how these amendments were placed in the bill by the other House, so that there will be no objection on his part.

Mr. President, this bill is an omnibus bill, containing some 64 other bills regarding mutual building associations which were taxed under the act of 1909. They were also taxed in 1910. The act of 1909 exempted from the operation of the special act of August 5 mutual building associations. The Commissioner of Internal Revenue construed the act to mean that some of the mutual building associations did not come within the purview of the law, and he collected taxes from such building associations. Subsequently there were two test cases made and the courts held that taxes were not to be collected from these associations. The Commissioner of Internal Revenue immediately proceeded to reimburse those building associations which had paid taxes less than two years prior to the decision. A great number of building associations, however, had paid taxes more than two years before the decision was rendered, and the Commissioner of Internal Revenue held that he had no authority to reimburse those amounts.

Mr. SMOOT. I understand all that the Senator has said about the case, but what I wanted to know was why the Senate did not include the amendments which have been incorporated by the other House.

Mr. BROUSSARD. If the Senator will permit me, I can explain that very easily. At the time this matter was taken up by the Committee on Claims of the Senate there were 64 bills pending for a refund from 64 of these associations. The committee went over the case very carefully, and after investigation directed me to make a report on those 64 cases then pending. After this report was made many other cases turned up and were verified by me as directed by the committee, and, instead of bringing in another bill in the Senate for these cases, inasmuch as the Senate had already passed the omnibus bill which had been reported by the Committee on Claims, I advised the claimants to go before the other House and have their claims verified, as they had been verified in the first instance by the Senate committee. The amendments carry the additional number and include, as I understand, every possible claim growing out of such collections.

Mr. SMOOT. Does the Senator know whether all those claims that were put upon the bill in the House were reported upon by the department, and whether the department holds that they are just claims against the Government?

Mr. BROUSSARD. I know that the committee of the House proceeded in the same way that the Senate committee proceeded, and referred all of the bills to the Commissioner of Internal Revenue; that the amounts paid were verified and checked, and that these amendments were incorporated in the House bill to simplify the proceedings and to get through the entire matter.

Mr. President, I believe that these claims can be disposed of in this way. Of course, if the Senator from Utah insists upon having the bill printed and go over, I shall have no objection to urge to that course, but I am satisfied that all of these amendments are correctly reported, and that every one of the building associations covered by the bill is entitled to the refund which is carried in this bill, and that it includes all of the refunds that will have to be met under the misconstruction of the act of 1909.

Mr. SMOOT. Upon the assurance of the Senator that these claims are just claims against the Government and in all respects similar to the claims that we have already allowed, I shall not object to the consideration of the bill at this time.

The VICE PRESIDENT. The question is on concurring in the amendments of the House of Representatives.

The amendments were concurred in.

POST OFFICE APPROPRIATIONS.

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.

Mr. BANKHEAD. Mr. President, the Senate having cleared the parliamentary situation relating to the amendment on page 15, we now come to the consideration of the question upon its merits. I do not intend to consume more than seven or eight minutes of the time of the Senate in the discussion of this question.

So far as the first paragraph of the amendment, in which the committee undertakes to direct the expenditure of the appropriations, is concerned, the custom in the matter is as old as the rules of the Senate themselves. To say that Congress may appropriate money for a purpose and that it has not the power to direct how that money shall be expended is equivalent to saying that the Congress has no power whatever over its appropriation bills. That is all I care to say, Mr. President, on that subject.

That brings me to a consideration of the second paragraph of this amendment, which provides for the creation of a commission for the purpose of investigating the whole question of pneumatic-tube service and report upon it to Congress. This provision of the amendment is simply an extension of the authority given heretofore to a commission to investigate this subject, commonly known in the Senate as the Smith Commission. That commission made a very thorough and complete investigation of the entire question, inquiring into the cost, inquiring into what the tubes could be duplicated for, and inquiring into the fact as to whether or not the rental paid was excessive on the investment made. Their final conclusion, Mr. President, was that the Government of the United States ought by some means or some process to ascertain what these tubes could be acquired for. They recommended that that be done, and, if conditions justified it, that the Government, at some price to be agreed upon after a thorough investigation of this question, might take over a part or all of these tubes under such conditions as might be agreed upon by the companies and the Government.

Mr. President, there has been a great deal said in this discussion about extravagance and about the unnecessary money that has been expended and is about to be expended in the operation of pneumatic tubes. When this matter was under consideration by the committee large and intelligent delegations of business men from all the cities where the tubes are operated appeared before the committee and protested in every way they could, and with all the earnestness they could command, against the discontinuance of the service, upon the ground that the use of the tubes greatly expedited the transmission of first-class mail. While it is true, as everybody understands, that a very small percentage of the second or third class matter passes through these tubes, they are extremely useful in expediting the rapid transmission of first-class matter, registered matter, and other matter of similar character.

It must not be forgotten, Mr. President, by the Senate that 85 or 87 per cent of the total commerce of this country, in its last analysis, passes through the mails. I do not know—and I do not think anyone else knows—what economy there would be, if there would be any economy, by reason of the discontinuance of these tubes and the substitution of automobile service or any other character of truck service that might be substituted by the Government.

Mr. BORAH. May I ask the Senator from Alabama a question?

Mr. BANKHEAD. Certainly.

Mr. BORAH. Those of us who have not had an opportunity to attend the hearings or had time to read them are at a loss to understand why the department should be so earnestly against this service and why they think it unwise to continue it.

Mr. BANKHEAD. I can not answer that question, but from the evidence submitted to the committee there was not a dissenting voice against its continuance amongst those who appeared from the various cities which are enjoying the privilege of the tube service. Of course I have no means of knowing, except from what I have read in the report of the Postmaster General, what his objections to a continuance of the service are, but I am of the opinion, Mr. President, that the people in all the great cities where this service is maintained, cities where more than $75,000,000 of postal revenues are paid into the Treasury, are entitled to some consideration when it comes to a disturbance of the postal facilities which they have enjoyed so long and with which they are so well pleased.

Mr. BORAH. I agree to that proposition, of course, but it occurs to me that there must be some facts which have been gathered as the result of investigation upon the part of the department in some way disclosing the unwisdom of this proposition.

Mr. BANKHEAD. It is true that the commission appointed by the Postmaster General almost two years ago was instructed to report at a certain time in order that legislation might be had, and that report does contain perhaps the information the Senator from Idaho would like to have.

Now, Mr. President, I am admonished that the Senate has an important function to perform at 1 o'clock, and so I have very little time in which to discuss this question. I desire to say, however, that during the consideration of this whole matter the question of economy in the post office service has never disturbed me in the least. I believe that the Post Office Department was organized and has been conducted for the purpose of rendering the best possible service that can be given to the people of this country in the transmission of their mails, and

whether it costs a few hundred dollars or a few thousand dollars more to perform that service in one way or another does not concern me. What I want is efficient, rapid distribution of the first-class mails of this country, which so intimately and vitally affect the business and commerce of the Nation.

But, Mr. President, there is another question involved in the discussion of this matter, and that is the preservation of human life. We all know the condition of congestion that prevails, and has prevailed for a number of years, in cities like New York and other cities where the pneumatic-tube service is in operation.

Mr. President, for the present I yield to the Senator from Arkansas [Mr. ROBINSON].

COUNT OF ELECTORAL VOTES.

Mr. ROBINSON. 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	Hollis	Martin, Va.	Sherman
Bankhead	Hughes	Martine, N. J.	Shields
Beckham	Husting	Myers	Simmons
Borah	James	Nelson	Smith, Md.
Brady	Johnson, Me.	Norris	Smoot
Brandegee	Johnson, S. Dak.	Overman	Sutherland
Bryan	Jones	Owen	Thomas
Catron	Kenyon	Page	Tillman
Chamberlain	Kern	Penrose	Vardaman
Chilton	Kirby	Pittman	Wadsworth
Clapp	La Follette	Poindexter	Walsh
Culberson	Lane	Pomerene	Warren
Curtis	Lea, Tenn.	Ransdell	Watson
Fall	Lee, Md.	Robinson	Weeks
Fernald	Lewis	Saulsbury	Williams
Fletcher	McCumber	Shafroth	Works
Harding	McLean	Sheppard	

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

In accordance with the resolution of the Senate heretofore passed, the Senate of the United States will now proceed to the Hall of the House of Representatives for the purpose of participating in counting the electoral votes for President and Vice President of the United States.

Thereupon (at 12 o'clock and 50 minutes p. m.) the Senate, preceded by the Vice President, the Secretary, and the Sergeant at Arms, proceeded to the Hall of the House of Representatives for the purpose of participating in the count of the electoral votes for President and Vice President of the United States.

The Senate returned to its Chamber at 1 o'clock and 47 minutes p. m., and the Vice President resumed the chair.

Mr. KERN. Mr. President, the tellers on the part of the Senate submit the report which I send to the desk of the result of the ascertainment and counting of the electoral vote for President and Vice President of the United States for the term beginning March 4, 1917, and ask that the report may be entered upon the Journal of the Senate without reading.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it will be entered upon the Journal and printed in the RECORD.

The undersigned, JOHN W. KERN and MOSES E. CLAPP, tellers on the part of the Senate, and WILLIAM W. RUCKER and CARL E. MAPES, tellers on the part of the House of Representatives, report the following as the result of the ascertainment and counting of the electoral vote for President and Vice President of the United States for the term beginning March 4, 1917:

Number of electoral votes to which each State is entitled.	States.	For President.		For Vice President.	
		Woodrow Wilson, of New Jersey.	Charles E. Hughes, of New York.	Thomas R. Marshall, of Indiana.	Charles W. Fairbanks, of Indiana.
12	Alabama	12		12	
3	Arizona	3		3	
9	Arkansas	9		9	
13	California	13		13	
6	Colorado	6		6	
7	Connecticut		7		7
3	Delaware		3		3
6	Florida	6		6	
14	Georgia	14		14	
4	Idaho	4		4	
29	Illinois		29		29
15	Indiana		15		15
13	Iowa		13		13
10	Kansas	10		10	
13	Kentucky	13		13	
10	Louisiana	10		10	
6	Maine		6		6
8	Maryland	8		8	
18	Massachusetts		18		18
15	Michigan		15		15
12	Minnesota		12		12
10	Mississippi	10		10	
18	Missouri	18		18	
4	Montana	4		4	
8	Nebraska	8		8	
3	Nevada	3		3	
4	New Hampshire	4		4	
14	New Jersey		14		14
3	New Mexico	3		3	
45	New York		45		45
12	North Carolina	12		12	
5	North Dakota	5		5	
24	Ohio	24		24	
10	Oklahoma	10		10	
5	Oregon		5		5
38	Pennsylvania		38		38
5	Rhode Island		5		5
9	South Carolina	9		9	
5	South Dakota		5		5
12	Tennessee	12		12	
20	Texas	20		20	
4	Utah	4		4	
4	Vermont		4		4
12	Virginia	12		12	
7	Washington	7		7	
8	West Virginia	1	7	1	7
13	Wisconsin		13		13
3	Wyoming	3		3	
531		277	254	277	254

JOHN W. KERN,
MOSES E. CLAPP,
Tellers on the part of the Senate.

WILLIAM W. RUCKER,
CARL E. MAPES,
Tellers on the part of the House of Representatives.

The state of the vote for President of the United States, as delivered to the President of the Senate, is as follows:

The whole number of the electors appointed to vote for President of the United States is 531, of which a majority is 266.

Woodrow Wilson, of the State of New Jersey, has received for President of the United States 277 votes.

Charles E. Hughes, of the State of New York, has received 254 votes.

The state of the vote for Vice President of the United States, as delivered to the President of the Senate, is as follows:

The whole number of the electors appointed to vote for Vice President of the United States is 531, of which a majority is 266.

Thomas R. Marshall, of the State of Indiana, has received for Vice President of the United States 277 votes.

Charles W. Fairbanks, of the State of Indiana, has received 254 votes.

This announcement of the state of the vote by the President of the Senate shall be deemed a sufficient declaration of the persons elected President and Vice President of the United States, each for the term beginning March 4, 1917, and shall be entered, together with a list of the votes, on the Journals of the Senate and House of Representatives.

POST OFFICE APPROPRIATIONS.

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 VICE PRESIDENT. The question is on agreeing to the amendment of the committee on pages 15 and 16.

Mr. LEWIS. Mr. President, that is the amendment which we had under discussion previous to our having gone to the joint session?

The VICE PRESIDENT. It is the amendment.

Mr. LEWIS. Mr. President, I should like to have the Senate indulge me for a few moments. At the outset let me confess my interest in the city of Chicago, the principal city of the State which my colleague and myself represent, and the city I live in.

Mr. President, I am interested in maintaining these pneumatic tubes. I confess no technical knowledge concerning them and no personal knowledge of the manner in which they serve. The information which I have upon the subject is conveyed to me by the merchants of the city and by reports upon the subject which I have studied. I understand the cities of Boston, New York, Philadelphia, and one or two other cities and that one of my own State are practically upon the same footing, the interests of all being alike.

Mr. President, I should like to get out of the mind of the Senate what appears to me to be a false impression, created, of course, not intentionally, but deduced from the views expressed by certain Senators upon this side of the Chamber.

Mr. President, there is no effort here to wholly abolish all the automobile service and install in its place only the pneumatic tube at this time. Neither is there an effort to wholly abolish

the pneumatic service as a service and substitute the automobile because of any contention that the tubes are not serviceable. The whole issue is presented upon the ground of economy of expense to the Federal Government.

Mr. President, at the outset I should like to make this observation. If it is a mere matter of economy of expense, and that is to be the only thing considered, I should like to urge that if the automobiles are cheaper than the tubes, then the horse and wagon preceding the automobiles are cheaper than the automobiles, and then the horse with the saddlebags of mail preceding the wagon was cheaper than the wagon; and if it is a mere matter of expense and that is the only consideration, then, sir, we might as well return to the primitive method, as much less expense would be involved then than by any modern methods which are now in vogue.

Mr. President, I have great respect for the Postmaster General. I know that his efforts are sincere; that his viewpoint is one of economy; that he is anxious to save the Government unnecessary expense, and that he is sincerely imbued with the impression that the system that he is opposing is more expensive than the one which he is advocating or he would not be advocating the one and denouncing the other. The Postmaster General, Albert Sidney Burleson, is a credit to his office and an honor to his country——

Mr. BORAH. Mr. President——

The PRESIDING OFFICER (Mr. PITTMAN in the chair). Does the Senator from Illinois yield to the Senator from Idaho?

Mr. LEWIS. I yield to my honorable friend from Idaho, of course.

Mr. BORAH. What is the difference in expense as contemplated or urged by the Postmaster General? What saving does he contend will be made?

Mr. LEWIS. I should like to ask the attention of the Senator from Massachusetts [Mr. WEEKS]. He has some figures in his hand, and lest I be inaccurate in my statement, I would like the Senator to give the Senator from Idaho the exact figures that are presented.

Mr. WEEKS. I did not understand the Senator from Idaho.

Mr. BORAH. The question which I asked was what saving does the Postmaster General contend will be made in the way of economy by inaugurating the automobile system as a substitute for the pneumatic-tube system?

Mr. WEEKS. It is pretty difficult to answer that accurately, but he recommends an appropriation of $482,000 for tubes below Forty-second Street, New York, and there is an item in the bill of $400,000 additional for automobiles. Just how that is to be divided or how to be used nobody seems to know. The testimony is not accurate, but assuming that is to replace the tube system which is dispensed with, or the part of it which is to be dispensed with, it would mean $882,000, which would be about $60,000 or $75,000 less than the appropriation.

Mr. LEWIS. I thank the Senator from Massachusetts. I was desirous of being accurate. The exact figures were not before me and I was about to repeat them from my best memory only.

Mr. President, I beg to impress upon the Senate a few thoughts in support of my contention. In the first place, Senators, in a great city such as Chicago, with 1,250 passenger trains a day and countless other trains carrying mail and expressage, with mail destined for every part of the world, Senators will readily see that celerity of service, haste, and certainty are of more worth to the business community than the mere matter of saving some expense in the transportation.

Now, assume for a moment, sir, that we abolish the tube system, that we return to the vehicles, and that these vehicles shall be automobiles, is there a Senator in this body passing through the city of Chicago, of which I have the honor with my colleague to speak, who can not perceive what that would mean? From 20 station points these automobiles would be clogged in the street for 10 minutes, 15 minutes, an hour, half a day, and sometimes the whole of a day, behind every form of delivery wagon, behind every form of obstruction. There is no law that gives them the right of way. They are not a fire engine or belonging to a fire patrol. Nothing need get out of their way. They are thus deterred, obstructed, and delayed. If they miss the particular train, say, bound for the Pacific coast, or that to the Atlantic coast, the mail may miss a ship, they may miss connection across the Pacific, one across the Atlantic; and the business of the country which should be done with quickness and celerity in that way is so delayed, so that weeks upon weeks may follow in delay when large business transactions fail, all because of that delay caused by our consideration merely of the lesser cost of the one system as compared to another.

Mr. THOMAS. Mr. President——

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

Mr. LEWIS. Surely.

Mr. THOMAS. It seems to me, from the statement of the Senator, it would follow that we should use these tubes for the additional 88 per cent of mails which are now transported on the surface, that if the interference with speedy delivery is so great we should change it.

Mr. LEWIS. The Senator's position would be well taken if it were not that mail is divided in classes. That which in the nature of things is first class and which has to go speedily is that in part which is committed to the tubes, and that which does not require such immediateness of delivery is that which is submitted to vehicles. There must always be these divisions. I am referring to that class requiring quick delivery and say to my distinguished friend from Colorado it is because of that that I must impress upon the Senate the necessity to consider something more than the mere matter of expense.

The Senator from Massachusetts [Mr. WEEKS] this morning called attention from the reports that, far from saving anything, to the contrary the very reports of the Department of the Post Office, if obeyed, will involve more money in their entirety than the full amount recommended by the committee for the tubes.

So in the finality there is really no money finally saved in the last analysis. The only amount of money that is saved is the proportion that might be paid for tubes, which might be less than a certain proportion of automobiles which they say would take the place of the tubes, but the amount for all the automobiles exceeds in its succession all the amount of the automobiles and the tubes.

This system, Mr. President, comprehends continuing certain automobiles for certain service and the tubes for certain other service. As it has been reported, sir, by the business associations of the large cities to which I have alluded, this is necessary in order that they may increase their business and continue it.

Now, Mr. President, permit me to say, sir, there is a report read by the distinguished Senator from Washington [Mr. POINDEXTER] which starts out on the assumption that everything that is said in behalf of the tubes must be wrong. There seems to be wholly an abandonment; no reflection. There comes a report to-day denouncing the tubes as having none of the things which only a year or two ago they were specifically recommended as possessing. There seems to be a complete willingness to present reports here denouncing as wanting in the very things which under similar conditions one or two years ago were presented as having wholly the things which is now disclaimed. Surely these changes are brought about by the recommendations of subordinates of the Post Office Department made to its head, the head itself having no opportunity to learn the facts and taking the department's subordinates as the sole source of authority.

Mr. President, I charge no man with ignorance, but I do charge that it is gravely reflected in a community which I represent that large interests engaged in automobile manufacturing, which necessarily, of course, will benefit if the contracts for automobiles are given out by the Government, have been busy in convincing the subordinates of the Government that they can, by this automobile system which can be put into effect by the automobiles they may be able to sell to the Government, supersede the whole service of the tubes, both in service and time of delivery.

Mr. President, I now call to the attention of my learned friend from Colorado, and it is of record, that the exhibition given to prove that the automobiles could go successfully through the streets of Chicago and land from place to place with more certainty, of course, than the tubes was, as here reported, given on Sunday, when, of course, it must be perfectly apparent to all Senators present no real test could have been made under those circumstances, for Sunday could never have been a day by which it could be ascertained what blockade and obstruction would be put before those vehicles in a busy day, rendering them impotent, almost useless, for the quickness of service. I must respectfully insist, therefore, that these subordinates, who have been able to convince the heads of the department, have themselves been deluded by representations by tests that clearly were not made under circumstances that could be at all just.

Mr. President, my interest in the matter, as I have manifested very clearly, is that the merchants of the city for which I speak tell me that this service is to their welfare and their interest; that they have no financial interest in the tubes, they have none in the automobiles, but they are only anxious that they shall have an opportunity to send their goods as rapidly through the mails as possible, and send their mail as rapidly as possible. To that end they are asking that both these systems be continued.

Mr. President, I ask to tender at this time, and I ask to have printed in the RECORD as a part of my remarks, the reply of the

American Pneumatic Service Co., signed by its president, to certain charges made in the report read this morning by the Senator from Washington. I ask that it be printed as a part of my remarks in order that I may not burden the Senate by reading it.

The PRESIDING OFFICER. The Chair hears no objection, and it will be so ordered.

The communication referred to is as follows:

AMERICAN PNEUMATIC SERVICE CO.,
Boston, December 9, 1916.

To our stockholders:

The annual report of the Postmaster General, just published, contains so many inaccurate statements regarding our mail-tube service, and exhibits such an unaccountable spirit of hostility to our interests, that we feel it our duty to call the matter to your attention and to request your aid and cooperation.

The statements of fact which are not true appear chiefly in the quoted extracts from the report of a commission appointed by the Postmaster General, but in part in the Postmaster General's own report. The prejudice against our company appears in both.

MISSTATEMENTS OF FACT.

The report of the commission states that "the capacity of each tube container is limited to about 5 pounds of letter mail."

This statement is untrue. The capacity of each one of our containers is about 10 pounds, or 500 letters.

This report states that "the rapidity of dispatch of tube containers is limited to intervals of about 15 seconds."

This statement is untrue. Our containers are dispatched at intervals of 8 to 10 seconds, and under certain conditions can be dispatched at even smaller intervals.

The report states that * * * "only about 20 pounds of letter mail can be dispatched each minute." * * *

This statement is untrue. The truth is that we can dispatch 60 pounds or more, or 3,000 letters each minute.

The commission states that the "paralleling of the entire system of tubes by vehicular service at the time of heavy dispatches" has been necessitated.

The inference plainly intended is that letter mail has frequently to be carried by vehicles, because our tube containers are so limited in size and infrequent of dispatch that they have not been able to do the work for which they were intended.

This statement and intended inference is untrue. Our service is ample for the dispatch of letter mail at all times, even during holiday seasons. The "vehicular service" referred to by the commission is provided for the transportation of second-class mail—newspapers, periodicals, and parcel post—for which the mail-tube system was never intended.

The commission further states that "complaints resulting from damage to mail" in our tube service are "frequent."

This statement is not in accordance with the facts. The truth is that complaints of damage to mail due to openings of the containers or any other cause are very infrequent. Our systems in five cities carry approximately 26,000,000 letters per day—8,000,000,000 letters in the course of a year. Out of this enormous mass on only about eight different occasions during the year, throughout our five systems, has a container come open. These eight containers carried a total of, say, 4,000 letters, very few of which—perhaps one or two hundred—were injured or soiled. The proportion of these letters to the total number of letters carried during the year by mail tubes is so infinitesimal that to make it more easily understood one would have to divide 1 per cent into 2,000,000 parts; in other words, it is two-millionths of 1 per cent.

"The commission asserts that we have been unable to prevent dampness in the tubes at certain times." * * *

This statement is not true, and has not been for years. Some years ago dampness and oil did appear in certain places in our system, but the matter was immediately rectified.

The commission, by way of illustration of the limitations and disadvantages of our system, state that if 1,000 pounds of letter mail be received on a single train such amount can be conveyed to a post office a mile away and there distributed more promptly by automobile-truck traveling than by the tube system.

Here again the commission misstate the facts. They assert as the basis of this claim that the dispatch of 1,000 pounds of letter mail by our tubes occupies 50 minutes. This is not so. One thousand pounds of letter mail can be carried in less than 20 minutes. This mail is sorted as it is received and the entire bulk does not arrive at one time.

MISLEADING STATEMENTS.

Besides these glaring misstatements the report contains statements of half truths with misleading inferences.

The commission says that the service is inflexible, and that "it can not be expanded to meet recurring or emergent conditions, thus resulting in congestion." The inference plainly intended is that there have been "recurring or emergent conditions" under which our service has broken down. But this is not the fact. Our service has never failed to carry efficiently and satisfactorily the letter mail which it was constructed to carry.

The report comments upon "inability of tubes to carry many special-delivery parcels," plainly implying that our system has thus partially failed in what was expected of it. But the fact is, as already stated, our tubes were intended only for letter mail and not for parcel delivery, although, in point of fact, we actually carry those parcels which are not too large for our containers.

The report comments upon the "necessary relaying of containers at way stations," and the "inability to dispatch mail to intermediate stations during continuous transmission between any two points."

The statement exaggerates a trivial matter. The loss of time resulting is merely a matter of seconds and entirely negligible in the practical operation of the system. In point of fact, mail urgent for delivery at one point never has to wait for mail going to another, for at any moment the operator may shift at will the transmission of mail from one point to another.

The report comments upon the fact that the "discontinuance of service on an entire line results from stoppage of operation of the tube at any point on that line."

Naturally. It hardly takes a postal expert to know that if a tube is stopped up it can not be used until it is cleaned out. But the inference which this statement is intended to carry is that such stoppage frequently occurs in our tubes, and this is unfair and untrue. Such stoppages are exceedingly rare. In our St. Louis tubes there has been no such occurrence for over two years.

The report comments unfavorably upon the fact that our terminal equipment "occupies a considerable amount of desirable space * * *."

The same trivial criticism might be made of any labor-saving machine or device.

THE MERITS OF OUR SERVICE.

Our mail system has heretofore had the approval of every Postmaster General since it was installed, in 1893, under Postmaster General Wanamaker. Five commissions appointed for the purpose, including leading engineers in the country, have investigated and examined our operations. Congressional committees have given the matter careful thought and investigation. Commercial and civic organizations in cities where our systems have operated have carefully investigated their use. Hitherto no one has ever reported otherwise than in approval of the usefulness and efficiency of our service. A congressional committee has recently reported its conclusion in the following terms:

"The pneumatic-tube service for the transmission of mails is a valuable adjunct to the mail-transportation service for handling first-class, registered, and special-delivery mails not furnished by other means of transportation, and is justified by the advantages of availability, expedition, security, and reliability."

The present Postmaster General disregards the opinions and judgment of all these gentlemen, including his predecessors. He apparently regards all their opinions as those which come under his characterization of "well-meaning but ill-informed citizens."

In his attempt to discredit in advance what we shall say in our reply to his attack upon our company, the Postmaster General makes a series of statements and charges amazing in their inaccuracy, discourteous in their phrasing, and baseless and unwarranted in their substance. As to these, we shall present the facts at the hearing granted us by the Committee on Post Offices and Post Roads. It is enough now to say that these statements and charges, made by or upon the authority of the Postmaster General, are unworthy of him and of his high position and ill befit an official Government document, which in its statements ought to be fair, unbiased, accurate, judicial, dignified, and courteous.

We ask your aid because this action of the Postmaster General brings our company face to face with a situation that threatens the practical annihilation of an enterprise in which our company has invested over $7,000,000 at the Government's request and for its sole and exclusive use, depending for its safety upon the Government's good faith and fair dealing. As officers we shall put forth the best efforts of which we are capable to protect the company's just rights, but we shall need the earnest aid of every stockholder. The fate of this great enterprise, upon which we have spent so many millions, is now in the hands of Congress, and to its Members we must make our appeal for a fair and honorable consideration of our company's interests.

May we therefore ask every stockholder immediately to make known to the Representatives and Senators of his or her State the actual facts of the situation. Please make no appeal based upon any selfish interest, either your own or the company's, and make no attempt to use influence or personal friendship. Simply assist to make known the actual facts and refute the gross misstatements which appear in this report. Our request is simply for just consideration and a square deal. If the actual truth regarding our mail tubes can be brought to Senators and Members of Congress we have no fear of the result. It is to accomplish this purpose, and this alone, that we are sending you this communication, urging your prompt and earnest cooperation and assistance.

WILLIAM H. AMES, *President.*

Mr. JONES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Washington?

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

Mr. JONES. I want to say to the Senator from Illinois that I have very little information with reference to this matter. About all the information that I have I obtained through reading a copy of a letter from the Postmaster General, which was sent to the chairman of the Committee on Post Offices and Post Roads, setting out the position of the department. I find this statement in that letter, and I should like to ask for information the Senator's view with reference to it:

> The department is confronted with this situation—whether it shall continue the use of the service at an enormous rental and continue to impose on the public an inefficient service by delaying its mail when the mail can be expedited by other means which are efficient and which can save the Government $613,000 each year.

There is a direct statement by the Postmaster General that he can render much more efficient service than we now have and that it will also make a saving to the Government of $613,000 annually. If those statements are correct, I do not know what would justify me in voting for this amendment. If they are not correct, of course I should like to know it.

Mr. LEWIS. Mr. President, in the first place, I wish to say to the able Senator from Washington that these figures of the Postmaster General, honestly presented and presented from a sincerity of his convictions, as I have said before, are born of deductions taken from subordinates, which subordinates have been imposed upon, as I feel, by those who are interested in another form of service.

First, sir, they are but a calculation based upon an assumption of a condition of facts that they have never had an opportunity to work out, which are that if they had automobiles they could deliver and could deliver without obstruction and within a certain length of time and accomplish just as much as the tubes have already accomplished. Naturally the Postmaster General

assumes that if these facts presented to him are true, this amount of saving, as suggested by him, would follow.

Mr. President, I may startle the Senator from Washington when I say to him that, for myself, I am not willing to take any system merely because it may be cheaper than another. I hold that the mere saving of some money to the Government in lessening a service, to be supplanted by some service that might be rendered more cheaply, is not the first consideration. What avail would it be to us——

Mr. JONES. Mr. President——

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

Mr. JONES. The Senator from Illinois did not understand me to say that I would vote for a system simply because it was cheaper; but the Postmaster General couples the statement of saving with a statement that he can do this work more efficiently, as well as effecting a saving.

Mr. LEWIS. Mr. President, the able Senator from Washington probably did not hear what I had previously, in the opening of my remarks, called attention to, that the deductions and prophecies of the Postmaster General were based on his honest belief in those who had reported to him. It is, of course, a belief; and it may be, sir, that there are circumstances which might produce the result which the Postmaster General says would follow; it may be I am wrong; it may be all of those who have instructed me may be wrong; it may be that all the merchants of these large cities may be wrong who say that they have tried this system and they find it to be to the best advantage of commerce and business; but the only test we have had, I may say to the Senator from Washington, has proven that the tubes have, with a very slight exception, disclosed the capacity to deliver with celerity and alacrity, they having been obstructed but in rare instances—in St. Louis not once in even two years—whereas it must be perfectly plain that automobiles could never escape obstructions from time to time, hour upon hour, and day upon day, which would mean demoralization of the whole quick service of the mails through the large cities.

Mr. President, there is a thing I beg to impress upon the Members of the Senate. There is no provision here calling upon the Senators to vote these tubes as a permanent policy upon the Government. There was a commission which reported concerning this matter. The only proposition that Senators are called upon now to sustain is that reported by the majority of the Post Office Committee authorizing these tubes to remain in their present service, not to disturb the service as it now is; that is, to continue it until the coming year. In the meantime a commission is to be authorized to investigate all of the facts, from all the persons, the merchants who have made representations to us, those who have made representations to the subordinates of the Post Office Department, the subordinates of that department themselves to be heard, and upon that report to reach the final conclusion: First, whether it is advisable for us to have the tube system; second, if so, shall the Government enter upon the construction and ownership of the tubes themselves; or, third, shall it be done through private companies? This does no more, as the Senate will see upon examining the report, than to give to these people a chance to be heard, not immediately disrupting their service but allowing time to elapse in which it may be decided, upon thorough investigation, what is the best system.

Mr. VARDAMAN. Mr. President——

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

Mr. LEWIS. Certainly.

Mr. VARDAMAN. The Senator from Illinois seems to be laboring under the apprehension that the automobile has not been fully tested to determine accurately whether or not it is capable of doing the service that the tubes are doing. The Senator ought to be aware of the fact that the automobile today carries more than 50 per cent of the letter mail of the cities where the tubes are installed. The tube only carries, I think, in the Senator's city probably 50 per cent of the letter mail, which is only about 12 per cent of the total mail, making it a very small percentage of the entire volume of mail. The automobile has been thoroughly tested in carrying the mail, and I do not see how there could be made a more convincing or conclusive test than has already been made.

Mr. LEWIS. Mr. President, the system which prevails in the locality where I live—of course, I can not speak for New York or Boston, whose distinguished representatives here will speak for them—is so arranged that a certain class of mail that is clearly emergency mail, depending on its volume, is sent through the tubes and thus quickly expedited. The Senator from Mississippi, ever anxious to get at the justice of any matter, is quite correct that there is also similar mail, that might be called letter mail, that is carried in automobiles. It is for that reason that I said that we were not seeking to wholly destroy either system but to include and continue both, and that we only asked to have the tubes continued for that particular special service so necessary to the welfare of the business of a city such as Chicago.

Mr. WADSWORTH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from New York.

Mr. LEWIS. I do.

Mr. WADSWORTH. I suggest to the Senator that, while it is a fact that perhaps only 40 or 50 per cent of the first-class letter mail of the city of Chicago is carried in the tubes and that perhaps 60 per cent is carried by automobiles, the reason for that is that the tubes are very limited in extent and do not reach the greater portion of the city. Many of the substations are not supplied with the tube service. The greatest channel of transportation, as I understand, in Chicago, which the tubes provide, is from the general post office to the stockyards.

Mr. LEWIS. The Senator is quite correct.

Mr. WADSWORTH. If the tube service were extended, it could take all the letter mail.

Mr. LEWIS. I referred to that a moment ago without being so definite by using the words "geographical limitation." I did not assume that the Senate would know as to the location of the stockyards and the relative geographical points of my city, and therefore I did not allude to the stockyards by name. Of course, if the tube service should be extended all over the city, it is assumed that it would accommodate the full needs of the mail.

But, Mr. President, when I yielded to the able Senator from Mississippi I was alluding to the fact that surely the Senate can find it agreeable to grant to Chicago and to the other large cities their request that they be allowed this particular kind of service that all of their people insist is a necessity.

Mr. President, will it be overlooked, and will I be condemned by the Senate, for calling attention to the fact that communities which furnish such a large percentage of the mails and which have such large use for the post office might be heard and might themselves be the judge of that which best serves their necessity? When it is not a question of the interest of the automobiles or the tube service, but of the merchants themselves, surely their voice ought to be accepted, for they are the first to lose. If their position be not well taken, they would be the very first to suffer the disadvantage; and surely it will not be assumed that their representatives would come here and ask for a system for the accommodation of anyone whomsoever that would mean a loss to their business and a destruction of their precedence and prosperity in commerce. So, may I take the liberty to impose upon the Senate the thought that those who are so greatly interested, and who come without dissent, should be considered as the best equipped to express themselves upon that which best serves their interest? Even if it were conceded that a little increased expense did follow, if the increase is offset by the very great benefit to prosperity and commerce, that should be considered, as I see it.

I will not disguise to the Senate a personal interest. I am anxious that my community, represented by my distinguished colleague and myself, shall have that which they have appealed for; and I submit to the Senate that this is the first time, as it will recall, that Chicago has raised her voice and asked to be given any consideration. If she is entitled to it, she ought to have it; if she is not entitled to it, no appeal of hers should give it to her; but if, on the other hand, there be no potent or unanswerable reason why she should not be given it, she ought not to be denied it merely because there are certain sections of the country which, knowing nothing of her needs, have concluded that from their point of view she ought not to have it.

I respectfully ask that the amendment be agreed to, and that the judgment of the majority of the committee be acquiesced in.

Mr. WEEKS obtained the floor.

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

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

Mr. WEEKS. Certainly.

Mr. MARTINE of New Jersey. I did not know the Senator from Massachusetts had the floor. I yield to him, of course.

Mr. WEEKS. Mr. President, I desire to refer to some of the matters which have been discussed relating to this service, because I do not think that Senators generally understand all of its phases. It is a service that has been in operation 16 years. At least five commissions have given consideration to its adaptability and other questions relating to it, the last commission having reported that it was desirable and advisable for the Government to purchase this system. That was the

commission of which the Senator from Georgia [Mr. SMITH] was the chairman. The only commission that has ever expressed doubt about this service was the one created in 1901; but later, in 1902, another commission, made up of experts outside of the Post Office Department, reported favorably on this system. Its report was indorsed by those who had been members of the 1901 commission, and it was in 1902 that the rate of $17,000 a mile was established. Certainly if that was a fair rate at that time, it can not be a high rate under the conditions which exist to-day.

I do not pretend, however, to say what is or is not a fair rate for this service. I do know, however, Mr. President, that the hearings indicate that the service is not profitable; that no dividends have been paid on the stocks of these companies; that about a third, or less than a third, of the cost is represented by bonds; that interest is paid on the bonds alone; and that the officers of the Philadelphia company, for instance, receive no salary whatever and have not received any. The probabilities are that the net returns, based on a charge of $17,000 a mile, are not more than 3 per cent, and probably not more than 2½ per cent, on the capital actually invested, which was reported by Senator SMITH's commission as being about $10,000,000.

While I do not base any claim for a renewal or a continuance of the service on the moral issue, I submit to the Senate this proposition, that when private citizens are invited by the Government to invest their money in a service which is used solely by the Government there is some connection, at least of interest, which should give at least a fair consideration to a renewal of the service, if it is not altogether inefficient.

In this case it should also be brought to the attention of the Senate that there is not a single rod of service which has been installed except at the request of the Post Office Department. We can not, of course, hold former administrations responsible for what has taken place, but there have been extensions made in the service under this administration. Last summer, while we were considering a renewal of this appropriation, there was an application from the department to the Pneumatic Tube Co. to extend the service to accommodate a change in the Back Bay post office, Boston, at an expense of between $30,000 and $40,000.

Mr. VARDAMAN. Mr. President, does the Senator intend to say that there has not been a rod of this service that was not constructed except at the request of the Government?

Mr. WEEKS. I mean to say that none of it has been installed at the expense of the Government——

Mr. VARDAMAN. I mean at the request of the Government.

Mr. WEEKS. In the last 10 years during the time the same contract has been in effect——

Mr. VARDAMAN. The Senator understands, of course, that the system in Boston was put in for a very different purpose.

Mr. WEEKS. Oh, yes; and, as the changes have been rung on that, I may as well answer that suggestion here and now. Some 15 years ago the merchants of Boston decided that they would like to try the experiment of transporting packages to suburban sections through a pneumatic-tube service. Boston, as most Senators know, is peculiarly located. There are about 700,000 people in the city proper and about as many more located within 10 miles of the State house. Boston is surrounded by a chain of cities ranging from 30,000 to 150,000 in population. In order to get the packages from the center of Boston to the outlying districts, the merchants tried the experiment of sending them by means of a tube service. It was found to be too expensive a method of handling packages, and, after trying it for two or three years, they concluded that they could use to better advantage the local express companies, which run from the center of Boston to the outlying communities, because that would obviate the handling of the packages as many times as would be necessary under the tube system. For instance, in order to use the tubes, a merchant would have to send his packages to a central station or to a tube station, and then have a team to receive them at the other end to deliver them. Sending them direct by the local express companies simply meant loading them into a wagon of the express company at the store, and delivering them from the very same wagon.

I think that there is not another service like it in the United States; but that tube was taken over on exactly the same terms that new ones were constructed. Instead of the 10-inch cylinder being used, an 8-inch cylinder has been run through the 10-inch tube. It did not pay to send packages through the tubes; but Senators should not forget that this tube service is primarily for first-class mail, mail that demands and requires rapid transit. It was never intended to send second, third, or fourth class matter through the tubes; it has not been done, and quite likely it is not desirable that it should be done.

The Senator from Mississippi [Mr. VARDAMAN] raised within a few minutes the point that not more than half the first-class mail of these cities is carried by the tubes. Of course that is true, because the tubes only reach certain sections of a city. There are at least 25 substations to the Boston post office not reached by the tubes at all; and, of course, the mail between those substations and the main office must be carried by automobiles or in some other way. That is the reason why $400,000 in addition to the $5,600,000 already appropriated for screen-wagon service and other service of that kind is added to the appropriation this year. Four hundred thousand dollars—and I want this to answer what the Senator from Washington has said—presumably $400,000 is to be appropriated to buy additional automobiles. The department recommends that $482,000 shall be appropriated for pneumatic-tube service below Forty-second Street in New York City. Add that $492,000 to the $400,000, and it leaves a difference of about $75,000 between the total department's appropriation for this service and what is recommended by the committee for the tube service. In other words, instead of there being a loss of $613,000 from the worst standpoint, there is a loss of less than $75,000.

Mr. BORAH. Mr. President——

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

Mr. WEEKS. Yes.

Mr. BORAH. Does the Senator from Massachusetts contend that the adoption of this amendment will represent a difference of only about $75,000?

Mr. WEEKS. About that.

Mr. BORAH. Then the statement which was read by the Senator from Washington as to a saving of something over $600,000, the Senator contends, is not well founded?

Mr. WEEKS. The Senator can see that it can not be true, because the Postmaster General recommends $482,000. Add to that the amount which he says he will save, $613,000, and it would amount to $1,095,000, while the committee only appropriates $966,000.

Mr. BORAH. Now, another question. Who owns these pneumatic tubes?

Mr. WEEKS. The American pneumatic-tube service is owned by three or four thousand stockholders—I do not know how many.

Mr. BORAH. Who are the principal stockholders?

Mr. WEEKS. I have no idea. I never have looked up the stock list. There have been no dividends paid on the stock since the year 1.

Mr. BANKHEAD. There are over 3,500 stockholders. They are scattered mainly all over the New England States, although, of course, there are stockholders in other sections.

Mr. BORAH. I should like to ask the Senator another question. Is he of the opinion that we should, then, continue to patronize this pneumatic-tube service in the ownership of private individuals, or should we own it?

Mr. WEEKS. I should like to answer that question now. The Post Office Committee, perhaps with the exception of one or two members—one member certainly—believes that the Government should own this service at some price; and that was the purpose of putting in the provision to have a commission investigate the price and report to Congress. That is simply carrying out the report of the Hoke Smith Commission, which recommended the purchase of these tubes, but did not go any further. Now we are going to the extent of asking somebody to find out what the tubes can be bought for and then to consider whether or not we shall purchase them.

Mr. JONES. Or a portion of them.

Mr. WEEKS. To purchase a portion of them or all of them.

Mr. BORAH. One other question. Does the Senator think that the price which we are now paying for the tube service is a reasonable price?

Mr. WEEKS. All I can say is that I would not think of putting a cent of money into this proposition based on the present rental to the Government. Whether it is reasonable or not I am not competent to say; but I think that a man comes pretty near being crazy to invest money in this enterprise under present conditions.

Mr. GALLINGER. Mr. President——

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

Mr. WEEKS. I yield.

Mr. GALLINGER. As to the matter of stockholders, I will say that I have received during the past two months, I think, 20 letters, mostly from citizens of New Hampshire, and several of them from women, saying that they have stock in this corporation; that it is not a profitable stock; and expressing the hope that unfavorable legislation will not be enacted. I did

not before know that the stock was scattered in the way stated, but it seems to be held to a very large extent throughout the New England States, and manifestly it has not been a very good paying stock, from what I learn from my correspondents.

Mr. POINDEXTER. Mr. President——

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

Mr. WEEKS. Yes.

Mr. POINDEXTER. Has the Senator from Massachusetts any idea how much charge per mile would be profitable if $17,000 per mile is not profitable?

Mr. WEEKS. I do not know about that, Mr. President, but I know I would not put money, and I would not advise anyone else to put money, into the company operating this service based on a charge of $17,000 a mile.

Mr. POINDEXTER. Does the Senator dispute the fact stated by the Postmaster General that, even at $17,000 a mile, which evidently can not be maintained if it is unprofitable, this is the most expensive mail service in existence?

Mr. WEEKS. I do not think it is the most expensive when what it does is taken into consideration. I do not think there is any justification for that statement. It is the most expensive per mile service, but you can not compare this service with railroad service, where the carrying of the mail is only supplemental to the real purposes of the railroad, and that comparison which the Postmaster General has made would never have been made and would not be given any consideration by any business man of standing.

Mr. POINDEXTER. Well, it might be given consideration by Congress. Of course, the conditions are somewhat different, but still the results to be obtained are very much greater by one method than by the other.

Mr. WEEKS. One might as well compare the fleetness of a race horse with the speed of an ox as to compare the service performed by pneumatic tubes with what is done by the railroads.

Mr. POINDEXTER. The Postmaster General says that the net result is that the mails are delayed.

Mr. WEEKS. If the Senator will bear with me, I will demonstrate to him that there is nothing in that statement.

Mr. POINDEXTER. Another question——

Mr. WEEKS. And, moreover, let me say now, as long as I have the floor and can answer it, that the Postmaster General gave instances where mail was delayed below Forty-second Street in New York, and yet recommends that the service be continued in the very place where he says there were delays.

Mr. POINDEXTER. Mr. President, I should like to ask the Senator whether he knows anything about the salaries that are received by the officials of the companies, and where does this $17,000 per mile per year go, if the stockholders, the widows and orphans to whom the Senator has referred, get no part of it at all? Who gets it?

Mr. WEEKS. Mr. President——

Mr. POINDEXTER. Just one word in addition. It seems to me that a pneumatic-tube service, in the very nature of the thing, would not be very expensive in operation. Possibly there could be some large saving made somewhere; and if the Senator knows who receives those amounts of money, I should like to have him inform us.

Mr. WEEKS. I do not think there can be a saving unless there is a saving made due to the attacks of the Government on this service, which is entirely dependent upon the Government. I have never been through the books, and I suggest to the Senator from Washington that he make an investigation in his own time and on his own account relating to that. I never have heard it suggested that there was any undue or unreasonable salary paid to anybody connected with this service, or that the expenses were greater than they should be for conducting such a service. I do know that the stockholders do not get any dividends. That is perfectly apparent by looking at any financial return; and I do know that nobody will put his money into this service, and has not been willing to do so for years, at a less rate than about 7 per cent.

Mr. POINDEXTER. The only reason why I asked the question was because the plea is made here that this thing must be maintained on behalf of the stockholders, and yet it is said that the stockholders are getting no benefit from it. I should like to know where the motive comes from for this tremendous campaign to keep this service in operation if it is of no benefit to anybody.

Mr. WEEKS. Mr. President, I will tell the Senator where my motive comes from. My motive comes from a belief that this service really expedites the Postal Service, and that it is a most reactionary step to give it up.

Mr. POINDEXTER. That is a perfectly proper motive; and I did not refer to the motives of Senators when I asked the question. I mean the motives of the private individuals. The Senator certainly will not contend that the private company that owns this pneumatic-tube service is actuated by any such motive as he describes, and that it wants to maintain this service at a loss for the public benefit.

Mr. WEEKS. Mr. President, the Senator from Washington came pretty near reflecting upon Senators when he was addressing the Senate two or three hours ago, and if he will examine his remarks he will find that he did. But the motive of these stockholders and their representatives is that they have invested ten millions of dollars in a service at the request of the Government, and if this amendment is not agreed to it means that their investment goes to the scrap heap. Now, has the time come when citizens of this country who invest their money for a purpose which is solely for the Government's benefit can not come to Washington and see their Senators and Representatives and make such statements as they think are fair and right in order to protect their property? If that time has come, our citizens are without redress whatever may be their grievance. I say that it is the duty of people to come here and to tell Senators and Representatives what they know about this system, and what they think should be done and why they think it should be done. If they did not do it, they would not be doing their duty by themselves or the stockholders whom they represent.

Mr. JONES. Mr. President, the Senator was diverted from the line of his talk a while ago, and I thought possibly before he resumed that he might not object to answering a question which I should like to ask him about this letter of the Postmaster General.

Mr. WEEKS. I shall be glad to answer it.

Mr. JONES. I think the Senator has answered one suggestion in this letter, that the experience at Boston about 15 years ago had demonstrated that transportation by pneumatic tubes is obsolete. I think the Senator has explained the incident upon which I suppose that statement is based. I understood the Senator to say, early in his remarks, that a commission appointed under this act of 1902 had reported in favor of the continuance of this service.

Mr. WEEKS. They did, and they reported that $17,000 a mile was a fair rate.

Mr. JONES. Here is what the Postmaster General says in the letter which I have referred to heretofore:

> In accordance with this act—

That is, the act of 1902—

> a commission composed of the ablest postal experts in the service was appointed, and, after thorough investigation, recommended that the service be discontinued in the cities of Boston, Brooklyn, Philadelphia, Chicago, and St. Louis. These recommendations had the unanimous approval of the postmasters and supervisory officials of the post offices involved.

Mr. WEEKS. I do not know that the letter says so, but the Senator from Washington has confused that commission with the commissoin that has just reported. It is the commission that has just reported that reported to that effect.

Mr. JONES. Well, he says, "in accordance with this act"; that is, the act of 1902.

Mr. WEEKS. Yes.

Mr. JONES. And I thought that was the commission to which the Senator referred.

Mr. WEEKS. No. The commission of 1902 established the present system and the present rate of pay; and it is under the contract which has covered this service in the meantime that the commission of last year—or year before last, rather, to be more accurate—was appointed, and has made the report which we are now considering.

Mr. JONES. That report was a recommendation for the discontinuance of the service in the cities mentioned here?

Mr. WEEKS. Yes.

Mr. JONES. And that was the commission that was provided for in the act of 1902?

Mr. WEEKS. It was provided for in the act of 1902.

Mr. JONES. So that the commission to which the Senator referred was another commission?

Mr. WEEKS. Oh, no. I think I may be lacking in clearness in the statement which I have made. The act of 1902 provided as to various phases of this question, including the rate per mile to be paid; and it also provided that a lease or a contract should be made which should run for 10 years, and that at the end of that time the Postmaster General should appoint a commission to report to him on the advisability of continuing the service. So that the commission which has just reported was really provided for in the act of 1902; but the commission of

1902 did not make any recommendation about discontinuing any service.

Mr. JONES. I was mixed about that. I wanted to get it clear, because I wanted to find out about this report that the Postmaster General says was made by a commission; and he refers to the act of 1902, in which he says they recommended discontinuance, and then in this same paragraph he goes on to refer to this rental of $17,000 a mile as being entirely too high.

Mr. WEEKS. That is what that commission recommended, $17,000 per mile.

Mr. JONES. That is, the early commission?

Mr. WEEKS. Yes.

Mr. JONES. Of several years ago?

Mr. WEEKS. Yes; 13 years ago.

Mr. JONES. But not the commission to which he refers in this letter?

Mr. WEEKS. I do not know what he refers to in that letter, but I assume that he refers to the commission which has just reported.

Mr. BORAH. The commission which has just reported did not report for discontinuance, did it?

Mr. WEEKS. They reported for a discontinuance in Boston, New York north of Forty-second Street, Philadelphia, Chicago, and St. Louis.

Mr. JONES. And Brooklyn.

Mr. WEEKS. And Brooklyn.

Mr. BORAH. They reported that the pneumatic-tube service should be discontinued?

Mr. WEEKS. That it should be discontinued.

Mr. BORAH. The last one?

Mr. WEEKS. The one which has just reported—the commission which reported last fall.

I want to say a word about that commission. It was appointed in July, 1915, with instructions to report before the 1st of October, 1915. As a matter of fact, it reported so that the report was made public on the 11th of December, 1916; and that was one reason why we found it necessary to put in the appropriation bill last year a provision making it obligatory on the part of the Postmaster General to expend the appropriations for this service, because the commission, although the report was more than a year overdue, had not then made a report. There are circumstances connected with that which I think might well be investigated by some other commission. However, I am not going into those matters at this time. All I know is that they did not report promptly. They gave the excuse that they were making investigations of tube services abroad, and other things which everybody knew about, which were already on file, which had been investigated over and over again, and for some reason they did not report for more than a year after the time they were instructed to do so by the Postmaster General.

Mr. JONES and Mr. VARDAMAN addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Massachusetts yield, and to whom?

Mr. WEEKS. I yield to the Senator from Washington first.

Mr. JONES. Has the Senator any information with reference to this statement of the Postmaster General?—

These recommendations had the unanimous approval of the postmasters.

Mr. WEEKS. Yes; I have some information on that subject.

Mr. JONES. I should like to have it.

Mr. WEEKS. Now, let me tell the Senator from Washington who is in favor of discontinuing this service. These three men, the man who is now First Assistant Postmaster General, recently the chief inspector; the Superintendent of the Railway Mail Service, and another member of the commission connected with the same service. They are old post-office employees, but no one of them has ever had anything to do with the pneumatic-tube service. They never have been, as far as I know, associated with the post offices which have used the pneumatic-tube service. Although they are post-office employees of long standing, they undertook this investigation as a new proposition.

In addition to the commission who have favored a discontinuance of this system? First, the postmaster at St. Louis, an appointee of this administration, of course; and incidentally I want to say in regard to the postmaster at St. Louis that he did not make the figures which he reported, and did not know what the figures meant when he was asked a question about the kind of service that could be used in place of the pneumatic-tube service there. He did not know what the gross receipts of his own post office were, although he had been postmaster more than three years. He did not know what the net receipts were, within a million dollars, although he had been there very nearly three years. He had written a letter previously, only two years before this investigation, in favor of this tube service, and he stated on the stand before the Senate committee that he did not take back a single word of that letter.

The postmaster at Chicago was a hold-over Republican, because it had been impossible to agree on a Democrat to take that office. Incidentally I have seen, within a day or two, that the President has appointed a postmaster at Chicago to succeed Mr. Campbell, and, lo and behold, they find that he also is a Republican! But, in any case, that postmaster had been on one of these commissions, had previously reported in favor of the tube service, and he stated that he did not take back any of his previous statements, but he thought there should be some modifications or some changes, or words to that effect.

Then, there was the postmaster at Boston, also an appointee of this administration, formerly a Member of the House of Representatives, and a bright man. The postmaster at Boston said that he was not entirely opposed to the tube service, but he thought that tubes should be retained only where there were long distances, and that the virtue of the tubes was the continuous passage of mail through them. If an automobile were used, it would be on a half-hour or hourly service, while in the tube service at least six of the containers could be dispatched every minute, and that was the virtue of the tube service.

The postmaster at Philadelphia was not brought here at all. I am told that the reason why he was not brought here is because two employees of the Post Office Department had been sent to Philadelphia for the practical purpose of running that office. Anyway, they did not take chances with that postmaster, but they brought over one of the employees of the post office in Philadelphia who was connected with the general post office in Washington to testify relative to the local service.

The other postmaster involved—the postmaster at New York—as the Senator from New York has stated, has been 40 years in the Postal Service. He commenced as a letter carrier and has occupied every position which a man would naturally fill up to the place which he now holds. He has been postmaster for more than eight years and is universally commended as one of the ablest men in the Postal Service. He testified directly contrary to the other postmasters. He says that this service ought to be maintained, and that it will be a great mistake to discontinue it.

I have named every man who in any way has given any testimony in favor of the discontinuance of this service. Now let us see who the people are who want to retain it. There appeared at the Senate hearings representatives of the organizations I shall name, and many others at the House hearings.

At the Senate hearings there appeared representatives of the Chamber of Commerce of the city of Boston, the United Improvement Association of the city of Boston, the street commissioner of the city of Boston, and the mayor of the city of Boston.

From New York, the mayor of the city of New York in person, representatives of the Merchants' Association, The Bronx Board of Trade, the National Hotel Druggists' Association, the Central Mercantile Association, the National Clothiers' Association, the Silk Association of the United States, the Manufacturers' and Business Men's Association, the Safety First Association, the Safety First Federation, the Traffic Squad, the National Dry Goods Association of New York City.

From Philadelphia, representatives of the Board of Trade, the Philadelphia Bourse, the Commercial Exchange, the Master Builders' Exchange, the clearing house, the chamber of commerce.

From Chicago, the Association of the Chamber of Commerce, the Illinois Manufacturers' Association, the Rotary Club, the Advertising Associations of Chicago.

From St. Louis, the Merchants' Exchange and the civic organizations were all represented.

There has not been one single word, Mr. President, in opposition to a continuance of these tubes from the citizens of the cities in which the tube service has been in operation.

Now, what does that mean to those cities? Let me point out some of the reasons why this service should be continued.

The city of New York has spent $350,000,000 to get traffic off the streets. The streets are all torn up now, as every Senator knows, digging subways in order to get rid of traffic on the surface of the streets. The city of Boston has spent $35,000,000 to get traffic off the streets. The city of Philadelphia has spent $40,000,000 to get traffic off the streets; and there is not one of those cities that is not extending its plans for that purpose. They are talking about overhead sidewalks and about an elevated street in Boston, about a subway under the subway, about widening streets that are now constructed, at great expense, for the purpose of lessening the congestion of traffic. The testimony is universal about the condition of the traffic in these congested cities. Those Senators who come from the newer sec-

tions of the country, where the streets are broad, can hardly comprehend the situation which exists in Boston, New York, and Philadelphia, where the streets are very narrow.

I stated before the committee, Mr. President, that, for example, in Boston I never take my automobile down town beyond the State House, because I can walk faster than the automobile goes, and it is not safe because of the danger to life and to property as well. The traffic commissioner of the city of New York testified that there were very nearly 700 deaths caused on the streets of New York by the traffic on the surface of the streets last year, and more than 22,000 persons were injured; and he testified that the trucks used in carrying the mails were 10 times as destructive as the average vehicle on the streets. It is a very important question in these days—this question of life, as well as the question of property; and when cities are expending the enormous amounts of money which are being spent in order to get traffic off the streets, for the Government to insist on putting traffic back on the streets, even if it could save some money in doing so, would be unjustified, in my opinion.

Moreover, Mr. President, these five cities show a net return to the Post Office Department of more than $50,000,000 a year.

Mr. BANKHEAD. Seventy-five million.

Mr. WEEKS. The Senator from Alabama says $75,000,000 a year, or 75 times as much as this whole pneumatic service costs. Is there a Senator here who, if he had five customers out of whom he was making $75,000,000 a year, would think for a moment of taking away from them a service, even if he thought it could be performed otherwise as well, which they objected to having taken away, and which cost only $1,000,000 a year? I say that these cities have some rights.

I notice that the Senator from Washington [Mr. POINDEXTER] referred to rural service and said that if this $613,000 could be saved it should be spent on the rural service. Now, no Senator here wants in any way to modify the rural service, and yet it costs the Government $40,000,000 a year more than the Government gets out of it. If we wanted to save money, as the Vice President suggested this morning, we had an opportunity to do it yesterday. We are paying a subsidy, according to the reports of the Post Office Department, of more than $80,000,000 to those who produce second-class matter, and yet we are discussing here the question of saving a few hundred thousand dollars by taking away a service from the people who really produce the great net revenue of the Post Office Department.

Mr. CLAPP. Mr. President, will the Senator yield for an inquiry?

The PRESIDING OFFICER (Mr. SHEPPARD in the chair). Does the Senator from Massachusetts yield to the Senator from Minnesota?

Mr. WEEKS. I yield.

Mr. CLAPP. I do not make the inquiry in any spirit of criticism, and I do not know whether or not the Senator is familiar with the particular question that I want to ask about, but it strikes me that it would have some bearing on the wisdom of continuing this system. Some years ago I was shown in New York what was represented to be a system like this, in use, I think, by some of the larger newspapers. I wondered whether the Senator knew whether the proprietors of those publications had found it expedient to continue the underground system as against carrying on the surface?

Mr. WEEKS. I do not know. I can not answer that question.

Mr. CUMMINS. Mr. President——

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

Mr. WEEKS. I yield to the Senator.

Mr. CUMMINS. The Senator from Massachusetts stated two or three times that this system had been installed at the request of the Government. By whom?

Mr. WEEKS. I ought to make this change in that statement, if the Senator from Iowa understood it in that way: That since the 1902 contract all extensions made have been made at the request of the Government, and more than half of the system has been installed since 1905.

Mr. CUMMINS. And always at the request of the Government?

Mr. WEEKS. In every instance.

Mr. CUMMINS. What form did the request take?

Mr. WEEKS. It requested the extension of the tube to a certain point, with the proviso, of course, that the company should be paid at the rate of $17,000 per mile.

Mr. CUMMINS. What officer of the Government made the request?

Mr. WEEKS. My impression is, the First Assistant Postmaster General; but I am not quite certain.

Mr. CUMMINS. Was he authorized by the law to do it?

Mr. WEEKS. I think so. I would have to look that up to answer definitely.

Mr. CUMMINS. It seems to me that is a very material inquiry.

Mr. WEEKS. I think the reason for the appointment of the commission which has just reported was to report on the advisability of extending the tube service rather than the advisability of discontinuing it. That is my own impression.

Mr. President, I want now to refer particularly to this letter of the Postmaster General, of which every Senator has received a copy, and to the statements which are made in that letter, because I think the statements ought to be very materially modified, and I think they are creating in the minds of Senators impressions which are not justified. I am going to take those up one after another and make my answer to them.

The letter states that the Post Office appropriation bill contains a provision, on page 15, which practically nullifies the act of Congress of 1902 relating to pneumatic-tube service. This provision was put into the bill because First Assistant Postmaster General Koons notified the Senate Post Office Committee—I should like to have Senators listen to this statement—notified the Senate Post Office Committee that the Postmaster General would not carry out the vote of the House of Representatives on this matter unless the Senate mandatorily directed him to do so. In other words, the Postmaster General, unless directed mandatorily to expend an appropriation, would refuse to make the expenditure; and that is the reason why we put this provision in the bill last year directing him to pay for this service up to the 4th of March of this year, and it is the reason why the committee has put the same provision in the bill which is now before the Senate.

The act of 1902 was clearly meant by Congress to refer to new installations of pneumatic tubes, as I have just stated, I think to the Senator from Iowa, and was drawn to prevent the Postmaster General from extending the pneumatic tubes beyond the limits prescribed by Congress. When the tubes are once installed it is self-evident that no further investigation on account of their need and practicability is necessary, if they are doing a service which is satisfactory at the time to those officers who have the matter directly in charge.

The Postmaster General's letter states that "in accordance with this act a commission composed of the ablest experts" was appointed. This commission consisted wholly of subordinates of the Postmaster General, including one member who probably wrote this letter which is signed by the Postmaster General, and who has since been appointed First Assistant Postmaster General. He was then at the head of the inspector's force. This is the first unfavorable report since the tubes were established under the law of 1902; and I want the Senator from Washington to understand clearly that that is the case. It is the first unfavorable report that has been made, and four different commissions have reported since that time. These commissions have consisted of engineers and men of business experience. This commission consists entirely of subordinates of the Postmaster General.

The Postmaster General's letter states that the committee recommended the discontinuance of the service in Boston, Brooklyn, Philadelphia, and St. Louis. It does not state that this same committee recommended the continuance of part of the service in New York City, where approximately one-half of the total mileage of the country is in operation, and the most expensive.

The letter states that the postmasters of the cities involved unanimously approved the recommendation to discontinue the service. The St. Louis postmaster, as I have suggested, told the Senate Committee on Post Offices and Post Roads that the Government should own and operate the system in St. Louis. That is stated in a recent letter from that postmaster.

The hearings before the Senate committee developed the fact that the tubes are claimed to be the most efficient service in use by the Government; that they have been indorsed by every previous commission, and by all Postmasters General under whom they have been used, and that they were installed to carry first-class mail alone, as I have explained. They have a capacity of 200,000 letters an hour; and the reason why they are not carrying all of the first-class mail has been explained twice this afternoon. It is because they do not reach some of the substations in the cities where the tube service is in operation.

The Postmaster General's letter states that 87½ per cent of the mail now carried by pneumatic tubes can be handled by the present surface transportation—in other words, with the parcels post and newspaper mail. The basis of such a statement is conceivable only from the standpoint that there is not any benefit obtained in expediting the mails. Of course, we all

know that it costs more for a passenger to travel on trains that make a limited service than it does to travel on regular accommodation trains. Speed is the thing desired. It costs more to ship freight by a fast freight service than it does by the ordinary freight service; and it should cost more, and does cost more, to send the mails on trains by fast mail trains than it does by the ordinary mail conveyance. Expediting the mails, as I believe these tubes do, even if there were to be a saving by replacing them with automobiles, I do not think such a saving would be justified.

The St. Louis postmaster told the Senate committee that it would cost $4,700 to take the place of the 2 miles of tubes in St. Louis. The Postmaster General in this letter says that $4,000 is sufficient to take the place of the $34,000 now expended for tubes. Yet the postmaster testified that it would require three automobiles to perform that service, and it would cost $2,700 a year for those automobiles, or cost $8,100. That was the lowest estimate that he could make when he got down to definite figures. In other words, it will cost twice as much as the Postmaster General states in this letter, and will cost nearly twice as much as the general statement made by the postmaster of St. Louis.

I do not know how many more automobiles it will require than three, but it was confessed that at least that number would be required.

The congressional committee of which Senator SMITH was chairman, and which reported on October 24, 1914, stated that the pneumatic tubes carried 3,089,000 pieces of mail in Boston every day—that is, 76.5 per cent of the first-class mail—at a cost of 100 letters for 1 cent.

Remember that this service is intended for first-class mail alone, and there we carry 100 letters for 1 cent, or one one-hundredth of a cent a letter.

In Chicago they carried 5,614,000 letters a day, or 75.7 per cent of the first-class mail, at a cost of 125 letters for 1 cent; in New York and Brooklyn they carried 9,332,000 letters a day, or 49.8 per cent of the first-class mail, at a cost of 79 letters for 1 cent; and in St. Louis they carried 308,000 letters a day, or 93.7 per cent of first-class mail, at a cost of 39 letters for 1 cent.

Based on the report of the 1909 investigating committee, some 3,000,000,000 letters made connections daily by pneumatic-tube service, and charging all of the cost of the pneumatic-tube service to the letters thus so materially benefited, the cost amounts to six-tenths of 1 mill per letter.

Yet we are talking about discontinuing a service which is satisfactory to everybody who is receiving the service, where it only costs one-hundredth of a cent a letter to perform that service, remembering all the time that this service was installed for the purpose of transporting first-class mail, and first-class mail alone.

I should like to have Senators go to New York or Boston or Philadelphia and make some of the tests that were reported to have been made by this commission. The Senator from Illinois [Mr. LEWIS] a few moments ago referred to the fact that one of these tests was made Sunday morning, when, of course, the streets were clear. It makes all the difference in the world whether an automobile or any other surface transportation line has a clear way. Blockades occur every hour of the day, very frequently several times an hour, and these tests were made under such conditions that no blockade did exist. So it is not a fair trial of the two systems. The pneumatic-tube service has a maximum speed of 30 miles an hour, and a saving of 26 minutes was made, even as reported by these tests, between the New York general post office and the Pennsylvania Station.

Senators should remember that one of the great values of this service is that the mail is carried in tubes which transport 5 to 10 pounds in each one of the cartons, as they are called, and they are dispatched every 10 seconds or 12 seconds, as the system is gauged. So you would transport from 30 to 50 pounds a minute through one of these tube services. It is of great importance whether that is being received at the other end of the line in that way or whether it is being dumped in at one time by an automobile service that runs every half hour or every hour. There may be a part of the mail which otherwise would be delayed for a considerable time transported by this pneumatic-tube system which would get to a train going into a remote section of the country, making 6 or 8 or 10 or 12 hours' difference in time of reaching its destination. That is one of the most important phases of this service.

Mr. President, I have given a great deal of time first and last to the consideration of this subject. I have always admitted that $17,000 a mile seemed like a high price to pay, yet I do not see how it could be done any cheaper. But I am opposed, unalterably opposed, to anything which is going to affect a service which is satisfactory to more than 12,000,000 people, which is satisfactory to the great business interests which those people represent, to people who are furnishing the larger part of first-class mail which originates anywhere in this country. Any such step as that would be reactionary in the extreme, and Senators, in my judgment, ought not to be unduly influenced by the statements which have come from the department.

I am not able to explain any more than was the Senator from Alabama [Mr. BANKHEAD] what is in the mind of the Postmaster General, but I am satisfied that he is using bad judgment in this case. Every administration from John Wanamaker down to this time has been in favor of a continuance of the tube service. Every postmaster as far as there is any record down to those who hold position at this time by the will of this administration has been in favor of a continuance of this service. There is substantially no report since 1902 which has not been in favor of its continuance.

Now, are we going to throw $10,000,000 worth of property into the scrap heap because the commission appointed under one administration has come to the conclusion that it can perform the same service in some other way as well as that? It is not fair, and it is not good business; and this service should be continued on some reasonable terms.

I was in favor of inserting in the bill a proposition to consider the purchase of the tubes, because I think these tubes are just as much a part of the mail service as are the mail bags or any other mail facility which is used. I think they should be purchased at the lowest possible price, and I suspect that a very low price will be made if the owners of these tubes conclude they are going to have their property confiscated, as seems to be the present purpose of the Post Office Department.

Mr. WADSWORTH. Mr. President, I desire, if possible, to have the attention of Senators to the situation with respect to the city of New York as it might be affected by the rejection of the amendment recommended by the Committee on Post Offices and Post Roads. Before indulging in a discussion of the merits of the pneumatic-tube service permit me to say and to make it entirely clear that I am impelled to oppose the abandonment of the pneumatic-tube service not, primarily, on account of any interest which I have in the financial success or failure or sufferings, it may be, of the stockholders of the company. I think I am correct in saying I am not acquainted with a single one of them; I do not know who they are. Nor can I give very serious consideration to the suggestion that has been made upon this floor that so-called "powerful" and "sinister" influences are supporting this amendment and should lead people to cast discredit upon the legislation proposed or to indict the conduct of the Post Office Department in the past or the Senate to-day, if it should decide to support its own committee.

I am impelled primarily to oppose the abandonment of the pneumatic-tube service because the people of the city of New York are overwhelmingly in favor of its retention. Their interest in this matter is superior to that of any other people or group of people affected directly or indirectly by the operation of the Post Office Department, the Postmaster General to the contrary notwithstanding. The people of that city, as I assume also the people of Chicago, Boston, Philadelphia, and St. Louis, entertain the idea that they are in part the masters of this Government and not its servants; that they are entitled to service from the Government, and so long as they are called upon and do in fact pay their fair share, and, in some instances, more than their fair share, of the taxes which support the Government, they are entitled to that service.

Mr. President, as has been related by the Senator from Massachusetts [Mr. WEEKS] a commission was appointed by the Postmaster General composed of three gentlemen who have held subordinate positions in the Post Office Department for varying periods of time. The commission, as I understand and remember, was appointed and directed to start investigations in 1915. It did not complete and present any report until December, 1916, approximately 18 months later; but when we come to the point of examining into this report we ought not to forget that prior to any commencement upon their part to investigate this subject, the Postmaster General had already committed himself against the pneumatic-tube service, and, having appointed three of his own subordinates, it is not to be wondered at that they should report somewhat in favor and along the line of his own suggestions made prior to their appointment.

Now, as to the investigation which they actually made: For one I am astounded that a report of this sort should be sent to Congress with the hope that it should be taken with absolute seriousness, for in my humble judgment their investigation was not worthy of the name. The testimony taken before the Post Office Committee indicates that this commission spent about two weeks in the city of New York. There was no notice whatsoever given to the public of their coming, or to any of the associations or their accredited representatives that any such investigation was to take place. No patron of the New York City post office was ever asked his opinion in connection with the pneumatic-tube service,

in spite of the fact that the three commissioners and the Postmaster General himself must have known that thousands and thousands of people were deeply interested in the pneumatic-tube service and were entirely, or almost entirely, dependent upon it in some portions of the city for rapid mail transportation and were entitled to be heard in any investigation made of the question.

The testimony also before the Post Office Committee indicates that in making the automobile tests which were made by these three commissioners just two days' time was consumed. I will challenge any three men on earth to test the traffic conditions of the city of New York in two days. It is absurd upon its face, and when we come down to the point of the fairness of the test they did make, confined as it was to two days, we find that they made their test of automobile service upon the streets of the city of New York in the middle of the summer, at which time it is well known by the city administration, and could have been ascertained by these three gentlemen that the traffic is about 50 per cent lighter than it is in the middle of winter, and that furthermore there is not the slightest chance in July or August of a snow storm of 10 or 12 inches depth, which would make automobile traffic for hours at a time absolutely impossible.

The report of this commission does not contain a single suggestion or intimation that snow ever falls in the city of New York. Congress is invited to believe that for 12 months of the year, every day of the month, the same conditions will exist in the city as existed in the month of July, or August, I forget which one it was, when these gentlemen made their two days' test of the traffic conditions of a city of 5,000,000 people.

May I add also, Mr. President, that one of the two days was a Sunday? They made a test of the time which it would take to carry this first-class mail now being handled by tubes from the post office to the Grand Central Station at Forty-second Street, where the great volume of mail departs for the New England States and the far West.

Let me suggest that upon the efficient handling of the United States mail at the Forty-second Street Depot in New York City depends the promptness of the conduct of the business of a very large portion of the industries of the United States—for New York is the metropolis. It is the clearing house industrially and financially of this country, and should anything be done to interfere with the efficient and rapid transportation of mail at the Forty-second Street Depot or at the Pennsylvania Terminal at Thirty-fourth Street and Seventh Avenue, New York will not suffer alone; the business interests of the country generally will be affected, including those of Chicago and St. Louis, and as far west as San Francisco and Seattle.

Mr. President, these gentlemen in making this test reported that the distance could be covered in a certain time by automobile trucks, and they ran the trucks for two days, or made the test during two days in the month of July, and in order to justify their own contention that these trucks would maintain such a schedule they had to run them 21 miles an hour. Certainly no Senator who has ever been in the city of New York will believe that any such speed is possible for 365 days in the year without a dire threat to the lives of pedestrians, and even if we were to wipe out of consideration entirely the matter of the saving of life, which incidentally is a very serious matter upon the streets of New York, we are forced to take into consideration the fact that there are many, many days when the streets of the city are blocked by ice and snow, when it would be utterly impossible for a mail truck to maintain a speed of 21 miles per hour.

The postmaster of the city of New York is one of the postmasters of cities affected who does not agree with the Postmaster General nor with the three members of the commission. One or two Senators have endeavored to allay my anxiety upon this subject by indicating or attempting to persuade me that the Postmaster General did not include the name of the city of New York in the list of cities contained in his letter addressed to the chairman of the Post Office Committee, a copy of which we have all received; at least, I have received one, and I assume we all have. I can not understand the purpose of the Postmaster General in leaving out from his letter the name of the city of New York, because it is his declared purpose and that of his three commissioners to abandon the pneumatic-tube service in the city of New York above Forty-second Street, and by such an abandonment the mail facilities afforded to the citizens of New York and also to the citizens of the whole country are very seriously affected.

Any intimation in the letter to the effect that the postmasters of the cities affected or involved in this proposal are unanimous in support of the department is not borne out by the facts, and I can not believe that the Postmaster General does not know it. The postmaster of the city of New York, which city is involved in this matter, came in person before the Post Office Committee of the Senate and protested against the abandonment of that particular part of the tubes in the city between Forty-second Street and One hundred and twenty-fifth Street.

I hesitate to take the time of the Senate and I shall not do so in reading from the testimony of the postmaster of the city of New York. The Senate has heard the career and record of that gentleman recited briefly but comprehensively by the Senator from Massachusetts [Mr. WEEKS]. He has been in the service 44 years, has risen from letter carrier to postmaster of the greatest city in the Western Hemisphere, and has been postmaster of that city 8 years. His views upon the matter of tube service receive no attention in this commission's report. The Congress of the United States is not invited by this commission to entertain any consideration for the postmaster of New York, who knows more about this subject than any man in America, and who has been responsible for the successful operation of the greatest post office in the United States; successful in keeping that office upon the highest plane of efficiency, so much so that there is grave hesitation on the part of this administration in displacing him.

Mr. President, let me point out one or two things in the commission's report which are, to say the least, inaccurate and are calculated to mislead the Senate. The commission's report says that these cartons or carriers in pneumatic tubes can carry about 5 pounds of mail. The postmaster of New York says that they carry up to 15 pounds of mail, but that they carry 10 pounds on the average. Why did not the commission say that they carried 10 pounds very often, and, in fact, in the majority of cases, which is the fact?

This commission also says in its report that these cartons or carriers are dispatched on their journey on an average of once in 15 seconds. The postmaster at New York says that the average is once in 10 seconds; and he has seen the system operate every day for eight years.

There are other claims made by the commission directed against the alleged defects of the pneumatic-tube service, and a desperate effort is made to persuade Congress that an automobile-truck service would be of more value to the patrons of the post office than the tube service. This is the only concern, aside from the protection of life, that I have in this whole question. To my mind the matter of cost is at most of secondary importance.

In that desperate effort to show that the automobile service would be more efficient than the tube service they have made the automobile tests, a report upon which is contained and included in their report to the Postmaster General, which has been submitted to Congress. I have described the nature of the tests which were made in the city of New York. Another test was made in the city of Boston. There is a pneumatic tube in the city of Boston, running from the central or general post office to a place called Uphams Corners. The distance, as I remember it, is 4.4 miles. First-class mail is sent through that tube in a constant stream.

The commissioners put on some experimental automobile trucks to test out the question as to whether or not they could perform the same service. The tube, however, supplies and offers facilities for three intermediate stops between the general post office and Uphams Corners, the final destination; but when they came to make the automobile tests they ran the automobiles clear through, without stopping at any of those three intermediate substations. Then they report to Congress that the automobile trucks can perform the same service as the tube in the same period of time. The speed which they would have to maintain in covering that distance in order to do it in 13 minutes, as they say the automobiles did, would smash all the speed regulations of the city of Boston, and approximate 30 miles an hour. But they would not and could not perform the service, because they did not stop and did not intend to stop at the three intermediate substations.

Mr. President, I do not pretend to understand what lies back of the insistence of the Post Office Department that this service shall be abandoned. I know I can state, without any fear of contradiction, that the people of the great city of New York are exceedingly disturbed at the proposal which has been made during the last two or three years that the service be abandoned, even in part. The postmaster of New York City not only recommends its maintenance, but he recommends its extension. He recommends its extension across the Harlem River into the Borough of The Bronx, which now contains 700,000 people, who are dependent for the delivery of their mail upon the general post office at the lower end of the city of Manhattan. The tube system now only reaches One hundred and twenty-fifth Street. From there the mail to The Bronx must be taken in automobile trucks, which must cross the bridges of Harlem River, every one

of which is a drawbridge, and subject to constant interruption due to the passage of vessels in the Harlem River. The Harlem River contains and carries more commerce by three times than does the harbor of Savannah. That commerce runs into the hundreds and hundreds of thousands of tons annually.

The result is that the people of The Bronx suffer grave delay in the delivery of their first-class mail. Sometimes it will take as long as 24 hours for a letter to come from Brooklyn up through Manhattan Island and to be delivered at the house of the person to whom it is addressed in the Borough of The Bronx.

My own hope was, to tell the truth, that the committee would insert an amendment in the bill authorizing that very extension for it is sadly needed for one of the largest cities in the country, if we choose to assume and regard the Borough of The Bronx as a separate city. It is as large as Detroit.

Let us consider the Borough of Brooklyn. It has been suggested that the tube service from Manhattan Island across the East River to the city of Brooklyn, containing nearly 2,000,000 people, should eventually be abandoned and that the automobile trucks shall proceed in the old-fashioned way over the Brooklyn Bridge. If there ever was a step backward suggested in the governmental operation of any facility which is supposed to be of use to the people, here is such a step.

Mr. GALLINGER. Mr. President——

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

Mr. WADSWORTH. I yield.

Mr. GALLINGER. On that very point, I desire to state that I do not think this commission could have visited Brooklyn and have observed the congestion that frequently occurs at the Brooklyn Bridge. I myself was held up there for 15 minutes not long ago in an automobile.

Mr. WADSWORTH. Why, Mr. President, the mere statement of the fact that these three gentlemen only spent two weeks in New York City is sufficient to indict the entire report, so far as it affects that city. It is a physical impossibility for any three men to study and to comprehend traffic conditions in that town in such a length of time and to make a satisfactory test with the automobile in two days.

Mr. President, the mayor of that city and the chief of the traffic squad have been before the Committee on Post Offices and Post Roads and called the attention of the committee to the traffic conditions of the town. I happened to be present at the hearings. I am not a member of the committee, but my interest drew me there. The police of New York are confronted with the most difficult traffic problem in the world. There is nothing that can compare with the complexities and physical difficulties presented by the city of New York in the matter of traffic upon streets.

Mr. CLAPP. I desire to ask the Senator from New York if he has ever been in the city of Boston?

Mr. WADSWORTH. I have been in Boston. I admit it.

Mr. CLAPP. I think Boston beats New York in that respect.

Mr. WADSWORTH. Well, in the numbers of persons to be handled, in the degree of congestion, and the size of the problems, I venture to suggest that New York is even worse than Boston, though I have been on Washington Street, in Boston, and have seen the trouble there.

Mr. President, as is well known, literally more than a million people start every morning from the upper parts and outlying sections of the city of New York, and try to get down into the region below Fourteenth Street, and the rush happens within a period of two hours. The same million of people, or more, endeavor to get out of the region below Fourteenth Street between 4 and 6 o'clock in the evening and to get back to their homes in the outlying portions of the city. The traffic in the streets has become so enormous that in many places pedestrians can actually make better time than can automobiles. A person can walk now from Thirty-fourth Street, we will say, to Forty-second Street on Fifth Avenue faster than he can make it in a taxicab. It is not at all unusual for traffic to be held up at the intersection of Forty-second Street and Fifth Avenue for seven or eight minutes at a time while the cross-town traffic is crossing Fifth Avenue. When the suggestion is made that more mail trucks with the words "United States mail" painted on the outside of them, carrying, as they must, a certain preference and "right of way" in relation to the traffic regulations, shall be added in any number whatsoever, no matter how small, to the traffic already existing, I am forced to the conclusion that the Postmaster General and these gentlemen have either no regard for the problems of New York or know nothing about them.

There is one person injured every 23 minutes of the day and night, and there is one person killed every 14 hours of the day and night throughout the year upon the streets of the city of New York by vehicular traffic. The automobile truck, as a class, constitutes only 2½ per cent of all the vehicles, and yet is responsible for 18 per cent of the injuries. It is the most dangerous element in the traffic situation; and the testimony of Lieut. Myers, who has under his command hundreds and hundreds of the most skillful and well-informed traffic policemen in the world, is to the effect that the mail truck is the most dangerous of all, and that it is responsible, in proportion to its numbers, for the death of more people than any other class of vehicle; and yet the Postmaster General and these three gentlemen, after two days' tests, now propose to increase the number of mail trucks in the city of New York.

It has been suggested by the report, and perhaps by the letter of the Postmaster General, that very few additional trucks would be required. I do not know where we can draw the danger line in any of our cities in the attempt to restrain traffic and control it and save the lives of pedestrians. The secretary of state of the State of New York reports that there are 314,000 motor vehicles licensed in the metropolitan district—that is, in New York City and its immediate environs. The mayor of the city, the commissioner of police, and the lieutenant in command of the traffic squad say that the danger of the loss of life is constantly increasing; and, so far as I am concerned, Mr. President, I am not, therefore, very much impressed with the suggestion that no harm will be done by the addition of a few more, particularly of the most dangerous kind of vehicles.

It goes without saying, Mr. President, that transportation of letters by pneumatic tube is more expensive than transportation over the same distance by automobile trucks, just as automobile transportation is more expensive than that by horse and buggy, and that by horse and buggy more expensive than that by the ox and oxcart. But the people of the city of New York, as also those of Chicago and Boston, have been struggling for years to reduce the congestion of their streets. The same argument as to increased expense would apply against any proposal seeking to compel the telephone company to put its wires underground in the city of New York. Without question a telephone company that is compelled by a city ordinance or State law to bury its wires rather than to carry them upon poles above the surface is subjected to extra expense. Underground conduits constitute a more expensive form of construction than above-the-surface poles and wires. Of course it is more expensive, and by just so much it tends to prevent the telephone company from reducing the rates it charges for its services; but no great city is so blind to this matter as to insist that it is wrong to bury telephone wires because at some time it might be used as an argument to prevent the reduction of telephone rates.

In the same way in New York the telegraph wires must be buried. They go through conduits and through tunnels and subways. That kind of construction, of course, is conducive to greater expense in administration, greater capitalization and interest charges, and to a certain extent prevents or tends to prevent the reduction of telegraph rates; but the benefit is in the long run to the people in having the telegraph wires out of the way. We might just as well say that it is a highly uneconomical proposal to compel the street railways to run their cars through subways, as they are now doing in New York and in Boston, because it is a more expensive form of construction.

Mr. CLAPP. Or to put fenders on them.

Mr. WADSWORTH. Yes; or to put fenders on them. It all costs money. Undoubtedly the spending of hundreds and hundreds of millions of dollars by the city of New York and its street railway corporations in order to get the street cars off the surface of the streets, and either elevate them on elevated tracks or run them through subways has been one of the elements that has tended to prevent the reduction of street railway fares; but the people of the city of New York would not think for a moment that that was an argument against burying street car tracks, nor do I believe that the Congress of the United States will take seriously the argument of these three commissioners or that of the Postmaster General that this transportation of mails should not be buried below the streets because it is going to cost the Government a little more money.

Mr. WEEKS. Mr. President, may I suggest to the Senator from New York that he perhaps has overlooked the fact that there is seriously under contemplation a proposition in the city of New York to construct a subway under Fifth Avenue, from Fourteenth Street to Central Park, in order to divert the automobile traffic, or a part of it, from the street to the subway, and for that purpose only?

Mr. WADSWORTH. Yes; I have heard of that project, and there are many other projects which eventually will have to be

adopted in one form or another and for which the taxpayers of the city of New York will be called upon to furnish literally billions of dollars before that city is 100 years older.

Mr. NORRIS. May I ask the Senator a question?

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

Mr. WADSWORTH. I yield.

Mr. NORRIS. I have not been able to be here to listen to all of the discussion which has taken place, and it may be that my question has already been answered; neither have I had time to read all the literature on the subject; but, as I remember, this commission, or some other commission, I think, appointed by the Postmaster General to make the investigation, to which I understand the Senator has referred in his argument, in their report recommended that certain of the tubes in New York be retained. Is that not right?

Mr. WADSWORTH. Perhaps it would be more to the point to say that they recommended that some of the tubes in New York should be abandoned.

Mr. NORRIS. I think they did recommend that some of them should be abandoned; but I am trying to get at the facts.

Mr. WADSWORTH. That is true; yes.

Mr. NORRIS. They have not recommended, have they, that the Government abandon all of the tubes? I do not know which ones, but I think there was one in Brooklyn that was recommended to be retained.

Mr. WADSWORTH. I will answer the question of the Senator from Nebraska by saying——

Mr. NORRIS. If the Senator will permit me to finish my question, then I will be glad to have him make such explanation as he deems necessary, if any is necessary. I am moved to ask the question on the theory that probably a fair investigation of the subject would show that some of the tubes ought to be abandoned in some of the cities, possibly some in New York, and that some should be retained in New York and perhaps in some of the other cities. I want to know whether in the Senator's investigation he has reached the conclusion that all of the tubes now in use ought to be continued, or whether some of them ought to be abandoned and some of them still used?

Mr. WADSWORTH. Mr. President, of course, I am not familiar with the details in the other cities, nor do I boast of the least iota of knowledge as to the city of New York, for I do not live there. Incidentally I may say in the presence of the Senator from Washington that where I live my mail comes by rural delivery; but, so far as I am concerned, I am of the belief that the people of the city of New York are entitled to service just the same as the people who live on the rural routes. The people of the city of New York are asking that this service be maintained, and really they are asking that it be extended.

I would not hesitate so much at leaving this matter in the discretion of the Postmaster General if I were convinced that he had an open mind on it; but before this commission started its investigation he had already commenced his attack upon pneumatic tubes. The commission went into this investigation knowing what their chief wanted; and since the investigation has been made and the report submitted to the Postmaster General, and by him sent to the Committee on Post Offices and Post Roads, the Postmaster General has had a conversation with the Senator from Mississippi [Mr. VARDAMAN], which the Senator was good enough to relate in his speech of yesterday, and I read it from the RECORD. This is from the speech of the junior Senator from Mississippi [Mr. VARDAMAN]. He says:

> In conversation with the Postmaster General about this matter he said to me with great earnestness that if he had the power to act for the Government he would abandon the use of the tubes, even if the stockholders were to deed the entire system to the Government.

That is why it is essential that the people of the city of New York secure favorable action by the Congress directing the Postmaster General to continue the service.

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

Mr. WADSWORTH. I yield to the Senator from Missouri.

Mr. REED. The Senator from New York has very earnestly criticized the department for making a report as to the use of automobiles based upon a two days' test in New York City. I want to ask the Senator if it is not a fact that the Post Office Department in New York City constantly employs large numbers of automobiles in doing that part of the business which is not carried through the pneumatic tubes?

Mr. WADSWORTH. Of course, Mr. President, the Post Office Department does carry a great amount of mail in the city of New York now by automobile trucks.

Mr. REED. It carries the majority, the greater part of it, does it not?

Mr. WADSWORTH. Does the Senator refer to first-class mail?

Mr. REED. No; I refer to all classes of mail.

Mr. WADSWORTH. Necessarily, Mr. President, the Post Office Department must carry the great majority of the mail in the city of New York by automobile trucks, because the tubes have not been extended to reach the different sections of the city.

Mr. REED. I am not now speaking of the reason. I thought the Senator sought to leave the impression upon the minds of the Senate that the Post Office Department knew nothing about the use of trucks in New York City except what it had learned by virtue of a two-day experience, whereas the fact is that for many years and all of the time the greater part of the mail of New York City has been carried by trucks, and therefore the department is already in possession of that experience. A report based upon that kind of knowledge is a very different thing from a report based merely upon a two-day experiment, and that, unfortunately, in the month of July, which the Senator seems to think a very unfair month.

Mr. WADSWORTH. Mr. President, the experiment which these gentlemen made was in the carrying of first-class mail in competition as to speed, regularity, and reliability with the pneumatic tubes.

Mr. REED. Does not the Senator think that all their other experience in carrying other mail for years would naturally and necessarily enter into their final judgment in making a report?

Mr. WADSWORTH. Mr. President, I should answer that perhaps in two ways. In the first place, they did not claim that their experience was sufficient. In the second place, presumably they made their test with the automobiles to find out whether the first-class mail could be carried over the same route as is now traversed by the tubes, in the same period of time, and with the same regularity. They knew nothing about it before they went there, and they spent just two days in finding out whether the automobile trucks could go from the general post office to Forty-second Street quicker and with a greater degree of regularity than the pneumatic tube could carry the letters.

Mr. REED. Yes; but, nevertheless and notwithstanding all that, if a man had been engaged in carrying vast quantities of mail by automobile, if he knew the traffic conditions of New York City winter and summer, snow and no snow, and, being in possession of that knowledge, he then sought merely to arrive at a test with reference to one particular matter, he would be acting from a very different standpoint as to knowledge than would the man who had not been engaged in the general business; and I think the Senator's presentation of that matter ought to be supplemented by the statement which has now been elicited.

Mr. WADSWORTH. Mr. President, I can not agree to the assumption of the Senator from Missouri that these three gentlemen knew all about the weather conditions of the city of New York and the class of traffic there before they arrived.

Mr. CLAPP. Mr. President, it is not my purpose to detain the Senate for any length of time. I simply wish to say a word in regard to the pending motion.

I have always been a friend and champion of the extension of the Rural Free Delivery Service, to the end that the people who live out in the country might be the better served by the postal system, and one reason why I have done that has been that it affected them in a peculiar way. The figures show that there has been a decrease of insanity of 42 per cent among the agricultural sections since the introduction of the Rural Free Delivery System. It has broken in upon that long and dreary winter that so many people had to endure, far from neighbors and centers of population.

I am one of those who have no hesitation in saying that there is no excuse on earth for government unless it advances the moral and material and physical welfare of those who form the association. Applying this same rule, it seems to me that there is no answer to the proposition of continuing the pneumatic-tube system in our great cities. It may be that it is continued now at too great a price. I am not prepared to pass upon that question. It may be that we are paying more than we ought to. If we are, then we should ascertain that fact, and reduce the expense. Personally, I believe that the system should be owned by the Government, just as the other accessories and instrumentalities are owned by the Government.

But, Mr. President, it requires no statistics, no opinion of experts, to satisfy me that we should not do anything to increase the congestion in these great centers of population. I regret the building up of them, as every student of history must regret it. They are, ever have been, and are to-day a menace to our institutions. It is unfortunate that our people gather in these

great, vast centers, numbering millions of people; but it is a condition that confronts us. They seem bound to do this. So these great centers gather and grow, and in these great centers every effort is being made to lessen the amount of traffic or to prevent the growth of more traffic upon the surface of the streets. They are building their subways and their overhead railroads, and the same spirit which would prompt me to support a system of rural free delivery in the interest of the people of the country from which I come impels me to support a system in the interest of the welfare of the people of these great cities.

We all know—and it is no reflection upon the men who conduct these trucks—that there is a certain sense of power coming to the man who is running a great mail truck in a city. He is a part of a great government. We are so constituted that we can not have great power vested in us without more or less responding to the sense of that power. Even in the city in which I live—and it has not yet reached the condition of congestion of some of the larger cities—the one truck above all others that the man has to guard himself against on the streets is the mail truck. When these cities are trying, by overhead means and underground means, to lessen the traffic that results in the toll of death that the figures show is gathered in some of these cities, it requires no effort on my part to support a motion to continue these tubes. I do not know who the stockholders are, or who the directors are, nor do I care. I do care, of course, if they are getting too much; but that is a question that is a subject of separate and independent regulation.

Mr. President, I, for one, in the same spirit which has prompted me in the past to support the extension of the Rural Free Delivery System for the people in the country, conducing to their interest and their welfare and their upbuilding, shall support a measure that lessens the toll of human life in these great centers of population.

Mr. POINDEXTER. Mr. President, there have been one or two inquiries made with regard to the ownership of these different pneumatic tubes in the five cities in which they have been installed. On page 1573 of the CONGRESSIONAL RECORD of January 15, 1917, there is a list of the stockholders of the American Pneumatic Service Co. That is the trust or holding company which controls the several local companies that operate the tubes in each one of the cities with the exception of Philadelphia. The local company in Boston is the Boston Pneumatic Transit Co. In New York it is the New York Pneumatic Transit Co. In Chicago it is the Chicago Postal Pneumatic Tube Co. In St. Louis it is the St. Louis Pneumatic Tube Co. The central control is in Boston, operated through the American Pneumatic Service Co.

I am informed, although I have not had a chance personally to investigate it, that above the American Pneumatic Service Co. is the Lamson Co., which controls the American Pneumatic Service Co., and through them the various local companies. In the report of the post-office officials who investigated very thoroughly the merits of the pneumatic-tube service and the advisability of abandoning it in whole or in part, dated October 13, 1916—and the Senator from Massachusetts said that there had been no adverse report upon this proposition since the report of a congressional committee headed by the Senator from Georgia—there is this most thoroughgoing report of post-office men—Joe P. Johnston, J. C. Koons, W. S. Ryan, and I. T. Mullins—recommending the abandonment of nearly all of the pneumatic-tube service. In that report there are a number of appendixes in which are contained letters from these various local companies that I have named, from Boston, St. Louis, and Chicago, from which it appears, showing the common control of all the companies, that William H. Ames, of Boston, is president of all of them, and that Merton L. Emerson is the manager of each one of them.

In Philadelphia the pneumatic-tube mail service, which has the contract with the Government, is not directly controlled by the American Pneumatic Service Co. In Philadelphia the title of the company is the International Pneumatic Tube Co.

In the concluding pages of the report of the Post Office Committee to which I have just referred there is a list of the stockholders of this Philadelphia local company, the International Pneumatic Tube Co., from which it appears that Mr. J. E. Milholland, of New York, owns 84,000 shares of the common stock of that company and is by far the largest stockholder of those who are listed there. While I have not the data at hand, I am informed that Mr. Milholland is also a large stockholder in the New York Pneumatic Tube Service Co., which is a subsidiary of the Boston company, the American Pneumatic Service Co. So there at least is a connection between the Philadelphia company and this central Boston company, which controls the St. Louis, Chicago, New York, and Boston local companies.

Among the stockholders of the Boston company I find the following. I will give just a few of the principal ones, as showing the locality of the control of the company: There are Samuil Alland, of Boston, who owns 1,000 shares of preferred stock and 400 shares of the common stock; Oakes Ames, of Boston, who owns 1,610 shares of the preferred stock and 503 shares of the common stock; William A. Bradford, of New York, 525 shares of the preferred stock; Bright Sears & Co., of Boston, who own 995 shares of preferred stock and 3,027 shares of common stock; Blodget Co., of Boston, 222 shares of preferred stock and 725 shares of common stock; Clement Parker & Co., of Boston, 1,245 shares of preferred stock and 995 shares of common stock; Harold E. Corey, of Newton, Mass., 1,100 shares of preferred stock; Curtis & Sanger, of Boston, 397 shares of preferred stock and 1,217 shares of common stock; Hayden, Stone & Co., of Boston, 10,812 shares of preferred stock and 7,305 shares of common stock; Henry C. Jackson, of Boston, 1,200 shares of preferred stock; Pettigrew, Bright & Co., of Boston, 1,335 shares of preferred stock and 1,450 shares of common stock; Paine, Webber & Co., of Boston, 3,807 shares of preferred stock and 717 shares of common stock; Henry Raynes, of Lowell, Mass., 1,000 shares of preferred stock; John Shepard, jr., of Boston, 1,283 shares of preferred stock and 1,385 shares of common stock; Townsend, Anthony & Tyson, of Boston, 2,670 shares of preferred stock and 145 shares of common stock; Tucker, Anthony & Co., 1,235 shares of preferred stock and 5,422 shares of common stock; H. C. Waimwright & Co., of Boston, 1,912 shares of preferred stock and 1,571 shares of common stock. Those are only a few of the principal stockholders contained in that list.

Mr. WEEKS. May I ask the Senator what inference he intends to draw from that recital of the names of stockholders?

Mr. POINDEXTER. The inference I intended to draw was that the pneumatic-postal service was under the control of the Boston company and Boston people.

Mr. WEEKS. Let me suggest to the Senator that very many of those names that he has read are Boston brokers. As I stated to-day, there is no dividend paid or ever has been on the preferred or common stock of this company. It is customary under such circumstances, where a broker buys and carries for his customer, to transfer the stock in the broker's name, because it is a good street delivery, while the name of the private individual might not be. In the case the Senator has stated, he would not transfer what was to be used as collateral in a bank; and as no dividends are paid in this case there is every reason why the stock should be in the name of brokers. Very frequently those certificates are out of the hands of the brokers, held by the owners, but held in the broker's name, because they are a street delivery. The recital of the names the Senator has read does not mean that they own the stock at all.

Mr. POINDEXTER. It means that the stock is listed in their names, and I read it in connection with the statement that the holding company is owned in Boston. The president of all these companies is president of the company, and the same individual is the manager of all of the local companies.

Mr. WEEKS. That is true. There is no disputing that.

Mr. THOMAS. Mr. President——

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

Mr. POINDEXTER. I yield.

Mr. THOMAS. Can the Senator give the aggregate capitalization of these companies with the holding company?

Mr. POINDEXTER. I can not offhand. I will furnish it to the Senator.

There is one other comment that the Senator from Massachusetts made in regard to the increase in the appropriation for automobile trucks to $400,000 which, as I undestood it, he stated was intended to take the place of the pneumatic-tube service which was to be abandoned. I am informed that that is not the case at all, that that is not the purpose of this increase. The increase is found in the item of $5,965,000, on page 15 of the Post Office appropriation bill, and the purposes for which that amount is appropriated are stated as follows:

> For vehicle allowance, the hiring of drivers, the rental of vehicles, and the purchase and exchange and maintenance, including stable and garage facilities, of wagons or automobiles for, and the operation of, screen-wagon and city delivery and collection services, $5,965,000.

It is the normal increase which is contained in every Post Office appropriation bill from year to year for the increased automobile delivery service of the year, principally in those cities where the Government owns its screened automobile wagons; and as the business is constantly increasing, of course there is increased need for these wagons. Nor is it confined to those cities only where the Government owns the wagons, but it applies to all increases throughout the entire country. So as to

the assertion or argument made by the Senator from Massachusetts that the Postmaster General proposes to spend $400,000 for a portion of the pneumatic-tube service which is to be retained, and $400,000 for this increase in automobile wagon service, which will be made necessary by the abandonment of the pneumatic-tube service, making $800,000, a greater amount than the $600,000 which the Postmaster General says in his letter he will save. The fact of the case is, as already stated, that the increase for automobiles is not occasioned by, and has no connection except in a very small degree with, the abandonment of the pneumatic-tube service, and the saving of $613,000 the Postmaster General estimates in his letter will be saved from the abandonment of the entire pneumatic-tube service, and not only from a portion of it. So there will be no $400,000 under that plan for continuing a portion of the pneumatic-tube service.

There is a committee of the Post Office Department investigating this matter in New York now. My information is that the conclusions at which they have arrived are far more unfavorable to the pneumatic-tube postal service even than this report which had previously been made, in which it was suggested, as pointed out by the Senator from Massachusetts that the service below Forty-second Street in New York should be retained. I am informed from the Post Office Department that this committee of the department was sent there because of the thousands of *complaints* that have been received by the Post Office Department from cities surrounding New York, from Philadelphia, Boston, and other cities on account of the unreasonable delay in the receipt of the mail from New York, and cases are being cited in which mail stamped at 6 o'clock p. m. in New York was not received in Philadelphia, the city of the addressee, in time to be delivered on the first delivery in the morning mail, and upon an investigation into this condition, which was growing general or very extensive, the opinion of the experts of the Post Office Department is that it is due to the inefficiency of the pneumatic-tube service.

Mr. BANKHEAD. Mr. President, I intended to discuss this measure at some length, but I feel now that it is entirely unnecessary. I think, perhaps, all has been said that can be said for and against the amendment, and I am entirely willing, so far as I am concerned, to leave the matter with the Senate.

I wish to ask the Secretary to read as a part of my remarks a part of the testimony of the superintendent of street traffic in the city of New York, which was given before the Post Office Committee at its recent investigation. I ask the Senate to listen to it, and then, if they are willing to discontinue these tubes, the blood of those people will be on their hands. I ask the Secretary to read what has been marked.

The Secretary read as follows:

Now, gentlemen, may I add this: I believe that if to-day the proposition was submitted to the people of the city of New York to pay for, by popular subscription, the discontinuing of the present motor mail truck and a substitution of service by tube, that you would have within 24 hours ten times the money that would be required to pay for it, and I would be one of the first subscribers, because I have two little children, and they use the streets of the city of New York, and I know what it means.

If you gentlemen could have seen the pictures that I have seen on the streets of the city of New York: A mother running in the street and picking up the mangled form of her little child, its life crushed out by a mail truck, carrying it to the sidewalk, with blood trickling down over her dress, and the confusion—that is not one day, but every day in the year. Every 14 hours of the day a life is crushed out, and every 23 minutes some one is injured.

Now, I would consider, having had the opportunity to come down here and lay this before you gentlemen, that I would have been derelict in my duty if I didn't come down here and do it, because I know what is going on. I know the street slaughter that is going on, and I know what the truck means to the traffic in the city of New York. I do not want the blood of 281 innocent children crying to me and saying, "Inspector, you didn't tell the Senate Committee on Post Offices and Post Roads the actual conditions of traffic in New York City."

Thank you, gentlemen.

Mr. VARDAMAN. Mr. President, it strikes me that the evidence is about all in, the argument of counsel has been heard, and I presume the jury is ready to take the question under consideration and render its verdict. I am going to consume but a moment of the precious time of the Senate this afternoon, but I trust I may be indulged the privilege of saying that my information upon this question has been derived almost exclusively from the investigation made and the testimony given by the representatives of the Government in the Postal Service. I heard a great many of the resident citizens of the cities interested in the tube service testify. Their testimony was of striking similarity, all tending to establish one definite fact and reach a common conclusion. Of course, I understand the motives that would naturally move gentlemen, situated as they are, in giving testimony upon such a subject. Without imputing to them improper, selfish, or sinister motives, Senators will understand as well as I do the state of mind, or rather the attitude of mind, with which they would naturally approach the question at issue. In judging my fellows it is my custom, until the contrary is shown, to indulge the presumption that they are doing that which is right, actuated always by lofty and proper motives. For that reason I do not approve the reflection or veiled imputation that has been made by certain Senators upon the acts of the representatives of the Government in the Post Office Department, who have, in my judgment, earnestly and honestly investigated the subject involved in this controversy and given as a result of that investigation to the Congress and the American people an intelligent and patriotic conclusion. The able and versatile, distinguished Senator from Illinois [Mr. LEWIS] seems inclined to throw the mantel of charity around the Postmaster General for his part in this investigation. If he does not state it in definite terms he intimates that the Postmaster General is the victim of deception; that the automobile dealers, who have machines to sell to the Government, have imposed upon the subordinate officers of the Post Office Department by leading them to believe that the automobile could accomplish a service which in fact it can not accomplish, and the officers or employees of the Government have in turn misled the Postmaster General to an improper determination. With all due respect to my distinguished friend, the able Senator from Illinois [Mr. LEWIS], I question the ingeniousness of his criticism. There are few crimes more regrettable in the life of a public servant than that of credulity. It strikes me that the honorable Postmaster General will acknowledge a very slight debt of gratitude to the generous Senator for his valiant defense, or perhaps I should say, apology. My good friend, the very able and always courteous Senator from Massachusetts [Mr. WEEKS] has deviated somewhat from his usual course in debate. I thought the Senator was very unhappy, really unjust, in his statement criticizing the commission appointed to investigate the tube system when he said that the commission had delayed in making its report and gratuitously aspersed the character of the members of that commission by intimating that an investigation would not be out of place. Mr. President, it is a weak cause, aye more, I fear, an unworthy cause, that must be bolstered up by "damning with faint praise" or aspersing with innuendo the character of those who oppose it. I think the report of that commission stands for itself. The question of conscientious and faithful service on the part of the members of the commission needs no defense at my hands. The honorable Postmaster General, whose long service to the Government, his distinguished ability, and honorable station in official life in this city calls for no defense or apology from me. I believe these officers have done their duty. Their work is characterized by intelligence, fidelity, promptness, and loyalty to the right. I believe in them personally, I have faith in them officially, and I shall manifest my confidence in the correctness of their conclusion by voting against the amendment proposed by the committee.

Mr. REED. Mr. President, I shall have very little to say about this matter, but I am unwilling that certain statements that have been made should go unchallenged. We are told that if the pneumatic-tube service in New York City is discontinued, the mails of the country will no longer be able to be handled in New York; and the impression is sought to be created that the abolition of the tube system will be in the nature of a complete revolution affecting all the mails. The fact of the matter is that at the present time there is only 12 per cent of the mail of New York City handled through the tubes.

Mr. VARDAMAN. Five per cent.

Mr. REED. The Senator from Mississippi, who has given this subject great attention, tells me I am in error, that it is only 5 per cent.

The second proposition is that one which is backed by the tearful and pathetic appeal of the commissioner of traffic in New York City, which is read here for the purpose of creating the impression that if we abolish the pneumatic-tube system in New York City the streets of that great metropolis will be crowded with automobiles running at 40 or 50 miles an hour, destroying men, women, and children; and this amiable and tearful gentleman comes down here and says it is his duty to appeal on behalf of the women and children.

What are the facts? If we abolish the system in New York City, it would put on the streets of New York City just 30 additional Ford cars. You could put 30 additional Ford cars on any three blocks in New York City and not know they were there. That sort of argument is utter rot; it is something worse than rot; it is slobber; and yet it is put forward here as though it were a controlling fact, and that by it the Senate should guide itself. It is the cheapest kind of demagogery, and it ought not to be indulged in here.

I am not prepared to say, with the light I have, that the pneumatic-tube system should be abolished. If that question were presented alone, I might hesitate about my vote and might

desire further light, particularly with reference to such cities as New York; but, Mr. President and Senators, that is not the question presented. I feel confident if these empty seats could be filled and Senators could be induced to consider the facts I am about to mention, there would be no chance for this particular amendment to be adopted.

The Pneumatic Tube Co. came here in 1902, and at that time an act was passed which provided for an investigation. That investigation appears never to have been made until within the last few months. Nevertheless the company hold their contracts, and they have enjoyed the emoluments and profits thereof from 1902 to the year of grace 1917.

It is admitted upon all hands, I will say by way of preliminary, that the price we are paying is probably too high; but what are the propositions? The first one is that we must renew these contracts. There is no discretion left to the Postmaster General to bargain for a lower price. If the Postmaster General could secure this work to be done for one-half the present price, and if that would be a fair price, there is under this amendment absolutely no discretion left in him to secure the benefit of that reduction for the country. You will search far to find any other law that has ever been proposed which compels the head of a great department to pay absolutely the price that was fixed by his predecessors 15 years ago and which absolutely commands him to pay the same price now without right of contract. I am somewhat surprised to find a clause of that kind put into any bill.

Mr. BRYAN. Mr. President, will the Senator permit an interruption?

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

Mr. REED. I do.

Mr. BRYAN. Of course, the Senator realizes that there is only one concern doing this work, and that, therefore, there is no need to let contracts and to ask for bids. As I understand, I will say to the Senator, who was not present during much of the discussion of the pneumatic-tube proposition, the reason there is no need to advertise for bids is that only one company can bid.

Mr. REED. I have not spoken of the advertisement for bids; but does the Senator claim that because this concern is a monopoly we must therefore waive the poor privilege of asking it to reduce its price?

Mr. BRYAN. I do not.

Mr. REED. Or of saying to it, "If you do not reduce your price, we will discontinue the service"? Does the Senator think we ought not to be in a position to bring some pressure in order to get a better price, because, forsooth, this blessed institution is a monopoly? Certainly the Senator does not mean that.

Mr. BRYAN. No. If the Senator will allow me a chance right there, I will tell him why I think the provision in this bill is as it is. The other House authorized the expenditure of this appropriation for continuing the pneumatic-tube service. The Senate committee was informed that notwithstanding the House language it was the intention of the Postmaster General not to spend the money at all. The Senator from Missouri realizes that we are limited in choice to one of two propositions—not to have the service at all or to pay the price that has been paid—because, if the Postmaster General and this company were left to negotiate as to the price, the Postmaster General will not offer them any price. If that statement is correct, he will get along without the service altogether.

I think the Senator can understand that. I say this in defense of the action of the committee. As I have already said, I do not feel sufficiently familiar with this whole subject to express a very positive opinion about it.

Mr. REED. I can understand the position the Senator takes; and yet let us analyze it for a moment. It is this: This company has a monopoly of pneumatic tubes. The Postmaster General represents the Government, which is the sole bidder for that service. So you have one institution alone that can furnish the service and one customer for that service. Now, it would seem to me that, if Congress were to say to the Postmaster General, "We appropriate a certain amount for a certain service, which shall be expended in that service," that would be going far enough; but you go further than that; you say he shall pay the absolute price which is now fixed.

Now, suppose the Senator from Florida was the proprietor of the pneumatic-tube service and anxious to have it continued and extended, and suppose there was no other person in the world who could furnish it, and suppose I was the Postmaster General, and there was nobody in the world who could take that service except the Government through me. Under those circumstances, with a threat impending that the service might be hereafter abolished, I think the Senator, as the proprietor of this system, would be very likely to come to me and endeavor to make a bargain on such terms as would enable him to continue his service in the years to come. The freedom of bargaining ought to be left, but this bill takes away my discretion and absolutely assures to the Senator, in the illustration I am using, the price he is now receiving. I repeat that we can not find in all the legislation of Congress, in my opinion, a proposition like that.

Mr. BRYAN. Mr. President, I think the Senator is hardly fair to the committee. Here is the situation: A contract was entered into for a term of years and extended once by act of Congress. The rate to be paid was fixed by a commission, the contract was drawn and signed. It has now expired. The Postmaster General not desiring to renew not only that contract but any contract at all, the committee decided that it was best to continue the service for another year, and in the meantime to have a commission view that property with the idea of buying it and the Government owning it. Unless we leave the contract as it exists to-day in effect for the next year how are we going to force any contract at all? How are we going to continue the service at all? It seems to me, in other words, that the committee is limited and the Senate and Congress are limited either to extending the contract as it exists to-day or not to have the pneumatic-tube service continued; but if that be not the fact, and the Senator can suggest any plan by which the service can be continued for a year, making it compulsory for the department to continue the service, he may write his own terms, and I think they will be acceptable to the committee.

Mr. REED. Undoubtedly the committee could have put in a provision, since they are going to deal through a commission anyway, that the Postmaster General should continue this service and should pay for it such a sum as the commission should ascertain to be just and reasonable, not, however, exceeding the present contract price. That would have given the Government of the United States some chance to readjust these extortionate charges, whereas the committee's proposal absolutely compels the payment of the present price.

Mr. BRYAN. Well, let us see if that can be done.

Mr. REED. Certainly it can be done.

Mr. BRYAN. Hardly, I think, because the commission, within the time that now remains between this and the 1st of July, could hardly arrive at a conclusion. Perhaps if the Senator were on the commission he could do so; but this commission is being created for the purpose of valuing the property.

Mr. REED. I am not talking about valuing it; I am talking about making a bargain for the next year; and I undertake to say that a new bargain can be made with this pneumatic tube company in 10 days' time. They are practically forced to come to an agreement.

Mr. BRYAN. How would the Senator word the law so as to require the Postmaster General to continue the service and enter into a contract now, conceding that he will not sign a contract unless he is required to do so, and that he will not continue the service unless he is required to do so?

Mr. REED. This is hardly the time or the place to draft the phraseology of such a law; but I can frame it now on my feet.

Mr. BRYAN. Very well.

Mr. REED. We could make such a provision as this: "The Postmaster General shall continue the present tube service and shall pay therefor such sum as may be fixed by a commission appointed"—specifying the manner of its appointment, and so forth—"*Provided, however*, That in no event shall he pay a greater sum than the present contract price."

Mr. BRYAN. A commission fixed the present price, I will say to the Senator. The Postmaster General did not fix it. The price was fixed, I believe, by a commission appointed by Congress.

Mr. REED. How long ago—15 years?

Mr. BRYAN. I suppose so.

Mr. REED. Yes.

Mr. BRYAN. Then there was another commission.

Mr. BANKHEAD. I think the contract was made 10 years ago.

Mr. BRYAN. I am not familiar with it, but I think there has been only one contract made, and there have been extensions of it.

Mr. REED. Mr. President, I have spent enough time to make that point plain, so far as I can make it plain; but I repeat that the committee provision absolutely ties the hands of the Postmaster General and of the Government and forces us to pay the price this company is now exacting, and that in the face of the fact that it seems to be the general opinion upon the floor that the present price is too high.

Now I call attention to the second proposition embraced in the amendment. Mr. President, it is certainly a mooted question whether or not the pneumatic-tube service is of general benefit. The Post Office Department, after an investigation, has reported that it is not a useful or beneficial device, taking into consideration the price paid.

It has been argued that the Post Office Department did not make a fair investigation. That, of course, impugns the integrity of the department, the fairness of the department, the common honesty of the department; and it is a very serious charge for any Senator to bring against an officer of the Cabinet; but let us assume that that is true; let us assume that there never has been a real investigation upon which Congress can rely; then the question is an open question. We find certain gentlemen asserting that this system is indispensable; we find others asserting that it is of no value which will warrant us in continuing it; yet, with the question untried and undetermined—for I am assuming now that we throw out the evidence of the department—it is not proposed here to investigate whether we ought to continue the system; it is not proposed we have a trial and ascertainment of that fact and then, in the light of the facts thus developed, to purchase the system or to throw the system out. That is not the proposition; the proposition is, in the absence of investigation, in the absence of the ascertainment, to prejudge the case and commit the Government absolutely to the purchase of this system.

Under the amendment as it is now drawn, we come to this: The monopoly—and I do not use the term in an offensive sense, but simply to describe the condition—if this legislation is passed, gets two things: First, absolutely a renewal of its contract at the present contract price. Second, an absolute assurance that the Government will buy. And the only thing that remains as a matter of discretion is the question of value, and that is to be ascertained by the commission.

Is that a way to conduct the Government business? I repeat, for I want to enforce it if I possibly can upon the minds of Senators, that if you throw out the opinions of the department, if you throw out the investigation they made, then you have the question in this shape—that certain citizens are asserting that this system of pneumatic tubes is very essential, the department asserting that it is not essential and not beneficial. The case, therefore, is open and undetermined; and yet, with the record in that shape, it is proposed to absolutely commit Congress to the purchase of this system!

What would be the fair and proper course? It would be to draw this amendment so that an investigation should be had. That investigation should cover two questions: First, Is the system desirable? If that question is answered in the affirmative, then, having been answered in the affirmative, the next question of ascertainment should be its value. But to foreclose that, to prejudice that, to say that the system shall be purchased——

Mr. BANKHEAD. Mr. President——

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

Mr. REED. I yield.

Mr. BANKHEAD. I should like to ask the Senator from Missouri what he would do with the tubes and the tube system while this investigation was going on.

Mr. REED. That is quite another question. I discussed that a few moments ago.

Mr. BANKHEAD. Yes; I know it is another question, but it is a very pertinent one.

Mr. REED. I discussed that in the absence of the Senator. I said that, if it was deemed necessary, you could provide for the continuance of the use of the system, but that you ought not to debar the Government of any chance to bargain—any chance to try and get a lower price—and compel the Government absolutely to accept the price now fixed in the contracts.

Now, there is not any mystery about this.

Mr. BRYAN. Mr. President——

Mr. REED. Just let me finish my answer and I shall be glad to yield. There is no mystery about this—not a bit. It is about as plain as the nose on a man's face, where he has a good-sized nose. What is it? If we were dealing here for private parties, what would we do? We might say to our authorized agent, "Yes; continue the tube system"; but if we were empowered as the Government is empowered in this case we would never say, "Continue it at the present contract price" unless we knew that that price was one advantageous to us. We would create some sort of tribunal to fix the price, we fixing a maximum beyond which that tribunal could not go. Thus we would save whatever advantages can be saved by this bill, and we would also have whatever advantages might come from a favorable decision. Second, if we did not know whether the system was a good one or a bad one, whether it was desirable or undesirable—if that was a mooted question we would never think of binding ourselves to buy it until we had determined first whether it was a thing we ought to buy; and yet that is exactly what the committee's amendment does.

Mr. BRYAN. Mr. President, that statement is the statement that brought me to my feet. This amendment, I suggest to the Senator, does not commit the Congress to purchase this tube system. The Senator says that we are here binding Congress to buy out this system. I deny that. I say that it is simply a provision for an investigation and report as to the value of the tube system; and when that report comes back, then is the time for Congress to decide whether or not we will purchase it. I think the Senator will concede that much.

Mr. REED. I do not. I will read the language.

Mr. BRYAN. Does the Senator claim, then, that by the adoption of this amendment Congress is bound to buy this tube system?

Mr. REED. I mean to say that this amendment plainly and unequivocally commits us to the policy of purchase.

Mr. BRYAN. To the policy of purchase?

Mr. REED. Yes.

Mr. BRYAN. Does it commit us to the purchase?

Mr. REED. Of course, a future Congress could refuse to carry it out.

Mr. BRYAN. Does it commit this Congress to the purchase of the system?

Mr. REED. Not irrevocably.

Mr. BRYAN. Does it commit Congress at all to the purchase?

Mr. REED. I think it does. I shall read it.

Mr. BRYAN. Well, it either does or does not—one of the two.

Mr. REED. There can not be any difference of mere language between the Senator and myself.

Mr. BRYAN. No, Mr. President; it is rather an important thing, because the Senator——

Mr. REED. I unqualifiedly say that if we adopt this amendment it will not force a future Congress to take this system; but I say that this amendment is a step in that direction and plainly points to the intent and purpose to commit Congress to that kind of policy.

Mr. BRYAN. That is a very different statement from the Senator's first statement.

Mr. REED. That is just the statement I have been making, and the RECORD will show that it is the statement I have been making. It reads:

Provided further, That a commission consisting of three members of the Committee on Post Offices and Post Roads of the United States Senate, to be designated by the Vice President, and three members of the Committee on Post Offices and Post Roads of the House of Representatives, to be designated by the Speaker of the House, is hereby authorized and directed to investigate the value of the pneumatic-tube service, their properties, franchises, and other equipment, with a view to the purchase and operation of the same or any portion thereof by the Government—

"With a view to the purchase."

Mr. MARTINE of New Jersey. Mr. President, that certainly can not compel Congress to purchase.

Mr. REED. Oh, it does not compel Congress to do it until the contract is signed.

Mr. MARTINE of New Jersey. I might go to Missouri to look at the farm of the Senator with a view to purchase, but that does not imply that I would be obligated to purchase.

Mr. REED. No, sir; but if the Senator already occupied my farm, and if he came to me and said, "I want to appoint a man in connection with you to fix the value of this farm with a view to my purchasing it," I would understand the Senator to mean that he was going to take that farm at the value fixed, and that I was to sell it.

Mr. MARTINE of New Jersey. Well, I would not understand it that way at all. I would understand that my agent, whoever he might be, that conferred with the Senator, would report back to me. The proposition as proposed by the Senator from Missouri to my agent for the purchase of his farm might not be compatible with my ideas or my purse at all.

Mr. REED. Ah, but the Senator misses the point.

Mr. MARTINE of New Jersey. I do not, I think, at all.

Mr. REED. Of course, the farther East we go, the less we are bound unless the contract is solemnly sealed and recorded.

Mr. MARTINE of New Jersey. Oh, no.

Mr. REED. But out West, out in the country where I come from, if I were to say to the Senator: "Do you want to buy my farm? We will appoint a man to fix the value, and when that is done we will have it done with a view to the sale," I would feel in honor bound to transfer the farm.

Mr. MARTINE of New Jersey. I repel that theory. I insist that the morals of the West are no better than the morals of the East. We will stand with you on that question at any time.

Mr. REED. Yes; but you do business in a little different way. I know your morals are all right.

Mr. MARTINE of New Jersey. We do it just as squarely, and we pay for what we get.

Mr. REED. But, Mr. President, we need not discuss the morals of New Jersey or Missouri.

Mr. MARTINE of New Jersey. No; and I did not bring in the moral question. The Senator brought in the moral question.

Mr. REED. But I say that any man who will read this language, and read it fairly, is bound to say that if the law is passed in this form two things will result. First, we will renew the contract of this company at the present price without any power or discretion left in the Postmaster General to get a better price if he can. Second, having renewed that contract, we will have created a commission to ascertain the value of these properties—and now I quote—"with a view to the purchase and operation of the same * * * by the Government." That plainly means and implies that we are now committing ourselves to the policy of purchasing that property. The ability to withdraw exists, and will continue to exist until the Government actually passes the money.

Mr. POINDEXTER. Mr. President——

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

Mr. REED. I do.

Mr. POINDEXTER. I agree with the Senator from Missouri in the construction he puts upon that part of the amendment, and call his attention to what must be admitted by everybody—that this commission will have no authority to report back to Congress upon the advisability of the purchase. There is no discretion of that kind vested in them at all.

The only power that the commission would have would be to ascertain the value of these properties with a view to purchase by the Government. In other words, the statute commits the commission to that policy in its very creation and regards it as so much of a policy already adopted, if this amendment is agreed to, that we appropriate $25,000 to pay the expenses of the inquiry for the purpose of ascertaining the value.

Mr. REED. Oh, of course.

Now, Mr. President, I have just one word further to say. I utterly repudiate and repel the idea that the findings of the commission that has already reported with reference to the pneumatic-tube system are to be thrown out and disregarded because the Postmaster General who appointed the commission himself had an opinion with reference to the value of these tubes. Of course, any Postmaster General is very likely to have an opinion with reference to the value of any part of the service. That is very natural, and he may have expressed that view; and if he had served upon the commission it would be well understood that he went upon the commission with the case prejudiced. But the Postmaster General appointed three experts to examine this question, and now it is asserted that their opinion is of no value because the man who appointed them had a particular opinion.

Now, I do not like that kind of innuendo. If the Senator from New York were the governor of that State and were called upon to appoint a commission to ascertain the facts with reference to any matter I should hate to believe that because he had an opinion he would pick a commission composed of such arrant scoundrels that they would report that which they believed was not the fact simply to please the supposed governor of New York. I should imagine that if the Senator from New York, being charged with the responsibilities I have mentioned, acting under the authority of law, were to entertain an opinion, no matter how positive it might be, nevertheless, in the selection of any commission to pass upon a question of fact, he would pick men of good judgment, of good morals, and good fiber, and that as an honest man and as a sworn public official he would allow them to proceed and render a verdict in accordance with the facts; and being charged with the duty of appointing the commission, if the fact that he had an opinion would bar him from appointing the commission, then a commission never could be appointed by any man who had an opinion.

The Senator from New York is generally a very fair man, and I hardly think he wants to leave the record in the shape that it now is; for his remarks amount to the bald assertion that because the Postmaster General himself has an opinion with reference to the utility of these tubes, he either selected a set of men with the particular object of finding men who agreed with him in advance, and thus violated his moral obligation to the Government, or, having selected these men, he interfered with the freedom of their judgment and thus violated his moral obligation to the Government; and it embraces a third proposition—that the three men themselves should be of that knavish and contemptible character which would make of them mere tools for a designing Cabinet officer who had willfully violated his moral obligation to the Government.

That is a pretty serious sort of charge for any man to make, and to make without any evidence whatsoever save the mere naked suspicion that a man, having an opinion himself, would therefore pick men, not to decide honestly, but to carry out his own prejudice.

Mr. President, it seems to me that the House left this bill in a proper enough shape. If it is enacted as the House sent it to us, the appropriation will be made, and I have no doubt that the Postmaster General will proceed to carry out the will of Congress and spend the money in the manner and form provided by Congress. I am in thorough accord with the idea of investigating this service further and ascertaining whether it will be of real value to the country, but I am utterly opposed to fastening this contract upon the country by law and committing Congress to the policy of purchasing that which may or may not be of use, and to do that in advance of any investigation.

Mr. SHERMAN. Mr. President, I presume the Senate is anxious to vote as soon as practicable, and I do not wish to unnecessarily take time. There are some considerations involved in the proposed abolition of the tube service in some areas that ought not to be inconsiderately disposed of. There are certain congested areas in metropolitan districts that I believe the committee appointed by the department did not particularly investigate. Giving them full credit for any intention they may possibly have had, I doubt whether they took sufficient time or heard those who were sufficiently informed upon all the conditions.

There are certain cities that require imperatively some relief from the congestion. First is New York, next are Chicago, Philadelphia, Boston, and certain other of the larger cities, including St. Louis. There is no relief from this congestion by recurring to the old form of surface transportation. Surface transportation must be relieved by sending it some place else. The elevated way does not furnish any relief; you can not navigate the air under the present condition of aerial science; and subways furnish the only available escape.

So far as the tube companies are connected with this problem the Government can protect itself. I do not yet see any disposition on the part of these private companies to practice extortion upon the Government. Congress can always protect the department and protect itself and the revenue of the department by adequate provision in the bills that are passed annually for the support of this item. So I think we are in no danger from extortion; we are in no danger of imprudent contracts, nor the unwarranted expenditure of undue sums of money.

Mr. Milholland's name was mentioned, for instance, this afternoon as a shareholder. He has five shares of stock only. The market value of the stock is about $10 to-day on the quotations. There is no such massing of shareholding by Mr. Milholland, who has been quoted as a sort of shareholding bogy man here, as would endanger the Government. I do not care to pursue this branch of it.

What I occupy the time for is to recur to the evidence of Mr. Myers, who is the superintendent of the traffic squad of New York City. Thomas Myers has had an extensive experience. Some of that is contained in a very few words in the printed hearings of the Senate committee. He says, for instance, on page 102 of these hearings that motor trucks in which the mail is carried—

> Are 6 feet wide, 15 to 18 feet long, weigh 2 tons or over, and they must make time; they must get through the streets; they must make connections. We try to regulate them as best we can, but the idea that they are working or at least employed by the Government of the United States has an unconscious effect on a policeman. Further, according to law, they have the right of way. I have heard it said here to-day that it was not known whether they had the right of way or not. I will call attention to the Statutes of the United States, 1901, volume 2, chapter 9, section 3995, which says [reading]:
>
> "Obstructing the mail—Penalties: Any person who shall knowingly and willfully obstruct or retard the passage of the mail, or any carriage, horse, driver, or carrier carrying the same, shall, for every such offense, be punishable by a fine of not more than $100."
>
> Whether the policemen know that or not I do not know; but they do know that the mail must be given the right of way. Consequently, when traffic is moving uptown, say, north and south, and a mail truck comes from the east or west, immediately the traffic man stops all traffic; the mail truck passes through, jangling its bell; and, with the known or assumed authority that they are supreme over all, the drivers pass through, endangering the pedestrian and endangering other users of the highway.

Practically the same conditions obtain in Chicago in what is known as the loop district. There is during the business hours an extreme rush of both vehicles drawn by animal power and mechanically propelled, as well as the travel of pedestrians, that make any addition to the multitude extremely unwise. This has largely been presented by the report of the committee from the department that made this examination as if it were a matter of no consequence; that the addition of a few trucks to those already traversing the streets was not a serious matter.

Mr. Myers continues:

Now, the mail truck—I have not the exact figures, but they have killed five or six people within the last year. On December 14, the day that I appeared before the House committee on this same proposition, a boy 10 years old was on the sidewalk—not in the street, but on the sidewalk—and his life was crushed out by a mail truck that jumped the curb and went up on the sidewalk. That is from the recklessness and the character of the vehicle, the time that they must make, and the leeway that they are given by having the right of way, etc.

He continues:

I know, of my own knowledge of traffic and by observation in the United States of the various kinds of trucks, that 1 mail truck on a city street, in so far as the ordinary regulation of traffic is concerned, amounts to 10 other trucks, commercial trucks, which are ready to obey the voice or hand signal of a traffic policeman, keep to the right, and keep in the line of traffic. The mail truck is in the ratio of 10 to 1.

I have heard here that if the tube system be abolished in New York City it would require, when it is discontinued, from 140 to 145 trucks. Multiplying this by the ratio, you add to the vehicular traffic of New York City alone from 1,400 to 1,450 mail trucks of the kind, dimension, and weight described by the superintendent of the traffic squad. This is a matter of no small consequence. The inspector continues:

I am surprised to think that anyone who has any knowledge whatever of traffic conditions and the great number of vehicles and the enormous number of pedestrians who use the city streets would think of adding even one truck to our already great maze of traffic.

The Senator from Georgia [Mr. HARDWICK] propounds the question:

Senator HARDWICK. On the safety of human life they made no inquiry at all?

Mr. MYERS. No, sir; not within the past three years.

Mr. Myers continues—and, to my mind, this is conclusive in relieving the surface of congestion and as to the necessity of keeping the two systems:

If you gentlemen could have seen the pictures that I have seen on the streets of the city of New York—a mother running in the street and picking up the mangled form of her little child, its life crushed out by a mail truck, carrying it to the sidewalk, with blood trickling down over her dress, and the confusion. That is not one day, but every day in the year. Every 14 hours of the day a life is crushed out, and every 23 minutes some one is injured.

* * * * * * *

I would be one of the first subscribers to provide the money to keep up the mail-tube system if it were abolished, because I have two little children, and they use the streets of the city of New York, and I know what it means.

I will not read from the testimony of witnesses who presented the conditions in Chicago, but content myself with saying that the conditions in the city of Chicago are practically duplicated by those in New York. Five hundred and ninety-one people are killed every year on the streets of Chicago under present conditions, and that juggernaut of the Government in the shape of a gasoline-propelled mail truck, with the dimensions and weight described by the inspector in his testimony, will never by my vote be added to the surface conditions of any of the large cities.

It is not a question of money. It has been argued here as if it were a matter of compensating for the life that is destroyed by the payment of a few dollars. If the Government runs over somebody on the streets in Chicago, New York, Philadelphia, or Boston, come down to the Committee on Claims seems to be the idea and get paid for your dead. We can bury our dead without the Government. What we want is to have their lives preserved, and that is what I am voting for here.

It is not a matter of a few paltry Government dollars. It is a matter of adding governmental precautions to the safety of the citizens. The chances of raising a child in a city are sufficiently minimized now by lack of sanitary conditions, by the tremendous risk taken every time you go on the street. There is more safety on a steam railroad in the country between the rails than on the average street of the city of Chicago or New York. I would rather send an infant across a railroad track than over a street crossing in the crowded district where the millions that go and come in the loop of Chicago and the business district of New York City make those the most dangerous thoroughfares in the world.

You argue the question here this afternoon, my fellow Senators, as if it were a matter of compensating for the lives of the people who are lost. Let us diminish the risk and save the lives. I am not talking about saving money; I am talking about saving those who may have to take the risk at their own expense of the loss of life or limb.

Mr. President, if I had time I should like to make some further comments, but I am inclined to think the Post Office Department has made a very ex parte investigation of this question. I do not care to go into that. Their activities to save money are to be commended, but I would infinitely prefer, as I have suggested, to save life rather than the few dollars that might be cut out of this bill.

While I am talking about the activities of the department, I should like to offer an envelope, with the contents, that I received in due course of mail from the postmaster of Tyrone, Pa. It is a deadhead envelope; it is a franked communication. They are not trying to save money. They are showing the receipts of the post office and why they ought to have a Government building at that point. I commend to the Postmaster General, if he wants to save a few dollars, to call the postmaster at that point on the carpet and advise him to spend his time taking care of the duties of that office instead of lobbying here to add a few thousand dollars more to the public-building bill, that deserves strangulation in most of its items at the hands of an indignant public if not of the Senate. If you want to save money, regulate your own post offices and keep the postmasters in the line of their duty instead of clamoring for more expense and another public building.

When I see any sincere evidence of conversion, then I will be perfectly willing to cooperate when it can be done with safety to the congested centers of the larger cities of the country.

Report of business transacted at the Tyrone (Pa.) post office during the year ended Dec. 31, 1916.

POSTAL RECEIPTS.

To sale of stamps, cards, envelopes, etc	$118,034.97
To box rents	532.40
To postage on newspapers (second class)	133.13
To excess on stamped envelopes	15.15
To sale of waste paper	9.35
Total receipts	118,725.00

DISBURSEMENTS.

By amount paid postmaster	3,300.00
By amount paid assistant postmaster and clerks	14,665.77
By amount paid railway mail clerks	11,339.58
By amount paid letter carriers, and vehicle hire	9,468.48
By amount paid, rent and light	2,450.00
By amount paid special-delivery messengers	281.92
By amount paid, canceling machine and power	131.00
By amount paid, miscellaneous items	331.70
By amount transferred to money-order account	28,350.00
By amount deposited with postmaster, Philadelphia, Pa	48,406.55
Total disbursements	118,725.00

Money-order business.

RECEIPTS.

To balance on hand Jan. 1, 1916	$9,774.97
To 21,705 domestic money orders issued	127,593.11
To fees on domestic money orders issued	1,157.12
To 288 international money orders issued	6,826.25
To fees on international money orders issued	75.50
To drafts on postmaster, New York, N. Y	21,800.00
To 6,054 remittances received from other offices	699,853.95
To transfers from postal account	28,350.00
Total	895,431.17

DISBURSEMENTS.

By 184,112 domestic money orders paid	491,352.95
By 12 international money orders paid	174.32
By deposited with Assistant Treasurer of the United States	392,750.00
By balance on hand Dec. 31, 1916	11,153.90
Total	895,431.17

Postal-savings business.

To balance on hand Jan. 1, 1916	$9,845.00
To 428 certificates of deposit issued	23,311.00
	33,156.00
By 181 withdrawals paid	8,226.00
By balance on hand Dec. 31, 1916	24,930.00

Registry business.

Number of letters and parcels registered	4,490
Number received for delivery	14,746
Number handled in transit	18,120
Total handled	37,356

Insured parcels.

Number of insured and C. O. D. parcels mailed	37,892
Number of insured and C. O. D. parcels received for delivery	4,671
Total handled	42,563

Statement of postal receipts during past 12 years.

Year.	Receipts.	Increase over previous year.	Decrease.	Net profit to Government on postal receipts.
1905	$37,162.35			
1906	51,882.13	$14,719.58		$34,612.17
1907	55,950.88	4,068.75		36,491.25
1908	59,567.37	3,616.49		37,608.08
1909	65,998.15	6,430.78		42,447.58
1910	71,914.00	5,915.85		47,316.94
1911	83,591.79	11,677.79		59,071.19
1912	88,544.20	4,952.41		52,670.42
1913	90,208.10	1,633.90		61,957.12
1914	101,000.86	10,792.76		71,931.56
1915	95,662.12		$5,338.74	64,552.61
1916	118,725.00	23,064.88		88,096.13
Total profit, 11 years				606,655.05

Tyrone is practically the only first-class post office in the State of Pennsylvania without a Government building, yet there are many second-class offices doing less than one-fourth the business that have Government buildings.

ALLEN S. GARMAN, *Postmaster.*
FRED. C. BUCK, *Assistant Postmaster.*

The PRESIDING OFFICER (Mr. REED in the chair.) The question is on agreeing to the amendment of the committee.

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

The PRESIDING OFFICER. The Secretary will call the roll.

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

Ashurst	Hollis	McLean	Shields
Bankhead	Hughes	Martin, Va.	Simmons
Brandegee	Husting	Martine, N. J.	Smith, Md.
Broussard	James	Norris	Smith, S. C.
Bryan	Johnson, Me.	Oliver	Smoot
Catron	Jones	Overman	Thomas
Chamberlain	Kenyon	Owen	Townsend
Chilton	Kirby	Page	Vardaman
Clapp	La Follette	Penrose	Wadsworth
Clark	Lane	Poindexter	Warren
Cummins	Lea, Tenn.	Ransdell	Watson
Fernald	Lee, Md.	Reed	Weeks
Fletcher	Lewis	Shafroth	Williams
Gallinger	Lippitt	Sheppard	
Harding	Lodge	Sherman	

The PRESIDING OFFICER. Fifty-eight Senators have answered to their names. There is a quorum present.

Mr. OWEN. Mr. President, I was favorable to the continuation of the pneumatic tubes for the succeeding year, but I have heard no answer made to the point made by the Senator from Missouri [Mr. REED] that this proposed amendment directs the Postmaster General to extend the existing contract for that service for a year's time without permitting him to get that service at a lesser rate. This matter was fixed some 10 years ago, as I understand. It seems that the Postmaster General is very much opposed to the continuation of the service. At all events, if this amendment is to go on the bill by the voice of the Senate, it does seem to me that it ought to be amended so as to permit the Postmaster General to make as reasonable an arrangement as he can. That can be done by having it as the subject of an arbitration between the Postmaster General and those who own these tubes. If the service is to be continued, I do not think that the hands of the Postmaster General ought to be absolutely tied so that he can not make a better bargain, if it be reasonable and be justified by the facts, which can be ascertained by an arbitrament of the question.

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

Mr. WEEKS and Mr. VARDAMAN called for the yeas and nays, and they were ordered.

The Secretary proceeded to call the roll.

Mr. GALLINGER (when his name was called). I have a general pair with the senior Senator from New York [Mr. O'GORMAN], who is absent; but, understanding that the Senator from New York if present would vote as I shall vote, I vote "yea."

Mr. HARDING (when his name was called). I have a pair with the junior Senator from Alabama [Mr. UNDERWOOD], but I am informed that upon this question he would vote as I shall vote. I therefore vote. I vote "yea."

Mr. KIRBY (when his name was called). I have a pair with the Senator from Indiana [Mr. KERN]. If he were present he would vote "yea," and I should vote to sustain the recommendation of the Postmaster General and against the amendment. I should vote "nay."

The PRESIDING OFFICER (when Mr. REED's name was called). The present occupant of the chair transfers his pair with the Senator from Michigan [Mr. SMITH] to the Senator from Texas [Mr. CULBERSON] and votes "nay."

Mr. SMITH of Maryland (when his name was called). I have a general pair with the Senator from Vermont [Mr. DILLINGHAM]; but being informed that if present the Senator from Vermont would vote as I shall vote, I vote "yea."

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

The roll call was concluded.

Mr. CURTIS. I have a pair with the junior Senator from Georgia [Mr. HARDWICK], but on this vote I am released. I therefore vote. I vote "yea."

Mr. DU PONT. I have a general pair with the junior Senator from Kentucky [Mr. BECKHAM]; but I am informed that if present the Senator from Kentucky would vote in the way that I am going to vote, and I shall vote. I vote "yea."

Mr. SMITH of South Carolina. I transfer my general pair with the Senator from South Dakota [Mr. STERLING] to the Senator from Georgia [Mr. HARDWICK] and vote "yea."

Mr. SAULSBURY. I transfer my pair with the junior Senator from Rhode Island [Mr. COLT] to the junior Senator from California [Mr. PHELAN] and vote "yea."

Mr. CHILTON (after having voted in the affirmative). I have a pair with the Senator from New Mexico [Mr. FALL], which I transfer to the Senator from Arkansas [Mr. ROBINSON], and will let my vote stand.

Mr. JOHNSON of Maine. I transfer my pair with the junior Senator from North Dakota [Mr. GRONNA] to the senior Senator from Oklahoma [Mr. GORE] and vote "nay."

The result was announced—yeas 45, nays 25, as follows:

YEAS—45.

Bankhead	Fernald	Martin, Va.	Smith, S. C.
Borah	Fletcher	Martine, N. J.	Smoot
Brandegee	Gallinger	Oliver	Sutherland
Broussard	Harding	Page	Swanson
Bryan	Hollis	Penrose	Townsend
Catron	Hughes	Pittman	Wadsworth
Chilton	Jones	Ransdell	Warren
Clapp	Lewis	Saulsbury	Watson
Clark	Lippitt	Sherman	Weeks
Cummins	Lodge	Shields	
Curtis	McCumber	Simmons	
du Pont	McLean	Smith, Md.	

NAYS—25.

Chamberlain	Lane	Poindexter	Tillman
Husting	Lea, Tenn.	Reed	Vardaman
James	Lee, Md.	Shafroth	Walsh
Johnson, Me.	Myers	Sheppard	Williams
Johnson, S. Dak.	Norris	Stone	
Kenyon	Overman	Thomas	
La Follette	Owen	Thompson	

NOT VOTING—26.

Ashurst	Goff	Nelson	Smith, Ga.
Beckham	Gore	Newlands	Smith, Mich.
Brady	Gronna	O'Gorman	Sterling
Colt	Hardwick	Phelan	Underwood
Culberson	Hitchcock	Pomerene	Works.
Dillingham	Kern	Robinson	
Fall	Kirby	Smith, Ariz.	

So the amendment of the committee was agreed to.

Mr. CLAPP. Mr. President, I offer an amendment, and in support of it I send to the desk a paper.

The PRESIDING OFFICER. The amendment will first be stated.

The SECRETARY. On page 18, line 19, after the word "act," at the end of the committee amendment, it is proposed to insert:

That hereafter when railway postal clerks are transferred from one assignment to another because of changes in the service their salaries shall not be reduced by reason of such change.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Minnesota.

The amendment was agreed to.

Mr. CLAPP. I ask that the statement I have sent to the desk may be incorporated in the RECORD in connection with that amendment.

The PRESIDING OFFICER. If there is no objection, it is so ordered.

The statement referred to is as follows:

The hearings before the Senate Committee on Post Offices and Post Roads contain a letter of instructions sent out from the office of the Second Assistant Postmaster General to be followed by the inspection service in the reorganization of the Railway Mail Service, which is now taking place in various parts of the country. This reorganization is stated to be for the purpose of eliminating all unnecessary space in trains and all unnecessary clerical force on trains so as to bring about economies in the payment for space and economy in the cost of the clerical force. The general superintendent stated to the committee that the force was being reduced, notwithstanding the fact that the volume of mail is increasing. On December 31, 1916, there were some 354 surplus clerks and 15 clerks who had been indefinitely laid off, due to reorganization plans which have been placed in effect. The Postmaster General, in a letter submitted to the committee, makes the statement that there has been a considerable reduction in the number of clerks

employed because of the readjustment of the service. Reports are being sent in by the inspectors who are investigating the lines recommending the taking off of distribution and clerical force on trains. If this policy is to be followed upon all of the mail trains, and a careful perusal of the instructions sent out from the office of the Second Assistant Postmaster General can lead to no other conclusion, it will result in the placing of the clerks who have been taken off the trains in the terminals for the reason that the distribution taken off of trains will to a large extent be placed in the terminals and more men will be needed to perform the work. The maximum salary paid to distributors in terminals is $1,200 per annum, and that on the road runs from $1,200 to $1,500 per annum for distributors. It requires seven years of service to reach the $1,500 grade, and if these men are to be placed in terminals, many of them will be compelled to take a reduction in salary, and it does not seem fair to reduce the salaries of clerks in order to bring about further economies in the service. This amendment will not cost one cent additional, and its only effect is to prevent the department from reducing the salaries of clerks through administrative reforms that are, to say the least, of doubtful value to the service. The Postmaster General, in his letter to the committee, stated that the department does not contemplate a reduction in salary for the clerks, and in view of this statement there should be no opposition upon their part in opposing this amendment.

Mr. TOWNSEND. Mr. President, on yesterday an amendment reported by the committee and adopted by the Senate was, on the motion of the Senator from Florida [Mr. BRYAN], reconsidered and a new amendment substituted in its place. I refer to the provision with reference to the pay of rural letter carriers for additional mileage traveled over 24 miles. I have no objection to the amendment offered by the Senator from Florida, except that it occurs to me there are words omitted that ought to be included in that amendment. The original amendment referred to carriers on horse-drawn vehicle routes. The amendment proposed by the Senator from Florida, in its redrafting so as to include other routes, left out the words "horse-drawn vehicle routes." If there is no objection, I should like to ask for a reconsideration of the vote by which that amendment was adopted in order to insert the words "horse-drawn vehicle routes," so that the provision shall clearly apply to such routes as the committee intended to include. As it reads now there may be some question as to whether the provision would not apply to automobile routes or other than horse-drawn vehicle routes.

Mr. BRYAN. Mr. President, I do not think that the amendment the Senator proposes to offer will in any way change the meaning of the amendment already adopted, except that it will affect the rate of pay after a distance of 36 miles is reached, because when motor vehicles are allowed the rate of pay per mile provided by this amendment it is intended also to include them. I have no objection to allowing the Senator to offer his amendment, and have it adopted, so that it may go to conference.

Mr. TOWNSEND. Then, I ask unanimous consent to reconsider the vote by which the amendment referred to was adopted on yesterday.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the vote by which the amendment was agreed to is reconsidered.

Mr. TOWNSEND. Now, I move to amend the amendment proposed by the Senator from Florida, by striking out the words "daily rural," before the word "routes," and inserting the words "horse-drawn vehicle."

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Michigan to the amendment offered by the Senator from Florida.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. PENROSE. Mr. President, I desire to invite the attention of the Senator from Florida to an amendment which I shall now submit to the bill, and ask whether he will not accept it and let it go to conference.

The PRESIDENT pro tempore. The Secretary will state the amendment.

The SECRETARY. On page 14, after line 17, it is proposed to insert the following:

That in cases of emergency, or if the needs of the service require, letter carriers in the City Delivery Service, and clerks and other classified employees in first and second class post offices, can be required to work in excess of 8 hours a day; and for such additional services, and for all services performed after the lapse of 10 consecutive hours between the starting time and ending time of their schedules of duty, they shall be paid at double the rate of their salaries as fixed by law.

Mr. BRYAN. Mr. President, I can not accept that amendment. That gives to the letter carriers a privilege that is not accorded to other members of the service. It is a pretty serious proposition to double the rate of pay if clerks happen to be kept overtime. That does not apply in any of the other services. The fact is that the department is prohibited from working the clerks over eight hours except in cases of emergency, and then it can not pay them double time.

Mr. PENROSE. Mr. President, I know the Senate is pretty well tired out, and I do not want to delay the passage of this bill, which I assume the Senator is anxious to dispose of to-night. If he will accept the amendment for the consideration of the conferees, I shall be satisfied.

Mr. BRYAN. Very well.

Mr. THOMAS. Well, just one moment, Mr. President.

The PRESIDING OFFICER (Mr. REED in the chair). Does the Senator from Pennsylvania yield to the Senator from Colorado?

Mr. PENROSE. Yes.

Mr. THOMAS. I should like to inquire of the Senator the extent to which this amendment is going to increase the amount of this appropriation?

Mr. PENROSE. It does not increase it. It is simply to correct an abuse which has grown up in violation of the entire policy of the Government.

Mr. THOMAS. If it does not increase the appropriation, very well.

Mr. PENROSE. Now, Mr. President, I want to say one word by way of explanation, and then I have done.

I had intended to ask the Senate to recede from the Senate amendments on pages 11 and 14 relative to the promotion of clerks and letter carriers, reducing the House provision for this purpose to 75 per cent of the clerks in first-class post offices, and so on down the line. As a member of the Committee on Post Offices and Post Roads, however, I have some hesitation in not abiding by the verdict of the committee as far as the floor of this body is concerned, and I am content to let the matter go to conference, with the sincere hope that the Senate conferees may see their way clear to recede and concur in the House provisions regarding clerks and carriers in this respect.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Pennsylvania.

SEVERAL SENATORS. What is the amendment?

Mr. PENROSE. I did not propose any. I merely made an explanation as to why I had not offered——

The PRESIDING OFFICER. The amendment offered by the Senator from Pennsylvania was not agreed to.

Mr. PENROSE. I thought it had been.

The PRESIDING OFFICER. It was accepted by the acting chairman of the committee, but not by the Senate. The question is upon the amendment offered by the Senator from Pennsylvania.

The amendment was agreed to.

Mr. WEEKS. Mr. President, I offer the amendment which I send to the desk as an additional section to the bill.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to add to the bill, as a new section, the following:

SEC. —. In order to promote economy in the distribution of supplies and in auditing and accounting, the Postmaster General may hereafter designate districts and central offices in such districts through which supplies shall be distributed and accounts rendered, and may, for the above purposes, establish such branch offices within such districts as he may deem necessary; but in no case shall the postmaster at the central office be given authority to abolish offices or to change officers or employees in offices included in such districts.

Mr. WEEKS. That identical proposition has already passed the Senate. It is on a bill which may not be passed by the House. It seems desirable that it become part of the law.

Mr. BRYAN. Mr. President, I think that is a very excellent amendment, and I hope it will be adopted.

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

The amendment was agreed to.

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

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 17, at the end of line 18, it is proposed to insert:

Provided, That hereafter every railroad company carrying the mails shall carry on any train it operates, and without extra charge therefor, the persons in charge of the mails when on duty and traveling to and from duty, and all duly accredited agents and officers of the Post Office Department and the Railway Mail Service, including all terminal clerks, transfer clerks, and clerks assigned to the offices of division superintendents, and chief clerks and post-office inspectors, while traveling on official business, upon the exhibition of their credentials.

Mr. CUMMINS. Mr. President, this is an amendment which the Senator from South Dakota [Mr. STERLING] intended to offer. In his absence I have offered it, though not on his behalf, because he did not request me to do it. I do it in my own behalf, and mention the circumstance simply to explain the heading of the amendment.

This is an exact reproduction of the law of last year, with the addition of the words "terminal clerks, transfer clerks, and clerks assigned to the offices of division superintendents." It has become necessary on account of a new policy which has been adopted by the Post Office Department, which I do not criticize, for I do not know anything about its merits; but

through this new policy a great many of the railway mail clerks who had established homes along the line have been moved to the terminal transfer offices or terminal railway offices, and it is intended to allow them the same privilege of transportation which is now accorded to the railway mail clerk. In no other respect does it differ from the existing law upon the subject. The words I have quoted are inserted in the law as it now is, beginning with the word "including." It is simply an interpretation, rather, of the present law.

Mr. BRYAN. Mr. President, I feel compelled to raise the point of order on this amendment. The existing law allows free travel to the clerks in the Railway Mail Service. This amendment confers the same privilege upon clerks in terminal stations, transfer clerks, clerks assigned to the offices of division superintendents, and chief clerks. After the amendment was introduced it was referred to the department for its opinion, and I quote from a letter, as follows:

The clerks specified in the language last quoted are those assigned to work in offices or to work in or near railroad stations at large terminals. Their assignments do not require them to travel on official business—

Which makes the difference between them and those who now enjoy the privilege.

The amendment appears to contemplate that railroad companies shall be required to transport such clerks between the place where they work and their homes located at such points out on a railroad line as the clerks may select.

Then the Postmaster General calls attention to this condition of affairs that would exist:

If the proposed amendment were to be enacted into law, then in the case of two clerks residing in the same town and traveling over the same line to a city in which they both worked, one employed in the office of the Superintendent of Railway Mail Service, the other employed in a post office, the former would receive transportation over the railroad without cost to himself, while the latter would have to pay for his transportation; and there would seem to be no good ground for making the distinction between the two clerks.

Mr. NORRIS. Mr. President——

Mr. BRYAN. In other words, neither one of these clerks travels on the train in pursuance of his employment. The object of the amendment is to give them free transportation at the expense of the Government, because the Postmaster General then proceeds to point out that last year the question of compensation for railway mail pay was referred to the Interstate Commerce Commission; and undoubtedly if the Senate puts on this amendment in fixing the rates of railway mail pay the Interstate Commerce Commission is going to charge up to the department the expense of the transportation of these clerks not engaged in the Railway Mail Service. Such a clerk is no different from any other clerk who never has to travel on a train in the line of his duties. It is a simple gratuity. It is a free pass to these clerks. It is not in any way connected with their duties in the employment of the Government. Therefore——

Mr. NORRIS. Mr. President——

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

Mr. BRYAN. Yes.

Mr. NORRIS. As I understand, the comparison which the Senator makes between a clerk employed in the post office and one employed in the Railway Mail Service would not apply, because the reason for asking for this change of law, or, rather, this change of construction of the law, is not to take advantage of quite a number of clerks in the railway post office who have for a good many years built up their homes in localities where, on account of the change of a terminal or something of that kind, they now find themselves compelled to pay railroad fare in order to get to one end of the route over which they must run. At least that is as I understand it.

Mr. BRYAN. Oh, no.

Mr. NORRIS. And the reason that would permit or require those clerks to be carried by the railroad company would not apply at all to a clerk working in a post office that is permanently located.

Mr. BRYAN. No; nor in a terminal, because the privilege is granted to the postal clerks, because their business is to travel on the trains, and they may have to go from their homes to a train.

Mr. NORRIS. Yes; but this amendment only applies to postal clerks.

Mr. BRYAN. This amendment applies to chief clerks and clerks in the terminals that never go on trains and handle the mail. Now, let me state the point of order.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Iowa?

Mr. BRYAN. Let me state my point of order. The point of order, of course, is that it is general legislation on an appropriation bill.

Mr. CUMMINS. Mr. President——

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

Mr. CUMMINS. The Senator from Florida has argued the merits of the matter on his point of order, and I presume he would have no objection to my saying a word in behalf of the amendment.

I could not hear all that the Senator from Florida said; but if he understands the amendment to extend the privilege of free transportation to the offices of the postmasters in the various cities or towns, he misreads it. It is limited to the clerks in the terminal railway mail offices. Now, these terminal offices have been established, because it was thought the business formerly done by the railway mail clerks on the train could be better done at the terminal offices; and so a great many of these clerks, as I understand, have been taken from the trains and transferred to the terminal offices, which do exactly the same kind of work that has been done and is being done upon the trains. These clerks, before their transfer, were entitled to transportation from the end of their runs to their homes, and I think they ought to be entitled to that transportation still, even under the law as it was passed last year; but there may be some doubt about that.

Mr. NORRIS. They are doing the same work, too.

Mr. CUMMINS. They are doing the same work.

Mr. NORRIS. The same work that they used to do when they were all railway postal clerks.

Mr. CUMMINS. And the amendment is proposed in order to clear up that doubt or to extend the privilege, if there be no doubt, to these people.

Mr. President, one of the greatest acts of injustice connected with the Post Office Department has been the transfer of the railway mail clerks from their former field of activity to the terminals. I remarked the other day that these railway mail clerks, under a policy that had been pursued for many years, had established homes, had built up their circle of friends, had created all the relations of life, and had reason to believe that this status would be continued. I am not complaining now of the policy which changed them, for I do not know enough about the subject to criticize it or to commend it, but it has been changed, and these clerks, instead of being compelled to abandon their homes, in which many of them have lived for years and years, asked the privilege of returning from the terminal to which they have been assigned to their homes without expense. The advance that will be made, if any, in the railway mail pay on account of this difference is negligible, it is so infinitesimal that it will never be considered by the Interstate Commerce Commission in determining the compensation for the railways. In the first place, there are not a very large number of them, and I understand the railways are perfectly willing to carry them in accordance with the old policy, but they can not be carried unless the Postmaster General gives each of them a credential or a commission.

Mr. NORRIS. Mr. President——

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

Mr. CUMMINS. I yield to the Senator from Nebraska.

Mr. NORRIS. The railroad companies prior to the order which was made did carry these same men.

Mr. CUMMINS. Undoubtedly.

Mr. NORRIS. The railroad companies made no objection to it.

Mr. CUMMINS. There is no objection to it; and the suggestion that the Government of the United States will be compelled to pay any more for the transportation of the mails is purely imaginary.

Now, with regard to the point of order, I do not believe, Mr. President, that this is general legislation. It is simply applying a statute already passed and which is now the law to the actual situation. It is simply removing a doubt which has existed with regard to the interpretation of the statute. I hope the Senator from Florida will not insist upon his point of order, but let us have a vote upon the amendment; and if it is the opinion of the majority of Senators that this ought not to be done, I shall be content. I am perfectly willing to take a rising vote in order to determine it; I will not call for the yeas and nays; but I appeal to the Senator from Florida not to make the point of order.

Mr. GALLINGER. If we are to vote upon this question I should like to know upon what authority the statement was made that the railroad companies are willing to carry these

clerks free. I have been told that the railroad companies object to it.

Mr. CUMMINS. I have a minute on my table, furnished me by one in whom I have confidence, in which that statement is made. I have not verified it by any inquiry from the railroad companies themselves.

The PRESIDING OFFICER. Does the Senator from Florida insist on his point of order?

Mr. BRYAN. I do insist upon it.

The PRESIDING OFFICER. The Chair overrules the point of order. The question is on the amendment offered by the Senator from Iowa.

Mr. BRYAN. I respectfully appeal from the decision of the Chair.

The PRESIDING OFFICER. That is within the Senator's province and it is satisfactory to the Chair. The Senator from Florida appeals from the decision of the Chair. The question is, Shall the decision of the Chair stand as the judgment of the Senate? Those who desire to sustain the decision of the Chair will please rise and stand until counted.

Mr. CUMMINS. As that is the question on which a division is called for, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. NORRIS. Mr. President, it seems to me we had the precedent established to-day by the Vice President in the chair, and his decision was sustained on an appeal, that a certain amendment then pending was not general legislaton, and it came a great deal nearer general legislation than does this amendment. We had pending then an amendment which provided for a commission to make an investigation of the tube services all over the United States, and it included an appropriation of $25,000 to pay their expenses. It also gave the commission the right to employ experts and to make a complete investigation. The Chair held that it was not general legislation, and, as I said, the Senate on an appeal from the decision sustained the Chair.

Mr. OVERMAN. Will the Senator yield to me to make a motion to take a recess until to-morrow at half past 10 o'clock?

Mr. NORRIS. If the Senator will let me conclude——

Mr. OVERMAN. I understand that it is the desire to take up this question in the morning.

Mr. NORRIS. All right; I yield.

RECESS.

Mr. OVERMAN. I move that the Senate take a recess until 10.30 o'clock to-morrow.

The motion was agreed to; and (at 6 o'clock and 5 minutes p. m.) the Senate took a recess until to-morrow, Thursday, February 15, 1917, at 10.30 o'clock a. m.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *February 14, 1917.*

The House met at 12 o'clock and 30 minutes p. m.

Rev. William Couden, of Washington, D. C., offered the following prayer:

Dear God, we know that Thou art far above considerations of earthly power and wealth, or numbers. Yet we feel that if Thou art mindful of two or three who gather in Thy name, Thou wilt hear the prayers of this our wide and populous Nation. We need Thee with all the shining of Thy light and love. Without Thee, the greatest is less than the least. With Thee, the weakest becomes strong, linked to the Eternal and Infinite.

In these days of uncertainty and stress we implore Thee to bless him who has been our President in the term now nearly past and who will soon enter upon another term of the great office. Guide all our leaders in thought and action, and move our people with truth and justice. If we are to have foes, judge Thou between us. And grant that our triumph always and forever shall be that we remain steadfastly on the side of Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

OLEOMARGARINE.

Mr. SNYDER. Mr. Speaker, I ask unanimous consent to have read a telegram from the New York State Dairymen's League, which I received this morning.

The SPEAKER. The gentleman asks unanimous consent to have a telegram read. Without objection, it is so ordered.

The Clerk read as follows:

LITTLE FALLS, N. Y., *February 13, 1917.*

Hon. HOMER P. SNYDER, M. C.,
Washington, D. C.:

We think Underwood amendment to internal revenue bill making oleomargerine tax 2 cents pound permitting coloring to be used as adopted by the Senate Finance Committee is wrong principle of legalizing counterfeiting by payment of small license fee and should not be permitted. Please make effort to kill this amendment.

R. D. COOPER,
President Dairymen's League.

COMMONWEALTH OF MASSACHUSETTS.

Mr. TREADWAY. Mr. Speaker, I ask unanimous consent to have read a resolution adopted by the House of Representatives of the Commonwealth of Massachusetts.

The SPEAKER. Without objection, the resolution will be read.

There was no objection.

The Clerk read as follows:

THE COMMONWEALTH OF MASSACHUSETTS,
HOUSE OF REPRESENTATIVES,
February 9, 1917.

Ordered, That it is the sense of the house of representatives that the citizens of the Commonwealth of Massachusetts, regardless of race, creed, color, or party, in the present national crisis, stand now, as always, as one man ready to support with their blood and treasure the President and the Congress of the United States in whatsoever action he or it may take to preserve the dignity, honor, and safety of our country; and be it further

Ordered, That a copy of this expression of the house of representatives be sent to the President of the United States and to each Senator and Representative in Congress from this Commonwealth.

JAMES W. KIMBALL, *Clerk.*

A true copy.
Attest:

JAMES W. KIMBALL,
Clerk House of Representatives.

RECESS.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that the House stand in recess until 10 minutes to 1.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that the House stand in recess until 10 minutes to 1. Is there objection?

There was no objection.

Accordingly (at 12 o'clock and 43 minutes p. m.) the House stood in recess until 12 o'clock and 50 minutes p. m.

The recess having expired, the House resumed its session.

COUNTING THE ELECTORAL VOTE.

At 12 o'clock and 55 minutes p. m. the Doorkeeper announced the Vice President and the Senate of the United States.

The Senate entered the Hall, preceded by their Sergeant at Arms and headed by the Vice President and the Secretary of the Senate, the Members and officers of the House rising to receive them.

The Vice President took his seat as the presiding officer of the joint convention of the two Houses, the Speaker of the House occupying the chair on his left.

The VICE PRESIDENT. Gentlemen of the Senate and House of Representatives of the Congress of the United States, this joint session of the two Houses of Congress is held in accordance with the Constitution of the United States, the laws enacted thereunder, and the concurrent resolution heretofore passed by the two Houses for the purpose of opening the certificates and ascertaining the electoral vote for President and Vice President of the United States. The tellers heretofore appointed by resolution of the two Houses—Mr. KERN and Mr. CLAPP, on the part of the Senate, and Mr. RUCKER of Missouri and Mr. MAPES, on the part of the House—will be seated at the Clerk's desk.

It has been the immemorial custom upon occasions such as this to refrain entirely from any manifestation of approval or disapproval. This custom has arisen from the fact that the result may not be entirely satisfactory to everybody, so the Chair requests that all in the gallery and the Members of both Houses refrain from any manifestation of approval.

In accordance with the law the Chair now opens the returns from the State of Alabama. If there be no objection, the reading of that portion of the return which is formal will be omitted. If any Senator or Representative desires it read in full, it will be read. If there be no objection, the formal reading will be dispensed with.

There was no objection.

The VICE PRESIDENT. The tellers will now count and announce the electoral vote of the State of Alabama.

Mr. KERN (one of the tellers). The certificate of the electoral vote of the State of Alabama seems to be regular in form and properly authenticated, and it appears therefrom that Woodrow Wilson, of the State of New Jersey, has received 12 votes for President of the United States, and that Thomas R. Marshall, of the State of Indiana, has received 12 votes for Vice President of the United States.

The VICE PRESIDENT. Is there any objection to this certificate? None being offered, the tellers will proceed to read, count, and announce the vote of the State of Arizona.

The tellers then proceeded to read, count, and announce, as was done in the case of Alabama, the electoral votes of the sev-

eral States in their alphabetical order, and in each case objections, if any, were called for by the presiding officer, and none were offered.

The VICE PRESIDENT. All of the certificates having been read, counted, and announced, the tellers will make a list of the same and report the result to the Presiding Officer.

Mr. KERN (one of the tellers). Mr. President, we, JOHN W. KERN and MOSES E. CLAPP, tellers on the part of the Senate, and WILLIAM W. RUCKER and CARL E. MAPES, tellers on the part of the House of Representatives, report the following as the result of the ascertainment and counting of the electoral vote for President and Vice President of the United States for the term beginning March 4, 1917:

Number of electoral votes to which each State is entitled.	States.	For President.		For Vice President.	
		Woodrow Wilson, of New Jersey.	Charles E. Hughes, of New York.	Thomas R. Marshall, of Indiana.	Charles W. Fairbanks, of Indiana.
12	Alabama	12		12	
3	Arizona	3		3	
9	Arkansas	9		9	
13	California	13		13	
6	Colorado	6		6	
7	Connecticut		7		7
3	Delaware		3		3
6	Florida	6		6	
14	Georgia	14		14	
4	Idaho	4		4	
29	Illinois		29		29
15	Indiana		15		15
13	Iowa		13		13
10	Kansas	10		10	
13	Kentucky	13		13	
10	Louisiana	10		10	
6	Maine		6		6
8	Maryland	8		8	
18	Massachusetts		18		18
15	Michigan		15		15
12	Minnesota		12		12
10	Mississippi	10		10	
18	Missouri	18		18	
4	Montana	4		4	
8	Nebraska	8		8	
3	Nevada	3		3	
4	New Hampshire	4		4	
14	New Jersey		14		14
3	New Mexico	3		3	
45	New York		45		45
12	North Carolina	12		12	
5	North Dakota	5		5	
24	Ohio	24		24	
10	Oklahoma	10		10	
5	Oregon		5		5
38	Pennsylvania		38		38
5	Rhode Island		5		5
9	South Carolina	9		9	
5	South Dakota		5		5
12	Tennessee	12		12	
20	Texas	20		20	
4	Utah	4		4	
4	Vermont		4		4
12	Virginia	12		12	
7	Washington	7		7	
8	West Virginia	1	7	1	7
13	Wisconsin		13		13
3	Wyoming	3		3	
531		277	254	277	254

JOHN W. KERN,
MOSES E. CLAPP,
Tellers on the part of the Senate.
WILLIAM W. RUCKER,
CARL E. MAPES,
Tellers on the part of the House of Representatives.

The VICE PRESIDENT. By the report of the tellers and the list made by them of the electoral vote of the several States, the state of the vote for President of the United States, as delivered to the President of the Senate, is as follows:

The whole number of the electors appointed to vote for President of the United States is 531, of which a majority is 266.

Woodrow Wilson, of the State of New Jersey, has received for President of the United States 277 votes.

Charles E. Hughes, of the State of New York, has received 254 votes.

The state of the vote for Vice President of the United States, as delivered to the President of the Senate, is as follows:

The whole number of the electors appointed to vote for Vice President of the United States is 531, of which a majority is 266.

Thomas R. Marshall, of the State of Indiana, has received for Vice President of the United States 277 votes.

Charles W. Fairbanks of the State of Indiana, has received 254 votes.

This announcement of the state of the vote by the President of the Senate shall be deemed a sufficient declaration of the persons elected President and Vice President of the United States, each for the term beginning March 4, 1917, and shall be entered, together with a list of the votes, on the Journals of the Senate and House of Representatives.

The purpose for which the joint convention assembled having been accomplished, I now dissolve this joint convention, and the Senate will retire to their Chamber.

The Senate retired from the Hall, and (at 1 o'clock and 43 minutes p. m.) the Speaker resumed the chair and called the House to order.

TRANSFER OF RETIRED ARMY OFFICERS TO THE ACTIVE LIST.

The SPEAKER. This is Calendar Wednesday, and the Clerk will call the committees.

The Clerk called the Committee on Military Affairs.

Mr. CALDWELL. Mr. Speaker, by direction of the Committee on Military Affairs I call up the bill S. 6850, an act authorizing transfer of certain retired officers to the active list.

The SPEAKER. This bill is on the Union Calendar, and the House will automatically resolve itself into Committee of the Whole House on the state of the Union.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. LLOYD in the chair.

The Clerk read the bill, as follows:

Be it enacted, etc., That hereafter the President be, and he is hereby, authorized, within one year of the approval of this act, by and with the advice and consent of the Senate, to transfer, upon application, to the active list of the Army any officer under 50 years of age who may have been transferred heretofore from the active to the retired list of the Army under the act to provide for recognizing the services of certain officers of the Army, Navy, and Public Health Service for their services in connection with the construction of the Panama Canal, and for other purposes, approved March 4, 1915: *Provided*, That such officer shall be transferred to the rank and place on the active list which he would have had if he had not been retired, shall be carried as an additional number in the grade to which he may be transferred or at any time thereafter promoted, and shall be promoted on the same date as the officer next above him in rank, and shall be commissioned in the arm or department of the Army from which he was retired: *Provided further*, That such officer shall stand a satisfactory medical examination, and when promoted shall stand the medical and professional examinations provided for by law: *And provided further*, That any officer transferred to the active list under this act shall not again be entitled to the benefits of the Panama Canal act described above, except when retired for age or for physical disability incurred in the line of duty.

Mr. CALDWELL. Mr. Chairman, I send to the desk a letter that I would like to have the Clerk read in my time.

The Clerk read as follows:

DECEMBER 4, 1916.

Hon. S. H. DENT,
Chairman Committee on Military Affairs,
House of Representatives, Washington, D. C.

MY DEAR MR. DENT: I wish to bring to your attention Senate bill 6850, which is the same as H. R. 17424, now on the Union Calendar.

The act making appropriations for the support of the Army for the fiscal year 1916 contains a provision authorizing the transfer to the active list of officers of the Army previously transferred to the retired list for physical disability and provides that each officer so transferred be carried as an additional number and be given the place on the active list he would have had if he had not been retired. This act does not include officers who have been retired under the Panama Canal act, approved March 4, 1915, which deficiency in legislation the bill S. 6850 would remedy.

Officers transferred to the active list under the present law have been advanced one or two grades in rank, whereas officers transferred under bill S. 6850 would return to the rank each held at the time of his retirement, or, as it happens, one grade lower than that held by each on the retired list.

The officers retired under the Panama Canal act were physically and mentally sound, well trained, and had had unusual experience for their age, and I consider it a good business proposition for the Government to obtain the active services of those who desire to return to the active list under the conditions of bill S. 6850.

One of the officers served 21 years in the Ordnance Department, and his return to the active list would help to meet a pressing shortage of experienced officers brought about by the increased burden placed upon that department through recent appropriation acts and by the loss of a number of such officers taken from the department by the inducements of private employment, which shortage could be relieved in no other prompt manner. There are now several demands for such an officer which there is no way of meeting

I consider the enactment into law of bill S. 6850, as passed by the Senate on September 8, 1916, to be for the best interests of the Government.

Sincerely, yours,

NEWTON D. BAKER,
Secretary of War.

Mr. CALDWELL. Mr. Chairman, this bill has been on the Unanimous Consent Calendar. When it was being considered by the House at that time certain objections were raised by the gentleman from Pennsylvania [Mr. MOORE] and the gentleman from Wisconsin [Mr. STAFFORD] on the theory that the bill brought into the service certain men that made it objectionable.

The proposition here is that we are not trying to do a favor to any Army officer, nor are we trying to promote any Army officer, but what we are trying to do is to favor the United States and to save money to the Government of the United

States for the simple reason that these men are now on the retired list at a grade above that at which they will come back into the service. As long as they live and stay on the retired list they will continue to draw the retired pay, and if some other man is put into these positions he will draw more pay and we will be paying two men, one of whom is working and one of whom is not working. If, on the other hand, you let these men go back into the service at a grade at which they are now receiving you will save the retired pay and get a good and efficient, well-tried, and true Army officer to do the work that this Government now needs to have done.

Gen. Crozier was before our committee and this question was brought up, and he was asked why he was interested in this bill.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. CALDWELL. Yes.

Mr. MOORE of Pennsylvania. Are we considering Senate bill 6850 now?

Mr. CALDWELL. Yes.

Mr. MOORE of Pennsylvania. Is not that a general bill that would admit any retired Army officer who might have gone out of the service temporarily?

Mr. CALDWELL. No; this bill will only cover four Army officers, retired under the Panama Canal act, mentioned in the report.

Mr. MOORE of Pennsylvania. The report I have mentions no Army officer. I have a report brought in by the gentleman from New York [Mr. CALDWELL] from the Committee on Military Affairs to accompany S. 6850. It mentions no names, and does not indicate that it is in the interest of any special officer.

Mr. KAHN. If the gentleman will yield, there is an earlier report on the House bill which I assume the gentleman from New York refers to.

Mr. CALDWELL. Yes. If the gentleman from Pennsylvania will bear with me, I will expain. The bill seeks to enable four Army officers who were retired at the time Gen. Goethals retired to be placed on the active list. At that time it was found in the House that if these men who had been doing the work on the Panama Canal were sent back into active duty the fact that they went back into active duty would be practically a reduction in standing, and so for that reason the men were given an opportunity to retire, and four of them took advantage of the act, and this bill covers those four and no more.

Mr. MOORE of Pennsylvania. Were they employed on the Panama Canal when they were retired?

Mr. CALDWELL. They were in the United States service; three retired as majors and one as a colonel.

Mr. BROWNING. Who are the four men referred to?

Mr. CALDWELL. One was Col. Dickson, who received $3,750 a year, and the three others were majors, receiving $2,925 per year.

Mr. KAHN. Will the gentleman yield?

Mr. CALDWELL. Yes.

Mr. KAHN. These gentlemen, when retired, retired one grade higher under the Panama Canal act than that in which they had been serving.

Mr. CALDWELL. I have so stated.

Mr. BROWNING. Is Maj. Barbour one of the retired officers?

Mr. CALDWELL. I think not.

Mr. STAFFORD. Will the gentleman yield?

Mr. CALDWELL. Certainly.

Mr. STAFFORD. If I understand this bill, it is intended merely to permit one of the four officers who retired under the Panama Canal retirement act to regain service in the Army.

Mr. CALDWELL. We want to permit all four to return to the active list, but I understand that there is but one that will do it right away.

Mr. STAFFORD. Will the gentleman inform the committee whether the gentleman seeking to gain promotion in the service is employed in civilian life?

Mr. CALDWELL. No; he is now doing duty voluntarily in the Army, having gone back to the service as a retired officer. He is now at Watervliet doing duty on which he volunteered to work until March 4, 1917, after which, if this bill should not become a law, he will go back into civil life.

Mr. STAFFORD. Has he accepted the retirement provided for in the Panama Canal act?

Mr. CALDWELL. He did. At the time that Col. Dickson accepted that retirement his wife was in a very delicate condition. She was so badly off that it was impossible for him to stay in the service and properly care for her. He took advantage of this retirement clause and nursed his wife until she died. After she died and he was on the retired list, he was given a contract of employment in civil life, and just as he was beginning in the work the contract fell down and he quit. Since that time he has been offered numerous places of employment at high salary, but because of his past experience and his association in the Army and his desire to spend that kind of a life, he is holding off from going into private employment in munition factories, hoping he can get into the United States Army and there perform the duty that we need just such men to perform.

Mr. STAFFORD. Have any of the other three who have accepted retirement under the Panama Canal act accepted service with munition factories or other private employment?

Mr. CALDWELL. I understand two of them have. I yield to the gentleman from Delaware [Mr. MILLER], who can tell the gentleman in respect to that.

Mr. MILLER of Delaware. Mr. Chairman, I understand there are two of them, and one of the five I will call to his attention is a chaplain, and so the question of going into employment in a munition factory could not lie against him.

Mr. STAFFORD. How many of these retired officers are at the present time performing service for private munition factories and at the same time accepting pay as retired officers?

Mr. MILLER of Delaware. I understand that there are two of them. These men are not known to me personally. I have found out, however, that none of the five men expected or wanted to take advantage of this act except Col. Dixon.

Mr. STAFFORD. These other two find it more profitable to work for private concerns with their retired pay than to go back into the United States Army and perform work so pressingly needed by the Government?

Mr. MILLER of Delaware. I will not deny that, but they retired under the law passed here in the last Congress.

Mr. BROWNING. Mr. Chairman, can the gentleman tell me who those three majors are?

Mr. MILLER of Delaware. I will tell the gentleman from New Jersey. I just came into the Hall, and I have the list here.

Mr. BROWNING. I have been trying to find out.

Mr. MILLER of Delaware. There are three captains, Robert E. Wood of the Cavalry, Courtland Nixon of the Infantry, Frank O. Whitlock of the Cavalry; one major, Henry A. Brown, a chaplain; and one lieutenant colonel, Col. Dickson, in the Ordnance Arm.

Mr. MILLER of Minnesota. Mr. Chairman, will the gentleman yield further?

Mr. CALDWELL. I yield to the gentleman from Minnesota.

Mr. MILLER of Minnesota. What distinguished service in connection with digging the Panama Canal did these men illustriously perform?

Mr. MILLER of Delaware. Under the act of March 4, 1915, these gentlemen and other gentlemen who wanted to take advantage of it had the right to retire.

Mr. MILLER of Minnesota. I understand all of that, but those names were added after the bill left the House, and some of us have been wondering ever since they were added just what they had done to merit this distinction.

Mr. MILLER of Delaware. I differ with the gentleman. The Panama Canal act does not name any particular officer. It simply provides that officers who have served a certain length of time on the Panama Canal have the right to apply for retirement.

Mr. MILLER of Minnesota. The bill as it passed the House limited the emolument to a very small number of people.

Mr. KAHN. Named in the bill.

Mr. MILLER of Minnesota. Yes; and these others were added, and if I may be permitted to say so, to the lasting disgrace of the whole proposition, and if I could pass a law that could bring them back and subject them to some punishment for going out, I would do it.

Mr. MILLER of Delaware. What did Congress pass an act for if it did not expect people to take advantage of its provisions?

Mr. MILLER of Minnesota. To be plain and frank with the gentleman, I have understood that it was at the earnest solicitation of these men that this act was going to benefit. I do not mean these particular men, but the group of individuals included in the provisions as it became a law—that those individuals were instrumental in at least asking for it.

Mr. CALDWELL. Mr. Chairman, as I understand the proposition, it was this: At the time that the statute was passed permitting some of the Army officers to retire, to take advanage of the fact that they had done work at Panama, it was pointed out that every man who was down there, from the lieutenant on up, had been in a very high executive position.

Mr. MILLER of Minnesota. Will the gentleman permit an amendment—I would say that every man from a shoveler, or who worked a steam shovel, up.

Mr. CALDWELL. The gentleman does not get my train of thought. All of the men who had been in executive positions had a position that was far above that which their relative rank in the ordinary branches of the Army would give them. In other words, their responsibilities were greater, and if they came back and went into the Regular Army service, it would be what was in the minds of the Army officers a "comedown." In other words, they have been for some years in very high positions and in coming back they would go down instead of up, as the service warranted. I was not a Member of Congress at that time, but Congress passed a bill that permitted these men who wanted to retire to do so. Now, in the particular case of Col. Dickson, who is the man we are trying to get back at this time and whom Gen. Crozier wants back because he has a place for him in some work that is necessary to be done and he does not know anybody else who can do it——

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. CALDWELL. I will.

Mr. MOORE of Pennsylvania. Why does not the gentleman bring in a bill to restore Col. Dickson and let us fight it out on its merits? Why does the gentleman want to get Col. Dickson back, and under cover of Col. Dickson open up the whole business, so that any man who has gone out of the service for his own benefit and perhaps for his own profit can come back under this blanket provision and be reappointed by the President on application?

Mr. CALDWELL. The War Department has asked that the bill be made broad enough to cover all these officers referred to in the report, which the gentleman now has a copy of before him, so they can be all gotten back, because they want all of those men if they can get them.

Mr. MOORE of Pennsylvania. The bill goes beyond these five officers mentioned in the report, a copy of which I have at last succeeded in getting. I understand some of them have been employed outside of the Government service at higher salaries than they would get in the service, and now they are very anxious to come back; and if they can come back under the provisions of this bill they will rank the men who have been faithful to the service while they have been gone looking after their own affairs. Now, will the gentleman——

Mr. GREENE of Vermont. Mr. Chairman, I will say to the gentleman from Pennsylvania——

Mr. MOORE of Pennsylvania. I am asking why they bring in a blanket resolution instead of covering each individual case?

Mr. GREENE of Vermont. If the gentleman will permit, these same men covered in this bill might still stay on the retired list at higher rank and pay than they would expect if they came in under the provisions of the act; so it is no direct monetary advantage to them or advantage in rank, but it is a sacrifice.

Mr. MOORE of Pennsylvania. They are still attached to the service, still under pay?

Mr. GREENE of Vermont. At present.

Mr. MOORE of Pennsylvania. And therefore the gentleman thinks it is a good proposition to put them back in the service, so they will be doing something for what they are now paid, and no longer be on the retired list?

Mr. GREENE of Vermont. Yes.

Mr. MOORE of Pennsylvania. Let me ask the gentleman whether it is a good proposition, a good business proposition, for the Government in time of stress, when the country needs trained men, just such men as these men are, to give over to the service of private corporations or to outside concerns their talent and ability? The gentleman does not answer.

Mr. CALDWELL. Mr. Chairman, I will answer the gentleman and then I will yield some time. I will say in answer to the gentleman from Pennsylvania [Mr. MOORE]——

Mr. MOORE of Pennsylvania. I shall oppose this bill unless the gentleman indicates the men who want to come back. There are certain officers of the Army who have gone out of the service, and there may be good reasons why they should not come back.

Mr. CALDWELL. No; I will say to the gentleman from Pennsylvania that as I understand the situation it is this: These Army officers were trained for the United States Army in the United States Military Academy——

Mr. SLAYDEN. The chaplain was not.

Mr. CALDWELL. Except the chaplain; they have had a training that was at least beneficial to them. Now, those men who went into a private munitions factory had a further training which are the men who in the mind of the War Department are extremely valuable to us now that we have embarked on a scheme of making our own munitions. We need men who have had charge of commercial enterprises. We need men who have had just the kind of schooling and training these men have had.

Now, I yield 10 minutes to the gentleman from California [Mr. KAHN].

Mr. KAHN. Mr. Chairman, answering the proposition of the gentleman from Pennsylvania [Mr. MOORE], I desire to call his attention to one or two matters. In the first place when these gentlemen retired, their places were immediately filled and there were no vacancies then to which they could have been appointed if they had applied for reappointment. The national-defense act, which created a great number of additional offices in the Army, did not pass until June 3, 1916. It was thereafter that men began to apply for the positions which were created by that act. It was only after the passage of that act that these people could see their way clear to get appointments in the United States Army. Now, if they go back into active service and the Government gets the benefit of their talent and ability, they will only get as pay practically what they are drawing as retired officers because——

Mr. GREENE of Vermont. No; they will go down a grade.

Mr. KAHN. They get practically the pay and allowances of the grade lower than the one at which they retired; and therefore, if they are reappointed, they get about the same pay which they are getting now.

Mr. SLAYDEN. Will the gentleman permit a question?

Mr. KAHN. Yes, sir.

Mr. SLAYDEN. Mr. Speaker, it seems to me, if I read his mind aright, what is puzzling the gentleman from Pennsylvania [Mr. MOORE] is that you take gentlemen who have rendered distinguished service, if you please, and permit them, when it is to their advantage to do it, to go out of the Army and then reinstate them by creating additional commissioned officers. You did not mention in your statement the fact that it is not proposed to make additional commissioned officers.

Mr. KAHN. I meant to say that.

Mr. SLAYDEN. And continue employment in the commercial world as long as it suits them, and, when it is more agreeable and profitable to come back, and you permit them to do it, it may be—I will not say demoralizing to the military service, but something that squints in that direction.

Mr. MOORE of Pennsylvania. You are discriminating against everybody who has been faithful to the service and who is in line of promotion.

Mr. SLAYDEN. I know Col. Dickson very well. He is an excellent officer and gentleman and I think his services are valuable; but I do not think we are warranted in creating more offices to accommodate a chaplain, for example, who has gone out to his own advantage and who is getting paid as a retired officer.

Mr. KAHN. I am not pleading the cause of the other officers particularly, but I say that what the gentleman states may be correct and this bill may create some dissatisfaction. Still, at the present time the War Department is exceedingly anxious to get officers who know their business to fill the vacancies that even in the commissioned forces of the Army have been created by the passage of the national-defense act.

Mr. SLAYDEN. Are there any vacancies to which these gentlemen can go?

Mr. KAHN. There are, I think.

Mr. SLAYDEN. Why do you propose to create five additional vacancies, then?

Mr. KAHN. Probably in these higher grades there are no vacancies. There are vacancies in the lower grades, I know.

Mr. SHALLENBERGER. Does the gentleman from California agree with the gentleman in charge of the bill that the principal object of this bill is to get Col. Dickson back into the service?

Mr. KAHN. Yes.

Mr. SHALLENBERGER. Also the claim is made that if he is going into the service he is going back one rank lower than he held when he went out.

Mr. KAHN. One rank lower than he was retired at.

Mr. MOORE of Pennsylvania. Permit me to read:

Provided, That such officer shall be transferred to the rank and place on the active list which he would have had if he had not been retired, shall be carried as an additional number in the grade to which he may be transferred or at any time thereafter promoted, and shall be promoted on the same date as the officer next above him in rank, and shall be commissioned in the arm or department of the Army from which he was retired.

Now, that puts him over the head of other officers.

Mr. KAHN. He would then get about the very pay he is getting now.

Mr. SHALLENBERGER. The point is, as I understand it, the War Department, referring to the statement of the gentleman from California [Mr. KAHN], is anxious to get Col. Dickson back into the service. The minute he is commissioned lieutenant colonel the War Department can next commission him a colonel or a brigadier general or a major general.

Mr. KAHN. I do not think so.

Mr. SHALLENBERGER. Has it not been done?

Mr. KAHN. If there happened to be vacancies in the higher grades.

Mr. SHALLENBERGER. That can be provided for. So that the proposition of the sacrifice on the part of the colonel is somewhat problematical, is it not, in coming back into the service? Is it not a fact?

Mr. CALDWELL. It is not so, for this reason: That if he goes back as lieutenant colonel, he would not be a brigadier general or anything else.

Mr. KAHN. They can advance him as vacancies in the higher grades occur. That is the only way they can advance anybody. The Chief of Ordnance, Gen. Crozier, appeared before the Committee on Military Affairs and stated it was exceedingly desirable to get Col. Dickson back into the service, inasmuch as he was a valuable man.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. KAHN. In a moment. And Gen. Crozier stated he went out of the service under extraordinary circumstances; that his wife at the time he resigned was very ill and that he could not give her that care and attention he desired to give her so long as he continued in the service; that subsequently his wife died; that the obligation to look after her was removed, and from that time on he tried to get back again into the service. That is the statement, as I remember it, that Gen. Crozier made to our committee.

Now I yield to the gentleman from Pennsylvania [Mr. MOORE].

Mr. MOORE of Pennsylvania. I have an understanding that Gen. Crozier desired the return of Col. Dickson, but I am at a loss to know why, when the committee is endeavoring to oblige the Ordnance Bureau by restoring Col. Dickson, it brings in four others, who may or may not be of special service to the department at this time and the introduction of whom means the presentation here of a general law that will admit anybody to restoration to duty.

Mr. KAHN. I think that only five retired as the result of the passage of the Panama Canal law.

Mr. MOORE of Pennsylvania. Would the gentleman be satisfied with an amendment to this bill providing for the restoration of Col. Dickson?

Mr. KAHN. So far as I am concerned, I would be satisfied.

Mr. MOORE of Pennsylvania. And cutting out the blanket clause of this measure?

Mr. GREENE of Vermont. May I suggest this to the gentleman from Pennsylvania?

Mr. CALDWELL. I yield 10 minutes to the gentleman from Delaware [Mr. MILLER].

Mr. GREENE of Vermont. I wanted to follow the continuity of this.

Mr. MILLER of Delaware. I yield to the gentleman from Vermont.

Mr. CALDWELL. Mr. Chairman, I yield 10 minutes to the gentleman from Vermont [Mr. GREENE].

Mr. GREENE of Vermont. I do not want all of that. The terms of the act permit the application of its provisions to such officers as come under the language—

To transfer to such active list of the Army any officer under 50 years of age who may have been transferred heretofore from the active list to the retired list of the Army under the act to provide for recognizing the services of certain officers of the Army, Navy, and Public Health Service for their services in connection with the construction of the Panama Canal—

And so forth.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. GREENE of Vermont. Certainly.

Mr. MILLER of Delaware. Mr. Chairman, is the gentleman proceeding in my time or not?

The CHAIRMAN. No. The gentleman from New York yielded to him. Now he yields to you.

Mr. MOORE of Pennsylvania. I will not take any more time now.

Mr. GREENE of Vermont. All right.

The CHAIRMAN. The gentleman from Delaware is recognized for 10 minutes.

Mr. MILLER of Delaware. Mr. Chairman, this is the bill which I discussed at some length when it was on the Unanimous Consent Calendar on the 15th of January of this year. I will not enter into the details as to why I am interested in this matter; suffice to say I am interested in it purely from the standpoint of merited legislation. I would like to have the attention of gentlemen on the floor who seem to be opposed to this bill, and if my friend from Pennsylvania [Mr. MOORE] will bear with me for a moment I hope to be able to clear up several points that I see he has in his mind.

The gentleman from Vermont [Mr. GREENE] just read to the gentleman from Pennsylvania an extract from the Panama Canal act. That act was passed on the 4th of March, 1915, by Congress and became a law, and under that act certain officers in the Army had a right to apply for retirement. If the principle was wrong, the act was wrong at the time it was passed; but under that act five men applied for retirement and were retired. Only five men, as I understand it, have been affected and have retired under the Panama Canal act.

Mr. MANN. For what reason were they retired?

Mr. MILLER of Delaware. I will say to the gentleman from Illinois, without reading the whole act, that——

Mr. MANN. The Panama Canal act does not authorize retirement.

Mr. MILLER of Delaware. These men were retired under the Panama Canal act.

Mr. MANN. Oh, no; not at all. They were retired under the law relating to retirements. The Panama Canal act only provided that when retired they should be retired at one grade higher. That is all.

Mr. MILLER of Delaware. The bill says in substance, "For recognizing the services of certain officers of the Army and Navy," and so forth, "for their services in connection with the Panama Canal." That was the act under which these men were retired two years ago.

Mr. MANN. The gentleman is mistaken about that.

Mr. MILLER of Delaware. I will admit what the gentleman says, so that I can go ahead, but I do not want to be made to appear that I am making any misstatements here in order to mislead anybody.

Mr. MANN. There is no misstatement. There is simply a misunderstanding. The Panama Canal act only provided that when retired, officers should be retired one grade higher. I have the act before me.

Mr. MILLER of Delaware. I thank the gentleman for bringing out that point. These officers took advantage of that act, and they were retired. There were five of them. Their names are given in the report. One of these men was a very valuable man in the Ordnance Department, Col. Dickson. When I asked him specifically why he had retired from the service he stated to me that on account of the illness of his wife, on the Panama Canal Zone, it was necessary for him, if he did his duty by his wife, to leave the Army at that time, which he did, under the act of March 4, 1915. Subsequently his helpmeet failed to recover from her illness and died. About that time certain factories in this country were in need of trained help. The man was out of the Army. A contract was made with him, but later on it was found—although not due to any inability on his part—that the contract was such that he did not care to continue with it. That is the case of Col. Dickson; and for the last few months he has been utilized by the Chief of the Bureau of Ordnance at various arsenals throughout the country.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. MILLER of Delaware. I will be glad to.

Mr. MOORE of Pennsylvania. Does the gentleman know whether Col. Dickson appeared before the committee?

Mr. MILLER of Delaware. I can not say, because I am not a member of that committee; but I see the gentleman from California [Mr. KAHN] shakes his head.

Mr. MOORE of Pennsylvania. Does the gentleman know whether Col. Dickson's story has been told officially before any committee of this House?

Mr. MILLER of Delaware. I can not answer that; but I understand from the gentleman from California [Mr. KAHN] that he did not appear.

Mr. KAHN. If the gentleman will permit me, Gen. Crozier did appear before the Committee on Military Affairs and made a statement concerning the services of Col. Dickson.

Mr. MOORE of Pennsylvania. May I ask if these five officers appeared before the committee, or if Gen. Crozier spoke for them all?

Mr. KAHN. Gen. Crozier spoke for them all.

Mr. SHERLEY. Will the gentleman yield?

Mr. MILLER of Delaware. Yes; I yield.

Mr. SHERLEY. Mr. Chairman, I do not think that most of the Members are concerned with the reasons why these men got out, but we are concerned with this basic question as to why they are permitted to come in on the same terms as if they had

stayed in, because that, to my mind, is a gross injustice to those who are in the service and puts a premium upon the action of men going out of the service and then coming back.

Mr. MILLER of Delaware. I find that only one of them will take advantage of the act. That is Col. Dickson. The Bureau of Ordnance is asking for him in no uncertain terms.

Mr. SHERLEY. I know the Bureau of Ordnance needs men, I have tried to give them additional men as much, perhaps, as any other man in the House; but, for the sake of a particular bureau, we can not afford to disregard a fundamental rule of equity. Here are men who go out of the service voluntarily. Now, they are permitted to come back with the same rank as if they had continuously stayed in the service. I submit to gentlemen that that is not fair to the other men who do stay.

Mr. MILLER of Delaware. I really think that the members of the Committee on Military Affairs, who reported the bill out, are better versed as to that point than I am, and they can answer the gentleman. I want to proceed to other points. One of these men will draw down $3,750 as retired pay from the Government every year of his life.

The CHAIRMAN. The time of the gentleman from Delaware has expired.

Mr. CALDWELL. Mr. Chairman, I yield five minutes more to the gentleman.

The CHAIRMAN. The gentleman from Delaware is recognized for five minutes more.

Mr. MILLER of Delaware. Coming back to the active list, he will draw as lieutenant colonel, as I understand it, $4,500, and he has 16 years yet to serve. Looking at it from a purely business standpoint, is it not good business for us to let this man come back when the bureau wants him, when he will draw down $3,750 for the next 16 years and not be rendering the Government his service; and if we will take him back he will, of course, draw $4,500 as a lieutenant colonel and $5,000 as colonel, should he reach that rank?

Mr. McKENZIE. Mr. Chairman, will the gentleman yield?

Mr. MILLER of Delaware. Yes.

Mr. McKENZIE. Does the gentleman feel that these men, as suggested by the gentleman from Kentucky [Mr. SHERLEY], if they are put on the active list, should be allowed to take the place of the men who have remained in the service, or should they take their place at the bottom of the list?

Mr. MILLER of Delaware. I will say to the gentleman that this bill is reported from his own committee, the Committee on Military Affairs, and I am willing to follow the bill that they have reported out.

Mr. McKENZIE. I want to say to the gentleman from Delaware that I am not in favor of that proposition.

Mr. SNYDER. Mr. Chairman, will the gentleman yield?

Mr. MILLER of Delaware. Yes.

Mr. SNYDER. What salary is this gentleman drawing now, and is he employed outside of the service of the Government?

Mr. MILLER of Delaware. He gets his retired pay.

Mr. SNYDER. I thought the gentleman said he was employed by another concern outside.

Mr. MILLER of Delaware. He is working at the Watertown Arsenal now.

Now, I want to say to the gentleman from Pennsylvania [Mr. MOORE], without giving names, that under no circumstances, even under the widest interpretation of the proposed act, could a certain gentleman more or less connected in the past with Philadelphia affairs ever come back to the Army.

Mr. MOORE of Pennsylvania. If the gentleman will permit me to say, it is not a personal matter with me. You are offering legislation so broad that you encourage men to leave the service, with the expectation that they can come back and rank the others who have remained faithful to the service.

Mr. MILLER of Delaware. It only applies to men retired under the act of March 4, 1915. A question has been raised here about these other four men.

Mr. SHALLENBERGER. As I understood the gentleman from Illinois, he states that these men were not retired under that act, but under the act under which every officer retires.

Mr. MILLER of Delaware. No; the gentleman from Illinois was calling attention to a misunderstanding that I may have created by referring to the act in my opening remarks. I would like to yield further, but I have not much time left.

One of these men was a chaplain, so he could not be considered as a man going out to work for certain factories and then coming back again. One of these men was Frank O. Whitlock, to whom I happened to be introduced at one time, and I remembered his name when I saw it in the report. I wrote him a letter and asked him what he intended to do about this legislation, and I have a letter from him saying that as far as he is concerned, he does not want to take advantage of the act, that he does not want to come back. I merely state that so as to dispose of one other man.

Mr. SLAYDEN. He is barred by age anyway.

Mr. MILLER of Delaware. No. I submit to you that if this act does bring back only one man, Col. Dickson, he is coming back perhaps even more valuable than he went out, because what experience he has will certainly accrue to the benefit of the Government, and to-day he is being used by the Government at the Watertown Arsenal, and formerly at the Watervliet Arsenal in New York. I sincerely hope that the suspicion aroused by this bill will not be such as to defeat it, because I think a good many of the points raised by our colleagues on the floor to-day have been disposed of by the debate that has ensued. Mr. Chairman, as I went into other details of this bill during the debate on January 15, 1917, I will yield at this point.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CALDWELL. I yield five minutes to the gentleman from Vermont [Mr. GREENE].

Mr. GREENE of Vermont. Mr. Chairman, I am quite willing to say that I agree with the general proposition that no special legislation should be designed or calculated to permit officers of the United States Army to go in and out of the Government service at pleasure, try experiments in commercial and industrial life outside, and then, possibly being disappointed in their expectations, to come back to the service without loss of rank. However, I favor the general proposition that the Secretary of War should be authorized by some legislation to return to active service certain men who are acknowledged experts in the Ordnance Department, and whose services at this time would be of particular value to the Government, more especially if the desire is expressed by those men to relinquish any possibilities of outside emoluments in addition to the pay they would be receiving all the time on the retired list without making any effort to earn it, and to come back into the service and earn pay, and only to receive the pay that they do earn.

Mr. SNYDER. Why can not these gentlemen go back into the service through the Officers' Reserve Corps?

Mr. GREENE of Vermont. They would not go back to the status that they have as officers of the regular service.

Mr. SNYDER. They would go back with some status, and would go into the service.

Mr. GREENE of Vermont. They would lose their status for retirement.

Mr. SNYDER. I only asked for information.

Mr. SHALLENBERGER. They also lose their right to promotion, do they not?

Mr. GREENE of Vermont. That is always implied. It seems to me the objections that have been presented here by some gentlemen on the floor in this discussion might be met if the bill were amended, on page 2, line 3, by striking out the words "would have" and the further words "if he had not been," and the words "when he was" inserted in the proper place, so that the line as amended would read:

He had when he was retired—

And the entire proviso would read:

Provided, That such officer shall be transferred to the rank and place on the active list which he had when he was retired—

And so forth.

Mr. CALDWELL. If the gentleman will yield, we are going to offer an amendment in almost those words when we get to that point in the bill.

Mr. GREENE of Vermont. That is another happy illustration of the fact that great minds often run in the same channel.

Mr. MOORE of Pennsylvania. Mr. Chairman——

The CHAIRMAN. The gentleman from Pennsylvania is recognized in opposition to the bill for one hour.

Mr. MOORE of Pennsylvania. I yield to the gentleman from Illinois [Mr. MANN] so much time as he desires.

Mr. MANN. Mr. Chairman, I served for a good many years on the Committee on Interstate and Foreign Commerce, which had legislative jurisdiction over the Panama Canal. I served with the very distinguished gentleman from Georgia [Mr. ADAMSON], now the chairman of that committee. I made the first proposition which was made to give to Col. Goethals advancement in rank because of his services on the Panama Canal, my idea being to give a distinction to the head of that service for doing a great work in time of peace, such as has usually been accorded by nations to officers at the head of the service for great distinction in time of war. The gentleman from Georgia [Mr. ADAMSON] finally introduced a bill—he may have introduced one before, but he introduced a bill in the Sixty-second Congress—providing that the thanks of Congress be extended to Col. Goethals, Dr. Gorgas, Col. Hodges, Col. Seibert, and Commander Rousseau, all of whom were on the Isthmian Canal Commission

and at the head of various divisions of work on the Panama Canal, except Col. Goethals, who was at the head of the whole service. That bill provided for the promotion by the President of Gen. Goethals and Gen. Gorgas, and provided further that upon retirement the officers named should be advanced one grade in rank. That is the way the bill passed the House. It went to the Senate, and, without any consideration having been given it by the House, some hogs in the Army said that they would oppose, and did oppose, the passage of that bill in the Senate unless they were given preference and an increase in grade and the right to immediate retirement. The Senate put this section in the bill:

That such officers of the Army and Navy as were detailed for duty with the Isthmian Canal Commission on the Isthmus of Panama for more than three years, and who shall not have been advanced in rank by any other provision of this bill, shall be advanced one grade in rank upon retirement.

And then a provision for the advancement of any officer then on the retired list with similar service; and they added this section:

That at any time after the passage of this act any officer of the Army or Navy to be benefited by the provisions of this act may, on his own application, be retired by the President at 75 per centum of the pay of the rank upon which he is retired.

That bill came back to the House with this amendment in it. There was no one in the House who believed that these were proper provisions. There was no one in the House who liked to be held up, but the Army is a great institution, and it has a great many direct and indirect methods of influencing legislation. In discussing the matter among various Members of Congress who were interested in it, among others, I decided to yield to the hold-up in order to give the recognition which Col. Goethals had earned in behalf of the whole Army and Navy; to yield and give some of the little fellows what they were holding us up for. The House agreed to the Senate amendment. These men immediately made application for retirement, including a chaplain, who probably did not find it any harder to pray on the Isthmus of Panama than he would have to pray in the United States.

Mr. MILLER of Delaware. Will the gentleman state what is the date of the approval of the act he has mentioned?

Mr. MANN. March 4, 1915. It was enacted, I think, or the House agreed to the Senate amendments on the last night of the session. There was no chance for anything except to yield to the holdup, or else refuse the earned recognition in behalf of the whole Army and the whole United States by Gen. Goethals and his colleagues on the Canal Commission.

Mr. McKENZIE. Will the gentleman yield?

Mr. MANN. Yes.

Mr. McKENZIE. Does the gentleman assert it as a fact that all the men covered by this bill were retired at their own request under the provisions of the law he has just read?

Mr. MANN. I do not; but I am very sure of one thing—that they either were retired at their own request, or else they were retired because of physical or mental incapacity. If they were retired for physical or mental incapacity I take it that there is no disposition to reinstate them; if they were not, they were retired at their own request under the provisions of the law which were put in as a holdup.

Mr. McKENZIE. I simply wanted to bring out the point that if they were retired at their own request the bill ought to be defeated.

Mr. MANN. Now, Col. Dickson went into the employ of somebody connected with the manufacture of arms, ammunition, or powder, and he is a very capable officer. It was a loss to the Government when he retired. He was, I believe, a lieutenant colonel and retired on the three-quarters pay of a colonel, which he is now receiving and is entitled to receive as long as he lives. He has been recently engaged by the Government, under Gen. Crozier, who needs his services. It would be well if the Government had his services, and yet I do not think the Government is dependent upon any one man in the world for its continuation or for its necessary use. Col. Dickson is an able man.

Mr. MILLER of Delaware. I do not know whether the gentleman was on the floor a few minutes ago when I made the statement——

Mr. MANN. I was on the floor when the gentleman was speaking.

Mr. MILLER of Delaware. When I made the statement that the health of Col. Dickson's wife was largely instrumental in his leaving Panama.

Mr. MANN. I have heard so many stories and always take them with many grains of allowance. A man comes to Washington, like the gentleman from Delaware or myself, and once in a while he says, "I never have good health in Washington"—charges his ill health to the climate. Bless our souls, we all die after a while; we all have ailments as we go along, and people who charge a particular locality with their ailments usually commence with a nervous complaint, and they charge it to the climate.

Mr. MILLER of Delaware. The gentleman will admit that the greatest mortality in Washington is among the political deaths rather than physical deaths. [Laughter.]

Mr. MANN. Yes; I will say, though, that the mortality on the Isthmus of Panama among the people who are sent there is smaller than it is in any large community in the United States. I do not think, however, that that is a fair criterion. I am not trying to tell the House whether they ought to pass or defeat this bill. I wanted to make a statement of the history of the matter. The question is whether we shall, after we let a man get a provision in a bill for his own benefit, of which he has taken advantage, take him back just because he wants to come back or because we can make a profitable use of his services.

Mr. ADAMSON. I hope it will not divert the gentleman from his line of argument. He is probably entirely familiar with what I am going to call to his attention, and that is that the Committee on Interstate and Foreign Commerce has reported and has on the calendar a bill to repeal all of the mischief done by that Senate amendment to which the gentleman so fittingly alluded a few minutes ago, and if recognition is ever obtained, the committee desires to try and pass that bill not only on account of the inherent mischief which the amendment itself does but on account of the resulting mischief. The civil employees upon the Isthmus have put up the plea that because this special benefit was conferred on a few of these medical and Army officers therefore all of the thousands of employees who have been on the Isthmus ought also to have a large bonus, and their only argument is this ungodly amendment which was put on here in the hour of our extremity when Congress was about to adjourn without a quorum.

Mr. MANN. Mr. Chairman, I am not going to discuss the bill that the gentleman refers to. I think I understand the measure, but I do not understand how these people would be affected if we should repeal the provision of law under which they retired. An act is an act when it is passed, and you may repeal all of the laws of the world, but you can not change what was done yesterday.

Mr. ADAMSON. Their argument is that because Congress made one mistake it ought to make another one.

Mr. MANN. But the gentleman's provision repeals the provision under which these people were retired. There will be no authority of law for their retirement, but they are retired. I do not know whether that would reinstate them, but I apprehend it would not. It is up to the House.

Mr. ADAMSON. If they have already been retired, of course it could not affect them in their rights already vested.

Mr. MANN. We could affect them, certainly. This bill is for that very purpose. Here is the proposition, after all: Whenever an Army or a Navy runs along for any time it becomes inclined to be top-heavy. Because there are fewer deaths, fewer resignations, men at the top remain there, and men below get no chance for promotion. We do not pay high salaries to lieutenants or captains in the Army. We do endeavor to provide so that when they reach the age of retirement, they will have enough to live on economically and comfortably during the balance of their lives, and the incentive, the great incentive, to men to remain in the Army is the possibility of reaching a higher grade upon which they may eventually be retired. Of course, every officer in the Army hopes that he is going to be retired as a brigadier general. They all know that if they remain in the Army, and there are enough vacancies above them, they will be retired as colonels, but there must be enough vacancies above them. They would like to get rid of some of the officers in the higher grades from time to time, and for that reason it is always a little dangerous to put back in the Army men who are already upon the retired list and put them in the higher rank which will prevent some man who has remained in the service from reaching that rank at all.

Mr. CALDWELL. Mr. Chairman, will the gentleman yield?

Mr. MANN. Certainly.

Mr. CALDWELL. The gentleman realizes that the national-defense act passed at the last session provided that any officer who retired for disability on having the disability removed can get back into the service?

Mr. MANN. I do.

Mr. CALDWELL. These men retired not for disability, but as a favor. Why should not they come back into the service if the other men should come back?

Mr. MANN. For years we had refused to pass any such legislation; for years we had refused to permit men who were retired for any purpose to come back into the Army. When the national-

defense act was before the House with a large increase in the enlisted force of the Army and the number of regiments, and with a very large number of applications for men upon the retired list to get back by personal favoritism, private bills, I said to the gentleman from Virginia in charge of the national-defense act, publicly, privately, and other gentlemen did the same thing, that if he would give to the Army the general authority to reinstate these men we would not be opposed, because at that time there was such an increase in the number of regiments that they might absorb these men without doing great injustice to the other men who had remained in the service. But these people were retired involuntarily. It is barely possible, it is quite possible, they might absorb these men in view of the increase in the service; but this is distinctly entering upon a policy of reinstating a man who has voluntarily retired at his own solicitation, through his own work in obtaining the law under which he could be retired, and putting him back into the service where he may and probably will prevent some man from being promoted who has remained in the service all of the time. I say this is distinctly entering upon that policy, and you can not say to-day that you will do one thing for one man and to-morrow, under the same circumstances, say that you will not do it for another.

Mr. SHALLENBERGER. Mr. Chairman, will the gentleman yield?

Mr. MANN. Yes.

Mr. SHALLENBERGER. Does the gentleman know that the amendment permitting these retired officers to be returned at the approval of the Secretary of War was very much widened by the amendment in the conference committee? As it passed the House, it fixed an age limit of 50 years, with considerable restrictions around it. As the bill is now a law, it has opened the door to the restoration of retired officers of any age.

Mr. MANN. Of what bill is the gentleman talking?

Mr. SHALLENBERGER. The particular amendment to which the gentleman just referred.

Mr. MANN. Oh, the national-defense act.

Mr. SHALLENBERGER. Yes. The conference committee removed the restriction of the limit of 50 years, and some have been put on the active list who were beyond the age of retirement.

Mr. MANN. Well, it is unescapable. You always have to pay some attention to the chance of promotion of men who go into Government service. You have got to do that. The mere amount of money that is paid to one man on the retired list is not very much compared with the advisability of giving men to understand they have a chance of promotion.

Mr. LONGWORTH. Will the gentleman yield?

Mr. MANN. I will.

Mr. LONGWORTH. This bill now provides that he shall be returned to the same rank, and also that he shall be promoted on the same date as the officer next above him. Is not that an unusual practice?

Mr. MANN. No; that is usual.

Mr. CALDWELL. There is an amendment pending to change that.

Mr. MANN. That is the usual provision.

Mr. CALDWELL. We propose to amend this bill by providing that if they go back they go into the same grade as when they went out.

Mr. MANN. This bill does more than that. Having given a man one bite of a cherry, and having bitten the cherry and swallowed it, the proposition now is to give him a new cherry, give him another cherry, and let him retire at a rank in advance of the one he then holds.

Mr. MILLER of Delaware. Will the gentleman yield?

Mr. MANN. I do not want to take all the time.

Mr. GREENE of Vermont. Will the gentleman yield?

Mr. MANN. I will.

Mr. GREENE of Vermont. I am quite in accord with the principle of equity to be followed which the gentleman has stated as to other officers; but does not the gentleman think the mistake was made in drawing this act in its general terms when it is really meant only to apply to Col. Dickson? The five other names mentioned were suggested in the report as names of men who could take advantage of it.

Mr. MANN. I will not say it is a mistake in view of the uniform practice of "the gentleman from Illinois" to object to these private bills to retire men in the Army and Navy.

Mr. MILLER of Delaware. Referring to what the gentleman from Illinois has said, I think it should be said in fairness that there is a specific provision which says they can not take advantage again of the Panama retirement act.

Mr. MANN. What does the gentleman mean by that?

Mr. MILLER of Delaware. I thought from what the gentleman said a moment ago it is more or less understood that these gentlemen might again, if they were taken back, come in under the Panama Canal act.

Mr. MANN. They will be if they live long enough.

Mr. MILLER of Delaware. The bill says specifically——

Mr. MANN. I know what the bill says.

Mr. MILLER of Delaware. May I read it?

Mr. MANN. No.

Mr. MILLER of Delaware. It is in the Senate amendment.

Mr. MANN. It is all very well, but the bill expressly provides "any officer transferred to the active list under this act shall not again be entitled to the benefits of the Panama Canal act described above except—except"—the gentleman did not read that.

Mr. MILLER of Delaware. I beg the gentleman's pardon.

Mr. MANN. "Except when retired for age or physical disability incurred in the line of duty," and when they are retired again they are retired at the rank above the rank which they have. That is what I said.

Mr. MILLER of Delaware. If they have a physical disability, they would not stay in the Army, but they would be retired automatically.

Mr. MANN. Certainly they could not be retired a second time on their own application. In this law it requires that when they are retired they will get the benefit of the Panama Canal act, giving retirement at a higher grade than they held in the service.

Mr. McKENZIE. Will the gentleman yield?

Mr. MANN. Yes.

Mr. McKENZIE. Under this bill, take the case of Col. Dickson. He is retired as a colonel; he was a lieutenant colonel and retired as a colonel. Now, if we pass this bill, we take him back in the service with the rank of lieutenant colonel. Suppose he serves five years and has the rank of colonel? Can he then, after receiving rank of colonel, voluntarily again retire with the rank of the next above rank?

Mr. MANN. He can not retire upon his own application at all.

Mr. McKENZIE. A second time?

Mr. MANN. No.

Mr. McKENZIE. He did the first time.

Mr. MANN. He did the first time.

Mr. McKENZIE. But he can not the second time?

Mr. MANN. And if he is retired for physical disability, he is retired under existing law, not the Panama Canal act; if he reached the rank of colonel, he would be retired as a brigadier general.

Mr. McKENZIE. I asked the question in order to bring that out.

Mr. PLATT. If he is carried as an additional number in the grade to which he may be transferred; but that does not interfere with the promotion of other officers, does it?

Mr. MANN. No; and, as far as Col. Dickson is concerned, I do not think his reinstatement would affect that situation at all. He is now getting the retired pay of a colonel. He could not be advanced beyond the rank of colonel if he went back into the service unless he was put at the head, which is not likely he would be. I yield back to the gentleman from Pennsylvania the remainder of the time, so he will not lose the time.

Mr. MOORE of Pennsylvania. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MOORE of Pennsylvania. Just how are we proceeding? Does the gentleman——

Mr. CALDWELL. I have used 45 minutes of my time.

Mr. MOORE of Pennsylvania. Are we proceeding alternately?

The CHAIRMAN. The gentleman from New York has used 50 minutes.

Mr. MOORE of Pennsylvania. Does the gentleman want to conclude now?

Mr. CALDWELL. No; I want to give the gentleman from Texas [Mr. SLAYDEN] five minutes and then reserve five minutes.

Mr. SLAYDEN. Mr. Chairman, I shall try not to use all of the time granted to me. It gratified me as a citizen of the same State that Col. Dickson comes from to hear this tribute—and well-deserved tribute—to his capabilities as an officer of distinction formerly, at least, in one of the scientific branches of the military service. Col. Dickson is an extremely valuable man to the Government, and I think the wise thing to do would be to authorize his restoration to the Army without incorporating it, without hiding it, in this bill, which is a bad bill in some respects.

Now, the chaplain is barred, I take it, by age. He can not be restored; but other gentlemen can be. I do not know them.

They may be men of unusual ability; but, so far as I have been able to gather from this debate, there are no special requests from the Ordnance Bureau or any other branch of the Government that they shall be restored to the active list.

There are two or three things in the bill that I do not like. In fact, the only part I do like is the possibility of getting Col. Dickson's services for the Government again, not because he is a Texan, permit me to say, but because I think he is an unusually capable man for the military service. But some of this language has not been explained satisfactorily; we have no definite information as to what rank these gentlemen would have if they went back. It proposes to transfer them to the rank and place on the active list which they would have had had they not been retired. Now, it is possible that since their retirement there may have been such rapid promotion in the military service that these gentlemen would occupy a very much higher rank. The Army has been increased. Promotions have been provided for, and many vacancies created by law. And it is entirely possible that they might go back into a rank even as high as the rank of colonel. That ought not to be so. There ought to be a specific, definite statement about that, and I do not see why so small a matter can not be ascertained by a five-minute telephonic conversation with The Adjutant General. This information that office has accessible at all times, and, of course, each one of these gentlemen himself knows. He has a memorandum in his hand, his head, or his pocket by which he can tell you precisely the rank which he would receive if restored to the Army under the terms of this act.

And then it also provides in the last lines, the ones in italics, in the bill H. R. 17424, that he shall not again be entitled to the benefits of the Panama Canal act described above—that is, shall not again have the privilege of retiring at an advanced rank except when retired for age or for physical disability incurred in the line of duty. Now, if they live to be 64 years of age, it is certain they will all retire, and it is possible they will be retired for physical disabilities before that. I think the bill ought to be amended in two or three particulars, and I think it should be radically amended and provide for the reinstatement of Col. Dickson and stop there.

Mr. PLATT. What is the significance of the words in line 2 on page 2? Does that mean that he would go back to the same line and number——

Mr. SLAYDEN. That he would have had if he had continued in the service.

Mr. PLATT. It seems to me it is wrong to put in the same number of the service. That ought to be stricken out. It is all right as to the same rank.

Mr. SLAYDEN. Mr. Chairman, I yield back the balance of my time.

Mr. MOORE of Pennsylvania. Does the gentleman from New York want to go on?

Mr. CALDWELL. You take your time now.

Mr. MOORE of Pennsylvania. Mr. Chairman, when this bill came up on the unanimous-consent call I objected to it. It seemed to me it was a bill that ought to have more careful consideration than it could receive in a call of that kind. It was not such a bill as ought to have been passed without consideration. My judgment then has been confirmed by what has taken place this afternoon. The members of the committee themselves are not very well informed on this bill. Apparently they have not dug into the facts at all.

The gentleman from Delaware [Mr. MILLER], who has considerable information about one or two of the persons to be benefited by this act, has given some details with respect to those persons, but not one of them has appeared before the Committee on Military Affairs, which reported this bill, and the Committee on Military Affairs apparently has little or no information except as it has had a suggestion from Gen. Crozier, the efficient Chief of Ordnance.

Mr. MILLER of Delaware. Will the gentleman yield for a question?

Mr. MOORE of Pennsylvania. Yes.

Mr. MILLER of Delaware. On December 4, 1916, the Secretary of War wrote a long letter to the chairman of the Committee on Military Affairs advocating the passage of the bill, and I inserted it in my remarks on the bill in the RECORD of January 15, 1917.

Mr. MOORE of Pennsylvania. The Secretary of War wrote a letter to the chairman of the Committee on Military Affairs of the Senate, which is incorporated in the report on H. R. 17424, which is not a very long letter——

Mr. MILLER of Delaware. This is a subsequent letter, I will say to the gentleman.

Mr. MOORE of Pennsylvania (continuing). And which goes into no details whatever with respect to these men.

Mr. MILLER of Delaware. I will be very glad to show the letter to the gentleman.

Mr. MOORE of Pennsylvania. I am going to give the gentleman a chance to answer some questions.

Mr. MILLER of Delaware. All right.

Mr. MOORE of Pennsylvania. And if he can throw any light on this subject, I would be very glad to have him do it. In the first place, it is questionable whether Congress should so legislate that after caring for the education and the military training of certain of its young men, affording them excellent positions and relieving them from service on three-fourths pay, we should take them back into the service again without respect to the prior claims of men similarly educated who have been faithful to the tasks assigned to them and who have been looking forward to a promotion which might be denied them if this bill giving preference to those who have gone outside is passed.

There is one thing that a young officer of the Navy looks forward to, and that is the day when he may be called a rear admiral; and as the gentleman from Illinois [Mr. MANN] has indicated, there is one thing that the young officer of the Army looks forward to, and that is that he may some day be retired as a brigadier general. This bill prevents, or would tend to prevent, the very laudable ambition of many meritorious and efficient officers of the Army from ever having the distinction to which their faithful service to the Government would entitle them.

Mr. CALLAWAY. Mr. Chairman, is it not a fact that the retirement of these men automatically accelerated the promotion of the men beneath them to the amount of the number of men, and that these men being allowed to go back into the service would not change the original position of the men whose promotions were accelerated one whit by their retirement?

Mr. MOORE of Pennsylvania. Those men who have gone out of the service, if this bill be passed, are to come back to the rank and place on the active list which they would have had if they had not been retired.

Mr. CALLAWAY. Not "would have had."

Mr. MOORE of Pennsylvania. That they "would have had" if they had not been retired.

Mr. CALDWELL. If the gentleman will permit, I stated twice to the gentleman that the committee has intended to offer an amendment which would change that.

Mr. MOORE of Pennsylvania. But I am stating what the committee has actually done, coming before this House with this bill, which as it stands will give these officers a place of advantage over those who remained in the service.

Mr. GREENE of Vermont. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. Certainly.

Mr. GREENE of Vermont. I call the gentleman's attention to the fact that this is a Senate bill that we are discussing, not a bill prepared by the House committee or a member of it.

Mr. MOORE of Pennsylvania. I ask the gentleman if the Committee on Military Affairs, which reported this Senate bill and which calls it up to-day, has taken the trouble to bring before it any of the particular individuals that are to be affected by this bill?

Mr. GREENE of Vermont. I do not understand that any private individuals except Col. Dickson are affected by it at their own request. The report shows the men to whom it might automatically apply.

Mr. MOORE of Pennsylvania. Here is a report of the Committee on Military Affairs, brought in by the gentleman from New York [Mr. CALDWELL], dated August 18, 1916, which states that "this bill will apply to the following officers," and five officers are named.

Mr. GREENE of Vermont. Yes.

Mr. MOORE of Pennsylvania. Were these five officers called before the committee?

Mr. GREENE of Vermont. They were not.

Mr. MOORE of Pennsylvania. That is a fair answer to my question, and it shows that the committee has not called these men before the committee.

Mr. MILLER of Delaware. Let me suggest to the gentleman the fact that if they had been called before the committee, certain gentleman here might be saying that they were pushing their own selfish ends. But the fact that they did not come before the committee shows that it is the department which is pressing a well-merited bill.

Mr. MOORE of Pennsylvania. It may be that it would have been selfish if they had come forward and asked to be restored to the rank from which they voluntarily retired on three-fourths pay, but I would ask the gentleman this question: If the expressed preference on this floor now in behalf of Col. Dickson's request for restoration would not suggest that Col. Dickson, or

these four men who would be equally affected with Col. Dickson, ought not to have suggested the propriety of their being called before the committee so that the facts of the matter could have been ascertained? It has been stated that this bill ought to pass in the interest of Col. Dickson, but not in the interest of the four other men. If that is the fact, where does the committee stand if it was not duly informed as to the merits of the four other men?

Mr. CALDWELL. I will answer the gentleman's question. This bill was reported out because the War Department wanted it reported out. Gen. Crozier was asked about this at the hearings had before the committee, and he specifically took the position that he was backing this, not at the request of Col. Dickson, but for the benefit of the War Department, which was in need of the services of these men. He said he had seen Col. Dickson and he was sure Col. Dickson would take advantage of this legislation if it were enacted, and he not only needs Col. Dickson but needs these other officers who have had this kind of experience.

Mr. MOORE of Pennsylvania. Well, I will ask the gentleman a few questions that I expected to ask the gentleman from Delaware [Mr. MILLER]. If Gen. Crozier has laid all necessary information before the committee, why does it not appear in the report of the committee? The gentleman from Illinois [Mr. MANN] stated that this provision for the retirement of these officers who happened to have a sort of preferred service on the Panama Canal—but a service which was highly honorable and for which I commend them—this act giving them this special privilege of retirement was rushed through at the instance of another body in a crisis just ahead of the adjournment of Congress, and that perhaps it would not have passed if there had been a fair discussion of the subject on the floor, because the House is not inclined to rush men into retirement when they are in rattling good health and in splendid condition to render service to the Government. It has been questioned whether the House would put these men on the retired list in order to enable them to take other jobs and make good money while still paid by the Government for doing nothing.

Mr. McKENZIE. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. McKENZIE. It has been intimated in this discussion that Col. Dickson has been in the employ of certain munition manufacturers of this country. Can the gentleman tell us by whom he was employed?

Mr. MOORE of Pennsylvania. That is what I am going to try to find out. I will ask the gentleman from Delaware or the gentleman from New York that question.

Mr. SHALLENBERGER. If the gentleman will permit, I will say he has been employed by the Remington Arms Co.

Mr. MOORE of Pennsylvania. Does the gentleman from Delaware confirm that statement?

Mr. MILLER of Delaware. I do; and if the gentleman will give me a moment, I want to say——

Mr. MOORE of Pennsylvania. The gentleman from Delaware, substantiating the statement of the gentleman from Nebraska [Mr. SHALLENBERGER], has stated that the officer here concerned, Col. Dickson, who was retired on three-fourths pay after serving on the Panama Canal, accepted employment with the Remington Arms Co., which is manufacturing munitions of war.

Will the gentleman state what salary Col. Dickson received while he was in this special employment?

Mr. MILLER of Delaware. Will the gentleman let me answer that?

Mr. MOORE of Pennsylvania. Surely.

Mr. MILLER of Delaware. I want to say that in my remarks on the bill a little while ago I made it plain that Col. Dickson took advantage of this retirement act at the time his wife's health was in such a state that he had to choose between his duty to his wife and his service to the Government.

Mr. MOORE of Pennsylvania. I heard the gentleman say that about Col. Dickson's wife, and I sympathize with him, and, of course, raise no question as to Col. Dickson's personal bereavement; but the gentleman does not say whether Col. Dickson received $1,000 per annum or $15,000 per annum for the service he rendered to the Remington Arms Co. while he was on the retired list of the Government.

Mr. MILLER of Delaware. He took advantage of this retirement act before a job was offered him by the Remington Arms Co., and he did it on account of his wife.

Mr. MOORE of Pennsylvania. I will not press the gentleman as to that, because I do not want to pry into Col. Dickson's personal affairs.

Mr. CALDWELL. As an evidence of what Col. Dickson's services were worth in private life, I will say that he was offered a contract to go to Russia to establish a munitions plant such as we are about to establish, and they offered him $25,000 a year, and he declined it, on the theory that he wanted to go back into the United States Army; and as far as his contract with the Remington Arms Co. is concerned, as I understand it, he has done practically no work there. The contract fell down, and they offered to give him other private employment, and he declined.

Mr. MOORE of Pennsylvania. Was Col. Dickson graduated at West Point?

Mr. CALDWELL. He was.

Mr. MOORE of Pennsylvania. The United States Government educated him?

Mr. CALDWELL. It did.

Mr. MOORE of Pennsylvania. And trained him to be the specialist that he is in this particular line of manufacture?

Mr. CALDWELL. Yes.

Mr. MOORE of Pennsylvania. So that the Government had some claim on Col. Dickson?

Mr. CALDWELL. And he desires to recognize that claim.

Mr. MOORE of Pennsylvania. Col. Dickson, I assume, is a patriot, and would stand by his country.

Mr. CALDWELL. And he wants now to go back and do service for his country at a smaller salary than he could obtain in private employement.

Mr. MOORE of Pennsylvania. Very well. I have indicated that I have no objection to the return of Col. Dickson, but I am calling attention to a system which the case of Col. Dickson illustrates, and I think this is the time to call attention to it. Our country is in a crisis. Our country has been agitated upon the question of war for the past two and a half years, and during that agitation certain officers of the Government of the United States have left the service for which they were educated by the United States to take positions with the manufacturers of munitions who are making munitions of war to be shipped to some countries that may be our enemies. These munitions of war have been going to countries with which we may have a conflict. At one time they went to a country with which we were supposed to have a conflict. They were shipped into Mexico, and yet they were being manufactured under the direction of men trained by the United States Government.

Mr. CALDWELL. As I understand, this bill does not cover any such men.

Mr. MOORE of Pennsylvania. Very well. This bill provides, and that is my objection to it, "that the President be, and he is hereby, authorized to transfer to the active list of the Army any officer under 50 years of age who may have been transferred," and so forth; so that you are giving to the President of the the United States authority to restore to the active list any officer who has seen fit to leave it.

Mr. CALDWELL. No; who has seen fit to leave it under the Panama Canal act.

Mr. MOORE of Pennsylvania. Who has seen fit to leave it under the Panama Canal act. I grant you that.

Mr. McKENZIE. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I yield to the gentleman from Illinois.

Mr. McKENZIE. It has been stated by the gentleman from Nebraska [Mr. SHALLENBERGER] that Col. Dickson was in the employ of the Remington Arms Co.

Mr. CALDWELL. He was.

Mr. McKENZIE. Can the gentleman from Pennsylvania tell me the name of the man who is at the head of the Remington Arms Co.?

Mr. MOORE of Pennsylvania. I can not tell the gentleman the name of the man who is at the head of the Remington Arms Co.

Mr. McKENZIE. Perhaps the gentleman from Delaware can?

Mr. MILLER of Delaware. I have no means of knowing. Possibly the gentleman from Connecticut [Mr. TILSON] might be able to answer it.

Mr. TILSON. It is not in my district.

Mr. MOORE of Pennsylvania. I desire the House, and particularly the Military Affairs Committee, to be advised that there are certain munitions plants—I will not name any—that are doing a thriving business just now, that are being operated under foreign contracts on a profit-percentage basis, and that the munitions thus being manufactured are not being used for the purposes of the United States, and that the officers of the United States who have left the service of the United States, to which we would expect them to be loyal, have gone in with gentlemen whose interests are foreign to the United States to manufacture munitions of war that might be used against the United States, as in the case of Mexico, or that might be used against the United States in other foreign lands. It is a grave

question in my mind whether we ought to encourage the boys who have not wanted to play with the other boys in the Army of the United States, but who have desired to go out and play with some other institutions, to come back and expect to be received as with the fatted calf. I am not speaking of Col. Dickson, who is so highly commended here; I am speaking generally.

Mr. PLATT. It is precisely because Col. Dickson was employed by the Remington Arms Co. that his services are more valuable to Gen. Crozier now, is it not?

Mr. MOORE of Pennsylvania. The gentleman has his theory about it.

Mr. PLATT. That is the truth.

Mr. MOORE of Pennsylvania. I question whether ethically it is wise for a trained officer of the United States to leave the service and go into the employ of a concern that is manufacturing munitions for foreign purposes, which may be used against the United States. He may not be just as safe in his old job as if he had gone right along with the United States.

Mr. GORDON. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. GORDON. Why does not the gentleman offer an amendment to the general retirement law? That has been the law for years, and the gentleman has been in the House for years. It is under that law that they are retired.

Mr. MOORE of Pennsylvnia. I would rather leave that question to a constitutional lawyer, a man who follows the decisions of the Supreme Court and embellishes the RECORD with them so often, as does the gentleman from Ohio. [Laughter.]

Mr. PLATT. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. PLATT. Is it not true that the building up of munition plants, to which the gentleman refers, has done more for the preparedness of this country than all acts that we have passed?

Mr. MOORE of Pennsylvania. That may be; it has put a great deal of money into the United States, this building of munition plants with foreign capital, but I have a theory that we have been buying a great many foreign bonds and are working over and over again the capital of the people of the United States, and when this war is over the prosperity that these munition plants are bringing to us now will put the workingman of the United States in the ditch. If the gentleman thinks the prosperity of the munition factories, temporarily erected for the purpose of perpetuating the foreign war, is good or lasting, that is his affair; but I do not believe in that kind of prosperity for general welfare. It costs too much.

The question is this, Should we permit a bill like this to pass without comment or should we say to our friends in the Army and in the Navy that this matter of slipping little riders into a bill on the other side of the Capitol shall be duly and properly observed when it reaches this side of the House?

The Panama Canal act provided for the retirement of certain officers who were assigned to work on the Panama Canal, and, as the gentleman from Illinois [Mr. MANN] has very clearly elucidated, it was intended as a reward to officers doing a great civic service, just as we had been generous to officers in the military service. Advantage was taken of the generosity on this side of the House when this Senate provision slipped in; but to further illustrate, let us take the committee report:

Tracy C. Dickson, Ordnance Department, lieutenant colonel, retired after service on the Panama Canal with the rank of colonel.

That gives him the pay that the gentleman from Delaware referred to a little while ago, $3,750. That is as good as gold in the pocket of Col. Dickson, so long as the Government lasts and Col. Dickson lives. At what age was Col. Dickson retired? He was not an invalid, he was not enfeebled; we have heard that his wife was not well, with which we sympathize, but at what age was Col. Dickson retired in good health under the Panama Canal act? Forty-seven years. Retired after living out 47 years, after an education at West Point, after a fairly profitable service under the Government, and after honors had come to him by virtue of his service in constructing the canal. Was he incapacitated at 47? No; the statement of gentlemen on the floor is that after his Panama service closed he was able to give up his services, plus $3,750 which the Government paid him per annum, to the Remington Arms Co., by which he was employed at a salary not stated, although it is admitted on the floor that he was offered $25,000 per annum to engage his valuable services to the Russian Government.

Mr. DENISON. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. DENISON. Has the gentleman been able to learn what salary he received from the Remington Arms Co.?

Mr. MOORE of Pennsylvania. No; no one has stated. I assume that his services were valuable. The Remington Arms Co. was grabbing up men right and left and making such inducements to the officers of the Army as would almost make their eyes bulge, but they were temporary inducements. Such inducements were offered to neighboring manufacturing establishments; every man worth anything was induced to leave his old employer and go into the manufacture of arms or ammunition. Why? Because they had the money. I do not know whether it was foreign money or American money, but I know that all over New England and all over the East many manufacturing establishments, particularly independent iron and steel plants, were almost disabled at times because of their inability to hold expert workmen and foremen, and under those conditions, of course, the Government of the United States with the best-trained Army officers, I hope, on earth, with the best-trained Navy officers, I hope, on earth, was a fruitful field for the munition makers. They needed these well-trained men and were obliged to pay high to get them.

Mr. GREENE of Vermont. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. GREENE of Vermont. The gentleman has no objection to a man already on the retired list accepting civil employment?

Mr. MOORE of Pennsylvania. In certain instances, yes. I will illustrate in the case of Robert E. Wood, whom I do not know and against whom I have no particular criticism. He is one of the men named in this list to be given advantages of this act. Robert E. Wood, cavalry captain, retired with the rank of major, present age—not his age of retirement in 1915 but his present age at the time this bill was reported—37 years.

Will somebody kindly tell me what the compensation of this major of Cavalry was when he was retired at the age of 37 years? He had done service on the Panama Canal. It has been indicated that one of these captains had no desire to take advantage of this particular act to come back into the Government service; that he was satisfied to go along with the three-quarters pay vouchsafed to him. We educate these men at Annapolis and West Point, and we go to considerable trouble to get them there, and we are at great expense to maintain them there. Certainly the country is entitled to some return for the splendid service and ability they are capable of performing.

Mr. CALDWELL. And yet the gentleman does not want them to come back into the service now when they want to come back.

Mr. MOORE of Pennsylvania. I want to do something in line with the suggestion of the gentleman from Illinois [Mr. MANN] to prevent this sneaking in of riders to various bills in this House that give special privileges to some.

Mr. GREENE of Vermont. Permit me to suggest to the gentleman that that water has already run under the mill and the mill is torn down. That was in the last Congress.

Mr. MOORE of Pennsylvania. I am using my time in this way so that it will be known that somebody is watching this situation. The gentleman from Georgia [Mr. ADAMSON] has already indicated that the Committee on Interstate and Foreign Commerce has a bill which proposes to do away with some of this iniquity, I think he called it, that was slipped into it when the Panama act was passed. It may be that these five gentlemen will go through; it may be that they will get the benefits of this act. I do not object to them personally. We have given them the retirement privilege, and they are within their rights, but it may be that the system will become understood, and that eventually there may be something in the nature of an abridgment of existing conditions.

Mr. GREENE of Vermont. Then, the gentleman is talking for posterity.

Mr. MOORE of Pennsylvania. If the gentleman wants me to go into details, I will say that I was advised yesterday of a gentleman who was retired, not in this particular bill, but who gets, I think, three-quarters pay from the Government of the United States, which is in the nature of a pension far greater than that paid to any soldier who fought in the ranks, as the gentleman from Vermont well knows, and this particular gentleman occupies another position in the Government service of a political character, from which he draws about $2,500 or $3,000 a year. He is a liberal spender and enjoys life. It may be all right, but I think we might say to the young men who enlist in the service of the United States at West Point or Annapolis that since Congress gives them assured compensation for life and guarantees them retirement compensation, they should be steadfast in the positions they are appointed to serve. This is fair to those who are looking for promotion.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. CALDWELL. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. HARDY].

Mr. HARDY. Mr. Chairman, the gentleman from Pennsylvania [Mr. MOORE] seemed to be very much wrought up over the question which he could not get answered, as to how much Col. Dickson received as a salary from the Remington Arms people. Perhaps Col. Dickson's own letter, written to Mr. MILLER of Delaware, will best answer the question. This letter is dated December 20, and in it he says:

As I told you, I spent my savings and got badly into debt in the effort to restore my wife's health—

By the way, it might be well to add that his wife, shortly after he was retired, died—

I refused two offers from munition companies, but later on, when desperate, I accepted an offer to design and erect a plant for the Remington Co. The plant was to have been erected for Great Britain. While negotiations were under way, I helped design and erect and start a plant at Bridgeport. About the date the Bridgeport plant was completed, Great Britain decided it would not erect the plant and refused to sign the contract. The Remington Co. was willing to assign me to other work, but I did not care for it, and decided to return to active duty if I could. I felt the company had acted in good faith, but had failed to get the contract on which it employed me to work, through no fault on its part. I most heartily desired to return to the work I really love, so the company and I mutually agreed to annul my contract, and last September it was annulled. I therefore have had no contract or other connection with the Remington since last September. So far as I know, the Remington does not know that I am trying to return.

Apparently it seems his employment with the Remington Co. did not amount to anything at all. Respecting all of this muddle about bills that have been passed heretofore, and about which the gentleman from Pennsylvania [Mr. MOORE] now seems to be very much exercised, I suggest that if the bill he now talks so much about was bad he ought to have fought it when it passed. He has not been addressing himself to this bill. This is a plain proposition. We may have been culpable or foolish or criminal in passing the law under which Col. Dickson and some others resigned.

The proposition up to us now is this: Here is an able, valuable officer, capable of serving the United States in the present emergency—if it is an emergency—and the officers in charge of the military affairs and our preparations for defense want him for service and have asked for the passage of this bill. He is a man in splendid physical and mental health and splendidly equipped for serving our country now. His service is needed by the Government, and every man who wants this Government prepared to meet possible emergencies would be glad to have him back. He says: "Gentlemen tell you that I have all sorts of private contracts I could get at immense salaries—it was even intimated as high as $25,000 a year from Russia, to be supplemented with the retired pay—but I want to renounce anything of that kind, and I want to come back into actual service and help my country now, and its official people are asking me to come back. I do not ask anything more. My wife no longer lives, and I am able to serve my country and anxious to serve it." He wants to come back, and we want men who can serve; and for an hour and a half we have been fooling away here with arguments about other men and other things when the only question is, Is the House willing to take back a valuable servant who tenders his service to us at less pay than he could get elsewhere? If he comes back, he has got to go back somewhere where he can serve; and where will you put him? The proposition of the committee is to put him in where he went out. Well, it is intimated that a whole lot of officers under him might jealously object to his coming back into the service because it might lessen their chance of promotion. There is but one of him, and it might interfere in an infinitesimal degree with promotions. I apprehend the officers of the United States Army will not be found backing that objection. Not only that, but, as stated by Mr. CALLAWAY, the truth is when he went out he increased their opportunity to rise and fill his place. When he comes back they are relatively in the same position they would have been in had he stayed in. It is too much of a little thing to raise that objection if we need the man. Gen. Crozier says we need him, and I believe we do. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. CALDWELL. Mr. Chairman, I yield the balance of my time to the gentleman from Kentucky [Mr. FIELDS].

Mr. FIELDS. Mr. Chairman, I send an amendment to the Clerk's desk and ask unanimous consent that it may be read and considered as pending.

Mr. MANN. Mr. Chairman——

The CHAIRMAN. It will be read for information.

Mr. MANN. It can not be; there is no time left; the time is all exhausted.

The CHAIRMAN. No; there are five minutes.

Mr. CALDWELL. I have three minutes remaining.

Mr. MANN. I beg the gentleman's pardon; I thought he used all his time.

Mr. CALDWELL. No; I have three minutes.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Kentucky in the gentleman's time.

The Clerk read as follows:

Amendment by Mr. FIELDS: Page 2, line 2, after the word "list," strike out "which he would have had if he had not been retired" and insert "next below the rank at which he was retired."

Mr. CALDWELL. I have two minutes remaining, and I yield those to the gentleman from California [Mr. KAHN].

Mr. KAHN. Mr. Chairman, so far as I know, the only case presented to the Committee on Military Affairs was the case of Col. Dickson, and I desire the Clerk to read, in my time, what Gen. Crozier said about the case of Col. Dickson.

The Clerk read as follows:

With further reference to the case of Col. Dickson, which is before the committee, and concerning which there is a bill pending before Congress now, my understanding of that case is as follows, and I think it is correct; Col. Dickson, together with several other officers of the Army, served for a number of years in connection with the construction of the Panama Canal in the Panama Canal Zone. In recognition of their services Congress passed the act commonly known as the Panama Canal beneficiary act, which authorized the officers affected to retire from active service whenever they should wish to do so at an advance of one grade over that held by them in the Army at the date of their retirement. Col. Dickson took advantage of the special privilege accorded by the act.

My understanding of his reasons for doing so is that they were largely because of the health of his wife, which was not good and which was such that she needed more and better attention than he could give her while on the active list of the Army, either because of the limitations as to his pay or because of the limitations as to his time, or both. I understand that after his retirement he entered the employ of one of the makers of war material which had received large orders from Europe, and in connection with that I understand that he made a very advantageous contract for services, which still holds or which held until a short time ago—perhaps it may still hold. It was intended, I understand, to erect a factory, which he should be in charge of, but, either because of the nonreceipt of expected orders or for other reasons—I do not know what—the factory was not erected. In the meantime Col. Dickson's wife died. Col. Dickson then became anxious to return to active duty in the Ordnance Department. In doing so I understand that he would make a considerable pecuniary sacrifice, but, having fewer demands upon his resources, he is willing to make the sacrifice because of his liking for active service in the Ordnance Department. Under the provision of the bill, if it should become a law, he would be allowed to return to the rank and position in his grade that he would have attained if he had not retired. As the matter stands, that would bring him back at the grade of lieutenant colonel, which was the grade at which he retired, and would require him to give up the advance grade of colonel, which was granted upon his retirement.

There is something of a precedent for this legislation in an existing statute which applies to officers retired for other reasons. An officer in the situation of Col. Dickson, with the exception that he would have retired for disability instead of as a special reward, could come back in the manner now contemplated by this special bill relating to Col. Dickson without any special legislation, and this pending legislation simply extends to the officers who have been retired as a reward the same privilege which they would already have if they had been retired for disability, provided, of course, that they had recovered from the disability. I mention that only to invite your attention to the fact that my advocacy of this measure has nothing to do with aiding Col. Dickson; I am not thinking of that at all. As I say, pecuniarily he would suffer a disadvantage, but he would come back to a service that he is enthusiastically fond of, and my difficulty is a lack of officers, and my reason for wanting him to come back is a public reason, concerning solely the interests of the United States. He is very badly needed in the Ordnance Department, and he offers one of the extremely limited opportunities and the only one which is now pending before Congress or anywhere else for getting into the department what I might call ready-made Ordnance officers.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That hereafter the President be, and he is hereby, authorized, within one year of the approval of this act, by and with the advice and consent of the Senate, to transfer, upon application, to the active list of the Army any officer under 50 years of age who may have been transferred heretofore from the active to the retired list of the Army under the act to provide for recognizing the services of certain officers of the Army, Navy, and Public Health Service for their services in connection with the construction of the Panama Canal, and for other purposes, approved March 4, 1915: *Provided*, That such officer shall be transferred to the rank and place on the active list which he would have had if he had not been retired, shall be carried as an additional number in the grade to which he may be transferred or at any time thereafter promoted, and shall be promoted on the same date as the officer next above him in rank, and shall be commissioned in the arm or department of the Army from which he was retired: *Provided further*, That such officer shall stand a satisfactory medical examination, and when promoted shall stand the medical and professional examinations provided for by law: *And provided further*, That any officer transferred to the active list under this act shall not again be entitled to the benefits of the Panama Canal act described above, except when retired for age or for physical disability incurred in the line of duty.

Mr. CALDWELL. Mr. Chairman, I desire to offer an amendment. Page 2, line 3, after the first word "he," strike out the words "would have," and after the word "had" strike out the words "if he had not been," and in place of the last words

stricken out insert the word "when," so that the line will read "when he had retired."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 3, after the word "he," where it occurs the first time, strike out the words "would have," and after the word "had" strike out the words "if he had not been" and insert in lieu thereof the word "when," so that the proviso, as amended, will read:

"*Provided*, That such officer shall be transferred to the rank and place on the active list which he had when retired, shall be carried as an additional number," etc

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. CALDWELL].

Mr. MANN. Mr. Chairman, I would like to know from some member of the Committee on Military Affairs who is thoroughly posted as to the rank and grade as to just what this means. The man when he was retired before as an officer had a certain rank. He had a certain place in that rank, sometimes referred to as the number.

Mr. CALDWELL. Yes; they call it a file.

Mr. MANN. A file number?

Mr. CALDWELL. A file number.

Mr. MANN. Sometimes referred to as the lineal rank?

Mr. CALDWELL. Yes.

Mr. MANN. Suppose it was No. 10 or No. 48 that he had. Now he goes back to that same number.

Mr. CALDWELL. Yes; as an extra number.

Mr. MANN. What becomes of the man who has got the number now?

Mr. CALDWELL. He keeps it; but he has it as an extra number, according to the place he had at the time he retired.

Mr. MANN. You say he goes back to the same place. Now, does he go back to the same number? If the two are contradictory, that is another thing. Do not let us have them contradictory. The amendment offered by the gentleman is that he goes back to the place on the active list that he had when retired. When I ask what that means, he says that means the number he had when retired. Does he take that number? The gentleman says no.

Mr. CALDWELL. I said that he takes the number, an extra number, at the same place.

Mr. MANN. You can not have the two numbers the same.

Mr. CALDWELL. Two objects can not occupy the same place, as has been suggested here; but the proposition is this——

Mr. MANN. That it shall be carried as an additional number?

Mr. CALDWELL. In other words, if he has number ten, there shall be two number tens, because the rest of the bill goes on to say so. I am not particularly wedded to the wording of this bill. If the gentleman has in mind what we want and will suggest something that will do it, I will agree.

Mr. MANN. I understand that perfectly well; but I have not. But I can see that the gentleman's amendment, if I understand the purpose of it, apparently would first say that he goes back to No. 10, say, if that is the number, or maybe No. 1. I do not know what it is. That is not the number he goes back to?

Mr. CALDWELL. Yes; an extra number of the same grade.

Mr. MANN. When we put them back as additional numbers, do they take the same number?

Mr. CALDWELL. Yes; as I understand it.

Mr. TILSON. The words "additional number" refer to the number of that grade. Suppose the law allows 20 lieutenant colonels, and we put in another lieutenant colonel. The law allows but 20, so we say that he shall be carried as an additional number.

Mr. MANN. In the grade of lieutenant colonel. During the time he is lieutenant colonel he has the extra number on the list of lieutenant colonels, when there are actually 21.

Mr. CALDWELL. Can the gentleman from Connecticut suggest words that will accomplish what we want to do?

Mr. SHALLENBERGER. Will not the gentleman accomplish the purpose by striking out the word "place" and insert the word "grade"?

Mr. MANN. Where is the word "grade"? That is the controversy here. That is the important thing. That is what determines as to promotion. If there are 148 lieutenant colonels, the man who is 148 has not near as good a chance as the man who is No. 1.

Mr. MILLER of Delaware. As I understand the amendment of the gentleman from New York, if there were 20 lieutenant colonels ahead of this man on the list when he retired, if this amendment is adopted and the bill becomes a law there will be 20 ahead of him, according to this amendment. In other words, he will lose his place as the list has pushed forward. The lieutenant colonels who were right with him on the list will move forward, and if this amendment is adopted he will have as many lieutenant colonels ahead of him on the active list as he had when he retired.

Mr. MANN. Why not take the number of lieutenant colonels behind him instead of ahead of him? Why does the gentleman select the number ahead and not the number behind?

Mr. MILLER of Delaware. I take it for granted that there are the same number of lieutenant colonels.

Mr. MANN. There are a good many more lieutenant colonels now than there were. The gentleman, of course, all the time is talking about Col. Dickson. This bill applies to various other people besides Col. Dickson.

Mr. FIELDS. Would this language add to my amendment: "With the same grade last held by him in such rank"?

Mr. TILSON. The gentleman has his words transposed.

Mr. MANN. The word "grade" does not mean "place." The words "grade" and "rank" come pretty near meaning the same thing.

Mr. TILSON. No; grade refers to whether he is colonel or lieutenant colonel. Rank may determine his position or place in that grade.

Mr. MANN. Place determines his position.

Mr. TILSON. So does rank.

Mr. MANN. Not as used here, it does not. With "rank" and "place" here, one means the grade and one place.

Mr. CALDWELL. Mr. Chairman, I move a further amendment, on page 2, line 2, by striking out the words "and place," so that the proviso will read "that such officer shall be transferred to the rank on the active list which he had when retired, shall be carried as an additional number," and so forth.

Mr. MANN. Oh, no; there is no "and shall be."

Mr. CALDWELL. "Shall be carried as an additional number in the grade to which he shall be transferred."

Mr. MANN. That does not indicate where he will be placed.

Mr. CALDWELL. I think it does. If the gentleman will point out where it does not, or point out some words that will indicate it, I would be glad.

Mr. MANN. I will undertake to say it will not.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Modified amendment by Mr. CALDWELL: Strike out in line 2, page 2, the words "and place," so that as amended the proviso will read:

"*Provided*, That such officer shall be transferred to the rank on the active list which he had when retired."

Mr. MANN. Now, Mr. Chairman——

Mr. PADGETT. Mr. Chairman, will the gentleman yield just a moment, to permit me to make a suggestion?

Mr. MANN. Yes.

Mr. PADGETT. The usual language heretofore has been to take rank next after some particular officer named, as an extra number. That defines exactly where he would come, and he comes as an extra number, to take rank next after John Smith, Bill Brown, or whoever it is, as shown in the Army Register, as an extra number.

Mr. MANN. I may be in error, but I assume that this bill was drafted by the War Department?

Mr. CALDWELL. Yes.

Mr. MANN. While I do not think they always use good judgment in drafting bills, they evidently made a distinction here between rank and place, calling rank "grade," although right after that they use the word "grade." Now, if "rank" means grade, then the gentleman probably accomplishes what he wanted to.

Mr. CALDWELL. Does it?

Mr. MANN. I am not sure, but the War Department evidently thought it did.

Mr. MILLER of Delaware. Mr. Chairman, will the gentleman yield?

Mr. MANN. I will yield to anybody who is familiar with military affairs.

Mr. MILLER of Delaware. I do not want to get the floor under those conditions, but I would like to suggest, if the word "lineal" is inserted before the word "rank" in line 2, would not that obviate the objection?

Mr. LONGWORTH. Mr. Chairman, will the gentleman yield to me——

Mr. MANN. I do——

Mr. LONGWORTH. Though without pretense to military knowledge.

Mr. MANN. Yes.

Mr. LONGWORTH. It seems to me the gentleman has pointed out the weak spot in this proposition, as to whether the men ahead of this particular individual are to be counted or the men below. If there has been a large increase in the number of lieutenant colonels, it would be of great importance. I understand that that change has taken place.

Mr. MANN. I do not think it has taken place in the Ordnance Department, where Col. Dixon would serve, but it has in other departments.

Mr. KAHN. I understand it has taken place in other departments.

Mr. LONGWORTH. Then the amendment offered by the gentleman from New York [Mr. CALDWELL] would not obviate that objection.

Mr. MANN. Perhaps some gentleman who is a member of the Committee on Military Affairs can tell us.

The CHAIRMAN. The time of the gentleman has expired.

Mr. McKENZIE. Mr. Chairman, I doubt very much whether the amendment offered by the gentleman from New York [Mr. CALDWELL] ought to be adopted, or whether it is necessary. I am inclined to think that this bill is properly drawn. It is only a question of whether or not we want to give to these men the benefits that are proposed under this bill. It simply means this, that these particular officers, after taking advantage of the act that was passed for the benefit of the officers who served on the Panama Canal and voluntarily retired, shall now be reinstated in the active service of the Army of the United States; and if we feel disposed to authorize it to be done, then this bill simply provides that they shall be carried as additional numbers to the number of officers fixed by law, and that they shall take their place in the lineal rank of officers just the same as if they had not been out of the service at all. It will not interfere with the promotion of any other officers in the service, but when the time comes for the promotion of the officer holding the number that will correspond with the number, for instance, that Col. Dixon held when he went out of the service, that officer will be moved up, and Col. Dixon will move up alongside of him and simply make two promotions for the particular office. It will not interfere with the other officers of the line.

In my judgment we have killed a good deal of time here this afternoon and perhaps prevented a number of other bills from coming up, and I think we have come to the place now where it is perhaps just as well to forget all these amendments and vote them down and pass the bill if the members of the committee believe that this ought to be done. [Applause.]

Mr. CALDWELL. I am willing to withdraw my amendment.

Mr. SLOAN. Mr. Chairman, will the gentleman yield?

Mr. McKENZIE. Yes.

Mr. SLOAN. I should like to ask the gentleman why not reinstate him where he first began as lieutenant colonel before, at the bottom of the list? Let him go back to this grade where he entered before instead of having a special berth provided for him.

Mr. McKENZIE. I will say to the gentleman that personally I am opposed to legislation of this sort. I think it is a mistake for this House or the Congress to promote men in the Army or in the Navy or to reinstate men who go out voluntarily to engage in business or speculate, or for any other purpose. I think it is a great mistake, and if it is going to be the policy of this House or Congress to do that thing, then there is no great harm in this bill.

Mr. SLOAN. Would it not be more definite to put him at the bottom of the list?

Mr. KAHN. Mr. Chairman, I desire to be heard.

Mr. CALDWELL. I have withdrawn my amendment, Mr. Chairman.

The CHAIRMAN. The gentleman from California——

Mr. CALDWELL. Mr. Chairman, a point of order. The amendment having been withdrawn, I demand the regular order.

The CHAIRMAN. The gentleman from New York demands the regular order.

Mr. CALDWELL. I withdraw it if the gentleman from California wishes to be heard.

The CHAIRMAN. The gentleman from California——

Mr. KAHN. Mr. Chairman, in matters of this kind it is usual to bring in a bill stating just where the officer shall be on the lineal list, by saying that his name shall come after or before a certain other officer, naming that officer. That is the usual way of doing this thing. Of course, placing a man who has been out for some time back into the place he held on the lineal list at the time he retired creates dissatisfaction in the Army. The officers who are given a setback by reason of the legislation all feel aggrieved, and properly so. When a man continues in the service right straight along it is only natural for him to feel that he should not be displaced by some man who has been out for a period of years and then wants to come back; and when this subject was up on the national defense bill the Committee on Military Affairs recognized that principle in section 24 of that bill, where they provided that the Secretary of War might reinstate certain officers who had resigned. The law states specifically that those officers would have to go back at the bottom of the grade in which they were before their resignation. That seems to be fair to every officer in the Army. To place men back where they were is not fair. However, I have no objection to the provision in the bill so far as Col. Dickson is concerned. I believe that if the other officers were to come back, there should be some provision made that they come back at the bottom of the list of their grades. So far as the committee is concerned, their cases were not presented fully to the committee. As far as I know, nobody made a statement on their behalf to show the reason why they should come back. There was a strong case made out for Col. Dickson, and he is in a branch of the service that is really in need of skilled officers. I hope that the bill can be amended in such a way that it can apply only to Col. Dickson.

Mr. CALDWELL. Let us have a vote.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. I should like to know whether the gentleman will accept an amendment which will read something like this: That the President is hereby authorized, within one year of the approval of this act, by and with the advice and consent of the Senate, to transfer, upon application, to the active list of the Army, Tracy C. Dickson, United States Army, with the rank of lieutenant colonel.

Mr. CALDWELL. I can answer no, that to accept such an amendment as that would be perfectly futile, because in the closing hours of Congress we could not get it passed in the Senate, and if we are going to need these men at all we are going to need them very quickly.

Mr. STAFFORD. The gentleman is fully aware that we are passing any number of private bills of similar import, that are being passed daily in the other body.

Mr. MOORE of Pennsylvania. The ranking member of the minority of the Military Affairs Committee has just stated that the Military Affairs Committee did not go into the matter of these four other officers named in the report—Henry A. Brown, Robert E. Wood, Courtland Nixon, and Frank O. Whitlock.

Mr. KAHN. I said so far as I knew, because I was not present when the original bill was reported.

Mr. MOORE of Pennsylvania. The chairman of the Committee on Military Affairs is here, and so are many members of that committee, and in view of the fact that we are asked to pass a bill for the relief of five men, including Col. Dickson, who seems to have been represented before the committee, I desire to ask whether the committee itself had any direct information as to Henry A. Brown, chaplain; Robert E. Wood, captain of Cavalry; Courtland Nixon, captain of Cavalry; and Frank O. Whitlock, captain of Cavalry? I yield to the gentleman from Alabama [Mr. DENT], chairman of the Committee on Military Affairs.

Mr. DENT. I will state to the gentleman from Pennsylvania [Mr. MOORE] that the present chairman of the Committee on Military Affairs was not chairman of the committee when this bill was considered and reported. It was reported at the last session of Congress, and I confess that the present chairman of the committee is not familiar with the facts other than those relating to Col. Dickinson, because this bill was considered when I was not chairman of the committee.

Mr. GREENE of Vermont. May I bring to the attention of the gentleman the fact, which has several times been referred to, that the names of those four or five officers in the report are mentioned only to indicate such men as might be affected by this general legislation if they sought to take advantage of it? There was no application on their part to have the legislation passed; consequently their cases have not been examined.

Mr. MOORE of Pennsylvania. The gentleman will answer this question——

Mr. GREENE of Vermont. If he can.

Mr. MOORE of Pennsylvania. I think he will be able to answer it yes or no. It has been stated here that the committee did have before it the matter of Col. Dickson's desire to come back into the service.

Mr. GREENE of Vermont. That is right.

Mr. MOORE of Pennsylvania. Does the gentleman know, as a member of the Military Affairs Committee, whether anything has been said before the committee with respect to these other four officers whose names I have read?

Mr. GREENE of Vermont. Not to my recollection.

Mr. MOORE of Pennsylvania. Then, as a matter of fact, the committee has reported a bill naming specifically five men——

Mr. GREENE of Vermont. I beg the gentleman's pardon. It names nobody.

Mr. MOORE of Pennsylvania. It has presented a report specifically naming five men who are to be the beneficiaries of a blanket act.

Mr. GREENE of Vermont. Oh, no.

Mr. MOORE of Pennsylvania. And four of those men have not been before the committee at all, and the committee has no knowledge as to whether they will reenter the service?

Mr. GREENE of Vermont. It has not reported a bill the effect of which is, as the gentleman has stated, to make certain men the beneficiaries of anything. It has reported a bill in such general terms that certain men, upon application and upon passing certain tests and being accepted, reenter the service of the United States, because the United States might want them back.

Mr. MOORE of Pennsylvania. If they reenter the service they will get more pay on the active list than they get now on the retired list, will they not?

Mr. TILSON. The Government will have their services, which it would not otherwise have.

Mr. MOORE of Pennsylvania. Then they will certainly be beneficiaries of the act. This is an intensely commercial age, and if they are going to get more pay for coming back on the active list, they will certainly be beneficiaries of it. But they have not asked for it, and the committee is reporting for them without having any knowledge of their intent.

Mr. PLATT. I take it from the gentleman's previous remarks that these gentlemen could make more money in civil life than they could in the Army on the active list with full pay.

Mr. MOORE of Pennsylvania. Yes; in the manufacturing of munitions. I would like to ask the gentleman from New York if he knows who is the president of the Remington Arms Co.?

Mr. PLATT. I do not.

Mr. MOORE of Pennsylvania. Can any gentleman tell us who is the president of the Remington Arms Co.? Is Cleveland H. Dodge associated with that company?

Mr. SNYDER. No; he is not.

Mr. CALDWELL. Mr. Chairman, I believe my amendment has been withdrawn.

Mr. DYER. It has not.

Mr. CALDWELL. I asked unanimous consent to withdraw my amendment.

The CHAIRMAN. The gentleman from New York asks unanimous consent to withdraw his amendment. Is there objection?

Mr. DYER. I object.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

Mr. CALDWELL. Mr. Chairman, a point of order. I think the Chairman is in error. I asked to withdraw my amendment and the Chair stated my request, and the Chair stated that the amendment had been withdrawn. Following that the gentleman from Pennsylvania got the floor and got recognition by reason of moving to strike out the last word.

The CHAIRMAN. The Chair thinks this is what took place: The gentleman from New York said he would withdraw the amendment. The Chair said "the gentleman from New York withdraws his amendment," but about that time the gentleman from California [Mr. KAHN] arose and asked for recognition. The gentleman from New York said he would withdraw his demand for the regular order if the gentleman from California desired to speak.

Mr. CALDWELL. I followed that by making a point of order and renewed the point of order in order that the gentleman from California [Mr. KAHN] might speak, because I had called for the regular order.

Mr. LONGWORTH. Mr. Chairman, the gentleman from New York asked unanimous consent to withdraw his amendment, but the Chair never submitted that request.

The CHAIRMAN. The Chair did not submit the request until a moment ago when he submitted it, and the gentleman from Missouri [Mr. DYER] objected. The question is on the amendment offered by the gentleman from New York [Mr. CALDWELL].

A MEMBER. Let the amendment be reported.

The CHAIRMAN. Without objection, the amendment will be again reported.

Mr. HARDY. I object.

Mr. MANN. Can we not know what we are going to vote on?

Mr. HARDY. It has been discussed for an hour or more.

Mr. MANN. Then I shall make a point of order of no quorum if we can not have the amendment reported.

Mr. HARDY. Mr. Chairman, I do not want any point of order made at this time, and I withdraw the objection.

The Clerk again reported the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken; and on a division (demanded by Mr. MANN) there were 34 ayes and 53 noes.

Mr. MANN. Mr. Chairman, I ask for tellers.

Tellers were ordered; and the Chair appointed as tellers the gentleman from Missouri [Mr. DYER] and the gentleman from New York [Mr. CALDWELL].

The committee again divided; and the tellers reported that there were 29 ayes and 48 noes.

So the amendment was rejected.

Mr. DYER. Mr. Chairman, I make a point of order that no quorum is present. [Cries of "No!" "No!"]

Mr. DYER. I will withdraw it temporarily.

Mr. SLOAN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 2, line 1, after the word *"Provided,"* strike out the remainder of line 1, all of line 2 and line 3 down to and including the word "retired," and insert in lieu thereof the following: "That such officers shall take rank at the foot of the respective grade which they held at the time of their retirement, and."

So that the provision will read as follows:

"Provided, That such officers shall take rank at the foot of the respective grade which they held at the time of their retirement and shall be carried as an additional number in the grade to which he may be transferred," etc.

Mr. SLOAN. Mr. Chairman, I submit this amendment because it seems to me, after listening to debate for two hours, that it is a just procedure. It is in line with the policy in existence heretofore in control of the Army. I call your attention to the act of June 3, 1916:

Provided further, That the President may recommission persons who have heretofore held commissions in the Regular Army and have left the service honorably, after ascertaining that they are qualified for service physically, morally, and as to age and military fitness; such recommissioned officers shall rank at the foot of the respective grades which they held at the time of their separation from the Army.

Now, my amendment is to follow out that line of procedure, which we have sanctioned by legislation here within the last year.

It seems to me that, where an officer has obtained an honorable and high rank in the Army, such as lieutenant colonel or colonel, and has lived long enough so that he has the right to be retired, and voluntarily does retire, and with no compulsion in the matter separates himself from the service, becomes a part of the industrial system of the country, those who come in after him have a right to be secure in their order of precedence, succession, and promotion. It is not fair that he should come into that rank and be elevated to a precedence above those who had voluntarily stayed in the service. It may be that a number of those who would have numbers behind him under the bill as it now is are older in the service than he and were subject to retirement had they seen fit to retire. But they saw fit to stay with the Government which educated them rather than seeking fields of greater remuneration, and then later when prospects of promotion appear to have improved seek reinstatement in the Army. Let us slaughter the calf for the prodigal, give him the veal, but leave the herd and the mansion to the faithful.

As a matter of choice they did separate themselves from the service, and now having exercised that choice, having gone out into civil life, I think it is absolutely unfair that they should be reinstated at the door where they passed out. I think they should be placed at the foot of the list. I submit that as a matter of fairness to the men whom these men might precede unfairly they should be so placed. I am inclined to think that there should not be any special encouragement given to those men who have become subject to retirement to retire at the first opportunity, but they should stay in until they are sure they want to get out, and stay out.

Mr. CALDWELL. Mr. Chairman, will the gentleman yield for a question?

Mr. SLOAN. Yes.

Mr. CALDWELL. This would put him at the foot of the list of colonels?

Mr. SLOAN. I understand that would place the individual you have in mind at the foot of the list of lieutenant colonels, or whatever the rank is. I have no particular person in mind. I am thinking how these officers should be permitted as a class to reattach themselves to the service. If rewards are to be given, grant them to those who long remained devoted and faithful to the Army service.

Mr. CALDWELL. Mr. Chairman, let the amendment be again reported.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

There was no objection, and the Clerk again reported the amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. CALDWELL and Mr. ANTHONY rose.

Mr. CALDWELL. Mr. Chairman, I move that the committee do now rise and report the bill with the amendment with a favorable recommendation.

Mr. ANTHONY. Mr. Chairman, I have an amendment which I desire to offer.

Mr. CALDWELL. I insist upon my motion.

Mr. MANN. But the gentleman can not insist upon his motion.

Mr. CALDWELL. Mr. Chairman, I had the floor and was recognized, and I move that the committee do now rise and report the bill as amended with a favorable recommendation.

The CHAIRMAN. The gentleman from New York moves that the committee do now rise——

Mr. STAFFORD. Mr. Chairman, I rise to a point of order. The precedents are many that a motion to rise and report a bill is not in order whenever a Member is claiming recognition upon the floor for the purpose of offering an amendment. The gentleman from Kansas [Mr. ANTHONY] demanded recognition for the purpose of offering an amendment. In fact, his amendment is now in the Reading Clerk's hands at the desk. The Chair must take notice of the demand of the gentleman from Kansas asking for recognition, which he stated was for the purpose of offering an amendment. If the Chair desires precedents, they are easy to cite and are numerous.

The CHAIRMAN. The Chair supposed that the gentleman from New York would withdraw his motion, the gentleman from Kansas being a member of the committee.

Mr. MANN. This is a preferential motion. Both gentlemen were on their feet at the same time asking for recognition.

The CHAIRMAN. The only reason the Chair recognized the gentleman from New York was because he is in charge of the bill.

Mr. MANN. That is correct; but the gentleman from Kansas states that he has a preferential motion.

The CHAIRMAN. Does the gentleman from Kansas rise for the purpose of offering an amendment to the bill?

Mr. ANTHONY. Yes; I have risen several times to do that.

The CHAIRMAN. The Clerk will report the amendment.

Mr. CALDWELL. Mr. Chairman, before that is done, I ask unanimous consent that debate on this paragraph and all amendments thereto close in 10 minutes.

Mr. MANN. Let us hear what the amendment is, and perhaps there will be no trouble about it.

The Clerk read as follows:

Amendment by Mr. ANTHONY: Page 2, line 14, after the word "above" strike out the rest of the paragraph.

Mr. ANTHONY. Mr. Chairman, the effect of the amendment which the Clerk has just read will, if adopted, prevent what I believe to be the intention of this bill, and which most of the gentlemen who have spoken upon it have not dilated upon. Under the language of the bill unquestionably Col. Dickson, if reinstated to the rank on the active list which the bill will give him, will, when he retires in the regular course under the law, be retired at the advanced grade of a brigadier general. In other words, the proper caption for this bill would be to confer the rank of brigadier general upon Col. Dickson. That is the milk in the coconut, that is the crux of this whole thing, and probably one of the reasons why the officer desires to return to the active list. Now, Mr. Chairman, I agree with the gentlemen who have spoken in regard to the abilities of Col. Dickson and the desirability of placing him again upon the active list of the Army, but I do not believe in passing legislation the effect of which will be when an officer is finally retired to give him an advanced grade, and that the grade of brigadier general.

Mr. GREENE of Vermont. Will the gentleman yield for a question?

Mr. ANTHONY. I will.

Mr. GREENE of Vermont. Of course, the gentleman has taken into consideration the fact that Col. Dickson, if restored to the Army now, would have 15 years to serve before being retired automatically, and might be made brigadier general and more, too.

Mr. ANTHONY. That is true, but I will say to the gentleman if restored now to the grade on the active list which he formerly had, by reason of the additional increments in the Ordnance Corps and increases in the Army which come after the 1st of July next, and which our committee, as the gentleman knows, have already authorized to be made at once, with the increase in the Ordnance Corps the rank of this officer will be considerably advanced within the next year or two, when the time comes for him to retire for age he will have the full status of a colonel, and with this language of the Panama Canal act, which this bill especially retains in force, will unquestionably give Col. Dickson, when retired, the rank of a brigadier general. My amendment proposes to withdraw the promotion to the grade of brigadier general which would ultimately accrue if this language remains in the bill.

Mr. MANN. Will the gentleman yield for a question, or will some member of the Committee on Military Affairs inform me if Col. Dickson—and this whole bill seems to revolve about Col. Dickson as the other four men do not count for anything at all—goes back in the Ordnance Department, does he?

Mr. ANTHONY. He does.

Mr. MANN. What is the highest grade an officer can reach in the Ordnance Department?

Mr. ANTHONY. The highest grade an officer can reach is that of colonel unless especially designated by the President to be a general——

Mr. MANN. Brigadier general, what is known as Chief of Ordnance?

Mr. ANTHONY. Yes, sir.

Mr. MANN. But if he retires while he is Chief of Ordnance, does he retire with the rank of a brigadier general or with the rank of a colonel?

Mr. ANTHONY. I understand he would retire at the grade which he holds upon the regular lineal list.

Mr. MANN. That would be colonel?

Mr. ANTHONY. Yes.

Mr. MANN. There is only one colonel in the Ordnance Department?

Mr. ANTHONY. Three, some gentleman says—Mr. HULL of Iowa.

Mr. MANN. Full colonels?

Mr. HULL of Iowa. Three colonels and I think one brigadier general.

Mr. ANTHONY. There must be at least the number the gentleman says.

Mr. MANN. Of course if Col. Dickson reached the grade of colonel under the Panama Canal act and was retired after that, he would be retired as a brigadier general?

Mr. ANTHONY. Yes.

Mr. MANN. Which no other officer in the Ordnance Department can reach?

Mr. ANTHONY. I think that is true, and I contend that in the ordinary courses of promotion he reaches the grade of colonel, and by virtue of the Panama Canal act, which this bill expressly retains in effect, that will give him the grade of brigadier general when he retires. That is what I wish to strike out. I am willing to have him restored to active duty, but I do not want him to have two shots under this one act of Congress.

Mr. GREENE of Vermont. I quite heartily agree with the gentleman from Kansas in the proposition that if once men take advantage of the Panama Canal act giving preference to promotion on retirement, they ought not to have a subsequent opportunity, and if that is the limiting effect of the gentlemen's amendment and no other I will be inclined to favor it.

Mr. ANTHONY. I will say that is my contention.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas.

Mr. CALDWELL. Mr. Chairman, I have a right to answer the gentleman. Mr. Chairman, I hope the amendment does not carry, because if it does it defeats the bill and defeats the purpose of the bill, which is to get an ordnance officer who is able to take care of the necessities of this Government at this time.

Mr. GORDON. But what rank and grade and pay does it give him?

Mr. CALDWELL. It gives him when he comes in exactly the same grade, rank, and pay as when he went out of the service. We do not want to promote him to any place. We want him to come back to exactly where he went out. The amendment that has just passed here by this committee puts him even below where he went out, and that is all we ask for. If this bill is passed, that is all we ask for.

Mr. BLACK. I would ask the gentleman in charge of the bill if the bill is passed without the amendment of the gentleman from Kansas what will be the rank of Col. Dickson in the Army?

Mr. CALDWELL. A lieutenant colonel, at the bottom of the lieutenant-colonel list. And I will say this, that when he went out of the service he was not at the bottom of the lieutenant-colonel list at all, and by going back into the service he will go below the file that he had when he left the service. Therefore I hope the amendment will be voted down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas [Mr. ANTHONY].

The question was taken, and the amendment was rejected.

Mr. CALDWELL. Mr. Chairman, I move that the committee do now rise and report the bill with the amendment to the House,

with the recommendation that the amendment be agreed to, and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LLOYD, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (S. 6850) authorizing transfer of certain retired Army officers to the active list, and had directed him to report the same to the House with a certain amendment, with the recommendation that the amendment be agreed to, and that the bill as amended do pass.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was read a third time.

The SPEAKER. The question is on the passage of the bill.

Mr. DYER. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Missouri [Mr. DYER] makes the point of order that there is no quorum present, and the Chair will count. [After counting.] One hundred and one gentlemen are present, not a quorum.

Mr. KITCHIN. Mr. Speaker, I move a call of the House.

The SPEAKER. It is an automatic call. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll. Those in favor of passing this bill will, as their names are called, answer "yea"; those opposed will answer "nay."

The question was taken; and there were—yeas 295, nays 15, answered "present" 4, not voting 120, as follows:

YEAS—295.

Abercrombie	Eagan	Kettner	Raker
Adair	Eagle	Key, Ohio	Ramseyer
Adamson	Ellsworth	Kiess, Pa.	Randall
Aiken	Elston	Kincheloe	Rauch
Alexander	Emerson	King	Rayburn
Allen	Esch	Kinkaid	Reavis
Almon	Fess	Kitchin	Reilly
Anderson	Fields	Konop	Ricketts
Anthony	Fitzgerald	Kreider	Riordan
Ashbrook	Focht	Lafean	Roberts, Nev.
Aswell	Fordney	La Follette	Rogers
Austin	Foss	Lazaro	Rouse
Ayres	Frear	Lee	Rowland
Barkley	Freeman	Lenroot	Rubey
Barnhart	Fuller	Lesher	Rucker, Ga.
Beales	Gallagher	Lever	Russell, Mo.
Bell	Gallivan	Lieb	Russell, Ohio
Black	Gandy	Lindbergh	Sanford
Blackmon	Gard	Linthicum	Shallenberger
Booher	Gardner	Littlepage	Sherley
Borland	Garland	Lloyd	Sherwood
Bowers	Garner	Lobeck	Shouse
Britt	Gillett	Longworth	Siegel
Browne	Godwin, N. C.	Loud	Sims
Browning	Good	McArthur	Sinnott
Bruckner	Gordon	McClintic	Slayden
Buchanan, Tex.	Gould	McGillicuddy	Slemp
Burke	Gray, Ala.	McKinley	Sloan
Byrnes, S. C.	Gray, Ind.	McLaughlin	Small
Byrns, Tenn.	Green, Iowa	McLemore	Smith, Idaho
Caldwell	Greene, Vt.	Madden	Smith, Mich.
Callaway	Griest	Magee	Smith, Minn.
Candler, Miss.	Griffin	Mapes	Smith, N. Y.
Cannon	Hadley	Mays	Smith, Tex.
Carlin	Hamilton, Mich.	Meeker	Snell
Carter, Mass.	Hamilton, N. Y.	Miller, Del.	Snyder
Carter, Okla.	Hardy	Miller, Minn.	Stafford
Cary	Harrison, Va.	Miller, Pa.	Steagall
Church	Hastings	Montague	Stedman
Coady	Hawley	Moon	Steele, Iowa
Coleman	Hayden	Moores, Ind.	Steele, Pa.
Collier	Heaton	Morgan, Okla.	Steenerson
Connelly	Heflin	Morin	Stephens, Miss.
Cooper, Ohio	Helm	Morrison	Stephens, Tex.
Cooper, W. Va.	Helvering	Moss	Sterling
Cox	Hensley	Murray	Stiness
Crago	Hernandez	Neely	Stone
Crisp	Hilliard	Nicholls, S. C.	Sulloway
Curry	Holland	Nichols, Mich.	Sumners
Dale, N. Y.	Hollingsworth	Nolan	Sutherland
Dale, Vt.	Hood	North	Sweet
Dallinger	Houston	Oakey	Swift
Danforth	Howard	Oldfield	Switzer
Darrow	Huddleston	Oliver	Tague
Davis, Tex.	Hughes	Olney	Talbott
Decker	Hull, Iowa	O'Shaunessy	Taylor, Colo.
Dempsey	Hull, Tenn.	Overmyer	Temple
Denison	Humphrey, Wash.	Padgett	Thomas
Dent	Humphreys, Miss.	Park	Thompson
Dickinson	Hutchinson	Parker, N. J.	Tillman
Dies	Igoe	Parker, N. Y.	Tilson
Dill	Johnson, Ky.	Peters	Timberlake
Dixon	Johnson, Wash.	Phelan	Tinkham
Doolittle	Kahn	Platt	Towner
Doremus	Kearns	Powers	Treadway
Doughton	Keating	Pratt	Venable
Dowell	Keister	Quin	Vinson
Dunn	Kennedy, Iowa	Ragsdale	Volstead
Dupré	Kennedy, R. I.	Rainey	Walker
Ward	Whaley	Wilson, Fla.	Wood, Ind.
Wason	Wheeler	Wilson, Ill.	Woods, Iowa
Watkins	Williams, T. S.	Wilson, La.	Woodyard
Watson, Pa.	Williams, W. E.	Wingo	Young, N. Dak.
Watson, Va.	Williams, Ohio	Wise	

NAYS—15.

Bacharach	Dyer	James	Moore, Pa.
Bailey	Greene, Mass.	Lehlbach	Norton
Capstick	Haskell	McKenzie	Walsh
Caraway	Jacoway	Mann	

ANSWERED "PRESENT"—4.

Cooper, Wis.	Hamlin	London	Webb

NOT VOTING—120.

Barchfeld	Driscoll	Hill	Page, N. C.
Beakes	Drukker	Hinds	Paige, Mass.
Benedict	Edmonds	Hopwood	Patten
Bennet	Edwards	Howell	Porter
Britten	Estopinal	Hulbert	Pou
Brumbaugh	Evans	Husted	Price
Buchanan, Ill.	Fairchild	Johnson, S. Dak.	Roberts, Mass.
Burgess	Farley	Jones	Rodenberg
Burnett	Farr	Kelley	Rowe
Butler	Ferris	Kent	Rucker, Mo.
Campbell	Flood	Langley	Sabath
Cantrill	Flynn	Lewis	Saunders
Carew	Foster	Liebel	Schall
Casey	Garrett	Loft	Scott, Mich.
Chandler, N. Y.	Glass	McAndrews	Scott, Pa.
Charles	Glynn	McCracken	Scully
Chiperfield	Goodwin, Ark.	McCulloch	Sears
Clark, Fla.	Graham	McDermott	Sells
Cline	Gray, N. J.	McFadden	Shackleford
Conry	Gregg	McKellar	Sisson
Copley	Guernsey	Maher	Sparkman
Costello	Hamill	Martin	Stephens, Nebr.
Cramton	Hamlin	Matthews	Stout
Crosser	Harrison, Miss.	Mondell	Taggart
Cullop	Hart	Mooney	Tavenner
Davenport	Haugen	Morgan, La.	Taylor, Ark.
Davis, Minn.	Hayes	Mott	Van Dyke
Dewalt	Helgesen	Mudd	Vare
Dillon	Henry	Nelson	Winslow
Dooling	Hicks	Oglesby	Young, Tex.

So the bill was passed.

The Clerk announced the following pairs.

Until further notice:

Mr. SCULLY with Mr. WINSLOW.
Mr. PATTEN with Mr. ROWE.
Mr. BEAKES with Mr. MCCULLOCH.
Mr. CASEY with Mr. HOWELL.
Mr. GREGG with Mr. FAIRCHILD.
Mr. YOUNG of Texas with Mr. BARCHFELD.
Mr. VAN DYKE with Mr. MOTT.
Mr. HULBERT with Mr. NELSON.
Mr. MCKELLAR with Mr. BENEDICT.
Mr. SHACKLEFORD with Mr. BENNET.
Mr. BRUMBAUGH with Mr. BRITTEN.
Mr. BUCHANAN of Illinois with Mr. CHIPERFIELD.
Mr. BURNETT with Mr. BUTLER.
Mr. HENRY with Mr. CAMPBELL.
Mr. CANTRILL with Mr. CHANDLER of New York.
Mr. CAREW with Mr. CHARLES.
Mr. STEPHENS of Nebraska with Mr. COSTELLO.
Mr. CLARK of Florida with Mr. COPLEY.
Mr. TAYLOR of Arkansas with Mr. CRAMTON.
Mr. CONRY with Mr. DAVIS of Minnesota.
Mr. CROSSER with Mr. DILLON.
Mr. TAGGART with Mr. DRUKKER.
Mr. DEWALT with Mr. EDMONDS.
Mr. DOOLING with Mr. FARR.
Mr. DRISCOLL with Mr. GLYNN.
Mr. STOUT with Mr. GRAHAM.
Mr. ESTOPINAL with Mr. GRAY of New Jersey.
Mr. EVANS with Mr. GUERNSEY.
Mr. FARLEY with Mr. HAUGEN.
Mr. FERRIS with Mr. HAYES.
Mr. FLOOD with Mr. HELGESEN.
Mr. SISSON with Mr. HICKS.
Mr. FOSTER with Mr. HILL.
Mr. GLASS with Mr. HINDS.
Mr. GOODWIN of Arkansas with Mr. HOPWOOD.
Mr. HAMILL with Mr. HUSTED.
Mr. HAMLIN with Mr. JOHNSON of South Dakota.
Mr. HARRISON of Mississippi with Mr. KELLEY.
Mr. HART with Mr. LANGLEY.
Mr. GARRETT with Mr. MCCRACKEN.
Mr. JONES with Mr. MCFADDEN.
Mr. LIEBEL with Mr. MARTIN.
Mr. LOFT with Mr. MATTHEWS.
Mr. MCANDREWS with Mr. MONDELL.
Mr. MCDERMOTT with Mr. MOONEY.
Mr. MAHER with Mr. PAIGE of Massachusetts.
Mr. SEARS with Mr. PORTER.
Mr. WEBB with Mr. MUDD.

Mr. OGLESBY with Mr. ROBERTS of Massachusetts.
Mr. PAGE of North Carolina with Mr. RODENBERG.
Mr. POU with Mr. SCHALL.
Mr. PRICE with Mr. SCOTT of Michigan.
Mr. RUCKER of Missouri with Mr. SCOTT of Pennsylvania.
Mr. SABATH with Mr. SELLS.
Mr. SAUNDERS with Mr. VARE.

Mr. CRAGO. Mr. Speaker, I am paired with the gentleman from Tennessee [Mr. MCKELLAR], but on a particular question that is to come up later. It is not a general pair. I voted "yea."

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors.

On motion of Mr. CALDWELL, a motion to reconsider the vote whereby the bill was passed was laid on the table.

Also, on motion of Mr. CALDWELL, the bill H. R. 17424, of similar tenor, was laid on the table.

ENROLLED BILLS SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 455. An act to define the rights and privileges of the trustees of municipally owned interstate railways, and construing the act to regulate commerce with reference thereto;

H. R. 17602. An act granting the consent of Congress to the county commissioners of Polk County, Minn., and Grand Forks County, N. Dak., to construct a bridge across Red River of the North on the boundary line between said States;

H. R. 18550. An act granting the consent of Congress to the county of Montgomery, in the State of Tennessee, to construct a bridge across the Cumberland River;

H. R. 18551. An act granting the consent of Congress to the county of Montgomery, in the State of Tennessee, to construct a bridge across the Cumberland River;

H. R. 18725. An act granting the consent of Congress to Kratka Township, Pennington County, Minn., to construct a bridge across Red Lake River;

H. R. 14074. An act granting the consent of Congress to the village of Fox Lake, in the county of Lake, State of Illinois, to construct a bridge across both arms of the Fox River where it connects Pistakee Lake and Nippersink Lake, at a point suitable to the interests of navigation, in the county of Lake, State of Illinois;

H. R. 20574. An act 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

H. R. 14471. An act to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary."

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 5424. An act to construct a bridge in San Juan County, State of New Mexico;

S. 809. An act authorizing the Secretary of the Interior to accept the application for land entry of Richard Daeley;

S. 1378. An act to amend the military record of John P. Fitzgerald; and

S. 1361. An act for the relief of Thomas Smart.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bill:

H. R. 8092. An act confirming patents heretofore issued to certain Indians in the State of Washington.

LEAVE OF ABSENCE.

Mr. RUCKER of Missouri, by unanimous consent, was granted leave of absence, indefinitely, on account of illness in his family.

VOCATIONAL EDUCATION BILL.

Mr. HUGHES, by direction of the Committee on Education, presented for printing, under the rule, the conference report on the bill (S. 703) to provide for the promotion of vocational education; to provide for cooperation with the States in the promotion of such education in agriculture and the trades and industries; to provide for cooperation with the States in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditure.

EXTENSION OF REMARKS.

Mr. POWERS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing the speech made by yourself on March 16 last on "The making of Representatives," together with a few observations of my own.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

BOARD OF MANAGERS, NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS.

Mr. DENT. Mr. Speaker, I yield to the gentleman from Nebraska [Mr. SHALLENBERGER], a member of the Committee on Military Affairs, to call up House joint resolution 335, reported by that committee.

The SPEAKER. What calendar is it on?

Mr. SHALLENBERGER. On the House Calendar.

The SPEAKER. The Clerk will report the joint resolution.

The Clerk read as follows:

Joint resolution (H. J. Res. 335) for the appointment of four members of the Board of Managers of the National Home for Disabled Volunteer Soldiers.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

Joint resolution (H. J. Res. 335) for the appointment of four members of the Board of Managers of the National Home for Disabled Volunteer Soldiers.

Resolved, etc., That John W. West, of Maine; James W. Wadsworth, of New York; H. H. Markham, of California; and Guy T. Helvering, of Kansas, be, and they are hereby, appointed members of the Board of Managers of the National Home for Disabled Volunteer Soldiers of the United States to succeed Frederick J. Close, of Kansas; James W. Wadsworth, of New York; H. H. Markham, of California; and Thomas S. Bridgham, of Maine, whose terms of office expired April 21, 1916.

Mr. SHALLENBERGER. Mr. Speaker, I would like to ask the gentleman from Kansas [Mr. ANTHONY] if we can agree upon time?

Mr. ANTHONY. I think so. Some gentlemen on this side would like to be heard on the resolution. What the gentleman suggested to me privately, 40 minutes to a side, is sufficient.

Mr. SHALLENBERGER. That is satisfactory to me. Mr. Speaker, I ask unanimous consent that the time for debate upon the resolution be limited to 40 minutes to a side, the gentleman from Kansas [Mr. ANTHONY] to have control of the time upon his side and I to have control upon this side.

The SPEAKER. The gentleman from Nebraska [Mr. SHALLENBERGER] asks unanimous consent that the debate on this resolution be confined to 40 minutes to a side, half of the time to be controlled by himself and half by the gentleman from Kansas [Mr. ANTHONY]. Is there objection?

There was no objection.

LEAVE TO ADDRESS THE HOUSE.

Mr. GARDNER. Mr. Speaker, I ask unanimous consent that after the reading of the Journal to-morrow I be permitted to address the House for 20 minutes in reply to the speech of the gentleman from Pennsylvania [Mr. MOORE] of yesterday.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that to-morrow, immediately after the reading of the Journal and the clearing up of business on the Speaker's table, he be permitted to speak not exceeding 20 minutes, answering the speech of the gentleman from Pennsylvania [Mr. MOORE] on yesterday. Is there objection?

There was no objection.

Mr. MOORE of Pennsylvania. Mr. Speaker, inasmuch as I do not know what the gentleman from Massachusetts [Mr. GARDNER] intends to say to-morrow in answer to me, I ask unanimous consent that I may have 20 minutes to reply. [Applause and laughter.]

Mr. KITCHIN. Will not the gentleman make it 10 minutes?

The SPEAKER. The gentleman from Pennsylvania, being in doubt as to what the gentleman from Massachusetts is going to say about him [laughter], asks 20 minutes in which to reply.

Mr. MOORE of Pennsylvania. Or so much thereof as I may need.

The SPEAKER. Of course. Is there objection?

There was no objection.

Mr. GARDNER. Mr. Speaker, I will state to the gentleman from Pennsylvania that I do not intend to criticize him in any way.

The SPEAKER. Then the gentleman can yield back the 20 minutes. [Laughter.]

BOARD OF MANAGERS NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS.

Mr. SHALLENBERGER. Mr. Speaker, this resolution which we have before the House now for consideration is for the appointment of a Board of four Managers for the National Home for Disabled Volunteer Soldiers. Two of the present members are reappointed under this resolution. There are two new members offered for these positions—one from Maine, Mr. John

W. West, a veteran of the Civil War, and one new member from the State of Kansas, the Hon. GUY T. HELVERING, a Member of this House and a veteran of the Spanish-American War. The Military Committee believed it necessary that the member from Kansas, who now holds that position should be retired from it. Therefore we offer the name of Mr. HELVERING, of Kansas. I will say to the Members of the House that I understand there is no opposition to the appointment of the new man from Maine. The present member retires voluntarily, because of old age and consequent disabilities. Therefore the only question is as to the appointment of the new member from Kansas, and the majority of the committee, after consideration, have recommended the appointment of Mr. HELVERING for the position of the member from Kansas, now occupied by Mr. Close. So far as I am concerned, I have nothing further to offer to the House at present, and reserve the balance of my time. [Applause.] I yield to the gentleman from Kansas [Mr. ANTHONY].

Mr. ANTHONY. Mr. Speaker, the minority members of the Committee on Military Affairs unanimously dissented from the report of the majority on this resolution. In the first place, there is already upon the calendar of the House another resolution, H. J. Res. 244, reported out of the Committee on Military Affairs last July, I think, covering the appointment of members of this very board. For some reason the majority of the Committee on Military Affairs have never called up that resolution, although it has been upon the calendar all this time. But a few days ago they brought before the Committee on Military Affairs the present resolution, substituting in place of the name of one gentleman reported in the resolution of last July a new name for consideration by the House. No adequate reason was advanced by any member of the committee why such a questionable step should be taken by a responsible committee of this House. A virtual repudiation of a former report of this committee to this House. The man whose name was reported out last July for one of these places, George W. Findlay, of Kansas, is a man of the highest character and standing in our State, a veteran soldier of the Civil War, against whom not a word of any kind can be said in disparagement. In fact, when the majority members of our committee advanced the proposition to bring out a new resolution to fill these places on the board of managers, they frankly stated to the members of the minority on the committee that they did it for partisan reasons only. Their only objection to Mr. Findlay was that he was a "stand-pat" Republican, as one of my Democratic colleagues from Kansas frankly stated.

Mr. COX. Will the gentleman yield?

Mr. ANTHONY. I yield to the gentleman from Indiana.

Mr. COX. What has been the practice heretofore as to placing serving Members of Congress upon these boards?

Mr. ANTHONY. I will say to the gentleman that within my knowledge of that board, which probably covers 25 years, there has never been any partisan action taken in connection with it. It has been composed indiscriminately of Republicans and Democrats.

Mr. COX. I do not think the gentleman caught my question. What has been the practice as to appointing serving Members of Congress upon these boards?

Mr. ANTHONY. Serving Members have been appointed from time to time.

Mr. COX. How many times?

Mr. ANTHONY. I think twice. I remember Mr. Brownlow, of Tennessee.

Mr. FIELDS. I understand there have been five.

Mr. ANTHONY. Perhaps there have been. I remember Mr. Brownlow, of Tennessee, and another gentleman from Tennessee, a few years ago. Now, let me say to the gentleman from Indiana——

Mr. COX. Just one question further, if the gentleman will yield?

Mr. ANTHONY. I yield to the gentleman.

Mr. COX. Are all these other members proposed to be appointed to this board, except Mr. HELVERING, soldiers of the Civil War?

Mr. SHALLENBERGER. Three of them are soldiers of the Civil War and one of the Spanish War.

Mr. ANTHONY. Now, let me say to the gentleman from Indiana that no member of our committee has the slightest personal objection to either of the gentlemen who are named in the resolution which has just been brought before the House. The thing that we are protesting against is the injection of partisan politics in the selection of members of this board.

Mr. GORDON. Will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. GORDON. How many Democrats were on this board when the Democrats came into power in this House?

Mr. ANTHONY. I do not know, exactly.

Mr. GORDON. There was just one, and he was overlooked.

Mr. ANTHONY. I had that question asked me to-day, why there were so few Democrats at that time, and the gentleman from California [Mr. KAHN] tells me it was because no Democratic Member of this House placed in nomination the name of any Democratic Member.

Mr. GORDON. Because it was of no use.

Mr. ANTHONY. Oh, no; the gentleman is in error. Now, let me say that the membership of this board at present consists of seven men. As now constituted two are Republicans and five are Democrats. We are contending that a fair and equitable division would be three Republicans and four Democrats. There is not the slightest idea of interfering with the Democratic control of that board.

We believe it just and proper that they have a majority, but when the resolution was brought before the Committee on Military Affairs last summer at the time Mr. Findlay, a Republican of Kansas, was named for membership, it was agreed by Mr. Hay, the then chairman of the committee, and by all the members of the committee who were present that day, that it was just and proper to have another Republican member on the board.

Mr. GORDON. Will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. GORDON. How many members of the committee were present?

Mr. ANTHONY. I do not remember.

Mr. GORDON. Was a quorum present?

Mr. ANTHONY. I do not know.

Mr. SLOAN. If the members of the committee were not there, they should have been there.

Mr. ANTHONY. They should have, and if the gentleman from Ohio was not there he should have been there.

Mr. SLOAN. Now, the minority does not question the character or propriety or the ability of the gentleman from Kansas [Mr. HELVERING] to serve on the board, does it?

Mr. ANTHONY. Not the slightest.

Mr. WINGO. Will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. WINGO. You do not question the propriety of having Members of Congress on the board?

Mr. ANTHONY. I do not, although some members of the committee do.

Mr. WINGO. I see no reason why a Member of Congress should not serve on the board and I can see some good reasons why he should serve. Now, if you do not object to the character of the gentleman from Kansas and do not object to a Member of Congress serving on the board, the result is that you put yourself into the very position that you complain of as a partisan question.

Mr. ANTHONY. My objection is to the questionable methods of the committee, reporting a resolution naming an honorable gentleman and then repudiating the action without just cause and only for avowed partisan purposes.

Mr. WINGO. Did not that occur once under Republican control?

Mr. ANTHONY. No; and I want to tell the House what has been the result of exactly this same state of affairs existing two years ago that exists to-day. A gentleman of high character was named by the Military Committee for one of these vacancies. He happened to be a Republican. At that time some Democratic influences in the State of Kansas made up their minds that they wanted a Democratic member. Those who came before the majority of the Committee on Military Affairs influenced them to change their former action and to report out the name of a Democrat from Kansas who was faterwards placed on the board. The majority of the committee named this man over my protest and over the protest of other members of that committee as to his fitness. The man was a broken-down politician, known to be without responsibility in my State, and I so stated to the members of the committee. In spite of that protest he was placed on the board. What has followed it is proper to acquaint the House with, and the result of this attempted partisan control of what should be one of the most sacred institutions we have, that of caring for the veteran soldier, is not one that the Democratic members of the Military Committee or of this House can be very proud of.

This man, placed by the majority of our committee on the board of managers, afterwards elected as president of that board by his party associates, was placed in charge of the funds of the home, the sacred funds which are accumulated there for the use of the veteran soldiers. The records of the Appropriation Committee, beginning on page 513, in the hearings on the sundry civil bill of 1917, contain a shameful record of

mishandled moneys and peculations of this fund. The records show that this man, placed on the board for partisan purposes only, made investments that have resulted in swindling the Government out of $46,000 of one of the funds intrusted to his care. The records show in that transaction that in the purchase of about $46,000 worth of wildcat granite mining bonds located in Colorado, somebody was paid a cash commission of $6,000. The records show that there was $25,000 stock of that company also issued in the name of a member of the Soldiers' Home Board.

Following this disreputable financial transaction that was fully disclosed by the patient work of the Committee on Appropriations last year, there came a run of resignations among some of the officials of the different branches of the homes over the country. In the places of many of these old Republican employees there were appointed men known to be political henchmen and personal associates of this man Close, the broken-down Democratic Kansas politician, who was made president of the board in the manner which I have outlined to the House. For instance, there was appointed governor of the Milwaukee home a man by the name Ijams, who was put in that responsible position, a man who before had been associated with Close in business in Kansas City. This man Ijams, made governor by his old crony, Close, had at one time been the agent of this wildcat Colorado mine for the sale of these bogus securities which were afterwards unloaded on the Government. That is the way the chain of fraud had been carried out under the administration of the gentleman I have named.

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. COOPER of Wisconsin. Has there been a prosecution of this man?

Mr. ANTHONY. I will say to the gentleman that the board of managers has taken very proper action. They have ordered that a full transcript of the evidence be placed in the hands of the Attorney General of the United States, and I understand it is now there, awaiting action by that official.

Mr. COOPER of Wisconsin. How long since these disclosures were first made?

Mr. ANTHONY. These disclosures were made in the hearings upon the sundry civil appropriation bill for 1917.

Mr. COOPER of Wisconsin. Over a year ago?

Mr. ANTHONY. Yes.

Mr. COOPER of Wisconsin. Has anything been done by the Attorney General's Office to prosecute these people?

Mr. ANTHONY. Not that I am aware of.

Mr. COOPER of Wisconsin. About how long does it take after facts like that, which show plain embezzlement, for this official to take action?

Mr. ANTHONY. That evidently depends upon the degree of political influence.

Mr. COOPER of Wisconsin. It does not depend on anything else, does it?

Mr. GORDON. Does the gentleman claim that there has been embezzlement there?

Mr. ANTHONY. I believe there has been practical embezzlement.

Mr. GORDON. Practical!

Mr. ANTHONY. That the money of the Government has been invested in fraudulent securities without commercial value.

Mr. GORDON. The gentleman's statement was that he unwisely invested the money.

Mr. ANTHONY. I refer the gentleman to the chairman of the Committee on Appropriations, the gentleman from New York [Mr. FITZGERALD], who can give perhaps better testimony than I. Mr. FITZGERALD disclosed this fraud in a very able examination of Close before the Committee on Appropriations.

Mr. GREEN of Iowa. Did I understand the gentleman to say that one party upon this board received a commission?

Mr. ANTHONY. That is part of the evidence, I will say. What we are protesting against is the continuation of this partisan control. For many years, for a period of over 18 years, in successive Republican Congresses, Gen. Franklin, a gentleman from Connecticut, a Democrat, was continued president of that board. Until the last two years there have never been any partisan politics on that board, and I believe that for the honor of this House and the country this resolution should be defeated. I reserve the remainder of my time.

Mr. SHALLENBERGER. Mr. Chairman, I yield five minutes to the gentleman from Ohio [Mr. GORDON].

Mr. GORDON. Mr. Chairman, there is an attempt being made to deceive this House in reference to conditions here. Our Republican friends can not let go, and they are seeking to invoke partisan spirit and misrepresentation for the purpose of misleading the House. In reference to the resolution that is said to have been reported out by this committee last July, I went home on the 1st of July and remained there for several weeks, and was not present, but I have not succeeded up to date in finding anybody that was present at the time this action was taken. But how is that important or material? At a fully attended meeting of the committee and after careful consideration, after these charges of improper management had been made by Mr. ANTHONY, the majority members of the Committee on Military Affairs decided they wanted a man on that board in Kansas of unquestioned integrity, a man concerning whom they knew something, because Congress is charged officially with the responsibility of the proper management and conduct of these homes, and, therefore, they selected a gentleman from Kansas, a Member of this House who has been two or three times elected to this body, for the very reason that they wanted a man against whose integrity nothing could be said. That was primarily the reason for selecting Mr. HELVERING, not because of his politics, but the trouble with the gentleman from Kansas [Mr. ANTHONY] is that because he is a member of the committee and one of the old ringers of this House, he thinks he ought to control. When the Republicans had a majority of the House and were charged officially with the responsibility they had, I am told, all of these members but one. When the Democrats came into power in 1910, every member of this board was Republican but one. I do not know why they did not take him.

Mr. HASTINGS. How many members did they have at that time on the board?

Mr. GORDON. Eleven.

Mr. HASTINGS. And 10 of them were Republicans?

Mr. GORDON. Yes. This idea that the Republicans have a vested right in all of these offices is an idea that obsesses the minds of some Republican Members here. I undertake to say that the selection of Mr. HELVERING is not a partisan matter. The primary object in selecting him was to have a man in whom the Members of this House would have confidence, and the fact that he is a Democrat does not disqualify him, I hope.

Mr. ALMON. Will the gentleman yield for a question?

Mr. GORDON. I will.

Mr. ALMON. State whether or not Mr. HELVERING is a Spanish-American War veteran.

Mr. GORDON. He is. It has already been stated on the floor of this House that he is a Spanish War veteran. I think this Congress, being especially charged by law—it is a bad law, the law ought to be repealed, in my judgment, and these homes ought to be placed under the War Department, because it is an executive function—but Congress has enacted a law providing that the men in charge of these homes should be selected by the House, and now, as the House is charged with the official responsibility of selecting these men, it ought to select men in whom it has confidence, and the fact that this gentleman of whom the gentleman from Kansas [Mr. ANTHONY] complains has unwisely invested funds, if he has——

Mr. O'SHAUNESSY. Will the gentleman yield?

Mr. GORDON (continuing). Is a matter that is now being investigated, he says, by the Attorney General. It is all the more reason why——

Mr. O'SHAUNESSY. Will the gentleman yield?

Mr. GORDON. I will in a minute—is all the more reason why we ought to select a man in whom the House has confidence. I now yield to the gentleman.

Mr. O'SHAUNESSY. I want to ask the gentleman from Ohio if the gentleman against whom these allegations are made of poor investments is not about to retire, and is not Mr. HELVERING suggested in his place?

Mr. GORDON. Certainly; this resolution retires him and puts Mr. HELVERING in his place.

Mr. GREENE of Vermont. Will the gentleman yield?

Mr. GORDON. I will.

Mr. GREENE of Vermont. The gentleman just suggested on the matter of merit that this whole business should be administered by the War Department because it is an executive function.

Mr. GORDON. Yes.

Mr. GREENE of Vermont. Then why does the gentleman deliberately select a man connected with the legislative branch to fill a position of this kind?

Mr. GORDON. A very pertinent question, which I will answer: Because the law charges this House with the official responsibility for the management of these homes, and we ought to use special care in the matter, and I do not know how the House can manage them any better than by selecting a reputable and able Member of it and charging him with that official responsibility. Does that answer the question?

Mr. GREENE of Vermont. Will the gentleman further yield?

Mr. GORDON. Yes.

Mr. GREENE of Vermont. Then the gentleman is selecting a man from among those who have been authorized as Members of this House to go and do a thing and then come back and pass upon his own act. Every judge is made his own executioner?

Mr. GORDON. Yes; but this House is charged with the faithful administration of these homes, and I believe it is proper for this House to select for the proper management of them a man in whom it has confidence and whom it can hold responsible.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. PARKER of New Jersey. Mr. Speaker, I desire to ask a question. Was not the original resolution, which I find Calendar No. 149 of the House Calendar, introduced by Mr. James Hay himself?

Mr. SHALLENBERGER. That was reported to the House.

Mr. PARKER of New Jersey. It was introduced in the House by Mr. Hay?

Mr. SHALLENBERGER. Yes, sir.

Mr. PARKER of New Jersey. And referred to the committee and then reported by Mr. ANTHONY?

Mr. SHALLENBERGER. Yes. Will the gentleman from Kansas yield some of his time?

Mr. ANTHONY. Does the gentleman wish to use any now? I desire to yield to the gentleman from Illinois later. How many more speeches is the gentleman to have?

Mr. SHALLENBERGER. About two, I think.

Mr. ANTHONY. I have only one more and Mr. CANNON.

Mr. SHALLENBERGER. I yield five minutes to the gentleman from Mississippi [Mr. QUIN]. [Applause.]

Mr. QUIN. Mr. Speaker, touching this matter of making Mr. HELVERING, our colleague, one of the managers of the soldiers' home in Kansas, I can not see why any of our Republican friends should object to him. I can not see why there should be any objection to any man who is well enough thought of by the people of his district to be repeatedly elected as a Member of the American Congress. Our good friend on the committee [Mr. ANTHONY], and he is our friend and a gentleman of the highest integrity——

Mr. TILSON. Will the gentleman yield to me?

Mr. QUIN (continuing). Seems to be a little bit perturbed because Mr. HELVERING is a Democrat.

Mr. TILSON. Will the gentleman yield?

Mr. QUIN. I will.

Mr. TILSON. Would the gentleman be willing to follow that logic a little further and say that every member on that board should be a Member of this House? If we are going to give it personal supervision, would the gentleman be in favor of making the entire board out of the membership of this House?

Mr. GORDON. I would, if they would accept it.

Mr. QUIN. It becomes necessary at times for the Government to be aided by having a United States Senator or a Representative on one of these boards.

Mr. COOPER of Wisconsin. Will the gentleman yield for one question?

Mr. QUIN. Yes.

Mr. COOPER of Wisconsin. What does the gentleman think of the propriety of a man in a legislative body voting upon his own official acts?

Mr. QUIN. I think it is indeed a fortunate thing for a man sometimes to take stock of himself. [Laughter.]

Mr. Speaker, in the old days, when the Republican Party had the supervision of these homes, we had a distinguished Senator by the name of Warren as a member. We had another distinguished Republican Senator by the name of Sewall as a member, and we had that good Republican Brownlow, of Tennessee, a Member of this House, a member of the board of the home in his own State. Now, forsooth, because this committee has presented the name of GUY HELVERING, a distinguished and honorable citizen of the State of Kansas, and a distinguished Member of this House, as a member of that board for the soldiers' home in his State, we have objection from the Republican side.

When you were in power—and I do not blame you for it—you had all of them except one lonesome Democrat, and I do not think his politics hurt him very much or he would not have been allowed to be there.

The Democrats are now in control, and, as a matter of right, if you please, I think they ought to have a majority of that board. If you put it on partisan reasons, the Democrats should not vote for a Republican Member to be on there. We know the average Democrat would prefer a Democrat. No man need attempt to fool himself. Let us be honest. You know I would not put a Republican postmaster in my district under my recommendation. You know that I am not a partisan, and I would not vote for a Republican to go on that board instead of a Democrat. Do not fool yourselves. You vote like I do, and you know it, and if you Democrats do not vote for GUY HELVERING I do not know what excuse you could offer to your own conscience and your party. Do you not know that these Republicans are not going to vote for GUY HELVERING? And what nonsense it is talking about partisanship cutting no figure in it. We know that you Republicans are going to vote against the Democrat, and we are going to vote for the Democrat. There is no teat to suck in this position. There is no salary. There is a little expense allowed in order to enable him to go to and fro, in order to attend to that office.

Mr. KING. I understand you to say that Mr. HELVERING is a Democrat?

Mr. QUIN. And a good one.

Mr. KING. And there is no salary connected with it?

Mr. QUIN. Not a bit.

Mr. KING. Then, what on earth does a Democrat want with a place like that?

Mr. QUIN. They want to work for glory. They have always gone out under the Democratic banner, under the red fires, and fought for honor. [Laughter.] They do not have to have gold dollars hung up in front of them for them to have that incentive to do service for their country. [Applause.]

Mr. GREENE of Vermont. I was very much interested in the gentleman's rather lucid explanation of the Democratic platform. They fight for nothing. [Laughter.]

The SPEAKER pro tempore. The time of the gentleman from Mississippi [Mr. QUIN] has expired.

Mr. ANTHONY. Mr. Speaker, how much time remains on this side?

The SPEAKER pro tempore. Twenty-seven minutes.

Mr. ANTHONY. I yield 15 minutes to the gentleman from Illinois [Mr. CANNON]. [Applause.]

Mr. CANNON. Mr. Speaker, I do not think I shall require 15 minutes. I tried to pass by unanimous consent a resolution in July, I think, or August, that is now on the calendar, filling this place with the man referred to, the Union soldier who served during the Civil War. The gentleman from Nebraska [Mr. SHALLENBERGER] asked for the unanimous consent, and I think the gentleman from Kansas [Mr. HELVERING], who is now reported to go upon the board, objected. Well, I am not going to tear passion to tatters about this matter. There is a branch soldiers' home in Danville, which I think is one of the best, perhaps, of any of them, and I am not speaking disrespectfully of any of them. I am fairly familiar with the work of the home. I helped to make appropriations for it, and I saw the home while it was building.

Now, let me clear up the fog. Benjamin F. Butler was the first president of the Board of Managers of the Soldiers' Home, away back in the seventies. He was discontinued, and Maj. Gen. Franklin, of the State of Connecticut, succeeded him, and remained, not, as the gentleman says, 17 years, but continuously, as my recollection runs, from the time he became president of the board of managers to the time of his death. Then, I think, there was a short period when somebody, whose name now escapes me, from New Jersey, a Republican, I believe, served. Then he was succeeded by Gen. McMahon, of New York City, a gallant soldier on the Union side during the war, and he remained until his death. He was also a Democrat.

He was succeeded by James W. Wadsworth, who as a young man was in the Union Army and participated in the Battle of the Wilderness when his father, the elder Wadsworth, who was at one time governor of the State of New York, was killed. These men were all good, honest business men, and in all these years I have never heard the question of partisanship come up in the House in connection with them until now.

Mr. GORDON. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman yield to the gentleman from Ohio?

Mr. CANNON. Yes.

Mr. GORDON. I think the gentleman from Illinois has given very close attention to this matter.

Mr. CANNON. I know about it.

Mr. GORDON. And is it just a coincidence that this board was almost solidly Republican before the Democrats came in?

Mr. CANNON. Oh, Gen. John C. Black, now dead and gone, at one time Commissioner of Pensions, appointed by Mr. Cleveland, was a member of that board, and many other Democrats served on that board. Gentleman, let us be fair. What is the use in trying to cover up anything? The gentleman from California [Mr. KAHN], now a member of the Committee on Military Affairs, said there never had been a soldier's name or any Democratic name mentioned——

Mr. GORDON. Prior to the time you came into power. There never is a Democrat when the Republicans are in power unless you can handle him.

Mr. CANNON. Oh, the gentleman's party was in power in the House of Representatives from 1874 to 1880, and the gentleman's party was in power from 1893 to 1897, for four years. Oh, that child does not respond to the gentleman's suggestion. [Laughter.]

Mr. GREEN of Iowa. Mr. Speaker, will the gentleman permit a question?

Mr. CANNON. Yes.

Mr. GREEN of Iowa. I was under the impression that Gen. Franklin was a Democrat. Am I correct?

Mr. CANNON. Oh, yes; an absolute Democrat all his life, before the Civil War and after the Civil War, and there was no more gallant Union soldier serving under a major general's commission than he. He had a brother who was an admiral in the Navy. They were of fighting stock. Gen. Martin McMahon, an Irishman, as I judge, succeeded a Democrat, and continued until he died, and the question of Democracy or Republicanism never came up, until in the last Congress, touching this board.

Now, I understand about how it came up there. I was succeeded in 1913 by Mr. O'Hair, who was a member of the Committee on Military Affairs. I think he voted for the change. I will not mention names, but suffice it to say a man with one arm who, I think, had served in the Union Army, but I am informed did not lose his arm there—and I will not speak about his character, you know, or of his faults—went on the board from Kansas, I guess right across from Kansas City, Mo. Well, there is a home up at Leavenworth, and a home at Milwaukee, and a home at Dayton.

Now, I never cared personally who went on the board, provided they were good men and honest men, and I think substantially they have been honest men. I think the board now in service is composed of honest men, with the exception of one. Mr. Close—they call him Maj. Close—called the Democrats of the board together, and they signed a call for a meeting to be held in New York in March, or possibly in February, to consider the general business of the board.

Now, James W. Wadsworth had been for many years a member of that board, and he was president of the Board of Managers. I think he was as good a one as we ever had. We all know him. It was just about six weeks before his term would expire and a new president of the board chosen; but Mr. Close, with other Democratic members of the board, called a meeting of the board at New York, and when they got there the first thing that board did, when partisanship came in, was to elect Mr. Close president of the Board of Managers. The president of the board has charge of the post fund. That is a fund that is raised, not by a direct appropriation, but by contributions from the men, reinforced by funds of the soldiers who die and have no relatives. It comes in various ways, and it is used legitimately for the entertainment of the members of the home, for the hiring of people, for shows, music, and moving pictures, and all that kind of thing. That is the post fund. Now, the president of the board has charge of the post fund.

Mr. GORDON. Mr. Speaker, will the gentleman yield?

Mr. CANNON. Yes.

Mr. GORDON. Is the governor required to give bond for the faithful discharge of his duty?

Mr. CANNON. The president of the board of managers, in this instance Mr. Close, was required to give bond of $150,000.

Mr. GORDON. Who approved it?

Mr. CANNON. I do not recollect. But that was the order of the board.

Mr. ANTHONY. Mr. Speaker, will the gentleman permit an interruption right there?

Mr. CANNON. Yes.

Mr. ANTHONY. I will state that the board did demand a bond of Maj. Close when he was elected president in June, 1915. He failed to give that bond, as I understand, until about three months after, and in the meantime, before he gave the bond, this questionable transaction took place.

Mr. GORDON. Who is to blame for it?

Mr. CANNON. I will tell you who is to blame for it, and the chairman of the Appropriations Committee [Mr. FITZGERALD] or some other member, the gentleman from Wyoming [Mr. MONDELL] or some other member of that committee is here and can tell you about the inquiry made by that committee. Mr. Close was required to give a bond. He did not give a bond. He proceeded to invest $46,000 of the post fund, not in a rainbow but in the equivalent of it, as the evidence showed—an undeveloped alleged granite quarry in Colorado. Strange to say, the money was paid upon his order before the bond was given. Strange again to say, the evidence shows that stock equal to the amount of bonds was issued to him. He denied it on the examination. Strange to say, a son of Mr. Close was appointed the agent of the company to promote it. But if you will read that evidence it stamps Mr. Close as a swindler of the first class, and I believe is subject to prosecution under the law. Morally, in the sight of God, he is worse than a thief. [Applause.] Let us not mince matters.

Mr. GORDON. How did Maj. Close get possession of these funds without giving bond is what we should like to know?

Mr. CANNON. Oh, Maj. Wadsworth was relieved, and under the by-laws Maj. Close was entitled to the possession of the funds, and he took them by that authority. Well, they were a very sick set of people when they found out. Let me do justice to the members of the board.

Mr. GORDON. Is Wadsworth still on the board?

Mr. CANNON. Oh, yes; he is still on the board. Let me do justice to the other members of the board. One is a citizen of my county, an honest man. Why, Maj. Close tried to sell some of this same stock to him, and he tried here and there. He was in that business. Why, the gentleman from New York [Mr. FITZGERALD] is here. He can state about it if he will take a little time. I do not want to take much time. It is not in glee, it is in sorrow, I tell of the loss of this money.

Mr. GORDON. Do you not think you have furnished a most excellent reason for putting on this board a man who knows something and is a man of the highest integrity, who has the confidence of this House, as we are seeking to do by this resolution? [Applause.]

Mr. CANNON. Jimmie Wadsworth is on this board. The president of the board of managers now, I am informed, is an honest man, Mr. Wood. I believe his home is at Dayton. He lives there. He was a Spanish War soldier; he is, I believe, a man of high character. Oh, this man, Mr. Close, knew enough. Good God, he knew enough, you know, to get possession of the money.

Mr. GORDON. A very poor business man.

Mr. CANNON. Oh, a very poor business man! Who is responsible for it?

Mr. GORDON. Why, the directors of the home are, the men we appointed.

Mr. CANNON. When did you appoint them? You appointed them two years ago.

Mr. GORDON. How many did we appoint then?

Mr. CANNON. Well, I do not know. There was Close, and the man from my county, the one from Maine, and one from——

Mr. GORDON. Most of them were reappointments, too.

Mr. CANNON. Oh, no.

Mr. STAFFORD. Will the gentleman yield?

Mr. GORDON. That is my understanding about it.

Mr. CANNON. Why, the gentleman is so zealous in his partisanship that he rushes in where angels fear to tread, without knowledge. [Laughter.] I yield to the gentleman from Wisconsin.

Mr. STAFFORD. I have the names right here. I can give them.

Mr. CANNON. Certainly.

Mr. STAFFORD. There were Mr. Wood, Mr. Nelson, Mr. Close, and Mr. Bridgham, as successors of Maj. Warner, of Missouri; Franklin Murphy, of New Jersey; Mr. Gottschall; and Mr. Barry.

Mr. GORDON. How many are there on this board altogether?

Mr. CANNON. Seven. Now, if the Kansas man goes on, there will then be two Republicans and five Democrats.

Mr. TILSON. And there would be four Democrats and three Republicans if Mr. Anthony's resolution should go through.

Mr. CANNON. Precisely. Now, if our friend, Mr. HELVERING does not go on, the Union soldier from Kansas, a man of high character, goes on——

Mr. GORDON. How old is he?

Mr. CANNON. God knows. I do not know. He was old enough and young enough to serve for four years during the Civil War. [Applause.]

Mr. GORDON. I was not reflecting especially on his age; but does not the gentleman think we have had too many old men on this board?

Mr. CANNON. Oh, no; we had one old man, a wicked old man, that you put on two years ago.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. ANTHONY. I yield to the gentleman from Illinois five minutes more.

Mr. CANNON. If it is to be a partisan board, I think four Democrats to three Republicans is fair. You would have four Democrats and we would have three Republicans.

Mr. GORDON. What is the gentleman's objection to Mr. HELVERING?

Mr. CANNON. I am not making any objection to Mr. HELVERING. I could take out any Democratic Member, even you, and make it solid.

Mr. GORDON. The business would be attended to if I was there.

Mr. CANNON. Precisely; the gentleman confesses it.

Mr. SHALLENBERGER. What does the gentleman know about Mr. Finlay?

Mr. CANNON. My information is that he is a man of the highest character. What does the gentleman know about him?

Mr. SHALLENBERGER. I do not know anything.

Mr. CANNON. What does the gentleman from Kansas [Mr. HELVERING] know about his character? I am willing to leave it to him.

Mr. SHALLENBERGER. We ought to be better informed about these men.

Mr. CANNON. You do not show it. Ask Mr. HELVERING about this man. I will leave it to him.

Now, gentlemen, I want to say in conclusion that, so far as I know, and I measure my words when I say it, with one of these branch homes in my town that has been there since 1896 or 1898, one of the best of the lot—so far as I know and believe, there never has been partisanship or politics played out in one of these homes, and certainly that is true as to the home at Danville, Ill.

Mr. CALDWELL. Will the gentleman yield?

Mr. CANNON. Certainly.

Mr. CALDWELL. The other day I heard the gentleman from Illinois make a speech on the postmaster provision in the bill we were then considering. I understood the gentleman to say that he thought that the party in power had the responsibility and ought to have the places.

Mr. CANNON. Ought to have the administrative places, so as to be in harmony with the administration.

Mr. CALDWELL. Is not this an administrative place?

Mr. CANNON. Oh, not in that sense at all. These are guardians of the men that are waiting for death, who served their country, who from age or service are entitled to be cared for, and it is wonderful how few of them require this care—2,300,000 in the conflict and less than 30,000 in the homes.

Now, they put out the best governor in the branch home out there that I knew of. He was a Union soldier and a good business man. He went along about his business, for he did not have to have the place. There was no grumbling, but there are some little bits of 6-by-9 people—and I trust that they have not got any in Cleveland—who said, "Oh, well, now the Republicans will lose that vote out there," and so on and so on. I laughed. I did not visit the home from the time the new governor was appointed or had communication with it except to answer letters that were written now and then, and I did not answer them as much I ought to. I never went inside that home until the Friday night before the last election, when I went, as my habit had been, to address the members. The governor, a Democrat, a man of good character, let me tell you, who succeeded Mr. Barker, presided under the regulations. I told them that I thought a good deal of this home, although I had received complaints. I had answered them where I thought they ought to be answered, but I had been careful to stay away, not because I did not like them but because I did want things to go harmoniously; but I kept away for the reason that somebody might say, as there was a Democratic governor of the home and Democratic officials in the main, that I was there to make mischief. The truth is a large majority of the vote of members of the home are Republicans, and I got the usual Republican vote.

Mr. GORDON. Is not that proof that the home is honestly and fairly managed?

Mr. CANNON. I have no objection touching the home at Danville. I do think, in fairness, considering the way homes have been administered from the commencement, that it is fair that the Union soldiers should have a representation, the Spanish War soldiers having the president of the board of managers. They have something more of sympathy with their comrades with whom they fought. Oh, yes; sympathy. I do not know that the gentleman from Ohio [Mr. GORDON] understands what it means. [Laughter.]

Mr. ANTHONY. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, the resolution proposes to appoint Representative GUY T. HELVERING, of Kansas, as a member of the board of managers. Mr. HELVERING is also a Member elect of the next House. The Constitution of the United States provides in reference to the qualifications of Members of Congress:

> And no person holding any office under the United States shall be a Member of either House during his continuance in office.

The Manual states in reference to this provision of the Constitution:

> The Judiciary Committee has concluded that members of commissions created by law to investigate and report, but have no legislative, executive, or judicial powers, etc., are not officers within the meaning of the Constitution.

This office, however, has executive powers. The Manual states:

> Where a Member has accepted an incompatible office, the House has assumed or declared the seat vacant. In the cases of Baker and Yell the Elections Committee concluded that the acceptance of a commission as an officer of volunteers in the national Army vacated the seat of a Member, and in another similar case the Member was held to have forfeited his right to a seat.

It further states:

> But when he retains the incompatible office and does not qualify, a vacancy has been held to exist. A resolution excluding a Member who has accepted an incompatible office may be agreed to by a majority vote.

Mr. Speaker, the next House of Representatives has 215 Members elected as Republicans, 215 Members elected as Democrats, 3 Members elect with Republican affiliations in the past, and 1 Member elect with Democratic affiliations in the past, and I might say a Socialist Member elect also with Democratic affiliations. The organization of the next House will be extremely close. I hope and trust that it may be organized without special conflict, but it is inevitable that if Mr. HELVERING accepts an office which, under the Constitution disqualifies him for membership in the House, that question will be raised against him when the next House meets. I hope that that condition will not be allowed to come about. I yield back the remainder of my time.

The SPEAKER. The gentleman yields back one minute. If nobody desires to speak, the Chair will put the question.

Mr. SHALLENBERGER. Mr. Speaker, I call for a vote.

Mr. ANTHONY. Mr. Speaker, have I any time remaining?

The SPEAKER. The gentleman has three minutes remaining.

Mr. ANTHONY. Mr. Speaker, I yield three minutes to the gentleman from Missouri [Mr. DYER].

Mr. DYER. Mr. Speaker, the acts of Congress creating the National Homes for Disabled Volunteer Soldiers have uniformly made it plain that it was the desire of Congress that preference in employment in the homes be given to the veterans who had seen service. In the selection of the board of managers from time to time this has been further emphasized. This has not been fully carried out by the present board.

Mr. GORDON. Mr. Speaker, will the gentleman yield?

Mr. DYER. I can not yield. I have only three minutes.

Mr. GORDON. Does not the gentleman know that this man is a Spanish War veteran?

The SPEAKER. The gentleman declines to yield.

Mr. DYER. Not only does the law provide what I said, but the board of managers on November 10, 1914, adopted this resolution:

> That in making appointments of officers at any branch of the home preference shall be given, first, to veterans of the Civil War; second, to the veterans of other wars of the United States, and civilians will not be appointed if a proper candidate with record of military service can be obtained.

Mr. Speaker, I am opposed to the continuing in office, as provided in this resolution, of members of the Board of Managers who have not enforced the law and the wishes of Congress in the past. If we adopt the recommendation of the Committee on Military Affairs we will be retaining some of these gentlemen in service for another term of office. I do not believe it proper or right that men should accept public service, and especially where it has to do with the heroic veterans of our country, unless they are able, willing, and anxious to do their sworn and prescribed duty. My examination of the records of the homes show that over a half of the officers now employed in the various branches never saw any service whatever in the Army, the Navy, or the Marine Corps. They are purely civilian appointments, in most cases largely political.

Mr. BYRNES of South Carolina. Mr. Speaker, will the gentleman yield?

Mr. DYER. Yes; but I have only a minute.

Mr. BYRNES of South Carolina. If it be true, as the gentleman from Illinois [Mr. MANN] has argued, that the acceptance by the gentleman from Kansas that this appointment would probably disqualify him from serving in the next House, would it not be wise for the gentleman and all others upon his side to elect him to this board, so that the gentleman's side will be sure of the organization of the next House?

Mr. DYER. Oh, well, I hope the gentleman will not take up my time in asking so irrelevant a question. I have not criticized Mr. HELVERING's selection for one of the members of the Board of Managers. I have no objection to him whatever. It is my judgment that the men who serve their country, as Mr. HELVERING did during the Spanish War, should have the management and control of these homes in the interest of the veterans of our country. It is also necessary to properly discharge their duties that the members of the Board of Managers should visit the homes from time to time and take an active interest in them. Some of the present members of the Board of Managers are men who are unable to do this because of their advanced years. They have not the physical ability. Younger men, such as Mr. HELVERING, should be selected. The only possible objection to Mr. HELVERING is the fact that he is a Member of Congress, and whether or not he would have to neglect his duties as a member of the Board of Managers of the Homes by reason of that is a material and important consideration for the House. I am sure that Mr. HELVERING would do everything possible for the best interest of the homes.

Mr. Speaker, the volunteer soldiers' homes should be conducted for their best interests. Positions connected with the homes, including the officers and other employees, should be given in every instance possible to men who have seen active service. This is the desire of Congress; and this is the desire of the country. Unless the Board of Managers bring about right changes in this respect in the near future it is my opinion that Congress will rightfully complain, and if nothing else can be done the management of the homes will be taken out of the board as at present and placed elsewhere. I sincerely hope that radical and important changes in respect to the selection of the officers and employees of the homes will be made soon. I want to see the homes taken out of politics and put under some manner of management that will cause them to be run solely in the interest of the soldiers and not of the politicians. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. ANTHONY. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. ANTHONY. Mr. Speaker, I would like to make a motion to amend the resolution by substituting this resolution in its place. Substitute the name of George W. Findlay for GUY T. HELVERING, and I will ask the gentleman from Nebraska the initials of Mr. West.

Mr. SHALLENBERGER. Has the gentleman got the floor, Mr. Speaker, for amendment?

Mr. ANTHONY. And substitute the name of John W. West in place of Thomas S. Brigham.

Mr. FIELDS. Mr. Speaker, I make the point of order that the gentleman has not got the floor.

The SPEAKER. The gentleman has got the floor. The Clerk will report the amendment.

The Clerk read as follows:

Substitute for "GUY T. HELVERING" the name of "George W. Findlay," and in line 10 strike out "Thomas S. Brigham" and substitute "John W. West."

Mr. ANTHONY. That is to make it in conformity with the others.

Mr. SHALLENBERGER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SHALLENBERGER. Has debate upon this resolution finished?

The SPEAKER. Here is the way it was originally: If any gentleman got the floor, he had the right to an hour, but the gentleman from Nebraska asked that general debate be confined to 40 minutes to a side.

Mr. SHALLENBERGER. How did the gentleman from Kansas get the floor?

The SPEAKER. Why, the gentleman offered an amendment.

Mr. MANN. The gentleman from Kansas had the floor. He had 40 minutes of time.

Mr. GORDON. His time expired.

Mr. MANN. He got the floor and offered an amendment at the end of his time.

Mr. FIELDS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. FIELDS. Has the time of the gentleman from Nebraska expired?

The SPEAKER. The gentleman may use his time if he chooses to do so.

Mr. SHALLENBERGER. I have several gentlemen who wish to speak. How much time have I remaining, Mr. Speaker?

The SPEAKER. The gentleman has 25 minutes; the time on the other side is exhausted.

Mr. FIELDS. That is what I had in mind a while ago when I made the point of order that the gentleman from Kansas did not have the floor, as his time was exhausted and the time of the gentleman from Nebraska was not exhausted.

The SPEAKER. The gentleman from Nebraska had asked twice for a vote, and the Chair was justified in drawing the conclusion that he did not want to use any more of his time, although if he wants to debate it the Chair will recognize the gentleman from Nebraska; but the gentleman from Kansas is entirely within his rights to offer an amendment at the right time.

Mr. SHALLENBERGER. I understand, then, those gentlemen wishing to be heard——

The SPEAKER. The Chair will recognize anybody to whom the gentleman from Nebraska yields.

Mr. SHALLENBERGER. I yield five minutes to the gentleman from Kentucky [Mr. FIELDS].

Mr. WINGO. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WINGO. Is it in order to offer amendments during general debate if a gentleman got the floor?

The SPEAKER. Yes. The Chair was justified in his conclusion that the gentleman from Nebraska did not want to use his time, and the other side has used up its time, and, putting those two facts together, the time has come when the gentleman could offer an amendment if he wanted to do so.

Mr. WINGO. Mr. Speaker, my parliamentary inquiry is not a discussion of the proprieties of what had occurred, but whether or not, under the rules, anyone who can catch the attention of the Speaker can offer an amendment during general debate.

The SPEAKER. Yes. It is a bill on the House Calendar.

Mr. WINGO. That is the information I wanted to get. I was not sure of that.

The SPEAKER. The gentleman from Kentucky [Mr. FIELDS] is recognized for five minutes.

Mr. FIELDS. Mr. Speaker, I was one of the members of the committee who was not present last summer when the original resolution referred to by the gentleman from Kansas [Mr. ANTHONY] was agreed to and reported out, and I am frank to say that I have been unable to find any Members who were present except, apparently, the chairman of the committee and the gentleman from Kansas [Mr. ANTHONY]. At least, I have not heard any other gentleman say that he was present.

Mr. ANTHONY. Will the gentleman permit a question?

Mr. FIELDS. Yes.

Mr. ANTHONY. Is not the name of Mr. Hay, as the author of the resolution reported out last summer, a sufficient guaranty to the gentleman that it was regularly reported out?

Mr. FIELDS. Yes. I want to say to the gentleman that I have the highest respect for the former chairman of the committee, but I always reserved the right to differ with his judgment when I saw fit to do so. I was one of the members of the committee who doubted the wisdom of appointing a Member of this House as a member of the board; and I defeated the submission of the report of the committee at one time because of that objection. But upon investigation I found that on five different occasions Members of the House had served upon this board, and I therefore could not further urge my objection. I had no objection to Mr. HELVERING. Every Member in this House on either side recognizes his ability and his integrity. When I learned, as I say, that five other Members of the House at different times had been members of the board I withdrew my objection. I was anxious to have Col. George Black, of Kansas, a veteran soldier, substituted for Mr. Findlay. Now, if there be any politics in it, it seems that my friend Mr. ANTHONY, of Kansas, a gentleman whom we all admire, succeeded in getting Mr. Findlay, a man of his own party, designated as the man to succeed a Democrat. If it is going to be a political play on one side, we might as well be frank and say we will play politics on the other side. I am frank to say I think politics should not enter into it.

Mr. CANNON. Will the gentleman yield?

Mr. FIELDS. Yes.

Mr. CANNON. Why do you not take all the places?

Mr. GORDON. Like you did.

Mr. FIELDS. I am frank to say I do not favor that. I had hoped, Mr. Speaker, that the name of Col. Black might be substituted for the name of Congressman HELVERING; and I had hoped that even when this proposition was brought up on the floor of the House the committee might decide upon that course. And, Mr. Speaker, in view of the complication, or threatened complication, suggested a few minutes ago, in view of the fact that Gen. Black is a Federal soldier, I, within my individual right as a member of the committee, move now, or shall move at the proper time, an amendment to the amend-

ment of the gentleman from Kansas [Mr. ANTHONY] to substitute the name of Col. George Black in lieu of the name of Mr. Findlay. And I would like to ask the gentleman from Kansas if he will agree to a proposition of that kind?

Mr. ANTHONY. Does not the gentleman think that it would be a better plan to refer the matter back to the committee? Now, the reason I say that is because I asked Mr. TAGGART the other day what he knew about Col. Black, who is one of his constituents, and he told me that he did not know him, and I thought, in view of the fact that the gentleman's Congressman did not know him, the committee ought to be fully advised as to his qualifications.

Mr. FIELDS. I have read the recommendations of Col. Black, and I hope the gentleman will accept him.

Mr. ANTHONY. I will say to the gentleman if there is any gentleman on that side of the House can assure me personally of the qualifications of Col. Black from his own knowledge, I will accept his statement and accept Col. Black. But at the same time I want to say to the gentleman from Kansas [Mr. HELVERING] that personally I would prefer him as a member.

Mr. HELVERING. Mr. Speaker, I want to say, inasmuch as my name has been brought into this, that I have insisted from the first on the appointment of Col. Black. I can vouch for him as a man of the highest character, a man who fought in the Civil War, and the man whom I wanted to see on this board.

Mr. FIELDS. Mr. Speaker, I move to amend the amendment of the gentleman from Kansas by substituting the name of George W. Black for the name of Mr. Findlay.

The SPEAKER. The Clerk will report the amendment of the gentleman from Kansas [Mr. ANTHONY] and the amendment to the amendment offered by the gentleman from Kentucky [Mr. FIELDS].

Mr. SHALLENBERGER. Does the gentleman from Kansas [Mr. ANTHONY] accept the amendment?

Mr. ANTHONY. I hardly think it is the proper procedure to accept it. I would like to have the names suggested regularly to the committee whose duty it is to pass upon it.

Mr. FIELDS. These gentlemen have all been discussed by the committee. There is no question about the integrity of each one of the three gentlemen named, in my opinion.

Mr. ALMON. Did not the gentleman from Kansas say a few moments ago that if any Member here would vouch for Mr. Black he would accept him?

Mr. O'SHAUNESSY rose.

The SPEAKER. For what purpose does the gentleman from Rhode Island rise?

Mr. O'SHAUNESSY. I ask to proceed for one minute.

The SPEAKER. The gentleman from Nebraska [Mr. SHALLENBERGER] has control of the time.

Mr. SHALLENBERGER. I yield one minute to the gentleman.

Mr. O'SHAUNESSY. Mr. Speaker, I understood the gentleman from Kansas [Mr. ANTHONY], if I correctly heard him, to say that he would be perfectly satisfied if any Member on the floor would assure him as to the standing and integrity of Col. Black, and that he would in that event accept the amendment proposed.

Mr. ANTHONY. I will say in response to the statement of the gentleman that I may have said something like that, but it occurs to me that that is hardly the way to pass upon the qualifications of a member for this board.

Mr. O'SHAUNESSY. It was the regular way, in the gentleman's opinion, only a moment ago.

Mr. ANTHONY. It ought to be suggested in the regular way.

Mr. CALDWELL. Mr. Speaker, will the gentleman yield to me for a minute?

Mr. SHALLENBERGER. Mr. Speaker, I demand a vote on the amendment of the gentleman from Kentucky [Mr. FIELDS].

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. FIELDS: Strike out the name of "George W. Findlay" and insert in lieu thereof the name of "Col. George W. Black."

The SPEAKER. The question is on agreeing to the amendment of the gentleman from Kentucky [Mr. FIELDS].

Mr. STAFFORD. Mr. Speaker, will the gentleman permit a suggestion?

Mr. SHALLENBERGER. Yes.

Mr. STAFFORD. I think there should be a further amendment. I believe Col. Black is from Missouri, whereas the report states "Kansas."

Mr. SHALLENBERGER. No; he is from Kansas.

Mr. MANN. I would suggest this to the gentleman: That in no place in any of these resolutions have we put in the title except in this case, "Colonel."

Mr. FIELDS. I withdraw that part of it, Mr. Speaker.

Mr. TILSON. Mr. Speaker, will the gentleman from Nebraska yield me just one minute?

Mr. SHALLENBERGER. Yes.

Mr. TILSON. It seems to me, Mr. Speaker, that we on this side of the House, if we should accept Col. Black, are going to put ourselves in this attitude: That while we appear to object to Mr. HELVERING, we do not object to Col. Black. That is not the case at all. We are equally opposed to the appointment of Col. Black. No one has presented any objection whatever to Mr. HELVERING as to his being a competent man for this board. In my opinion there is valid reason against appointing a man who is to continue as a Member of Congress. The objection on the part of the committee was largely, however, on the ground that, having acted in good faith in nominating Mr. Findlay as a member of the board, we now have no good reason outside of a partisan one for striking out the name of Mr. Findlay and inserting Mr. HELVERING. It is no reflection on Mr. HELVERING. Nobody on the committee and nobody on this side, so far as I know, is opposed to the action of the majority of the committee on personal grounds. It is admitted by gentlemen on the other side that the change was made for partisan reasons alone. We feel that action on such grounds is unwise, unfair to Mr. Findlay, and unfortunate for the Soldiers' Homes.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Kentucky [Mr. FIELDS].

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. MANN. Mr. Speaker, I ask for a division.

The House divided; and there were—ayes 78, noes 61.

Mr. MANN. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The Chair will count. [After counting.] One hundred and thirty-nine gentlemen are present—not a quorum. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll. It is an automatic roll call. Those in favor of the amendment will, when their names are called, answer "yea"; those opposed will answer "nay."

The question was taken; and there were—yeas 125, nays 92, answered "present" 5, not voting 212, as follows:

YEAS—125.

Abercrombie	Dill	Kincheloe	Russell, Mo.
Adair	Dixon	Kitchin	Sears
Adamson	Doolittle	Konop	Shallenberger
Aiken	Doremus	Lee	Sherwood
Almon	Doughton	Lesher	Sisson
Ashbrook	Dupré	Lieb	Small
Ayres	Eagan	Littlepage	Steagall
Bailey	Eagle	Lloyd	Stedman
Bell	Fields	McClintic	Steele, Iowa
Black	Gallagher	McGillicuddy	Steele, Pa.
Blackmon	Gallivan	McLemore	Stephens, Miss.
Bruckner	Gandy	Mays	Stephens, Tex.
Buchanan, Tex.	Gard	Moss	Stone
Burke	Godwin, N. C.	Murray	Sumners
Byrnes, S. C.	Gordon	Neely	Tague
Byrns, Tenn.	Gray, Ala.	Nicholls, S. C.	Taylor, Ark.
Caldwell	Griffin	Oldfield	Taylor, Colo.
Candler, Miss.	Harrison, Va.	Oliver	Thomas
Caraway	Hastings	Olney	Thompson
Carlin	Hayden	O'Shaunessy	Tillman
Carter, Okla.	Helm	Page, N. C.	Venable
Church	Helvering	Park	Vinson
Coady	Hensley	Phelan	Walker
Collier	Hilliard	Quin	Watkins
Connelly	Holland	Ragsdale	Whaley
Cox	Hood	Raker	Wilson, Fla.
Crisp	Huddleston	Randall	Wilson, La.
Crosser	Hughes	Rauch	Wingo
Dale, N. Y.	Hull, Tenn.	Riordan	Wise
Decker	Humphreys, Miss.	Rouse	
Dent	Jacoway	Rubey	
Dickinson	Keating	Rucker, Ga.	

NAYS—92.

Anthony	Gardner	Kennedy, R. I.	Miller, Minn.
Cannon	Gould	Kiess, Pa.	Moore, Pa.
Cary	Green, Iowa	King	Moores, Ind.
Cooper, Wis.	Greene, Vt.	Kinkaid	Morgan, Okla.
Cramton	Hadley	Kreider	Morin
Curry	Hamilton, Mich.	Lafean	North
Dale, Vt.	Haugen	La Follette	Norton
Dallinger	Hawley	Langley	Oakey
Darrow	Hayes	Lehlbach	Parker, N. J.
Denison	Heaton	Lindbergh	Platt
Dillon	Hollingsworth	McArthur	Powers
Dowell	Hull, Iowa	McCracken	Ricketts
Dyer	Hutchinson	McLaughlin	Roberts, Nev.
Ellsworth	James	Magee	Rogers
Esch	Johnson, S. Dak.	Mann	Slemp
Fess	Kearns	Mapes	Sloan
Fordney	Keister	Meeker	Smith, Idaho
Foss	Kennedy, Iowa	Miller, Del.	Smith, Mich.

Smith, Minn.	Swift	Treadway	Williams, T. S.
Stafford	Switzer	Walsh	Williams, Ohio
Sterling	Temple	Wason	Wood, Ind.
Sulloway	Tilson	Watson, Pa.	Woods, Iowa
Sutherland	Timberlake	Wheeler	Woodyard

ANSWERED "PRESENT"—5.

Browning	Emerson	London	The Speaker
Crago			

NOT VOTING—212.

Alexander	Dunn	Husted	Price
Allen	Edmonds	Igoe	Rainey
Anderson	Edwards	Johnson, Ky.	Ramseyer
Aswell	Elston	Johnson, Wash.	Rayburn
Austin	Estopinal	Jones	Reavis
Bacharach	Evans	Kahn	Reilly
Barchfeld	Fairchild	Kelley	Roberts, Mass.
Barkley	Farley	Kent	Rodenberg
Barnhart	Farr	Kettner	Rowe
Beakes	Ferris	Key, Ohio	Rowland
Beales	Fitzgerald	Lazaro	Rucker, Mo.
Benedict	Flood	Lenroot	Russell, Ohio
Bennet	Flynn	Lever	Sabath
Booher	Focht	Lewis	Sanford
Borland	Foster	Liebel	Saunders
Bowers	Frear	Linthicum	Schall
Britt	Freeman	Lobeck	Scott, Mich.
Britten	Fuller	Loft	Scott, Pa.
Browne	Garland	Longworth	Scully
Brumbaugh	Garner	Loud	Sells
Buchanan, Ill.	Garrett	McAndrews	Shackleford
Burgess	Gillett	McCulloch	Sherley
Burnett	Glass	McDermott	Shouse
Butler	Glynn	McFadden	Siegel
Callaway	Good	McKellar	Sims
Campbell	Goodwin, Ark.	McKenzie	Sinnott
Cantrill	Graham	McKinley	Slayden
Capstick	Gray, Ind.	Madden	Smith, N. Y.
Carew	Gray, N. J.	Maher	Smith, Tex.
Carter, Mass.	Greene, Mass.	Martin	Snell
Casey	Gregg	Matthews	Snyder
Chandler, N. Y.	Griest	Miller, Pa.	Sparkman
Charles	Guernsey	Mondell	Steenerson
Chiperfield	Hamill	Montague	Stephens, Nebr.
Clark, Fla.	Hamilton, N. Y.	Moon	Stiness
Cline	Hamlin	Mooney	Stout
Coleman	Hardy	Morgan, La.	Sweet
Conry	Harrison, Miss.	Morrison	Taggart
Cooper, Ohio	Hart	Mott	Talbott
Cooper, W. Va.	Haskell	Mudd	Tavenner
Copley	Heflin	Nelson	Tinkham
Costello	Helgesen	Nichols, Mich.	Towner
Cullop	Henry	Nolan	Van Dyke
Danforth	Hernandez	Oglesby	Vare
Davenport	Hicks	Overmyer	Volstead
Davis, Minn.	Hill	Padgett	Ward
Davis, Tex.	Hinds	Paige, Mass.	Watson, Va.
Dempsey	Hopwood	Parker, N. Y.	Webb
Dewalt	Houston	Patten	Williams, W. E.
Dies	Howard	Peters	Wilson, Ill.
Dooling	Howell	Porter	Winslow
Driscoll	Hulbert	Pou	Young, N. Dak.
Drukker	Humphrey, Wash.	Pratt	Young, Tex.

So the amendment of Mr. FIELDS was agreed to.

The Clerk announced the following additional pairs:

On the vote:

Mr. CLARK of Florida (for amendment) with Mr. STINESS (against).

Mr. MCKELLAR (for amendment) with Mr. CRAGO (against).

Mr. SHOUSE (for amendment) with Mr. SANFORD (against).

Until further notice:

Mr. ASWELL with Mr. KAHN.

Mr. TALBOTT with Mr. BROWNING.

Mr. MOON with Mr. SWEET.

Mr. ALLEN with Mr. COPLEY.

Mr. BARKLEY with Mr. ANDERSON.

Mr. BARNHART with Mr. AUSTIN.

Mr. BOOHER with Mr. BACHARACH.

Mr. BURGESS with Mr. BOWERS.

Mr. CASEY with Mr. CARTER of Massachusetts.

Mr. CULLOP with Mr. COLEMAN.

Mr. DAVENPORT with Mr. COOPER of Ohio.

Mr. DAVIS of Texas with Mr. COOPER of West Virginia.

Mr. DIES with Mr. DANFORTH.

Mr. FARLEY with Mr. DUNN.

Mr. EDWARDS with Mr. HILL.

Mr. FERRIS with Mr. ELSTON.

Mr. FITZGERALD with Mr. FOCHT.

Mr. FLYNN with Mr. FREAR.

Mr. FOSTER with Mr. FREEMAN.

Mr. GARNER with Mr. FULLER.

Mr. GRAY of Indiana with Mr. GILLETT.

Mr. HAMLIN with Mr. GOOD.

Mr. HARDY with Mr. GREENE of Massachusetts.

Mr. HART with Mr. GRIEST.

Mr. HEFLIN with Mr. HAMILTON of New York.

Mr. GLASS with Mr. HASKELL.

Mr. HOUSTON with Mr. HERNANDEZ.

Mr. HOWARD with Mr. HICKS.

Mr. IGOE with Mr. HOWELL.

Mr. KETTNER with Mr. HUMPHREY of Washington.

Mr. KEY of Ohio with Mr. RAMSEYER.

Mr. LAZARO with Mr. JOHNSON of Washington.

Mr. LEVER with Mr. LENROOT.

Mr. LEWIS with Mr. LONGWORTH.

Mr. LOBECK with Mr. MCKENZIE.

Mr. MONTAGUE with Mr. MCKINLEY.

Mr. MORGAN of Louisiana with Mr. MADDEN.

Mr. MORRISON with Mr. NICHOLS of Michigan.

Mr. OVERMYER with Mr. PARKER of New York.

Mr. PADGETT with Mr. PETERS.

Mr. RAINEY with Mr. PORTER.

Mr. RAYBURN with Mr. PRATT.

Mr. REILLY with Mr. REAVIS.

Mr. SHERLEY with Mr. RODENBERG.

Mr. SIMS with Mr. ROWLAND.

Mr. SLAYDEN with Mr. RUSSELL of Ohio.

Mr. SMITH of New York with Mr. SIEGEL.

Mr. SMITH of Texas with Mr. SINNOTT.

Mr. SPARKMAN with Mr. SNELL.

Mr. TAVENNER with Mr. SNYDER.

Mr. WATSON of Virginia with Mr. STEENERSON.

Mr. WM. ELZA WILLIAMS with Mr. TINKHAM.

Mr. BORLAND with Mr. TOWNER.

Mr. ALEXANDER with Mr. VOLSTEAD.

Mr. LINTHICUM with Mr. WARD.

Mr. CALLAWAY with Mr. WILSON of Illinois.

Mr. SAUNDERS with Mr. YOUNG of North Dakota.

Mr. GLASS with Mr. BROWNE.

Mr. CLINE with Mr. CAPSTICK.

Mr. FLOOD with Mr. GARLAND.

Mr LOFT with Mr. HASKELL.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum has voted. The Doorkeeper will unlock the doors.

Mr. SHALLENBERGER. Mr. Speaker, I move the previous question on the resolution and the amendments thereto to the final passage.

The SPEAKER. The gentleman moves the previous question on the resolution and amendments to the final passage.

The question was taken, and the Speaker announced that the ayes appeared to have it.

Mr. MANN. I ask for a division.

The question was taken; and there were 97 ayes and 79 noes.

Mr. MANN. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 123, nays 77, answered "present" 3, not voting 231, as follows:

YEAS—123.

Abercrombie	Dixon	Kincheloe	Russell, Mo.
Adair	Doolittle	Kitchin	Sears
Adamson	Doremus	Konop	Shallenberger
Aiken	Doughton	Lee	Sherwood
Almon	Dupré	Lesher	Shouse
Ayres	Eagan	Lever	Sisson
Bailey	Eagle	Lieb	Small
Bell	Fields	Littlepage	Steagall
Black	Gallagher	Lloyd	Steele, Iowa
Blackmon	Gallivan	McClintic	Steele, Pa.
Bruckner	Gandy	McGillicuddy	Stephens, Miss.
Buchanan, Tex.	Gard	McLemore	Stone
Burke	Goodwin, Ark	Mays	Sumners
Burnett	Gordon	Murray	Tague
Byrnes, S. C.	Gray, Ala.	Neely	Taylor, Ark.
Byrns, Tenn.	Gray, Ind.	Nicholls, S.C.	Taylor, Colo.
Caldwell	Griffin	Oldfield	Thomas
Candler, Miss.	Harrison, Va.	Oliver	Thompson
Carlin	Hastings	Olney	Tillman
Carter, Okla.	Hayden	O'Shaunessy	Venable
Cline	Helm	Park	Vinson
Coady	Helvering	Phelan	Walker
Collier	Hilliard	Quin	Watkins
Connelly	Holland	Ragsdale	Whaley
Crisp	Hood	Raker	Williams, W. E.
Crosser	Huddleston	Randall	Wilson, Fla.
Cullop	Hughes	Rauch	Wilson, La.
Dale, N. Y.	Hull, Tenn.	Riordan	Wingo
Dent	Humphreys, Miss.	Rouse	Wise
Dickinson	Jacoway	Rubey	The Speaker
Dill	Keating	Rucker, Ga.	

NAYS—77.

Anthony	Fordney	Kennedy, Iowa	Moore, Pa.
Cannon	Foss	Kennedy, R. I.	Moores, Ind.
Cary	Glynn	King	Morgan, Okla.
Curry	Greene, Vt.	Kinkaid	Morin
Dale, Vt.	Hadley	Kreider	North
Dallinger	Hamilton, Mich.	Lafean	Norton
Darrow	Haskell	La Follette	Oakey
Denison	Hawley	Langley	Parker, N. J.
Dillon	Hayes	Lehlbach	Platt
Dowell	Heaton	Lindbergh	Powers
Dyer	Hutchinson	McCracken	Ricketts
Ellsworth	James	McLaughlin	Roberts, Nev.
Emerson	Johnson, S. Dak.	Mann	Rogers
Esch	Kearns	Mapes	Russell, Ohio
Fess	Keister	Miller, Del.	Sloan

Smith, Minn.	Swift	Walsh	Wood, Ind.
Stafford	Switzer	Wason	Woodyard
Sterling	Temple	Watson, Pa.	
Sulloway	Timberlake	Wheeler	
Sutherland	Treadway	Williams, Ohio	

ANSWERED "PRESENT"—3.

Ashbrook	Browning	Cramton

NOT VOTING—231.

Alexander	Edwards	Johnson, Wash.	Rainey
Allen	Elston	Jones	Ramseyer
Anderson	Estopinal	Kahn	Rayburn
Aswell	Evans	Kelley	Reavis
Austin	Fairchild	Kent	Reilly
Bacharach	Farley	Kettner	Roberts, Mass.
Barchfeld	Farr	Key, Ohio	Rodenberg
Barkley	Ferris	Kiess, Pa.	Rowe
Barnhart	Fitzgerald	Lazaro	Rowland
Beakes	Flood	Lenroot	Rucker, Mo.
Beales	Flynn	Lewis	Sabath
Benedict	Focht	Liebel	Sanford
Bennet	Foster	Linthicum	Saunders
Booher	Frear	Lobeck	Schall
Borland	Freeman	Loft	Scott, Mich.
Bowers	Fuller	London	Scott, Pa.
Britt	Gardner	Longworth	Scully
Britten	Garland	Loud	Sells
Browne	Garner	McAndrews	Shackleford
Brumbaugh	Garrett	McArthur	Sherley
Buchanan, Ill.	Gillett	McCulloch	Siegel
Burgess	Glass	McDermott	Sims
Butler	Godwin, N. C.	McFadden	Sinnott
Callaway	Good	McKellar	Slayden
Campbell	Gould	McKenzie	Slemp
Cantrill	Graham	McKinley	Smith, Idaho
Capstick	Gray, N. J.	Madden	Smith, Mich.
Caraway	Green, Iowa	Magee	Smith, N. Y.
Carew	Greene, Mass.	Maher	Smith, Tex.
Carter, Mass.	Gregg	Martin	Snell
Casey	Griest	Matthews	Snyder
Chandler, N. Y.	Guernsey	Meeker	Sparkman
Charles	Hamill	Miller, Minn.	Stedman
Chiperfield	Hamilton, N. Y.	Miller, Pa.	Steenerson
Church	Hamlin	Mondell	Stephens, Nebr.
Clark, Fla.	Hardy	Montague	Stephens, Tex.
Coleman	Harrison, Miss.	Moon	Stiness
Conry	Hart	Mooney	Stout
Cooper, Ohio	Haugen	Morgan, La.	Sweet
Cooper, W. Va.	Heflin	Morrison	Taggart
Cooper, Wis.	Helgesen	Moss	Talbott
Copley	Henry	Mott	Tavenner
Costello	Hensley	Mudd	Tilson
Cox	Hernandez	Nelson	Tinkham
Crago	Hicks	Nichols, Mich.	Towner
Danforth	Hill	Nolan	Van Dyke
Davenport	Hinds	Oglesby	Vare
Davis, Minn.	Hollingsworth	Overmyer	Volstead
Davis, Tex.	Hopwood	Padgett	Ward
Decker	Houston	Page, N. C.	Watson, Va.
Dempsey	Howard	Paige, Mass.	Webb
Dewalt	Howell	Parker, N. Y.	Williams, T. S.
Dies	Hulbert	Patten	Wilson, Ill.
Dooling	Hull, Iowa	Peters	Winslow
Driscoll	Humphrey, Wash.	Porter	Woods, Iowa
Drukker	Husted	Pou	Young, N. Dak.
Dunn	Igoe	Pratt	Young, Tex.
Edmonds	Johnson, Ky.	Price	

Mr. BARKLEY (for) with Mr. CRAMPTON (against).

Mr. CARAWAY. Mr. Speaker, can I vote?

The SPEAKER. Was the gentleman in the Hall listening when his name was called?

Mr. CARAWAY. I was not.

The SPEAKER. The gentleman does not bring himself within the rule.

Mr. CRAMTON. Mr. Speaker, I find that I am paired, and I wish to withdraw my vote of "no" and answer "present."

Mr. MANN. Mr. Speaker, I respectfully ask that the vote be announced.

The SPEAKER. We have not yet got a quorum.

Mr. MANN. That does not make any difference.

The SPEAKER. The Clerk will call my name.

The Clerk called the name of Mr. CLARK of Missouri, and he answered "Present," as above recorded.

The SPEAKER. There are 202 Members present, and it takes 218 to make a quorum.

Mr. SHALLENBERGER. Mr. Speaker, I move a call of the House.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. SHALLENBERGER. Mr. Speaker, I ask for a division.

The House divided; and there were—ayes 68, noes 70.

Mr. CRISP. Mr. Speaker, I demand tellers.

Mr. SHALLENBERGER. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. The question is on ordering a call of the House. The Doorkeeper will lock the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The Clerk called the roll; and there were—yeas 103, nays 79, answered "present" 2, not voting 249, as follows:

YEAS—103.

Adair	Dale, N. Y.	Jacoway	Rubey
Adamson	Dent	Keating	Rucker, Ga.
Aiken	Dixon	Kincheloe	Russell, Mo.
Almon	Doughton	Kitchin	Sears
Ashbrook	Dupré	Lee	Shallenberger
Ayres	Eagan	Lesher	Sherley
Barnhart	Fields	Lever	Shouse
Bell	Gallagher	Lieb	Steagall
Black	Gallivan	London	Steele, Iowa
Blackmon	Gandy	McGillicuddy	Stone
Bruckner	Garner	Mays	Sumners
Buchanan, Tex.	Godwin, N. C.	Murray	Tague
Burke	Goodwin, Ark.	Neely	Taylor, Ark.
Burnett	Gordon	Nicholls, S. C.	Thomas
Byrnes, S. C.	Gray, Ala.	Olney	Thompson
Candler, Miss.	Gray, Ind.	O'Shaunessy	Tillman
Caraway	Griffin	Page, N. C.	Van Dyke
Carlin	Harrison, Va.	Park	Venable
Carter, Okla.	Hastings	Phelan	Walker
Cline	Hayden	Quin	Watkins
Coady	Helvering	Raker	Williams, W. E.
Collier	Hensley	Randall	Wilson, Fla.
Connelly	Hilliard	Rauch	Wingo
Crisp	Hood	Rayburn	Wise
Crosser	Hull, Tenn.	Riordan	Young, Tex.
Cullop	Humphreys, Miss.	Rouse	

NAYS—79.

Anthony	Hayes	McLaughlin	Smith, Minn.
Cannon	Heaton	Mann	Stafford
Cary	Hernandez	Mapes	Sterling
Curry	Hutchinson	Miller, Del.	Sulloway
Dale, Vt.	James	Miller, Pa.	Sutherland
Dallinger	Johnson, S. Dak.	Moore, Pa.	Sweet
Darrow	Kearns	Moores, Ind.	Swift
Denison	Keister	Morgan, Okla.	Switzer
Dillon	Kennedy, Iowa	Morin	Temple
Dowell	Kennedy, R. I.	North	Timberlake
Ellsworth	Kiess, Pa.	Norton	Walsh
Emerson	King	Oakey	Wason
Esch	Kinkaid	Parker, N. J.	Watson, Pa.
Foss	Kreider	Platt	Wheeler
Greene, Mass.	Lafean	Powers	Williams, T. S.
Greene, Vt.	La Follette	Ricketts	Williams, Ohio
Hadley	Langley	Roberts, Nev.	Wood, Ind.
Haskell	Lehlbach	Rogers	Woods, Iowa
Haugen	Lindbergh	Sloan	
Hawley	McCracken	Smith, Mich.	

ANSWERED "PRESENT"—2.

Browning	Cramton

NOT VOTING—249.

Abercrombie	Dooling	Hollingsworth	Mudd
Alexander	Doolittle	Hopwood	Nelson
Allen	Doremus	Houston	Nichols, Mich.
Anderson	Driscoll	Howard	Nolan
Aswell	Drukker	Howell	Oglesby
Austin	Dunn	Huddleston	Oldfield
Bacharach	Dyer	Hughes	Oliver
Bailey	Eagle	Hulbert	Overmyer
Barchfeld	Edmonds	Hull, Iowa	Padgett
Barkley	Edwards	Humphrey, Wash.	Paige, Mass.
Beakes	Elston	Husted	Parker, N. Y.
Beales	Estopinal	Igoe	Patten
Benedict	Evans	Johnson, Ky.	Peters
Bennet	Fairchild	Johnson, Wash.	Porter
Booher	Farley	Jones	Pou
Borland	Farr	Kahn	Pratt
Bowers	Ferris	Kelley	Price
Britt	Fess	Kent	Ragsdale
Britten	Fitzgerald	Kettner	Rainey
Browne	Flood	Key, Ohio	Ramseyer
Brumbaugh	Flynn	Konop	Reavis
Buchanan, Ill.	Focht	Lazaro	Reilly
Burgess	Fordney	Lenroot	Roberts, Mass.
Butler	Foster	Lewis	Rodenberg
Byrns, Tenn.	Frear	Liebel	Rowe
Caldwell	Freeman	Linthicum	Rowland
Callaway	Fuller	Littlepage	Rucker, Mo.
Campbell	Gard	Lloyd	Russell, Ohio
Cantrill	Gardner	Lobeck	Sabath
Capstick	Garland	Loft	Sanford
Carew	Garrett	Longworth	Saunders
Carter, Mass.	Gillett	Loud	Schall
Casey	Glass	McAndrews	Scott, Mich.
Chandler, N. Y.	Glynn	McArthur	Scott, Pa.
Charles	Good	McClintic	Scully
Chiperfield	Gould	McCulloch	Sells
Church	Graham	McDermott	Shackleford
Clark, Fla.	Gray, N. J.	McFadden	Sherwood
Coleman	Green, Iowa	McKellar	Siegel
Conry	Gregg	McKenzie	Sims
Cooper, Ohio	Griest	McKinley	Sinnott
Cooper, W. Va.	Guernsey	McLemore	Sisson
Cooper, Wis.	Hamill	Madden	Slayden
Copley	Hamilton, Mich.	Magee	Slemp
Costello	Hamilton, N. Y.	Maher	Small
Cox	Hamlin	Martin	Smith, Idaho
Crago	Hardy	Matthews	Smith, N. Y.
Danforth	Harrison, Miss.	Meeker	Smith, Tex.
Davenport	Hart	Miller, Minn.	Snell
Davis, Minn.	Heflin	Mondell	Snyder
Davis, Tex.	Helgesen	Montague	Sparkman
Decker	Helm	Moon	Stedman
Dempsey	Henry	Mooney	Steele, Pa.
Dewalt	Hicks	Morgan, La.	Steenerson
Dickinson	Hill	Morrison	Stephens, Miss.
Dies	Hinds	Moss	Stephens, Nebr.
Dill	Holland	Mott	Stephens, Tex.

Stiness	Tilson	Volstead	Wilson, La.
Stout	Tinkham	Ward	Winslow
Taggart	Towner	Watson, Va.	Young, N. Dak.
Talbott	Treadway	Webb	
Tavenner	Vare	Whaley	
Taylor, Colo.	Vinson	Wilson, Ill.	

So a call of the House was ordered.

The Clerk proceeded to call the roll.

During the calling of the roll the following occurred:

Mr. BARKLEY (for) with Mr. CRAMTON (against).

Mr. MANN. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. MANN. I think the Speaker ordered the doors closed.

The SPEAKER. The Speaker made a mistake in that.

Mr. MANN. This is not an automatic call. It does not require a quorum.

Mr. KITCHIN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. KITCHIN. It was developed a while ago on the count that there was no quorum present. Does not that automatically require a call of the House?

Mr. MANN. No; it does not.

Mr. NORTON. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. NORTON. A roll call can not be interrupted.

The SPEAKER. The gentleman from Illinois asked a question, if the roll call is out of order. The rule is——

Mr. MANN. I did not make the point of order that the roll call is out of order. I made the point that it is not in order to order the doors to be closed until a call of the House has been ordered.

The SPEAKER. The rule is that, "Whenever a quorum fails to vote on any question, and a quorum is not present and objection is made for that cause, unless the House shall adjourn, there shall be a call of the House, and the Sergeant at Arms shall forthwith proceed to bring in absent Members, and the yeas and nays on the pending question shall at the same time be considered as ordered."

Mr. MANN. That rule does not apply here.

Mr. KITCHIN. Mr. Speaker, if it was not an automatic call and the question of no quorum was made, then the previous question was carried. If that be true——

Mr. GARNER. Mr. Speaker, the very fact that the Speaker announced himself that there was not a quorum present, 211 Members being present, and 218 being required to make a quorum, is a sufficient statement that there was not a quorum present, and under the rule there is an automatic call of the House.

The SPEAKER. The rule provides that "whenever a quorum fails to vote on any question, and a quorum is not present and objection is made for that cause," and so forth. But no objection was made or suggested.

Mr. KITCHIN. If that be true, Mr. Speaker, the previous question was ordered.

The SPEAKER. Oh, no. There was not a quorum present.

Mr. KITCHIN. Nobody made objection to it.

The SPEAKER. They did not have to make objection. The fact that there was no quorum present was sufficient.

Mr. KITCHIN. No quorum was needed.

The SPEAKER. Not on the roll call.

Mr. MANN. Mr. Speaker——

Mr. GARNER. Mr. Speaker, when the gentleman from Illinois is through I would like to be heard.

Mr. MANN. The rule which the Speaker read is not applicable to the case. That is the new rule, that when objection is made that no quorum votes and no quorum is present there shall be a call of the House, and so forth. That is not the rule under which we are operating at present.

The SPEAKER. The Chair understands that.

Mr. MANN. The gentlemen over there do not seem to understand it. When a roll call shows that there is no quorum present, the Speaker has to announce that there is no quorum. That roll call does not require a quorum present. That is the motion upon which the roll call is now being had, and upon that there is demanded a roll call, but not on the point of no quorum. I simply called attention to the fact that the Speaker ordered the doors closed. I do not think it is in order to order the doors closed until a call of the House has been ordered.

The SPEAKER. The gentleman is right about that.

Mr. GARNER. Mr. Speaker, the Chair has just read a rule in which the Speaker himself pointed out that there was no objection made. No objection was made that there was no quorum present. It is not necessary.

The SPEAKER. What does the rule say?

Mr. GARNER. The rule says there is an automatic call.

The SPEAKER. The rule says nothing of the sort, unless objection is made.

Mr. GARNER. Objection to what?

The SPEAKER. To the point that there is no quorum present.

Mr. GARNER. The Chair himself raised the objection that there was not a quorum present. The Chair himself has objected, and that comes within the rule and requires an automatic roll call.

Mr. CRISP. Mr. Speaker, I must agree that the gentleman from Illinois is correct in the position which he takes in this matter. When I addressed the Chair a moment ago it was for the purpose of calling attention to the fact that when the yeas and nays disclosed the absence of a quorum the Speaker must take cognizance of it, and nothing could be done. Now, it seems to me this matter is very plain. Under the rules of the House there are two provisions for a call of the House. Under the old rules there was only one provision for a call, and that was the provision that 15 Members in the absence of a quorum could send out and bring in a quorum. The House has since adopted a rule known as the automatic call, and, in my opinion, that means that when the House is dividing by a viva voce vote or by tellers or otherwise, except by yeas and nays, and the want of a quorum is disclosed, and the point is made, then the automatic call applies, and the Speaker should order the doors closed and the Sergeant at Arms to notify the absentees and the yeas and nays on the question.

Mr. GARNER. Mr. Speaker, will the gentleman yield?

Mr. CRISP. Yes.

Mr. GARNER. If I understand the gentleman's contention, when the want of a quorum is discovered by a viva voce or by tellers an automatic call ensues.

Mr. CRISP. When the point is made that there is no quorum present.

Mr. GARNER. We have just discovered the absence of a quorum by a roll call. Can the gentleman distinguish between discovering it by tellers or a viva voce vote and discovering the absence of a quorum by a roll call?

Mr. CRISP. I think there is a difference. I think the yea and nay is the last method of taking a vote on any question that may come before the House, and it is the best way of ascertaining a quorum. I think the intent of the House when they adopted the rule was that if on viva voce, rising vote, or on tellers there was not a quorum, instead of having to order a call of the House, the automatic rule should apply and the yeas and nays be ordered on the pending question.

Mr. GARNER. But we have discovered now the absence of a quorum. Why does not the automatic call apply in discovering the absence of a quorum by a roll call the same as it does by a division of the House?

Mr. CRISP. That was not the intention of Congress in adopting the rule. I have never known it to apply. The practice of the House is the other way. I wish I could agree with the gentleman.

The SPEAKER. The Clerk will continue the call.

The Clerk completed the roll call.

The result of the vote was announced as above recorded.

The SPEAKER. The Sergeant at Arms will notify absentees, the Doorkeeper will lock the doors, and the Clerk will call the roll.

Mr. KITCHIN. We are voting on the previous question.

Mr. MANN. No; we are voting on the call of the House.

The SPEAKER. The Clerk will call the roll.

The roll was called, and the following Members failed to answer to their names:

Alexander	Carew	Drukker	Glynn
Allen	Carter, Mass.	Dunn	Good
Anderson	Carter, Okla.	Dyer	Gould
Aswell	Casey	Edmonds	Graham
Austin	Chandler, N. Y.	Edwards	Gray, N. J.
Barchfeld	Charles	Elston	Gregg
Barkley	Chiperfield	Estopinal	Griest
Beakes	Clark, Fla.	Fairchild	Guernsey
Beales	Coleman	Farley	Hamill
Bennet	Conry	Farr	Hamilton, Mich.
Booher	Cooper, Ohio	Ferris	Hamilton, N. Y.
Borland	Cooper, Wis.	Fess	Hamlin
Bowers	Copley	Fitzgerald	Hardy
Britt	Costello	Flood	Harrison, Miss.
Britten	Crago	Flynn	Hart
Browne	Danforth	Fordney	Heflin
Brumbaugh	Davenport	Foster	Helgesen
Buchanan, Ill.	Decker	Frear	Henry
Burgess	Dempsey	Freeman	Hicks
Butler	Dent	Fuller	Hill
Caldwell	Dewalt	Gardner	Hinds
Callaway	Dies	Garland	Holland
Campbell	Dooling	Garrett	Hollingsworth
Cannon	Doremus	Gillett	Hopwood
Cantrill	Driscoll	Glass	Howard

Howell	McKinley	Pratt	Smith, N. Y.
Hulbert	McLemore	Ragsdale	Smith, Tex.
Hull, Iowa	Madden	Rainey	Snell
Humphrey, Wash.	Magee	Ramseyer	Snyder
Husted	Maher	Reavis	Steenerson
Igoe	Martin	Roberts, Mass.	Stephens, Nebr.
Johnson, Ky.	Matthews	Rodenberg	Stephens, Tex.
Johnson, Wash.	Miller, Minn.	Rowe	Stiness
Jones	Mondell	Rowland	Stout
Kahn	Moon	Rucker, Ga.	Taggart
Kelley	Mooney	Rucker, Mo.	Talbott
Kent	Morgan, La.	Russell, Mo.	Tavenner
Key, Ohio	Mott	Russell, Ohio	Taylor, Colo.
Lazaro	Mudd	Sabath	Tilson
Lenroot	Nelson	Sanford	Tinkham
Lewis	Nichols, Mich.	Saunders	Towner
Liebel	Nolan	Schall	Vare
Linthicum	Oakey	Scott, Mich.	Vinson
Lloyd	Oglesby	Scott, Pa.	Volstead
Loft	Oliver	Scully	Ward
Loud	Overmyer	Sells	Watson, Va.
McAndrews	Padgett	Shackleford	Webb
McArthur	Parker, N. J.	Sherwood	Wilson, Ill.
McCracken	Parker, N. Y.	Siegel	Wilson, La.
McCulloch	Patten	Sims	Winslow
McDermott	Peters	Sinnott	Young, N. Dak.
McFadden	Platt	Slayden	
McKellar	Porter	Slemp	
McKenzie	Pou	Smith, Idaho	

The SPEAKER. On this call 185 Members have responded to their names—not a quorum.

Mr. SHALLENBERGER. Mr. Speaker, I move that the Speaker be directed to issue warrants for the arrest of the absentees.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. MANN. Mr. Speaker, I ask for a division.

The House divided: and there were—ayes 81, noes 55.

Mr. MANN. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 112, nays 77, answered "present" 2, not voting 242, as follows:

YEAS—112.

Abercrombie	Dale, N. Y.	Hood	Reilly
Adair	Davis, Tex.	Houston	Riordan
Adamson	Dent	Huddleston	Rouse
Aiken	Dickinson	Hughes	Rubey
Alexander	Dixon	Jacoway	Rucker, Ga.
Almon	Doolittle	Keating	Sears
Ashbrook	Doughton	Kincheloe	Shallenberger
Ayres	Dupré	Kitchin	Sherley
Bailey	Eagan	Lesher	Shouse
Bell	Eagle	Lever	Sisson
Black	Fields	Lieb	Steagall
Blackmon	Gallagher	London	Steele, Iowa
Bruckner	Gallivan	McClintic	Stone
Buchanan, Tex.	Gand	McGillicuddy	Sumners
Burke	Gard	Mays	Tague
Burnett	Garner	Montague	Taylor, Ark.
Byrnes, S. C.	Godwin, N. C.	Moss	Thomas
Caraway	Goodwin, Ark.	Murray	Thompson
Carlin	Gordon	Neely	Tillman
Carter, Okla.	Gray, Ala.	Nicholls, S. C.	Van Dyke
Cline	Gray, Ind.	Olney	Venable
Coady	Griffin	O'Shaunessy	Walker
Collier	Harrison, Va.	Park	Watkins
Connelly	Hastings	Phelan	Williams, W. E.
Cox	Hayden	Quin	Wilson, Fla.
Crisp	Helvering	Randall	Wingo
Crosser	Hensley	Rauch	Wise
Cullop	Hilliard	Rayburn	Young, Tex.

NAYS—77.

Cary	Hayes	Mann	Sterling
Cooper, W. Va.	Heaton	Mapes	Sulloway
Curry	Hernandez	Meeker	Sutherland
Dale, Vt.	Hutchinson	Miller, Pa.	Sweet
Dallinger	James	Moore, Pa.	Swift
Darrow	Johnson, S. Dak.	Moores, Ind.	Switzer
Denison	Kearns	Morgan, Okla.	Temple
Dillon	Keister	Morin	Timberlake
Dowell	Kennedy, Iowa	North	Treadway
Ellsworth	Kennedy, R. I.	Norton	Walsh
Emerson	Kiess, Pa.	Paige, Mass.	Wason
Esch	King	Porter	Watson, Pa.
Foss	Kinkaid	Powers	Wheeler
Green, Iowa	Kreider	Ricketts	Williams, T. S.
Greene, Mass.	Lafean	Roberts, Nev.	Williams, Ohio
Greene, Vt.	La Follette	Rogers	Wood, Ind.
Hadley	Langley	Sloan	Woods, Iowa
Haskell	Lehlbach	Smith, Mich.	
Haugen	Lindbergh	Smith, Minn.	
Hawley	McLaughlin	Stafford	

ANSWERED "PRESENT"—2.

Browning	Candler, Miss.

NOT VOTING—242.

Allen	Beales	Buchanan, Ill.	Carew
Anderson	Benedict	Burgess	Carter, Mass.
Anthony	Bennet	Butler	Casey
Aswell	Booher	Byrns, Tenn.	Chandler, N. Y.
Austin	Borland	Caldwell	Charles
Bacharach	Bowers	Callaway	Chiperfield
Barchfeld	Britt	Campbell	Church
Barkley	Britten	Cannon	Clark, Fla.
Barnhart	Browne	Cantrill	Coleman
Beakes	Brumbaugh	Capstick	Conry
Cooper, Ohio	Guernsey	McCulloch	Sabath
Cooper, Wis.	Hamill	McDermott	Sanford
Copley	Hamilton, Mich.	McFadden	Saunders
Costello	Hamilton, N. Y.	McKellar	Schall
Crago	Hamlin	McKenzie	Scott, Mich.
Cramton	Hardy	McKinley	Scott, Pa.
Danforth	Harrison, Miss.	McLemore	Scully
Davenport	Hart	Madden	Sells
Davis, Minn.	Heflin	Magee	Shackleford
Decker	Helgesen	Maher	Sherwood
Dempsey	Helm	Martin	Siegel
Dewalt	Henry	Matthews	Sims
Dies	Hicks	Miller, Del.	Sinnott
Dill	Hill	Miller, Minn.	Slayden
Dooling	Hinds	Mondell	Slemp
Doremus	Holland	Moon	Small
Driscoll	Hollingsworth	Mooney	Smith, Idaho
Drukker	Hopwood	Morgan, La.	Smith, N. Y.
Dunn	Howard	Morrison	Smith, Tex.
Dyer	Howell	Mott	Snell
Edmonds	Hulbert	Mudd	Snyder
Edwards	Hull, Iowa	Nelson	Sparkman
Elston	Hull, Tenn.	Nichols, Mich.	Stedman
Estopinal	Humphrey, Wash.	Nolan	Steele, Pa.
Evans	Humphreys, Miss.	Oakey	Steenerson
Fairchild	Husted	Oglesby	Stephens, Miss.
Farley	Igoe	Oldfield	Stephens, Nebr.
Farr	Johnson, Ky.	Oliver	Stephens, Tex.
Ferris	Johnson, Wash.	Overmyer	Stiness
Fess	Jones	Padgett	Stout
Fitzgerald	Kahn	Page, N. C.	Taggart
Flood	Kelley	Parker, N. J.	Talbott
Flynn	Kent	Parker, N. Y.	Tavenner
Focht	Kettner	Patten	Taylor, Colo.
Fordney	Key, Ohio	Peters	Tilson
Foster	Konop	Platt	Tinkham
Frear	Lazaro	Pou	Towner
Freeman	Lee	Pratt	Vare
Fuller	Lenroot	Price	Vinson
Gardner	Lewis	Ragsdale	Volstead
Garland	Liebel	Rainey	Ward
Garrett	Linthicum	Raker	Watson, Va.
Gillett	Littlepage	Ramseyer	Webb
Glass	Lloyd	Reavis	Whaley
Glynn	Lobeck	Roberts, Mass.	Wilson, Ill.
Good	Loft	Rodenberg	Wilson, La.
Gould	Longworth	Rowe	Winslow
Graham	Loud	Rowland	Woodyard
Gray, N. J.	McAndrews	Rucker, Mo.	Young, N. Dak.
Gregg	McArthur	Russell, Mo.	
Griest	McCracken	Russell, Ohio	

The result of the vote was announced as above recorded.

Mr. BARKLEY (for) with Mr. CRAMTON (against).

The SPEAKER. The Speaker is directed to issue his warrants.

At this point the following Members appeared and were recorded "present" on the call of the House: Mr. THOMAS S. WILLIAMS, Mr. LOBECK, Mr. HELM, Mr. BAILEY, Mr. COOPER of West Virginia, Mr. DENISON, Mr. WOOD of Indiana, Mr. PAIGE of Massachusetts, Mr. STEDMAN, Mr. GARD, Mr. EMERSON, Mr. MEEKER, Mr. BACHARACH, Mr. WHALEY, Mr. ANTHONY, Mr. OLDFIELD, Mr. DAVIS of Minnesota, Mr. CAPSTICK, Mr. LITTLEPAGE, Mr. STEPHENS of Mississippi, Mr. KONOP, Mr. SMALL, Mr. RAKER, Mr. KETTNER, Mr. BENEDICT, Mr. BYRNS of Tennessee, Mr. EVANS, Mr. LONGWORTH, Mr. SPARKMAN, Mr. FOCHT, Mr. STEELE of Pennsylvania, Mr. DILL, Mr. MORRISON, and Mr. DICKINSON.

The SPEAKER. On this call 218 Members have answered to their names—a quorum.

Mr. SHALLENBERGER. Mr. Speaker, I move to dispense with further proceedings under the call.

The question was taken; and on a division (demanded by Mr. MANN) there were—125 ayes and 71 noes.

Mr. MANN. I ask for tellers.

Tellers were ordered.

Mr. CRISP. Mr. Speaker, pending the taking of the vote by tellers, I ask unanimous consent to address the House for a few minutes, with the nature of which the gentleman from Illinois [Mr. MANN] is acquainted.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. CRISP. Mr. Speaker, earlier in the evening, when the parliamentary question arose as to whether an automatic call of the House obtained, I took the position that the automatic call did not apply, and agreed with the position taken by the learned gentleman from Illinois [Mr. MANN]. I want to say now that, so far as I had ever seen any precedent in this House on the subject, or any practical application of the rule, the position we then took was correct. But upon investigation I find that the gentleman from North Carolina [Mr. KITCHIN] was correct and that I was wrong—that the automatic call did apply—and when I am wrong and convinced I have no hesitancy in saying so. [Applause.]

I desire to call the attention of the Speaker to two precedents on this question, and to call the attention of the membership of the House to these precedents in volume 4, Hinds' Precedents, section 3045, which I will read. And let me say that both of these decisions were rendered by the able and learned Speaker,

the gentleman from Maine, Mr. Reed. The rule providing for an automatic call of the House was adopted in January, 1896. These two decisions that I shall read were rendered in 1896, shortly after this rule was adopted. I read section 3045:

On a call of the House under the new rule the Sergeant at Arms is required to detail those Members who are present and bring in absentees. On December 14, 1896, the question being taken on the engrossment and third reading of the bill (H. R. 1888) to amend an act relating to the sale of intoxicating liquors in the District of Columbia, there were, on a yea-and-nay vote, 130 yeas and 31 nays.

Mr. Rowland B. Mahany, of New York, made the point of no quorum.

Mr. Elijah A. Morse, of Massachusetts, moved a call of the House.

The Speaker said that the rule provided for such a contingency, and caused to be read section 4 of Rule XV. He then said:

"Under the rule there will now be a call of the House, the Sergeant at Arms will proceed to bring in absent Members, and the yeas and nays on the pending question will be considered as ordered. The Clerk will therefore call the roll and the responses will show whether the Member is present or not, and will also show his vote upon the pending question. The Doorkeeper will close the doors."

During the roll call, as there seemed to be a misunderstanding, the Speaker said:

"The Chair will state to the House that under this rule when Members are called they are required to vote 'yea' or 'nay' upon the engrossment and third reading of the pending bill, unless they desire not to vote, in which case they will respond 'present.' Thus the roll call will answer the double purpose of taking a vote on the bill and of showing what Members are present. The Chair desires to add also that we are now under a call of the House, so that it is the duty of Members who are present to remain until the call and the vote is completed, and the Sergeant at Arms is required to keep Members here who are present and also to bring in the absentees.

I have the Journal showing the decision just read, and the Journal shows that a yea-and-nay vote was taken on the order for engrossment and third reading and on which vote a quorum failed to appear. And then immediately followed a second roll call, with a yea-and-nay vote on the call of the House.

I read again from section 3052, volume 4, of Hinds' Precedents, and this also is a decision by Speaker Reed:

Under the new rule for a call of the House the roll is called over twice, and those appearing after their names are called may vote.

On June 9, 1896, the House was voting by yeas and nays to lay on the table a motion to reconsider a vote on the District of Columbia appropriation bill. There appeared—yeas 99, nays 31, not voting 224.

No quorum being present, the Speaker announced that under the rule there would be a call of the House, and the Sergeant at Arms would proceed at once to bring in absent Members.

Mr. Joseph W. Bailey, of Texas, inquired whether or not those who had answered on the previous roll call could vote again.

The Speaker said:

"The Chair thinks that the only solution as the matter stands is for each Member to vote when his name is called, and then when the roll is finished the absentees may vote. The Sergeant at Arms will close the doors, and the Clerk will call the roll."

The Clerk proceeded with the roll call, and the same having been finished, the Speaker said:

"The Clerk will now call the names of Members failing to respond the first call. The Chair trusts that gentlemen who are present and do not vote will announce their presence to avoid confusion."

The second call having been concluded, the Speaker announced:

"On this question the yeas are 126 and the nays are 43. The following-named gentlemen are present. [Naming them.]

"The Chair desires to state to these gentlemen that under a misapprehension he stated a while ago they could not vote; but they are marked present, and their presence is necessary to constitute a quorum, under the rule they have a right to vote if they desire to do so."

Several of these gentlemen having voted, the Speaker announced the corrected vote—yeas 231, nays 45, answering "present" (certain gentlemen)—a quorum.

Mr. Speaker, to remove any question as to that decision, I desire to read from the CONGRESSIONAL RECORD, volume 28, part 7, of the Fifty-fourth Congress, first session, page 6330:

The SPEAKER. The question is on laying the motion to reconsider on the table.

On that question the yeas were 99, nays 31, not voting 224—not a quorum.

The yeas and nays are set out in the RECORD.

The SPEAKER. On this question the yeas are 99, the nays 31.

Mr. MCMILLIN. No quorum.

The SPEAKER. The Chair is informed that there are 16 present in addition to that. Under the rule of the House there will be a call of the House, and the Sergeant at Arms will proceed at once to bring in absent Members.

We all agree that when a record vote discloses there is no quorum the Chair must take cognizance of that fact. In this instance Mr. McMillin made the point of no quorum. To continue:

Mr. DANIELS. I move that there be a call of the House.

The SPEAKER. The Clerk will proceed to call the roll. Each Member as he answers to his name may vote upon the pending question, so that it requires another vote upon the pending question. The House will govern itself accordingly.

Mr. BAILEY. I desire to ask if it is not a fact that the rule only requires the absentees to answer, or are they brought to the bar to vote? It does not require that those who had previously responded should answer.

The SPEAKER. The Chair thinks it requires all Members to answer.

The Clerk should call the roll and each Member as he answers to his name may vote on the pending question.

Mr. BAILEY. I think that only provides for those who have not answered upon the previous call; otherwise a gentleman who had voted on the other call would be required to vote again.

The SPEAKER. The Chair thinks the only solution as the matter stands is for each Member to vote when his name is called, and then when the roll call is finished the absentees may vote. The Sergeant at Arms will notify the absentees and the Clerk will call the roll.

The Clerk proceeded to call the roll.

The SPEAKER (at the end of the first call). The Clerk will now call the names of Members failing to respond to the first call. The Chair trusts that gentlemen who are present and do not vote will announce that they are present, to avoid confusion.

The membership of the House will understand that Speaker Reed decided he had authority to count as present Members who were in the Hall who do not vote, and the Supreme Court, as we all know, afterwards affirmed that decision, and that is why he was asking those who did not vote to make their presence known.

Mr. MANN. What is the date of that?

Mr. CRISP. The Fifty-fourth Congress.

Mr. MANN. That was the rule at that time?

Mr. CRISP. Yes, sir. [Reading:]

Mr. OWEN. In view of the request of the Chair to Members to announce their presence if they do not vote, I wanted to ask whether they might not possibly be confused with the 16 already counted, or whether those 16 are to be used again in making a quorum?

The SPEAKER. The Chair thinks there will not be any confusion if gentlemen answer that they are present. The Clerk will call the roll.

Mr. JOHNSON of California. Mr. Speaker, is it in order at this time to ask leave of absence?

There is no use in reading further, gentlemen; but the Speaker held that the automatic call applied. They immediately called the roll and the yeas and nays were again taken and they voted on the pending question.

Mr. GARNER. He was construing at that time paragraph 4 of Rule XV?

Mr. CRISP. He was construing the identical rule in question, the rule having been adopted in January, 1896. Under this decision, Mr. Speaker, it is clear I was in error in the position I took. Under these decisions, if they are followed, it is obvious when we take a vote by yeas and nays on a motion to order the previous question on the passage of a bill and amendments and a quorum failing to vote, then the automatic rule applies, and a call of the House follows, and Members brought in by the Sergeant at Arms or who come in voluntarily should be permitted to cast their vote on ordering the previous question on the bill and amendments to passage. I felt, Mr. Speaker, that it was due the Chair and due the House and due myself when I learned I was in error to frankly say so. I thank the House. [Applause.]

The SPEAKER. The vote is on dispensing with further proceedings, and tellers have been ordered. The gentleman from Nebraska [Mr. SHALLENBERGER] and the gentleman from Illinois [Mr. MANN] will take their places as tellers. Those in favor of dispensing with further proceedings under the call will pass between the tellers.

The House again divided; and the tellers reported that there were—ayes 137, noes 72.

The SPEAKER. The ayes have it——

Mr. MANN. Mr. Speaker, I ask for the yeas and nays.

Mr. CRISP. Mr. Speaker, I make the point of order that the motion is dilatory.

Mr. MANN. Well, the gentleman has not read the Constitution recently.

The SPEAKER. The Chair overrules the point of order. Evidently a sufficient number have arisen, and the Clerk will call the roll. Those in favor of dispensing with further proceedings under the call when their names are called will answer "aye" and those opposed will answer "no."

The question was taken; and there were—yeas 142, nays 85, answered "present" 2, not voting 204, as follows:

YEAS—142.

Abercrombie	Connelly	Gordon	Lever
Adair	Cox	Gray, Ala.	Lieb
Adamson	Crisp	Griffin	Liebel
Aiken	Crosser	Hamlin	Littlepage
Alexander	Cullop	Harrison, Va.	Lobeck
Almon	Davis, Tex.	Hastings	Lonson
Ashbrook	Dent	Hayden	McClintic
Ayres	Dickinson	Helm	McGillicuddy
Bailey	Dill	Helvering	McLemore
Barnhart	Dixon	Hensley	Mays
Bell	Doolittle	Hilliard	Montague
Black	Doremus	Holland	Morrison
Blackmon	Doughton	Hood	Moss
Buchanan, Tex.	Driscoll	Houston	Murray
Burnett	Dupré	Huddleston	Neely
Byrnes, S. C.	Eagan	Hughes	Nicholls, S. C.
Byrns, Tenn.	Eagle	Hull, Tenn.	Oldfield
Caldwell	Evans	Humphreys, Miss.	Olney
Caraway	Fields	Jacoway	O'Shaunessy
Carlin	Gallagher	Keating	Padgett
Carter, Okla.	Gallivan	Kettner	Page, N. C.
Church	Gandy	Kincheloe	Park
Clark, Fla.	Gard	Kitchin	Phelan
Cline	Garner	Konop	Price
Coady	Godwin, N. C.	Lee	Quin
Collier	Goodwin, Ark.	Lesher	Raker

Randall	Sherwood	Stephens, Nebr.	Venable
Rauch	Shouse	Stone	Walker
Rayburn	Sisson	Sumners	Watkins
Riordan	Small	Tague	Whaley
Rouse	Smith, N. Y.	Taylor, Ark.	Williams, W. E.
Rubey	Steagall	Taylor, Colo.	Wilson, Fla.
Rucker, Ga.	Stedman	Thomas	Wise
Sears	Steele, Iowa	Thompson	Young, Tex.
Shallenberger	Steele, Pa.	Tillman	
Sherley	Stephens, Miss.	Van Dyke	

NAYS—85.

Anthony	Foss	Lindbergh	Snell
Bacharach	Green, Iowa	Longworth	Stafford
Benedict	Greene, Mass.	McLaughlin	Sterling
Capstick	Greene, Vt.	Mann	Sulloway
Cary	Hadley	Mapes	Sutherland
Cooper, Ohio	Hamilton, Mich.	Meeker	Sweet
Cooper, W. Va.	Hamilton, N. Y.	Miller, Del.	Switzer
Curry	Hawley	Moore, Pa.	Temple
Dale, Vt.	Heaton	Moores, Ind.	Timberlake
Dallinger	Hernandez	Morgan, Okla.	Treadway
Darrow	Hutchinson	Morin	Walsh
Davis, Minn.	James	Nichols, Mich.	Wason
Dempsey	Johnson, S. Dak.	North	Watson, Pa.
Denison	Keister	Norton	Wheeler
Dillon	Kennedy, Iowa	Paige, Mass.	Williams, T. S.
Dowell	Kennedy, R. I.	Porter	Williams, Ohio
Ellsworth	Kiess, Pa.	Ricketts	Wood, Ind.
Elston	Kinkaid	Roberts, Nev.	Woods, Iowa
Emerson	Kreider	Rogers	Woodyard
Esch	Lafean	Sloan	
Fess	La Follette	Smith, Mich.	
Focht	Lehlbach	Smith, Minn.	

ANSWERED "PRESENT"—2.

Browning	Candler, Miss.

NOT VOTING—204.

Allen	Fairchild	Kahn	Rainey
Anderson	Farley	Kearns	Ramseyer
Aswell	Farr	Kelley	Reavis
Austin	Ferris	Kent	Reilly
Barchfeld	Fitzgerald	Key, Ohio	Roberts, Mass.
Barkley	Flood	King	Rodenberg
Beakes	Flynn	Langley	Rowe
Beales	Fordney	Lazaro	Rowland
Bennet	Foster	Lenroot	Rucker, Mo.
Booher	Frear	Lewis	Russell, Mo.
Borland	Freeman	Linthicum	Russell, Ohio
Bowers	Fuller	Lloyd	Sabath
Britt	Gardner	Loft	Sanford
Britten	Garland	Loud	Saunders
Browne	Garrett	McAndrews	Schall
Bruckner	Gillett	McArthur	Scott, Mich.
Brumbaugh	Glass	McCracken	Scott, Pa.
Buchanan, Ill.	Glynn	McCulloch	Scully
Burgess	Good	McDermott	Sells
Burke	Gould	McFadden	Shackleford
Butler	Graham	McKellar	Siegel
Callaway	Gray, Ind.	McKenzie	Sims
Campbell	Gray, N. J.	McKinley	Sinnott
Cannon	Gregg	Madden	Slayden
Cantrill	Griest	Magee	Slemp
Carew	Guernsey	Maher	Smith, Idaho
Carter, Mass.	Hamill	Martin	Smith, Tex.
Casey	Hardy	Matthews	Snyder
Chandler, N. Y.	Harrison, Miss.	Miller, Minn.	Sparkman
Charles	Hart	Miller, Pa.	Steenerson
Chiperfield	Haskell	Mondell	Stephens, Tex.
Coleman	Haugen	Moon	Stiness
Conry	Hayes	Mooney	Stout
Cooper, Wis.	Heflin	Morgan, La.	Swift
Copley	Helgesen	Mott	Taggart
Costello	Henry	Mudd	Talbott
Crago	Hicks	Nelson	Tavenner
Crampton	Hill	Nolan	Tilson
Dale, N. Y.	Hinds	Oakey	Tinkham
Danforth	Hollingsworth	Oglesby	Towner
Davenport	Hopwood	Oliver	Vare
Decker	Howard	Overmyer	Vinson
Dewalt	Howell	Parker, N. J.	Volstead
Dies	Hulbert	Parker, N. Y.	Ward
Dooling	Hull, Iowa	Patten	Watson, Va.
Drukker	Humphrey, Wash.	Peters	Webb
Dunn	Husted	Platt	Wilson, Ill.
Dyer	Igoe	Pou	Wilson, La.
Edmonds	Johnson, Ky.	Powers	Wingo
Edwards	Johnson, Wash.	Pratt	Winslow
Estopinal	Jones	Ragsdale	Young, N. Dak.

So the motion to dispense with further proceedings under the call was agreed to.

The Clerk announced the following additional pairs:

On the vote:

Mr. McKellar (for) with Mr. Crago (against).

Until further notice:

Mr. Farley with Mr. Fairchild.
Mr. Ferris with Mr. Edmonds.
Mr. Flood with Mr. Fordney.
Mr. Foster with Mr. Freeman.
Mr. Garrett with Mr. Fuller.
Mr. Gray of Indiana with Mr. Garland.
Mr. Gregg with Mr. Gillett.
Mr. Hamill with Mr. Glynn.
Mr. Harrison of Mississippi with Mr. Gould.
Mr. Hart with Mr. Graham.
Mr. Heflin with Mr. Gray of New Jersey.
Mr. Henry with Mr. Griest.
Mr. Hulbert with Mr. Haskell.
Mr. Key of Ohio with Mr. Hayes.
Mr. Edwards with Mr. Hill.
Mr. Lewis with Mr. Hollingsworth.
Mr. Lloyd with Mr. Hull of Iowa.
Mr. McAndrews with Mr. Husted.
Mr. McDermott with Mr. Johnson of Washington.
Mr. Maher with Mr. Kahn.
Mr. Moon with Mr. Kearns.
Mr. Morgan of Louisiana with Mr. Kelley.
Mr. Oglesby with Mr. King.
Mr. Oliver with Mr. Langley.
Mr. Pou with Mr. McArthur.
Mr. Rainey with Mr. McCulloch.
Mr. Reilly with Mr. McFadden.
Mr. Rucker of Missouri with Mr. McKenzie.
Mr. Russell of Missouri with Mr. McKinley.
Mr. Sabath with Mr. Madden.
Mr. Saunders with Mr. Magee.
Mr. Sims with Mr. Miller of Minnesota.
Mr. Sparkman with Mr. Mott.
Mr. Webb with Mr. Mudd.
Mr. Callaway with Mr. Carter of Massachusetts.
Mr. Clark of Florida with Mr. Stiness.
Mr. Aswell with Mr. Austin.
Mr. Borland with Mr. Bennet.
Mr. Barkley (for) with Mr. Cramton (against).
Mr. Candler of Mississippi with Mr. Cannon.
Mr. Carew with Mr. Charles.
Mr. Dewalt with Mr. Cramton.
Mr. Dooling with Mr. Drukker.
Mr. Edwards with Mr. Dunn.
Mr. Stephens of Texas with Mr. Nelson.
Mr. Stout with Mr. Nolan.
Mr. Taggart with Mr. Oakey.
Mr. Tavenner with Mr. Parker of New Jersey.
Mr. Vinson with Mr. Parker of New York.
Mr. Wason with Mr. Peters.
Mr. Wilson of Louisiana with Mr. Platt.
Mr. Wingo with Mr. Powers.
Mr. Booher with Mr. Ramseyer.
Mr. Beakes with Mr. Reavis.
Mr. Bruckner with Mr. Ricketts.
Mr. Brumbaugh with Mr. Roberts of Massachusetts.
Mr. Allen with Mr. Rodenberg.
Mr. Burgess with Mr. Rowe.
Mr. Casey with Mr. Rowland.
Mr. Dale of New York with Mr. Russell of Ohio.
Mr. Dies with Mr. Sanford.
Mr. Estopinal with Mr. Scott of Michigan.
Mr. Fitzgerald with Mr. Scott of Pennsylvania.
Mr. Flynn with Mr. Sells.
Mr. Burke with Mr. Pratt.
Mr. Hardy with Mr. Siegel.
Mr. Howard with Mr. Sinnott.
Mr. Igoe with Mr. Slemp.
Mr. Lazaro with Mr. Smith of Idaho.
Mr. Linthicum with Mr. Snyder.
Mr. Ragsdale with Mr. Steenerson.
Mr. Patten with Mr. Stiness.
Mr. Shackleford with Mr. Tilson.
Mr. Slayden with Mr. Tinkham.
Mr. Smith of Texas with Mr. Towner.
Mr. Overmyer with Mr. Vare.
Mr. Jones with Mr. Volstead.
Mr. Loft with Mr. Ward.
Mr. Conry with Mr. Wilson of Illinois.
Mr. Decker with Mr. Young of North Dakota.

The SPEAKER. The Doorkeeper will open the doors. The question is on ordering the previous question.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. MANN. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 145, nays 75, answered "present" 4, not voting 209, as follows:

YEAS—145.

Abercrombie	Barnhart	Carlin	Cullop
Adair	Bell	Church	Dale, N. Y.
Aiken	Black	Clark, Fla.	Davis, Tex.
Alexander	Blackmon	Cline	Decker
Allen	Buchanan, Tex.	Coady	Dent
Almon	Burnett	Collier	Dickinson
Ashbrook	Byrnes, S. C.	Connelly	Dill
Ayres	Byrns, Tenn.	Cox	Dixon
Bailey	Caldwell	Crisp	Doolittle
Barkley	Caraway	Crosser	Doremus

Doughton	Hood	Neely	Smith, N. Y.
Driscoll	Houston	Nicholls, S. C.	Steagall
Dupré	Huddleston	Oldfield	Stedman
Eagan	Hughes	Oliver	Steele, Iowa
Eagle	Hull, Tenn.	Olney	Steele, Pa.
Evans	Jacoway	O'Shaunessy	Stephens, Miss.
Fields	Keating	Padgett	Stone
Gallagher	Kettner	Page, N. C.	Sumners
Gallivan	Kincheloe	Park	Tague
Gandy	Kitchin	Phelan	Taylor, Ark.
Gard	Konop	Price	Taylor, Colo.
Garner	Lee	Quin	Thomas
Godwin, N. C.	Lesher	Raker	Thompson
Goodwin, Ark.	Lever	Randall	Tillman
Gordon	Lieb	Rauch	Van Dyke
Gray, Ala.	Liebel	Rayburn	Venable
Griffin	Littlepage	Riordan	Walker
Hamlin	Lobeck	Rouse	Watkins
Harrison, Va.	London	Rubey	Whaley
Hastings	McClintic	Rucker, Ga.	Williams, W. E.
Hayden	McGillicuddy	Russell, Mo.	Wilson, Fla.
Heflin	McLemore	Sears	Wingo
Helm	Mays	Shallenberger	Wise
Helvering	Montague	Sherley	Young, Tex.
Hensley	Morrison	Sherwood	
Hilliard	Moss	Shouse	
Holland	Murray	Sisson	

NAYS—75.

Anthony	Emerson	Kinkaid	Rogers
Bacharach	Esch	La Follette	Smith, Mich.
Benedict	Fess	Lehlbach	Smith, Minn.
Capstick	Foss	Lindbergh	Snell
Cary	Green, Iowa	Longworth	Stafford
Cooper, Ohio	Greene, Mass.	Mann	Sterling
Cooper, W. Va.	Greene, Vt.	Mapes	Sutherland
Cramton	Hadley	Martin	Sweet
Curry	Hamilton, Mich.	Moore, Pa.	Switzer
Dale, Vt.	Hamilton, N. Y.	Moores, Ind.	Temple
Dallinger	Hawley	Morgan, Okla.	Timberlake
Darrow	Heaton	Nichols, Mich.	Treadway
Davis, Minn.	Hutchinson	North	Watson, Pa.
Dempsey	Johnson, S. Dak.	Norton	Wheeler
Denison	Keister	Oakey	Williams, T. S.
Dillon	Kelley	Paige, Mass.	Williams, Ohio
Dowell	Kennedy, Iowa	Porter	Wood, Ind.
Ellsworth	Kennedy, R. I.	Ricketts	Woodyard
Elston	Kiess, Pa.	Roberts, Nev.	

ANSWERED "PRESENT"—4.

Adamson	Browning	Candler, Miss.	Freeman

NOT VOTING—209.

Anderson	Flynn	Lafean	Rowe
Aswell	Focht	Langley	Rowland
Austin	Fordney	Lazaro	Rucker, Mo.
Barchfeld	Foster	Lenroot	Russell, Ohio
Beakes	Frear	Lewis	Sabath
Beales	Fuller	Linthicum	Sanford
Bennet	Gardner	Lloyd	Saunders
Booher	Garland	Loft	Schall
Borland	Garrett	Loud	Scott, Mich.
Bowers	Gillett	McAndrews	Scott, Pa.
Britt	Glass	McArthur	Scully
Britten	Glynn	McCracken	Sells
Browne	Good	McCulloch	Shackleford
Bruckner	Gould	McDermott	Siegel
Brumbaugh	Graham	McFadden	Sims
Buchanan, Ill.	Gray, Ind.	McKellar	Sinnott
Burgess	Gray, N. J.	McKenzie	Slayden
Burke	Gregg	McKinley	Slemp
Butler	Griest	McLaughlin	Sloan
Callaway	Guernsey	Madden	Small
Campbell	Hamill	Magee	Smith, Idaho
Cannon	Hardy	Maher	Smith, Tex.
Cantrill	Harrison, Miss.	Matthews	Snyder
Carew	Hart	Meeker	Sparkman
Carter, Mass.	Haskell	Miller, Del.	Steenerson
Carter, Okla.	Haugen	Miller, Minn.	Stephens, Nebr.
Casey	Hayes	Miller, Pa.	Stephens, Tex.
Chandler, N. Y.	Helgesen	Mondell	Stiness
Charles	Henry	Moon	Stout
Chiperfield	Hernandez	Mooney	Sulloway
Coleman	Hicks	Morgan, La.	Swift
Conry	Hill	Morin	Taggart
Cooper, Wis.	Hinds	Mott	Talbott
Copley	Hollingsworth	Mudd	Tavenner
Costello	Hopwood	Nelson	Tilson
Crago	Howard	Nolan	Tinkham
Danforth	Howell	Oglesby	Towner
Davenport	Hulbert	Overmyer	Vare
Dewalt	Hull, Iowa	Parker, N. J.	Vinson
Dies	Humphrey, Wash.	Parker, N. Y.	Volstead
Dooling	Humphreys, Miss.	Patten	Walsh
Drukker	Husted	Peters	Ward
Dunn	Igoe	Platt	Wason
Dyer	James	Pou	Watson, Va.
Edmonds	Johnson, Ky.	Powers	Webb
Edwards	Johnson, Wash.	Pratt	Wilson, Ill.
Estopinal	Jones	Ragsdale	Wilson, La.
Fairchild	Kahn	Rainey	Winslow
Farley	Kearns	Ramseyer	Woods, Iowa
Farr	Kent	Reavis	Young, N. Dak.
Ferris	Key, Ohio	Reilly	
Fitzgerald	King	Roberts, Mass.	
Flood	Kreider	Rodenberg	

So the previous question was ordered.

The Clerk announced the following additional pair:

On the vote:

Mr. McKellar (for) with Mr. Crago (against).

Mr. FREEMAN. Mr. Speaker, I wish to vote "nay."

The SPEAKER. Was the gentleman in the hall listening?

Mr. FREEMAN. I do not think I was.

The SPEAKER. The Clerk will designate the gentleman as "present" under the rule.

Mr. ADAMSON. Mr. Speaker, I am paired. I want to vote "present."

The SPEAKER. Was the gentleman in the Hall listening when his name was called?

Mr. ADAMSON. I just want to be marked "present" to make a quorum.

The SPEAKER. The Clerk will record the gentleman's name and designate him as "present."

The result of the vote was announced as above recorded.

Mr. SHALLENBERGER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SHALLENBERGER. Under the rules of the House, will this bill come up for consideration the first thing in the morning?

The SPEAKER. Under the practice of the House, yes.

Mr. SHALLENBERGER. With that understanding, then, Mr. Speaker——

ADJOURNMENT.

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

The motion was agreed to; accordingly (at 11 o'clock and 32 minutes p. m.) the House adjourned, pursuant to the order previously made, until to-morrow, Thursday, February 15, 1917, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting report on preliminary examination of White Lake Harbor, Mich., from the mouth of the channel to White Lake (H. Doc. No. 2053); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

2. A letter from the Secretary of the Treasury, transmitting estimate of expenses which are in addition to the sum already appropriated for the Coast Guard for the current fiscal year (H. Doc. No. 2054); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Secretary of the Treasury, transmitting estimate of appropriation required for the Internal-Revenue Service for the fiscal year ending June 30, 1918 (H. Doc. No. 2055); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. WISE, from the Committee on Military Affairs, to which was referred the bill (H. R. 19129) 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, reported the same without amendment, accompanied by a report (No. 1492), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CARLIN, from the Committee on the Judiciary, to which was referred the joint resolution (H. J. Res. 84) proposing an amendment to the Constitution of the United States, reported the same without amendment, accompanied by a report (No. 1493), which said joint resolution and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. EDMONDS, from the Committee on Claims, to which was referred the bill (S. 5268) for the relief of the Copper River & Northwestern Railway Co., reported the same without amendment, accompanied by a report (No. 1481), which said bill and report were referred to the Private Calendar.

Mr. CAPSTICK, from the Committee on Claims, to which was referred the bill (S. 4277) for the relief of George B. Hughes, reported the same without amendment, accompanied by

a report (No. 1482), which said bill and report were referred to the Private Calendar.

Mr. STEPHENS, of Mississippi, from the Committee on Claims, to which was referred the bill (H. R. 14631) for the relief of J. B. Fleming, reported the same without amendment, accompanied by a report (No. 1483), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 17448) for the relief of the heirs of Robert Laird McCormick, deceased, reported the same without amendment, accompanied by a report (No. 1484), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 6737) for the relief of A. J. Lowary, reported the same without amendment, accompanied by a report (No. 1485), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 4368) for the relief of D. A. Barbour and Andrew P. Gladden, reported the same without amendment, accompanied by a report (No. 1486), which said bill and report were referred to the Private Calendar.

He, also from the same committee, to which was referred the bill (S. 1548) for the relief of Emmett W. Entriken, reported the same without amendment, accompanied by a report (No. 1487), which said bill and report were referred to the Private Calendar.

Mr. EDMONDS, from the Committee on Claims, to which was referred the bill (S. 6430) directing the reexamination of the accounts of the late Peter G. S. Ten Broeck, reported the same without amendment, accompanied by a report (No. 1488), which said bill and report were referred to the Private Calendar.

Mr. FOSTER, from the Committee on Claims, to which was referred the bill (H. R. 17144) for the relief of Arthur Wendle Englert, reported the same without amendment, accompanied by a report (No. 1489), which said bill and report were referred to the Private Calendar.

Mr. STEAGALL, from the Committee on Claims, to which was referred the bill (S. 5439) for the relief of the Southern States Lumber Co., reported the same without amendment, accompanied by a report (No. 1490), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 3507) for the relief of Elizabeth Marsh Watkins, reported the same with amendment, accompanied by a report (No. 1491), which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII,

Mr. WEBB, from the Committee on the Judiciary to which was referred the resolution (H. Res. 477) requesting the Attorney General of the United States to inform the House in regard to proceeding against the binder-twine monopoly, reported the same adversely, accompanied by a report (No. 1494), which said bill and report were laid on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Military Affairs was discharged from the consideration of the bill (H. R. 20229) for the relief of Eleanora Moore, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. AUSTIN: A bill (H. R. 20905) to provide a commission to secure site, plans, and design for a school to train negro soldiers; to the Committee on Military Affairs.

By Mr. HAYDEN: A bill (H. R. 20906) conferring citizenship upon Indians; to the Committee on Indian Affairs.

By Mr. LENROOT: A bill (H. R. 20907) to amend an act providing mediation, conciliation, etc., approved July 15, 1913; to the Committee on the Judiciary.

By Mr. BENEDICT: A bill (H. R. 20908) making an appropriation for the construction and equipment of a sanitary, fireproof hospital on the grounds of the National Home for Disabled Volunteer Soldiers, Pacific Branch, in the county of Los Angeles, State of California; to the Committee on Appropriations.

By Mr. PARK: Joint resolution (H. J. Res. 370) providing for the appointment of a joint committee of the Senate and House of Representatives to provide a bill providing the farmers of the United States with better credit facilities for short-time personal loans; to the Committee on Appropriations.

By Mr. MOORE of Pennsylvania: Resolution (H. Res. 504) to provide for printing copies of the Declaration of Independence and the Constitution of the United States; to the Committee on Printing.

By Mr. EMERSON: Resolution (H. Res. 505) of confidence in the President of the United States to uphold peace with honor; to the Committee on Foreign Affairs.

By Mr. FITZGERALD: Resolution (H. Res. 506) for the relief of Jennie Ritzheimer; to the Committee on Accounts.

By the SPEAKER (by request): Memorial of the Legislature of the State of Idaho, favoring the amendment of the stock-raising homestead-entry law so as to make it inapplicable to lands in the State of Idaho; to the Committee on the Public Lands.

By Mr. GILLETT: Memorial of the Commonwealth of Massachusetts, pledging support to the President and the Congress of the United States in whatever action may be taken to preserve the dignity, honor, and safety of our country; to the Committee on Foreign Affairs.

By Mr. CURRY: Memorial of the Legislature of the State of California, asking for early completion of hydrographical work on the Pacific coast; to the Committee on the Public Lands.

Also, memorial of the Legislature of the State of California, favoring a recession to the State of California of Lower Klamath Lake for storage of water; to the Committee on the Public Lands.

Also, memorial of the Legislature of the State of California, relative to amending act of February 28, 1891, providing for an exchange of land between the United States and the State of California; to the Committee on the Public Lands.

Also, memorial of the Legislature of the State of California, relative to the Crescent City Harbor; to the Committee on the Public Lands.

Also, memorial of the Legislature of the State of California, relative to loaning funds of the postal savings banks to public-school districts; to the Committee on Banking and Currency.

Also, memorial of the Legislature of the State of California, asking for passage of House bill 19291, for the reclamation of arid and swamp lands; to the Committee on the Public Lands.

Also, joint resolution of the Legislature of the State of California, asking for congress of the States to consider conflicting jurisdiction of Federal and State taxes; to the Committee on the Judiciary.

By Mr. DALLINGER: Memorial of the Commonwealth of Massachusetts, pledging support of the President and the Congress of the United States in whatsoever action may be taken to preserve the dignity, honor, and safety of our country; to the Committee on Foreign Affairs.

By Mr. TINKHAM: Memorial from the Legislature of the State of Massachusetts, supporting the attitude of the President and Congress to preserve the dignity, honor, and safety of our country; to the Committee on Foreign Affairs.

By Mr. TAGUE: Memorial from the Legislature of the State of Massachusetts, supporting the attitude of the President and Congress to preserve the dignity, honor, and safety of our country; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills were introduced and severally referred as follows::

By Mr. ASHBROOK: A bill (H. R. 20909) granting an increase of pension to Florence Marquis; to the Committee on Pensions.

By Mr. DILL: A bill (H. R. 20910) authorizing the appointment of Capt. D. A. Maurier to the position of first lieutenant of the Regular Army; to the Committee on Military Affairs.

By Mr. GILLETT: A bill (H. R. 20911) granting an increase of pension to William A. Morton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20912) granting a pension to Thomas H. Lillis; to the Committee on Pensions.

By Mr. GOODWIN of Arkansas: A bill (H. R. 20913) granting a pension to Charles L. Thornton; to the Committee on Pensions.

By Mr. GORDON: A bill (H. R. 20914) to authorize the change of name of the steamer *Charles L. Hutchinson* to *Fayette Brown;* to the Committee on the Merchant Marine and Fisheries.

By Mr. KETTNER: A bill (H. R. 20915) to transfer Frederick W. Cobb from the list of chief machinists, United States Navy, to the list of chief pay clerks, United States Navy; to the Committee on Naval Affairs.

By Mr. PETERS: A bill (H. R. 20916) granting an increase of pension to Sylvester Smart; to the Committee on Invalid Pensions.

By Mr. SANFORD: A bill (H. R. 20917) granting a pension to Elizabeth Hogan; to the Committee on Pensions.

PETITIONS, ETC.

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

By the SPEAKER (by request): Memorial of 2,500 representative citizens of the city of Reading, Pa., protesting against a declaration of war; to the Committee on Foreign Affairs.

By Mr. ASHBROOK: Evidence in support of House bill 13992, for relief of William R. Hogue; to the Committee on Invalid Pensions.

By Mr. BAILEY: Memorial of the Congress of Women's Clubs, Western Pennsylvania, relative to Congress indorsing the movement of the Bureau of Naturalization and the public-school authorities in the work of educating the alien; to the Committee on Immigration.

Also, memorial adopted by public meeting in Bethany Presbyterian Church, Johnstown; public meeting, Portage; and public meeting, Johnstown, all in the State of Pennsylvania, relative to Congress amending Article XVIII of the Federal Constitution; to the Committee on the Judiciary.

By Mr. BROWNING: Petitions of 57 people of Woman's Christian Temperance Union, Woodstown; 80 people of the County Woman's Club, Salem County; 60 people of the Methodist Episcopal prayer meeting, Williamstown; and Auburn Methodist Episcopal Church, Auburn, all in the State of New Jersey, favoring a national constitutional prohibition amendment; to the Committee on the Judiciary.

By Mr. CAREW: Memorial of employees of the Post Office Department, of Los Angeles, Cal., relative to promotions of post-office clerks; to the Committee on the Post Office and Post Roads.

By Mr. DALE of New York: Petition of the Connecticut Prison Association, Hartford, Conn., urging the enactment of Senate bill 1092 and House bill 42, to establish a probation system in the United States courts; to the Committee on Accounts.

Also, petition of the Commercial Exchange of Philadelphia, commending the act of the Executive in severing relations with Germany; to the Committee on Foreign Affairs.

Also, memorial of the Union League Club, of New York City, indorsing the recent act of the President in severing diplomatic relations with Germany; to the Committee on Foreign Affairs.

Also, petition of the Bird Lovers' Club, of Brooklyn, N. Y., favoring the migratory bird treaty act; to the Committee on Foreign Affairs.

By Mr. ESCH: Petition signed by Mr. George C. Miller and 17 others of Tomah, Wis., protesting against advance in price of binder twine; to the Committee on the Judiciary.

Also, memorial of the Union League Club, of New York City, indorsing the recent act of the President in severing diplomatic relations with Germany; to the Committee on Foreign Affairs.

By Mr. FULLER: Petitions of C. H. Bloom, Victor Lundholm, Frank H. Hall, and S. G. Atwood, of Rockford, Ill., and of A. L. Hindle, Charles Weber, C. F. Uloth, Victor Wasgin, William Bandy, and E. N. Carns, of La Salle, Ill., for a referendum before any declaration of war; to the Committee on Foreign Affairs.

Also, memorial of the Union League Club, of the city of New York, indorsing the action of the President in severing diplomatic relations with Germany; to the Committee on Foreign Affairs.

Also, petition of the national legislative bureau, Order of Railway Conductors, Brotherhood of Railway Trainmen, Brotherhood of Locomotive Engineers, and Brotherhood of Locomotive Firemen and Engineers, protesting against proposed legislation in House bill 20752 and Senate bill 8201; to the Committee on Interstate and Foreign Commerce.

By Mr. GALLIVAN: Petition of Stone & Webster, of Boston, Mass., favoring passage of the daylight-saving bill; to the Committee on Interstate and Foreign Commerce.

Also, petitions of J. L. and Mary E. Starks, of Kansas City, Mo., relative to permanent peace through a concert of nations; to the Committee on Foreign Affairs.

Also, petition of sundry members of the Massachusetts Branch of the League to Enforce Peace, urging support of the league's proposal by the United States; to the Committee on Foreign Affairs.

Also, petitions of sundry citizens of Boston, Mass., relative to increase in salaries of post-office employees; to the Committee on the Post Office and Post Roads.

Also, petition of sundry citizens of Boston and Brookline, Mass., urging that the people be consulted by referendum before Congress declares war; to the Committee on Foreign Affairs.

Also, memorial of the Union League Club, of New York City, indorsing the recent act of the President in severing relations with Germany; to the Committee on Foreign Affairs.

Also, petition of Edward M. O'Connor, of South Boston, Mass., favoring a retirement law and an increase of salary for letter carriers; to the Committee on the Post Office and Post Roads.

Also, petition of James Cochran, of Uphams Corner, Mass., favoring a retirement law and an increase of salary for letter carriers; to the Committee on the Post Office and Post Roads.

By Mr. GLYNN: Petition of postal clerks and letter carriers of Torrington, Conn., for an increase in pay; to the Committee on the Post Office and Post Roads.

By Mr. GRIEST: Memorial adopted by employees of the Post Office Department in Los Angeles, Cal., urging the enactment of legislation providing for automatic promotions and increase of salaries of post-office clerks and carriers; to the Committee on the Post Office and Post Roads.

By Mr. GRIFFIN: Memorial of the City Council of Ironton, Ohio, relative to location of the armor plant; to the Committee on Naval Affairs.

Also, petition of Ruthenian National Union, of Scranton, Pa., favoring House joint resolution 350, relative to funds for relief of Ruthenians; to the Committee on Appropriations.

Also, memorial of Chamber of Commerce of the United States of America, against proposed tax on excess profits; to the Committee on Ways and Means.

Also, memorial of the Union League Club, of the city of New York, indorsing the recent act of the President in severing diplomatic relations with Germany; to the Committee on Foreign Affairs.

Also, petition of the New York State Forestry Association, favoring the appropriation for the eradication of the pine-blister rust, also the amendment to the quarantine act; to the Committee on Agriculture.

By Mr. HOLLINGSWORTH: Memorial of the Eastern Ohio Milk & Cream Producers' Association, protesting against a reduction in tax on oleomargarine when colored yellow in imitation of butter; to the Committee on Ways and Means.

By Mr. KALANIANAOLE: Petition of employees of the United States customs service of Honolulu, Hawaii, relative to readjustment of rating, grades, and salaries; to the Committee on Ways and Means.

By Mr. LEHLBACH: Petition of sundry citizens of Newark, Irvington, Arlington, Orange, South Orange, and West Orange, N. J., protesting against the passage of House bill 18986, Randall mail-exclusion bill; Senate bill 4429, Bankhead mail-exclusion bill; Senate bill 1082, Sheppard District of Columbia prohibition bill; House joint resolution 84, Webb nation-wide prohibition bill; and House bill 17850, Howard bill to prohibit commerce in intoxicating liquors between the States; to the Committee on the Judiciary.

By Mr. LINTHICUM: Petition of sundry citizens of Baltimore, Md., urging that the people be consulted by referendum before Congress declares war; to the Committee on Foreign Affairs.

Also, petition of Mrs. Julia G. Johnston, Easton, Md., urging the passage of the national woman-suffrage amendment; to the Committee on the Judiciary.

Also, petition of Canton National Bank and Park Bank, Baltimore, Md., favoring an amendment to House bill 20661 relative to Federal reserve bank; to the Committee on Banking and Currency.

Also, petition of sundry citizens of Baltimore, Md., protesting against a declaration of war; to the Committee on Foreign Affairs.

By Mr. LOUD: Memorial of C. H. Auschuty, secretary, and 16 other citizens of Tawas City, Mich., protesting against the President severing diplomatic relations with Germany; to the Committee on Foreign Affairs.

Also, petition of Mr. W. J. Oakley, president, and all the members of the executive committee of Typographical Union No. 81, of Bay City, Mich., urging higher wages to printers in post offices; to the Committee on the Post Office and Post Roads.

By Mr. McFADDEN. Memorial adopted by the First Presbyterian Church, Church of Christ, First Baptist Church, Free Methodist Church, and the Woman's Christian Temperance

Union, all of Sayre, Pa., favoring the national prohibition resolution; to the Committee on the Judiciary.

By Mr. MORIN: Petition of A. J. Wurtz and 15 others of the Carnegie Institute of Technology, of Pittsburgh, Pa., with reference to the migratory bird treaty act, House bill 20080; to the Committee on Foreign Relations.

By Mr. NOLAN: Memorial of the Chamber of Commerce of Santa Rosa, Cal., indorsing House bill 1350, the Webb bill, when modified as suggested by the Merchants' Association of New York, so as to permit cooperative action in export trade; to the Committee on Interstate and Foreign Commerce.

Also, petition of American Independence Union, Pacific Building, San Francisco, Cal., Daniel O'Connell, president, and John A. Miller, secretary, protesting against alleged encroachment of executive upon legislative branch of government and urging that every means possible be used to preserve peace with Germany and her allies; to the Committee on Foreign Affairs.

By Mr. PETERS: Petition of L. E. Dow and 14 other employees of the Post Office Department, urging Congress to increase their salaries; to the Committee on the Post Office and Post Roads.

By Mr. ROWE: Petition of Adele O. Merritt, Brooklyn, N. Y., favoring the migratory bird treaty act; to the Committee on Foreign Affairs.

Also, petition of Henry G. Seaver, Brooklyn, N. Y., favoring the migratory bird treaty act; to the Committee on Foreign Affairs.

Also, petition of the Bird Lovers' Club, of Brooklyn, N. Y., favoring the migratory bird treaty act; to the Committee on Foreign Affairs.

Also, petition of sundry citizens of Brooklyn, N. Y., favoring a prohibition amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. TAGUE: Petition of the Commercial Exchange of Philadelphia, commending the act of the Executive in severing relations with Germany; to the Committee on Foreign Affairs.

Also, memorial of the Union League Club, of New York City, indorsing act of the President of the United States in severing diplomatic relations with Germany; to the Committee on Foreign Affairs.

Also, petition of the Wine and Spirit Importers' Society of the United States, protesting against the mail-exclusion bill; to the Committee on the Post Office and Post Roads.

By Mr. TAVENNER: Memorial of Charles J. Weigand, secretary of Lodge No. 695, International Association of Machinists, Rock Island, Ill., protesting against war; to the Committee on Foreign Affairs.

By Mr. TINKHAM: Memorial of a meeting of the board of government of the Hooker Association of Massachusetts, favoring universal and compulsory military training for all male citizens of the United States; to the Committee on Military Affairs.

By Mr. VAN DYKE: Petition of St. Paul (Minn.) Union Ministers' Association, favoring Federal censorship of motion pictures; to the Committee on Education.

By Mr. VARE: Petition of Delaware River Branch, American Society of Marine Draftsmen, asking increased salary; to the Committee on Naval Affairs.

SENATE.

THURSDAY, *February 15, 1917.*

(Legislative day of Wednesday, February 14, 1917.)

The Senate reassembled at 10.30 o'clock a. m., on the expiration of the recess.

POST OFFICE APPROPRIATIONS.

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 VICE PRESIDENT. The pending question is the appeal from the decision of the Chair that the amendment of the Senator from Iowa [Mr. CUMMINS] is in order.

Mr. SMOOT. 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	Culberson	Hollis	Lane
Bankhead	Cummins	James	Lea, Tenn.
Brandegee	Curtis	Johnson, Me.	Martine, N. J.
Broussard	Fernald	Johnson, S. Dak.	Myers
Bryan	Fletcher	Jones	Nelson
Chamberlain	Gallinger	Kenyon	Overman
Clapp	Harding	La Follette	Owen
Page	Sheppard	Smith, S. C.	Vardaman
Penrose	Sherman	Smoot	Walsh
Robinson	Simmons	Tillman	Warren
Shafroth	Smith, Ga.	Townsend	Weeks

Mr. MARTINE of New Jersey. I have been requested to announce that the Senator from Oklahoma [Mr. GORE] is detained from the Senate on account of illness.

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

The Secretary called the names of absent Senators, and Mr. CATRON, Mr. MCCUMBER, Mr. MARTIN of Virginia, Mr. THOMAS, Mr. WADSWORTH, and Mr. WILLIAMS answered to their names when called.

Mr. REED, Mr. KIRBY, Mr. SAULSBURY, Mr. NORRIS, and Mr. BRADY entered the Chamber and answered to their names.

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

SENATOR FROM MISSISSIPPI.

The VICE PRESIDENT. The Chair lays before the Senate the credentials of JOHN SHARP WILLIAMS, chosen by the qualified electors of the State of Mississippi a Senator from that State, for the term beginning March 4, 1917, which will be printed in the RECORD and placed on the files of the Senate.

The credentials are as follows:

STATE OF MISSISSIPPI.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

To all to whom these presents shall come, greeting:

This is to certify that on the 7th day of November, 1916, JOHN SHARP WILLIAMS was duly chosen by the qualified electors of the State of Mississippi a Senator from the said State 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.

Witness: His excellency our governor, Theodore G. Bilbo, and our seal hereto affixed at Jackson, Miss., this the 1st day of February, in the year of our Lord 1917.

[SEAL.] THEODORE G. BILBO.

By the governor.

JOSEPH W. POWER, *Secretary of State.*

POST OFFICE APPROPRIATIONS.

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.

Mr. CUMMINS. Mr. President, the pending question, as I understand, is an appeal from the ruling of the Chair, in which the Chair held that an amendment which I offered last evening to the Post Office appropriation bill was in order. The objection made by the Senator from Florida [Mr. BRYAN] was that the amendment presented general legislation as an amendment to an appropriation bill.

I desire to say just a word with regard to the validity of the ruling. In my opinion the amendment is not general legislation. If our rule was the same as that recognized in the House of Representatives the amendment would be subject to a point of order, but there is a vast difference between "new legislation" and "general legislation." The present law upon the subject was adopted in an appropriation bill. I think that creates at least the presumption that the amendment is not general legislation. The present statute is as follows:

Provided, That hereafter every railroad company carrying the mails shall carry on any train it operates, and without extra charge therefor, the persons in charge of the mails when on duty and traveling to and from duty, and all duly accredited agents and officers of the Post Office Department and the railway mail service and chief clerks and post-office inspectors while traveling on official business upon the exhibition of their credentials.

The amendment which I have proposed seeks to incorporate in the present law these words: "Including all terminal clerks, transfer clerks, and clerks assigned to the offices of division superintendents." In my judgment the law as it was passed last year ought to have been construed to include these post-office employees, for it provides that "persons in charge of the mails when on duty and traveling to and from duty, and all duly accredited agents and officers of the Post Office Department" shall be so carried; but I understand that the Post Office Department has ruled that the clerks in the terminal offices, most of whom have been transferred from the trains to those offices in order to expedite or to reduce the expense of the work that is ordinarily done upon railway mail trains, are not within the statute.

I do not desire at this time to again discuss the merits of the proposition; but it is obvious to me that an amendment which simply extends to certain of the Post Office Department employees the same privileges that are now accorded to other employees who do practically the same kind of work is not general legislation.