Also, petition of Children's Museum, of Brooklyn, N. Y., favoring passage of migratory-bird treaty act; to the Committee on Foreign Affairs.

Also, petition of J. McD. Thomson, of Brooklyn, N. Y., favoring national prohibition; to the Committee on the Judiciary.

Also, memorial of the Northeastern Association of Fish and Game Commissioners, relative to Federal control of all anadromous fishes; to the Committee on the Merchant Marines and Fisheries.

Also, petitions of sundry citizens of Brooklyn, N. Y., favoring submitting amendment for national prohibition to vote of people; to the Committee on the Judiciary.

By Mr. SCULLY: Memorial passed by Central Labor Union, Washington, D. C., asking a referendum vote on the District dry vote; to the Committee on the District of Columbia.

Also, memorial of New Jersey Society of the Sons of the Revolution, favoring universal military training; to the Committee on Military Affairs.

Also, memorial of National Association of Master Bakers, Chicago, Ill., indorsing efforts of the President in his management of foreign affairs; to the Committee on Foreign Affairs.

Also, petition of sundry citizens of Minneapolis, praying for peace; to the Committee on Foreign Affairs.

Also, petitions of 40 Woman's Christian Temperance Union people, 200 people of Union Sunday School rally, and 60 people of Presbyterian Church, all of Atlantic Highlands, N. J., favoring national prohibition; to the Committee on the Judiciary.

Also, memorial of national executive committee, Socialist Labor Party, relative to German situation; to the Committee on Foreign Affairs.

By Mr. TAGUE: Petition of sundry citizens of Boston, Mass., calling upon the Government to arm our merchant ships now and employ the strength of our Navy to protect them in their legal rights; to the Committee on Foreign Affairs.

Mr. TIMBERLAKE: Petition of 69 citizens of Sterling, Colo., urging Government assistance to alleviate the suffering of the poor on account of the food scarcity; to the Committee on Appropriations.

By Mr. YOUNG of North Dakota: Petition of 50 citizens of Streeter, N. Dak., protesting against decaration of war; to the Committee on Foreign Affairs.

Also, petition of 20 citizens of Kongsberg, N. Dak., protesting against declaration of war; to the Committee on Foreign Affairs.

Also, petition of Andrew Bommer and 55 other citizens of Sanborn, N. Dak., protesting against war with Germany; to the Committee on Foreign Affairs.

SENATE.

FRIDAY, *March 2, 1917.*

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

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

Almighty God, we seek the answer of a good conscience before Thee at the beginning of this day and as we face the solemn responsibilities of this hour. Since the writing of our Constitution, the charter of our rights born in prayer, we have been seeking the ideal. The field of our endeavor has opened to us the opportunity for the development of all our powers. In the conflict of opinion, sometimes in the clash of interest, we thank God, we have never lost sight of our great national ideals. Today we pray that we may hold in view that for which we have been brought into existence. May we remember that Thou hast laid Thy hand upon us that we may proclaim righteousness and peace and honor and justice among men. In so far as we are true to our ideals of the past, we shall be ready for the summons to service, whatever it may be, in the future. Guide us according to Thy will. For Christ's sake. Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. SIMMONS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

THE COAST GUARD (S. DOC. NO. 734).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, relative to an additional appropriation for the maintenance of the Coast Guard, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

NAPOLEON B. GIDDINGS (S. DOC. NO. 733).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury calling attention to the fact that the act approved February 8, 1917, for the relief of the legal representatives of Napoleon B. Giddings, does not provide an appropriation for the payment of that claim and that an appropriation of $1,950 will be necessary to enable the Treasury Department to carry out the evident intention of the act, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

INDIAN DEPREDATION CLAIMS (S. DOC. NO. 730).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, pursuant to law, a list of judgments rendered by the Court of Claims in favor of claimants in Indian depredation cases amounting to $22,000, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

PUBLIC UTILITIES COMMISSION (S. DOC. NO. 735).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a communication from the Commissioners of the District of Columbia submitting a deficiency estimate of appropriation in the sum of $352.03 for incidental and other necessary expenses of the Public Utilities Commission of the District of Columbia for the fiscal year 1916, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

LIST OF JUDGMENTS.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a list of judgments rendered against the Government by the district courts of the United States under the provisions of the act of March 3, 1887, as submitted by the Attorney General, etc. (S. Doc. No. 731), which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting, pursuant to law, a list of judgments rendered by the Court of Claims amounting to $81,411.84, etc. (S. Doc. No. 732), which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

LIST OF CLAIMS (S. DOC. NO. 729).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, pursuant to law, schedules of claims amounting to $215,224.88 allowed by the several accounting officers of the Treasury Department under appropriations the balances of which have been exhausted or carried to the surplus fund, etc., which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

MESSAGE FROM THE HOUSE.

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

S. 8307. An act authorizing the granting of patent to certain lands adjacent to the agricultural experimental station at Scottsbluff, Nebr., to the regents of the University of the State of Nebraska for dry-land agricultural experimental purposes; and

S. 8317. An act to authorize the Legislature of Alaska to establish and maintain schools, and for other purposes.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20827) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War and to widows of such soldiers and sailors.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20496) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War and to widows of such soldiers and sailors.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 8120) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War and to certain widows and dependent relatives of such soldiers and sailors.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 8296) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War and to certain widows and

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dependent relatives of such soldiers and sailors, further insists upon its amendments Nos. 12, 17, and 20 to the bill disagreed to by the Senate, asks a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. KEY of Ohio, Mr. KEATING, and Mr. SELLS managers at the further conference on the part of the House.

The message also announced that the House had passed the bill (S. 778) to authorize an exchange of lands with owners of private holdings within the Glacier National Park with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House agrees to the amendments of the Senate to the bill (H. R. 20082) to amend an act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19300) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1918.

PETITIONS AND MEMORIALS.

Mr. NELSON. I send the following telegram to the desk and ask to have it read.

There being no objection, the telegram was read, as follows:

ST. PAUL, MINN., *March 1, 1917.*

Hon. KNUTE NELSON,
United States Senate, Washington, D. C.:

We, citizens of St. Paul, Minn., filled with indignation at the astounding revelations of German intrigue, and that the crime of the *Lusitania* should be repeated after the lapse of two years in the crime of the *Laconia*, are unalterably opposed to any policy of peace at the expense of the honor or safety of the Nation. We oppose any further delay in meeting and preparing to meet the grave emergency which has arisen or any emergency which may arise. We pledge our loyal support for any measures you may take to protect the lives and rights of Americans on land or sea.

Patriotic League of St. Paul: Charles W. Ames, Stiles W. Burr, G. A. Thornton, Frank J. Ottis, Pierce Butler, Charles W. Shott, Chester I. Caldwell, W. Raudenbusch, Rev. Edward W. Cross, Benj. Sommers, Edward P. Davis, Joseph McKibbin, Charles W. Farnham, C. E. MacKean, Sanford H. E. Freund, J. T. Henderson, Charles Lyman Greene, Milton Blair, Arthur P. Lothrop, Frank Y. Locke, Robert E. Olds, Frank Ford, Arthur H. Savage, Frederick G. Stutz, Francis B. Tiffany, Ambrose Tighe, Rev. James Wallace, Samuel Appleton, Charles Villaume, Edward H. Morphy, Norman Nelson, A. C. Dent, Walter J. Driscoll, R. P. Sherer, L. E. Katzenbach, Alex E. Janes, Frank J. Savage.

Mr. MARTINE of New Jersey. I present a number of telegrams which I ask to have printed in the RECORD.

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

ELIZABETH, N. J., *March 1, 1917.*

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

As a voter in the fifth congressional district of New Jersey, I urgently request you to support and vote for the plan covered by Senate bill 1695, reported by Senator CHAMBERLAIN February 10, 1917, providing for compulsory military and naval training and service, preferably with such modifications of it as may be recommended by the General Staff of the Army and the General Board of the Navy. Compulsory military and naval training and service are absolutely necessary for the proper defense of the country and for the inculcation of the vital principle of obedience in the youth of the United States.

JOHN A. HALL.

ELIZABETH, N. J., *March 1, 1917.*

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

As a voter in the fifth congressional district of New Jersey, I urgently request you to support and vote for the plan covered by Senate bill 1695, reported by Senator CHAMBERLAIN February 10, 1917, providing for compulsory military and naval training and service, preferably with such modifications of it as may be recommended by the General Staff of the Army and the General Board of the Navy. Compulsory military and naval training and service are absolutely necessary for the proper defense of the country and for the inculcation of the vital principle of obedience in the service of the United States.

CHARLES F. WETHERBEE.

ELIZABETH, N. J., *March 1, 1917.*

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

As a voter in the seventh congressional district of New Jersey, I urgently request you to support and vote for the plan covered by Senate bill 1695, reported by Senator CHAMBERLAIN February 10, 1917, providing for compulsory military and naval training and service, preferably with such modifications of it as may be recommended by the General Staff of the Army and the General Board of the Navy. Compulsory military and naval training and service are absolutely necessary for the proper defense of the country and for the inculcation of the vital principle of obedience in the service of the United States.

R. W. MILLER.

Mr. THOMPSON. I present a telegram from the faculty and students of Baker University, Baldwin, Kans., urging support of the President, which I should like to have read.

There being no objection, the telegram was read, as follows:

BALDWIN, KANS., *March 1, 1917.*

Senator W. H. THOMPSON,
Washington, D. C.:

Faculty and students of Baker University by unanimous and hearty vote urge your support of the President in working out a program in this crisis that will maintain the Nation's honor and protect the rights of American citizens.

WILBUR N. MASON.
MARK SHEPARD,
President Student Council.

Mr. HARDING. I have resolutions adopted by the Ashtabula Chamber of Commerce of Ohio and of the Warren Board of Trade of Ohio, relating to the application of the surplus in the hands of the Bureau of Naturalization to the furthering of American citizenship, which I should like to have printed in the RECORD.

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

ASHTABULA CHAMBER OF COMMERCE AND WARREN BOARD OF TRADE.

Resolution adopted by the Chamber of Commerce of the City of Ashtabula, Ohio.

Whereas the naturalization law of 1917 has wisely set a higher standard for citizenship among foreigners by requiring a knowledge of the principles upon which our Government is founded, and of the significance of the oath of allegiance; and

Whereas every encouragement should be given worthy aliens to assume American citizenship, because participation in government is of the highest value in the process of assimilation; and

Whereas the Federal Government, through its Bureau of Naturalization, has begun to share in the responsibility laid upon it by inaugurating a campaign to cooperate actively with the public schools in the establishing of day and night classes for the instruction of foreigners in citizenship, which campaign is most earnestly commended; and

Whereas the Federal Government has accumulated a fund, over and above the appropriations of Congress for the administration of the Bureau of Naturalization, of more than $400,000, being fees paid by foreigners in securing naturalization papers; and

Whereas the Secretary of Labor, in his annual report of estimates for the fiscal year 1917, has asked for the use of $30,000 of said surplus fees to be used for promoting instruction and training in citizenship of applicants for naturalization, including personal services in the District of Columbia, attendance at educational and citizenship conventions by officers and employees of the Bureau of Naturalization, and members of its field force, and other necessary expenses incidental thereto; and

Whereas we believe that naturalization funds should not be used to pay the current expenses of the Government, but that all surplus moneys paid in through these channels should be used only for the betterment of conditions among the foreigners, to provide for a closer inspection of those aliens who are seeking citizenship, to furnish a means by which a more practical and thorough cooperation can be maintained between the Federal Government and the public schools in the education of foreigners, and to assist in the great Americanization movement in all other possible ways: Now, therefore,

Resolved, That the Chamber of Commerce of the City of Ashtabula hereby declares itself in favor of the use of all surplus fees received by the Federal Government from applicants for citizenship for the education of the alien in his civic privileges, duties, and responsibilities, and to this end we hereby petition the Ohio delegaton in Congress to work for the passage of a bill placing such funds at the disposal of the Naturalization Bureau; and be it further

Resolved, That a copy of this resolution be sent to each Member of the Ohio delegation in Congress, Senators and Representatives, and to the chairman of the Senate Committee on Immigration, with request that it be printed in the CONGRESSIONAL RECORD.

Adopted February 26, 1917.

Mr. HARDING. I have a petition of sundry citizens of Columbus, Ohio, asking that Congress shall not delegate the war-making authority to the President of the United States. I ask that it be printed in the RECORD.

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

COLUMBUS, OHIO, *February 26, 1917.*

Hon. WARREN G. HARDING, United States Senator,
Washington, D. C.

DEAR SIR: We, the undersigned citizens of the United States of America, most earnestly ask you, our Representative in Congress, to vote against any bill delegating to the executive branch of the Government the power to declare war against any foreign power, and also to vote against any other bill of aforesaid or similar intent, as we believe such delegation of power to be clearly in violation of the Constitution of the United States.

We do not believe that the United States have at the present time a single grievance of sufficient magnitude against any foreign Government to warrant any drastic or warlike measures, but we do believe that our relations with both sets of the European belligerents should be governed by the same moral principles without favor, fear, or bias.

If further international complications should arise, we most urgently request you to strive with all your power toward a referendum, submitting to the people of the United States the question of whether or not to declare war, as we believe this to be the only way to ascertain the will of the people, who being the ones to suffer most from the dreadful consequences of war should have the right, in a Republic like ours, to decide for themselves the policy of the Nation in as serious a situation as the present.

Mr. GRONNA. I have a telegram from Thomas Hall, secretary of state of the State of North Dakota, requesting Congress to set apart certain lands for park purposes. I ask that it be printed in the RECORD.

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

BISMARCK, N. DAK., *February 27, 1917.*

Senator A. J. GRONNA,
Washington, D. C.:

Fifteenth legislative assembly adopted resolution requesting Congress to set apart for a national reserve and historical park southeast quarter of section 14 and the fractional southwest quarter of section 14, township 152 north of range 93, comprising 253 acres; northwest part of Fort Berthold Reservation, adjoining the town of Sanish, in Montrail County.

THOMAS HALL,
Secretary of State.

Mr. GRONNA. I also have a number of telegrams from bankers in my State. I ask that the first one may be read, and that all be noted in the RECORD.

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

WILLISTON, N. DAK., *March 1, 1917.*

Senator A. J. GRONNA,
Washington, D. C.:

Banks in this part of the State are very much interested in Senate bill 8259. Can you not get bill passed to allow us to make a reasonable charge, not to exceed 10 cents per hundred.

W. S. DAVIDSON.

Telegrams from M. G. Evanson, of Crosby; C. R. Green, vice president of the North Dakota Bankers' Association, of Cavalier; George F. Carpenter, of Williston; S. J. Rasmussen, of Minot; First National Bank of Binford; First National Bank, Foster County State Bank, and Commercial State Bank, of Carrington; Merchants' Bank, Citizens' State Bank, and Security Bank, of Rugby; and J. J. Nierling, of Jamestown, all in the State of North Dakota.

Mr. GRONNA. I ask to have the following telegram read.

There being no objection, the telegram was read, as follows:

WASHINGTON, D. C., *February 26, 1917.*

ASLE J. GRONNA,
343 Senate Office Building, Washington, D. C.:

Emergency Peace Federation protests against proposal that Congress abdicate any of its constitutional functions. To center in one man tremendous power of virtually waging war is not that new freedom or wider democracy which we were told a few years ago was the goal of the American Nation.

President holds "No one doubts what it is our duty to do"; that "We must defend our commerce and lives of our people."

We assert our rights can not be effectively safeguarded by armed force. We urge all claims for reparation be adjusted as were *Alabama* claims after the Civil War, by judicial process only. We gratefully recognize patience, courage, and moral wisdom of the President; but we believe he mistakes the temper of those silent masses for whom he desires to speak if he thinks this country is willing to contemplate war or a state of virtual warfare as a solution of our present difficulties.

EMERGENCY PEACE FEDERATION,
LELLA FAYE SECOR, *Secretary.*

Mr. SHERMAN. I present a telegram from the Illinois Staats Zeitung, a German newspaper published in Chicago, Ill., in the German tongue, owned by a publishing company of which Mr. Horace L. Brand, the principal holder of the shares, is editor. Mr. Brand was born of German parents, but is of American birth. In the telegram he condemns the Zimmermann note, or letter, if it is authentic, and it was shown here yesterday evening that it is. Mr. Brand has never failed to proclaim his loyalty to our country. I ask that the telegram be read, as it is from a prominent German-American citizen and would have very large influence among citizens of that origin living in our country.

There being no objection, the telegram was read, as follows:

CHICAGO, ILL., *March 1, 1917.*

Senator LAWRENCE Y. SHERMAN,
Washington, D. C.:

In our opinion, new Congress should reassemble in special session immediately after present Congress dies. Congress should retain all constitutional rights and privileges. Congress should give our people fullest information regarding alleged Zimmermann instructions. This paper condemns Zimmermann note if it was correctly copied and is authentic as printed to-day.

ILLINOIS STAATS ZEITUNG.

Mr. SHERMAN. I present, further, an editorial from the Chicago Tribune on our citizen soldiers, which I ask to have read.

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

The Secretary proceeded to read the editorial, and was interrupted by

Mr. OWEN. Has the Secretary concluded the reading?

The VICE PRESIDENT. There are four lines more.

Mr. OWEN. I object to the further reading of the editorial.

The VICE PRESIDENT. Shall the editorial be read? [Putting the question.] The noes seem to have it. The noes have it.

Mr. WILLIAMS. Mr. President, we are within two days now of the close of the session, and I shall give notice—I did not want to be invidious, but I can give notice now—that I shall object to the reading of all letters, telegrams, and newspaper articles. There is too much work to do. I think it is a useless consumption of the time of the Senate.

The VICE PRESIDENT. Are there further petitions and memorials?

Mr. FLETCHER. I desire to present a communication from the harbor and navigation committee of the Philadelphia Chamber of Commerce, which I ask to have read.

Mr. WILLIAMS. What is it?

The Secretary read as follows:

PHILADELPHIA CHAMBER OF COMMERCE,
February 28, 1917.

Hon. DUNCAN U. FLETCHER,
United States Senate, Washington, D. C.

DEAR SIR: The harbor and navigation committee of the Philadelphia Chamber of Commerce at a meeting held to-day adopted the following resolution:

"*Resolved*, That the harbor and navigation committee of the Philadelphia Chamber of Commerce indorse the river and harbor bill as reported to the Senate by the majority of the Committee on Commerce; and be it further

"*Resolved*, That this committee earnestly requests of United States Senate favorable consideration of this bill, affirmative action thereon, and every effort that may be possible at this time toward securing passage of the same before adjournment of Congress."

Trusting you may see your way clear to lend your energies toward the passage of this bill, we are,

Yours, truly,

N. B. KELLY,
General Secretary.

Mr. THOMAS. Mr. President, I received a short letter a day or two ago, evidently from a workingman, which is so sensible and simple a criticism of the conditions underlying the——

Mr. WILLIAMS. Mr. President, I call for the regular order.

Mr. THOMAS. This is the regular order.

The VICE PRESIDENT. The Senator from Colorado is presenting a petition, the Chair understands.

Mr. WILLIAMS. If it is a petition or memorial, of course I will not object.

Mr. THOMAS. The Senator may object, but I am going to read this letter at some time, and he might just as well let me read it now as hereafter.

Mr. WILLIAMS. If the Senator desires to take up the time of the Senate in the last two days of the session, when we are crowded with work, by reading such letters as he thinks are interesting which come in his own private mail, I of course can not prevent him from doing so in his own time, but I can prevent such letters from being read by the Secretary.

Mr. THOMAS. If the Senator thinks because he is not interested in matters of this kind the people are not, I am very sorry. I think this is an important matter or I would not pretend to take up any of the time of the Senate in its consideration. I am going to read the letter now or I will read it at some other time.

Mr. WILLIAMS. I call for the regular order, Mr. President.

Mr. THOMAS. As a memorial to the Senate of the United States, or to the people through the Senate, I shall read the following letter:

[From Emanuel V. Aler, Lauraville, Md., P. O. Box 33.]

Senator C. S. THOMAS.

DEAR SIR: In regards to the bread riot in New York, claiming attention in the Senate a few days ago. The papers quote you as saying increased salaries were no cure for the increasing cost of living. (I say so, too.) It is not a cure, but it is the cause. (This is why I say so.) Last July, up near Pittsburgh there is a munition plant and some few get big pay, $8 and $10 a day; even more in dangerous parts of the plant, but they are only a few compared with the others working in the same town at different trades, some as low as $1.75 per day, $2, $2.50, and $3, and so on, but only a few get $8 or $10. Now, the laboring man has to live at $1.75 to $2.25. Now, let us see how increase in salary works. Cost of living goes up, the country people come in to this same town with their produce and say, "Why, you are getting big pay, $8 and $10, and we want 60 cents for eggs and 70 cents for our butter." Now, where or how does the man get his eggs and butter and many other things who has only $1.75 to $2.25 per day?

There, Mr. President, is the whole philosophy of the high cost of living.

Mr. TOWNSEND presented a petition of sundry citizens of Reed City, Mich., praying for the enactment of legislation to prohibit interstate shipment of liquor through dry territory, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Ann Arbor, Mich., praying that the United States remain at peace, which was referred to the Committee on Foreign Relations.

Mr. WARREN presented a petition of the American Bankers' Association, in convention at Kansas City, Mo., praying for the adoption of certain amendments relating to the collection of checks to the Federal reserve act, which was ordered to lie on the table.

Mr. WEEKS presented a petition of the Board of Aldermen of Chelsea, Mass., praying for the placing of an embargo on food products, which was referred to the Committee on Foreign Relations.

Mr. JOHNSON of South Dakota presented petitions of sundry citizens of Deadwood, S. Dak., praying for national prohibition, which were ordered to lie on the table.

Mr. PENROSE presented a petition of sundry citizens of Bedford, Pa., praying for Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

Mr. ASHURST. I present a telegram and a petition from citizens of Arizona, praying for the enactment of legislation to permit mining on Indian reservations. I ask that they may be printed in the RECORD.

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

PHOENIX, ARIZ., *February 19, 1917.*

Hon. H. F. ASHURST,
Washington, D. C.:

We, the undersigned citizens of Arizona, respectfully urge you to use every possible effort to secure the passage of bill permitting mining on Indian reservations before the expiration of the present Congress.

W. F. Brawner, W. P. Geary, W. Morgan, J. B. Breathitt, J. W. Weatherford, Bernie Zachau, J. D. Adams, Vernon L. Vaughan, Newland Jones, J. C. Callaghan, J. N. Gaines.

—

PHOENIX, ARIZ., *February 8, 1917.*

Hon. HENRY F. ASHURST,
United States Senate, Washington, D. C.

DEAR SIR: We, the undersigned citizens of the States of Arizona, respectfully request that you use your influence to secure the early passage of bill to authorize mining for metalliferous minerals on Indian reservations.

C. W. Hartman, Phoenix; C. T. Love; E. H. Porter; John H. Wilson; D. F. Johnson; J. F. Hurley; H. A. MacFarland; Joseph Brown, jr.; D. W. Steele; C. C. Thompson; Lewis R. Carpie; Weldon Irvin; C. H. Hunselman; William Wilson; J. M. Burson; Harry Ceeing; O. B. Ruggles; J. M. Ruggles; W. T. Burt; H. C. Hurley, Phoenix, Ariz.; W. R. Inghram, Yuma, Arz.; W. H. Williams, Bouse, Ariz.; W. H. Wilky; J. C. Reed; Geo. J. Erhardt; Dr. Ancil Nanton; Dr. Wise Wylie; George J. Sturdman; G. R. Bullard; Geo. M. Townsend; Ed. L. Shaw; Roy S. Goodrich; G. W. Elias; I. C. Aulenbach, Phoenix; E. C. Moore; J. W. Stacy.

Mr. DU PONT. I present resolutions on universal training for national defense which were adopted at the last meeting of the Society of Colonial Wars in the District of Columbia, held in Washington, D. C., February 3, 1917. I ask that the resolutions be printed in the RECORD.

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

Resolutions on universal training for national defense, February 23, 1917.

SOCIETY OF COLONIAL WARS
IN THE DISTRICT OF COLUMBIA,
Washington, D. C.

To the SENATE OF THE UNITED STATES:

At the last meeting of the Society of Colonial Wars in the District of Columbia, held at the New Willard Hotel on the evening of February 23, 1917, the following resolutions were unanimously adopted.

Mr. Frederic Louis Huidekoper, one of the foremost civilian military authorities in this country, presented the resolution:

"*Resolved*, That this society present memorials to the President and to the Congress of the United States urging strongly the immediate establishment of a system of universal training for national defense, exclusively under Federal control, adapted to American requirements and embracing all young men between the ages of 18 and 23, coupled with the obligation of service in time of war up to the age of 45 years, according to each man's capacity; and further be it

"*Resolved*, That this resolution be transmitted to the General Society of Colonial Wars for its consideration and adoption in this time of national crisis and for like action by the various State societies."

Upon motion, duly seconded, this resolution was carried unanimously.

The chaplain of the society, the Rev. William Tayloe Snyder, presented the following:

"The Society of Colonial Wars in the District of Columbia in meeting assembled, February 23, 1917, unanimously adopts the following minute:

"'After exhausting the resources of diplomacy in an effort to avert war, the President has now taken the only course consistent with national self-respect.

"'War with Germany will not ensue unless the Imperial German Government knowingly violates well-settled principles of international law and violates them with intent definitely hostile to the United States. In that event war will inevitably follow, not by our own act, but through the deliberate choice of a self-confessed disturber of the peace of the Western World.

"'If any honest doubt exists respecting the cause of war in Europe, the awful responsibility for extending it to this hemisphere will rest upon Germany and upon Germany alone.

"'It may be that the Imperial German Government is misinformed respecting the temper of the people of the United States, just as that Government is supposed to have misconceived the sentiment of the British Empire at the outbreak of the European war. If so, and before fatal action based upon so grave a mistake is taken, Germany should be made aware of the essential unity of our people and of their loyal determination to make all sacrifices necessary to protect our liberty and to maintain our honor. To this end we call upon all bodies similar to ours throughout the country and upon all groups of citizens organized for whatever purpose to meet without delay and express themselves with no uncertain voice respecting the course that they will be prepared to follow.

"'We urge all such groups of citizens, secular and religious, large and small, societies, clubs, and institutions of every sort, to unite with us in giving immediate public expression to such convictions as those which we now solemnly record:

"'First. That the act of the Executive in severing diplomatic relations with Germany is one to be approved and commended by all who have the best interests of the United States at heart.

"'Second. That the German declaration of January 31, 1917, represents an unjustified and unjustifiable attempt to destroy the freedom of the sea and to abridge the commercial liberty guaranteed to us by established law and custom; and that if the Government of the United States were to acquiesce therein such action would be resented by all good citizens as in the highest degree pusillanimous and as altogether inconsistent with the spirit and traditions of a free people.

"'Third. That the President will be justified in recommending to Congress the most extreme measures that may be deemed necessary to protect life, liberty, and property; and that it is our duty and that of all loyal citizens to tender immediately to the Government all the service of which we severally and collectively are capable.

"'Fourth. That while all should stand ready to volunteer if voluntary service is called for, yet Congress, in providing for our common safety, should not adopt emergency measures merely, but should definitely recognize the principle that the duty of defending the Nation rests equally upon all citizens capable of service. To the end, therefore, that the burden of safeguarding the country should no longer be cast exclusively upon the loyal National Guard and upon other patriotic military and naval volunteers Congress should be urged to exercise its constitutional power "to raise and support armies" by establishing immediately a permanent and democratic system of defense based upon universal service and training under direct and exclusive Federal control.

"'A copy of this minute is ordered to be transmitted to the President of the United States, to the Secretary of War and other members of the Cabinet, to the members of both congressional Committees on Military Affairs, and to every chamber of commerce in the United States.'"

The secretary of the society, Mr. Frederic Bulkeley Hyde, suggested the following resolutions, which were likewise adopted by a unanimous vote:

"Inasmuch as our beloved country is passing through one of the great crises of its existence and the safe-keeping of the Nation is largely in the hands of the President of the United States: Therefore let it be

"*Resolved by this society*, That it is the sense of every member of the Society of Colonial Wars in the District of Columbia here present that every loyal citizen of this country should stand squarely behind the President in this hour of national peril; and be it further

"*Resolved*, That this society individually and collectively shall so stand behind him in any step he may find necessary to take to uphold the honor and dignity of the Nation."

The secretary of the society hereby has the honor of transmitting these resolutions to the President, to the Vice President, and members of the Cabinet, to the constituent Members of the Congress of the United States, and certain of the committees thereof, to various chambers of commerce, and to the officers of the General Society of Colonial Wars, and to each State Society of Colonial Wars.

The secretary, acting in conformity with the spirit of these resolutions, ventures to suggest that the action here requested be taken by the General Society and by the State Societies of Colonial Wars, and that they in turn urge their individual members to make every possible effort to the end that the measures required for national defense be immediately enacted into law by Congress.

FREDERIC BULKELEY HYDE, *Secretary.*

WASHINGTON, D. C., *February 24, 1917.*

ADDRESS BY HON. ELIHU ROOT.

Mr. LODGE. Mr. President, I desire to have printed as a public document an address by Hon. Elihu Root, president of the American Bar Association, at the annual meeting in Chicago, Ill., August 30, 1916. I ask that it be referred to the Committee on Printing.

The VICE PRESIDENT. That action will be taken.

AMENDMENT OF FEDERAL RESERVE ACT.

Mr. OWEN. I ask unanimous consent that the Senate proceed to the consideration of Senate bill 8259, proposing certain amendments to what is known as the Federal reserve act.

The VICE PRESIDENT. Is there objection?

Mr. CLARK. I think we ought to proceed with the morning business.

The VICE PRESIDENT. There is objection. Reports of committees are in order.

REPORTS OF COMMITTEES.

Mr. ASHURST, from the Committee on Indian Affairs, to which was referred the bill (S. 6857) for the relief of John Flanigan, reported it with amendments and submitted a report (No. 1136) thereon.

Mr. THOMAS, from the Committee on Public Lands, to which was referred the bill (S. 7766) for the relief of Guy A. Richards, Jesse L. Robbins, Isaac M. C. Grimes, William L. Irvine, and David Cox, reported it without amendment and submitted a report (No. 1137) thereon.

Mr. MYERS, from the Committee on Public Lands, to which was referred the amendment submitted by the Senator from Tennessee [Mr. LEA] on the 1st instant, proposing to appropriate $4,000 to pay John W. Keener for compiling and indexing the public-lands statutes of the United States, intended to be proposed to the general deficiency appropriation bill (H. R. 21069), reported favorably thereon (S. Rept. No. 1138) and moved that it be referred to the Committee on Appropriations and printed, which was agreed to.

PATENTS TO OIL OR GAS LANDS.

Mr. MYERS. I report from the Committee on Public Lands the joint resolution (S. J. Res. 219) authorizing the Secretary of the Interior to suspend action upon applications for patents to withdrawn oil or gas lands. I ask that the report and the joint resolution be read, after which I shall ask unanimous consent for the immediate consideration of the joint resolution.

Mr. SUTHERLAND. I object.

Mr. MYERS. I ask the Senator from Utah to first hear the resolution read. I will ask the Secretary to read the resolution.

Mr. WILLIAMS. Is it a report?

Mr. MYERS. I have asked that the resolution be read.

Mr. WILLIAMS. I object.

Mr. SUTHERLAND. I withhold the objection, Mr. President.

Mr. WILLIAMS. If it is not within the regular order and is not a report, at this stage of the proceedings I object.

Mr. MYERS. This is a very important matter. I have asked that the joint resolution be read. Will the Senator from Mississippi not wait and hear it read and then determine his action?

Mr. WILLIAMS. The very thing I am objecting to is the consumption of time by reading it.

Mr. MYERS. It is very short, and it will not take as long to read it as I have been talking.

Mr. WILLIAMS. I understand; but unless it is in order at this time as a part of the morning business, as we are pressed for time, I shall object to everything which is not in order.

Mr. MYERS. I ask to have the report read. I believe I have a right to ask that.

Mr. WILLIAMS. The report is in order, and I have no objection to that.

Mr. MYERS. The report is ten times as long as the resolution.

Mr. WILLIAMS. That may be; but the report is in order, and the resolution is not.

Mr. SHAFROTH. I hope the Senator from Mississippi will not insist on his objection. This is a joint resolution which was only ordered reported from the Committee on Public Lands on yesterday. It seems to me that it is an emergency matter which ought to be disposed of before the 4th of March, and that can not be done unless it is brought before the Senate by unanimous consent.

Mr. MYERS. If the Senator from Mississippi would consent to the reading of the report——

Mr. WILLIAMS. I am not objecting to any business being done by the Senate which is in order.

Mr. MYERS. I ask that the report be read.

Mr. WILLIAMS. And if this is a part of the regular business of the Senate, I make no objection, and would have no right to make any if I wanted to. If the report is in order, it ought to be read.

Mr. MYERS. May the report be read, Mr. President?

The VICE PRESIDENT. While, of course, the report is in order, it will take about four times as long to read it as it would to read the resolution.

Mr. OLIVER. I suggest that if the Senator from Mississippi had not objected the business would have been disposed of by this time. His unwarranted objections to the proceedings are only delaying the transaction of the business of the Senate.

Mr. MYERS. I ask that other Senators desist from talking and let us hear the report read.

The VICE PRESIDENT. The regular order is the reading of the report. More time is being consumed in debate than would be required to read the report.

Mr. MYERS. The Senator from Mississippi will not let the joint resolution be read, but the report will disclose what the resolution is.

Mr. JAMES. I ask unanimous consent that the resolution be read instead of the report. We shall save three or four times as much time by doing that.

Mr. WILLIAMS. I have no objection to the reading of the resolution in lieu of the report.

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

The joint resolution (S. J. Res. 219) authorizing the Secretary of the Interior to suspend action upon applications for patents to withdrawn oil or gas lands in connection with which agreements have been or may be made under the act of Congress approved August 25, 1914, was read, as follows:

Resolved, etc., That the Secretary of the Interior is hereby authorized and directed to suspend action, until otherwise directed by law, upon applications for patents, under the mineral-land laws, for withdrawn oil or gas lands against which applications adverse proceedings have been or may be directed by said Secretary or the Commissioner of the General Land Office and in connection with which applications agreements have been or may hereafter be made under the act of Congress approved August 25, 1914 (38 Stats. at L., pp. 708, 709), unless such applicants for patent, or their assigns, shall file a request for such adjudication.

Mr. MYERS. Mr. President——

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

Mr. HUSTING. Mr. President, I object.

The VICE PRESIDENT. The joint resolution, being objected to, goes to the calendar.

Mr. CLARK. Before that action is taken under the objection, I ask the Senator from Montana [Mr. MYERS] if he will not ask for permission to withdraw the report at this time?

Mr. MYERS. I ask leave to withdraw the report.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the report is withdrawn.

Mr. BANKHEAD. Mr. President, I move that the Senate proceed to the consideration of the conference report on the Post Office appropriation bill.

Mr. MARTINE of New Jersey and Mr. SUTHERLAND called for the regular order.

Mr. STONE. I think we had better go on with the regular order.

The VICE PRESIDENT. The regular order is called for. We lose more time trying to save time than in any other way of which the Chair knows.

Mr. MARTINE of New Jersey. As I understand, we are now on the order of reports of committees.

The VICE PRESIDENT. Reports of committees are in order.

Mr. MARTINE of New Jersey. Then I respectfully ask that the report of the Committee on Foreign Relations on the bill which I introduced a week ago which was referred to the Foreign Relations Committee——

Mr. SUTHERLAND. I call for the regular order.

Mr. MARTINE of New Jersey. Is not that in regular order, I ask?

The VICE PRESIDENT. The Senator from New Jersey is not in order.

DIRECT GOVERNMENT IN CALIFORNIA (S. DOC. NO. 738).

Mr. CHILTON, from the Committee on Printing, reported the following resolution (S. Res. 382):

Resolved, That the manuscript submitted by the Senator from California [Mr. PHELAN] on February 27, 1917, entitled "Direct government in California." An account of the operation of the initiative, referendum, and recall, 1903–1916, by Dr. John Randolph Haynes, of Los Angeles, be printed as a Senate document.

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

Mr. OVERMAN. I object.

The VICE PRESIDENT. Being objected to, the report goes to the calendar.

UNCONSTITUTIONALITY OF ACTS OF CONGRESS (S. DOC. NO. 737).

Mr. CHILTON, from the Committee on Printing, reported the following resolution (S. Res. 383):

Resolved, That the manuscript submitted by the Senator from Texas [Mr. SHEPPARD] on February 27, 1917, entitled "Withdrawing from the Federal courts the power to declare acts of Congress void," an address by Senator ROBERT L. OWEN, be printed as a Senate document.

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

Mr. REED. What is the resolution, Mr. President? We could not hear on this side of the Chamber.

The VICE PRESIDENT. Of course, no one can hear while everyone is talking.

Mr. REED. I want to know the outcome as to the printing of the document referred to in the resolution reported by the Senator from West Virginia.

The VICE PRESIDENT. The Chair is inquiring whether or not there is objection to the present consideration of the resolution?

Mr. PENROSE. I object.

Mr. REED. What is the resolution? That is what I desire to ascertain.

The VICE PRESIDENT. There is objection to it any way, so the resolution goes to the calendar.

THE INITIATIVE AND REFERENDUM (S. DOC. NO. 736).

Mr. CHILTON, from the Committee on Printing, reported the following resolution (S. Res. 384):

Resolved, That the manuscript submitted by the Senator from Oklahoma [Mr. OWEN] on March 1, 1917, entitled "The Present Status of the State-Wide Initiative and Referendum," by Judson King, executive secretary, the National Popular Government League, be printed as a Senate document.

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

Mr. PENROSE. I object.

Mr. OWEN. Mr. President, I now notify the Senate that I will read that article into the RECORD. I am going to have these documents——

The VICE PRESIDENT. The Senator from Oklahoma is out of order.

Mr. SUTHERLAND. Regular order!

The VICE PRESIDENT. Why can we not proceed here in good nature this morning? This manner of proceeding does no good. All Senators know what the rules are. Are there further reports of committees?

ORDER OF BUSINESS.

Mr. STONE. What is the order of business?

The VICE PRESIDENT. Reports of committees.

Mr. STONE. I ask that the bill (S. 8322) presented on behalf of the Committee on Foreign Relations, authorizing the arming of merchant ships, and so forth, be now read the second time for reference to the Committee on Foreign Relations.

The VICE PRESIDENT. It has been read, and reported from the committee, and is now on the calendar.

Mr. STONE. When was that done?

The VICE PRESIDENT. Yesterday.

Mr. STONE. Is that the Senate bill?

The VICE PRESIDENT. It is.

Mr. STONE. It was not done on my motion.

The VICE PRESIDENT. It was reported by the Senator from Missouri.

Mr. STONE. I did not report it.

The VICE PRESIDENT. There is no question of doubt about the Senator from Missouri having reported it on yesterday.

Mr. SUTHERLAND. I ask for the regular order.

The VICE PRESIDENT. If there are no further reports of committees, bills and joint resolutions are in order.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

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

By Mr. SMOOT:

A bill (S. 8327) granting to the Lincoln Highway Association, incorporated under the laws of the State of Michigan, a right of way through certain public lands of the United States; to the Committee on Public Lands.

By Mr. SUTHERLAND:

A bill (S. 8328) to create a legislative drafting service and a joint committee on legislative drafting; to the Committee on the Judiciary.

By Mr. HOLLIS:

A bill (S. 8330) to provide Federal aid to the States in the promotion of education; to the Committee on Education and Labor.

By Mr. FLETCHER:

A bill (S. 8331) for the relief of the heirs of Joseph Sierra, deceased; to the Committee on Claims.

By Mr. OWEN:

A joint resolution (S. J. Res. 220) relating to the constitutionality of acts of Congress; to the Committee on the Judiciary.

By Mr. SHIELDS:

A joint resolution (S. J. Res. 221) authorizing the President to use colliers and transports of the United States for the importation of Chilean nitrate of soda for agricultural purposes; to the Committee on Commerce.

UNIVERSAL MILITARY TRAINING.

Mr. WATSON. At the request of the General Staff of the Army, I introduce a bill with reference to the military organization and general preparedness. I do not stand sponsor for the bill, but I introduce it at their request. I ask that it be referred to the Committee on Military Affairs.

The bill (S. 8329) for providing a system of national defense based upon universal liability to military training and service, and for other purposes, was read twice by its title and referred to the Committee on Military Affairs.

Mr. WATSON. I ask that the bill, together with the report accompanying it, be printed as a public document.

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

AMENDMENTS TO APPROPRIATION BILLS.

Mr. PITTMAN submitted an amendment proposing to appropriate $10,000 for the protection and improvement of the Mount McKinley National Park, Alaska, intended to be proposed by him to the sundry civil appropriation bill (H. R. 20967), which was ordered to lie on the table and be printed.

Mr. BRADY submitted an amendment authorizing the Secretary of the Senate and the Clerk of the House of Representatives to pay to the officers and employees of the Senate and House of Representatives, including clerks to Members, Delegates, and Resident Commissioners borne on the annual and session rolls on the 1st day of March, 1917, an amount equal to one month's pay, etc., intended to be proposed by him to the general deficiency appropriation bill (H. R. 21069), which was referred to the Committee on Appropriations and ordered to be printed.

Mr. PENROSE submitted an amendment relative to tax on distilled spirits, etc., intended to be proposed by him to the general deficiency appropriation bill (H. R. 21069), which was referred to the Committee on Appropriations and ordered to be printed.

THE SHIPPING BOARD.

Mr. SMITH of Michigan. I offer an amendment to House bill 20632 in the form of a substitute for the bill (S. 8168) to amend an act entitled "An act to establish a United States Shipping Board for the purpose of encouraging, developing, and creating a naval auxiliary and naval reserve and a merchant marine to meet the requirements of the commerce of the United States with its Territories and possessions and with foreign countries; to regulate carriers by water engaged in the foreign and interstate commerce of the United States; and for other purposes," approved September 7, 1916, and for other purposes, and ask to have it printed and lie on the table.

The VICE PRESIDENT. The amendment will be received and printed.

REPUBLIC COAL CO.

Mr. MYERS. I ask unanimous consent to be allowed to move that the Senate conferees on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the joint resolution (S. J. Res. 50) authorizing the Secretary of the Interior to sell the coal deposits in and under certain public lands to the Republic Coal Co., a corporation, be discharged, and that the Senate concur in the House amendments.

Mr. SMOOT. I object.

Mr. BANKHEAD. Mr. President, I now move that the Senate proceed to the consideration of the conference report on the Post Office appropriation bill.

Mr. SWANSON. I make the point of order that that is not in order. I object.

Mr. SMOOT. Regular order!

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had, on March 2, 1917, approved and signed the following acts and joint resolution:

S. 7601. An act for the relief of Caleb T. Holland;

S. 784. An act to authorize the sale of certain lands at or near Belton, Mont., for hotel purposes;

S. 5612. An act providing additional time for the payment of purchase money under homestead entries of land within the former Fort Peck Indian Reservation, Mont.;

S. 6654. An act to validate a patent to certain lands heretofore issued to the State of Florida, to allow the said State to claim certain other lands, and for other purposes;

S. 6692. An act to amend section 6 of an act to expedite the settlement of title to lands in the State of California;

S. 8227. An act granting the consent of Congress to the city of Fort Atkinson, in Jefferson County, Wis., for the construction of a bridge across the Rock River;

S. 8113. 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; and

S. J. Res. 201. Joint resolution requesting the President of the United States to designate and appoint a day on which funds may be raised for the relief of the Ruthenians (Ukrainians).

ARMED MERCHANT SHIPS.

The VICE PRESIDENT. Are there further bills or joint resolutions? [A pause.] Concurrent and other resolutions are in order. [A pause.] Morning business is closed.

Mr. STONE, Mr. WADSWORTH, and Mr. BANKHEAD addressed the Chair.

The VICE PRESIDENT. The Senator from Missouri.

Mr. STONE. Mr. President, in the first place I wish to apologize for what I stated to the Chair. In the confusion the other night, last night, and the night before I really had forgotten that I had reported the bill and I had been waiting after it had been reported for a chance to get it up.

I move, Mr. President, that the Senate proceed to the consideration of Senate bill 8322.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Missouri. Those in favor will say "aye"——

Mr. CLARK. I think we ought to be advised as to what the bill is.

Mr. LA FOLLETTE. On the motion, I ask for the yeas and nays.

Mr. STONE. My motion is that we proceed to the consideration of Senate bill 8322.

Mr. LA FOLLETTE. If that motion is in order, upon it I ask the yeas and nays.

Mr. PENROSE. We do not know what the bill is.

Mr. CLARK. Let us understand what the bill is.

Mr. STONE. Let us get the bill before the Senate.

The VICE PRESIDENT. The Secretary will state the bill by title.

The SECRETARY. A bill (S. 8322) authorizing the President of the United States to supply merchant ships, the property of citizens of the United States and bearing the registry of the United States, with defensive arms, and for other purposes.

Mr. STONE. Upon the motion to proceed to the consideration of the bill I ask for the yeas and nays.

Mr. SMOOT. Mr. President, will the Senator withhold the motion just for a moment? I want to call attention to the fact that under the unanimous-consent agreement we have adopted we begin at 12 o'clock with the consideration of the naval appropriation bill.

Mr. STONE. We will get through with this bill by that time.

Mr. SMOOT. If we can, that is all right.

SEVERAL SENATORS. Question!

Mr. BRYAN. Mr. President——

The VICE PRESIDENT. The Senator from Florida.

Mr. BRYAN. Mr. President, I desire to say to the Senator from Missouri that if any Senator on the minority side desires now to proceed to discuss the naval appropriation bill I feel, in view of the understanding we had last night, that some member of the Committee on Naval Affairs will be in duty bound or in honor bound to move to proceed to the consideration of that bill. If, however, no Senator desires to discuss it, then the Senator from Missouri can make his motion. I assure him that my only anxiety is not to interfere with the understanding which was reached. If any Senator desires to discuss now the naval appropriation bill I feel that we ought to proceed to its consideration, inasmuch as the morning business has been concluded.

Mr. JAMES. The unanimous-consent agreement is that the Senate shall proceed to the consideration of the naval bill not later than 12 o'clock. It is not 12 o'clock yet, and the motion of the Senator from Missouri involves no violation of the unanimous-consent agreement.

Mr. BRYAN. The question was asked me, though, while the unanimous-consent agreement was pending, if it was entered into whether I would move to proceed to the consideration of the naval bill at the close of morning business, and I answered that I would do so if any Senator desired it. That is what I am now bringing to the attention of the Senate and the attention of the Senator from Missouri.

Mr. JAMES. The point I make is that that is certainly not a part of the unanimous-consent agreement.

The VICE PRESIDENT. The motion of the Senator from Missouri is clearly in order, and it is not debatable. The Senator has called for the yeas and nays.

Mr. STONE. Yes; I ask for the yeas and nays.

The VICE PRESIDENT. Is the request seconded?

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

Mr. JONES (when his name was called). The adoption of this motion, in my opinion, would waste half an hour's time and would be in violation of the spirit of the unanimous-consent agreement, and therefore I vote "nay."

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

The roll call was concluded.

Mr. OVERMAN (after having voted in the affirmative). I announce my general pair with the junior Senator from Wyoming [Mr. WARREN]. I transfer that pair to the Senator from Maryland [Mr. LEE] and let my vote stand.

Mr. MARTINE of New Jersey. I have been requested to announce that the Senator from Illinois [Mr. LEWIS] is detained from the Senate on official business.

Mr. CURTIS. I have been requested to announce the unavoidable absence of the senior Senator from New Hampshire [Mr. GALLINGER]. He is paired with the Senator from New York [Mr. O'GORMAN]. I will let this announcement stand for the day.

In regard to my vote, I want to state that I think this motion is in violation of the terms of a tacit understanding had in connection with the unanimous-consent agreement——

The VICE PRESIDENT. The Senator has no right whatever to explain his vote while the roll call is proceeding.

Mr. CURTIS. I will explain it later on, then.

The VICE PRESIDENT. The Senator may do so afterwards.

Mr. CURTIS. I desire to know if the junior Senator from Georgia [Mr. HARDWICK] has voted?

The VICE PRESIDENT. He has.

Mr. CURTIS. I ask that my name be called.

The name of Mr. CURTIS was called, and he voted in the negative.

Mr. BRADY (after having voted in the affirmative). I have a general pair with the junior Senator from Mississippi [Mr. VARDAMAN] and therefore withdraw my vote.

Mr. WALSH (after having voted in the affirmative). I voted without noting the absence of my pair, the Senator from Rhode Island [Mr. LIPPITT]. I transfer that pair to the Senator from California [Mr. PHELAN] and will allow my vote to stand.

Mr. O'GORMAN (after having voted in the affirmative). I desire the RECORD to show that I have transferred my general pair with the senior Senator from New Hampshire [Mr. GALLINGER] to the Senator from Oklahoma [Mr. GORE].

The result was announced—yeas 64, nays 15, as follows:

YEAS—64.

Ashurst	Harding	Nelson	Simmons
Bankhead	Hardwick	Newlands	Smith, Ga.
Beckham	Hitchcock	O'Gorman	Smith, Md.
Borah	Hollis	Oliver	Smith, Mich.
Brandegee	Husting	Overman	Smith, S. C.
Broussard	James	Owen	Smoot
Catron	Johnson, Me.	Penrose	Sterling
Chamberlain	Johnson, S. Dak.	Pittman	Stone
Chilton	Kern	Poindexter	Sutherland
Clark	Lane	Pomerene	Thomas
Colt	Lea, Tenn.	Ransdell	Tillman
Culberson	Lodge	Reed	Underwood
Dillingham	McCumber	Robinson	Wadsworth
Fall	McLean	Saulsbury	Walsh
Fernald	Martin, Va.	Shafroth	Weeks
Fletcher	Martine, N. J.	Sheppard	Williams

NAYS—15.

Bryan	Gronna	Myers	Townsend
Clapp	Jones	Norris	Watson
Cummins	Kirby	Page	Works
Curtis	La Follette	Sherman	

NOT VOTING—17.

Brady	Hughes	Phelan	Vardaman
du Pont	Kenyon	Shields	Warren
Gallinger	Lee, Md.	Smith, Ariz.	
Goff	Lewis	Swanson	
Gore	Lippitt	Thompson	

So Mr. STONE's motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 8322) authorizing the President of the United States to supply merchant ships, the property of citizens of the United States and bearing the registry of the United States, defensive arms, and for other purposes.

Mr. STONE. Mr. President, a parliamentary inquiry. I desire to know whether, under the unanimous-consent agreement, the Senate will be compelled to proceed to the consideration of the naval appropriation bill at 12 o'clock?

The VICE PRESIDENT. The Chair has no doubt about that.

Mr. BORAH. Mr. President, I did not understand the question of the Senator from Missouri.

Mr. STONE. I asked whether, under the unanimous-consent agreement made last night, the Senate would be obliged to proceed to the consideration of the naval appropriation bill at 12 o'clock, if not sooner. The Chair so decides.

Mr. President, I am advised by several Senators of their desire to speak on the bill now before the Senate. It would be useless to begin that discussion during the 10 or 12 minutes remaining before 12 o'clock; and I am going to ask unanimous consent that the bill be laid aside temporarily in order that the unanimous-consent agreement may be proceeded with, and that this bill be again laid before the Senate after the conclusion of the naval appropriation bill at 4 o'clock this afternoon.

Mr. GRONNA. Mr. President, I object.

The VICE PRESIDENT. There is an objection.

Mr. STONE. I give notice, then, that at 4 o'clock I shall again move to take up the bill.

Mr. CURTIS. Mr. President, I want to state that I voted against taking up the bill on the motion of the senior Senator from Missouri because I believed it was in violation of an understanding in connection with the unanimous-consent agreement that was entered into last night. Under the agreement

as presented and printed the naval appropriation bill was to be taken up under the five-minute rule at 12 o'clock, which gives no time for general debate. There was a tacit understanding with the acting chairman of the committee that immediately after the conclusion of the morning business to-day a motion would be made to take up the naval appropriation bill, so that those who desired to have general debate upon it might occupy the time until 12 o'clock.

I have no objection to taking up and will not oppose taking up the bill giving certain powers to the President, and should have voted to take it up had I not deemed the motion in violation of the understanding in connection with the unanimous-consent agreement. I make this statement because I took some part in bringing about the agreement.

Mr. PAGE. Mr. President, I want to say that I voted "nay" on the last yea-and-nay call because I believed, like the Senator from Kansas, that I was in duty bound to do so because of what I believed to be an agreement that we should take up the Navy bill and give one or two Senators an opportunity to speak thereon.

Mr. JONES. Mr. President, I think the action of the Senate has fully justified the statement that I made when I voted. We voted to take up one bill. Without any consideration, we cast that aside and vote to take up another bill. This "on-again off-again" policy is the cause of the congestion of business here now. It has been the course that has been pursued all through this session. We vote to take up one bill, discuss it a little while, and then we vote to take up another bill; we discuss that a little while, then we vote to take up another; and then, without discussing it at all, we turn around and take up another. It shows the absolute incapacity of the organization that is trying to manage the Senate and its inability to transact the public business in a wise, efficient, or economical way.

NAVAL APPROPRIATIONS.

Mr. BRYAN. I move that the Senate proceed to the consideration of House bill 20632, the naval appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 20632) making appropriations for the naval service for the fiscal year ending June 30, 1918, and for other purposes.

The VICE PRESIDENT. The Secretary will state the pending amendment.

The SECRETARY. On page 68, after line 5, the amendment heretofore agreed to, it is proposed to insert the following:

That the establishment of an additional navy yard in San Francisco Bay is hereby authorized on such site as may be recommended as most suitable by the commission appointed by the President to report thereon in accordance with the provisions of the act of Congress making appropriations for the naval service for the fiscal year ending June 30, 1917, approved August 29, 1916: *Provided*, That such site is convenient to deep water and is approved by the President, and the Secretary of the Navy is hereby authorized to acquire, by purchase or gift, if not already owned by the United States, the site approved by the President; and the sum of $1,500,000 is hereby appropriated toward the acquisition and development of this site as a navy yard.

Mr. KENYON. Mr. President, I only want to say a word before this item is voted on.

I suppose it is rather out of order to seek to save such a trifling sum as a million and a half dollars at this stage of the proceedings. It developed last night that there is now a navy yard less than 30 miles from where this navy yard is to be established, known as the Mare Island Navy Yard, on which the Government has spent over $22,000,000. This bill carries $640,000 for that navy yard. Now we are asked to establish another navy yard within 30 miles of the one now existing and upon which the Government has spent $22,000,000. It is items of this kind in these bills that lead to the oft-repeated charges of "pork."

I shall only ask that a yea-and-nay vote be taken on this proposition. I realize how perfectly hopeless it is and how helpless we are to try to stop any expenditures of this character.

Mr. THOMAS. Mr. President——

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

Mr. KENYON. I am through.

Mr. THOMAS. I merely wish to remind the Senator that this little million and a half is only the entering wedge.

Mr. KENYON. Oh, of course; it is a mere trivial matter.

Mr. THOMAS. Permanent appropriations will be made hereafter for this new yard, and five or six years from now the debit side will perhaps be twenty-five or thirty millions.

Mr. SWANSON obtained the floor.

Mr. SMOOT. Mr. President——

Mr. SWANSON. I yield to the Senator from Utah.

Mr. SMOOT. As I understand, this appropriation of a million and a half dollars is just a mere item to get prepared so as to build these docks. Taking into consideration what those at the Mare Island Navy Yard have cost already, I have no question but that the proposed docks will cost $50,000,000 before they are through; and as to what their maintenance and repair will cost annually, nobody can tell. It does seem to me a waste of money, Mr. President, to undertake now to spend this money, when we already have within 30 miles of where this yard will be located docks to do exactly the same work that will be done here. If the present docks are not large enough, let us enlarge them, rather than begin the construction of a new one in San Francisco Bay.

I should like to ask the Senator having the bill in charge if this item was estimated for by the department?

Mr. SWANSON. Is the Senator through? I yielded to him.

Mr. SMOOT. I asked the Senator a question.

Mr. SWANSON. It was not estimated for.

Mr. SMOOT. Was it recommended by the department?

Mr. SWANSON. It was not. It came in too late from the Helm Commission. If the Senator will permit me when he gets through——

Mr. SMOOT. I should like to have a statement made now by the Senator as to why this item is in the bill.

Mr. SWANSON. Mr. President, the Government has spent about $21,000,000 on the Mare Island Navy Yard. For some time the Government has realized that the location of the yard ought to be changed to a point lower down the bay, where there is deep water. On account of an objection, possibly some of it in the Committee on Naval Affairs, it has been impossible to accomplish that. It has been impossible to move it where it ought to be, lower down the bay, where the water is deep, where the largest battleships can come in and be repaired. Consequently the desire is to do this.

We do not wish to abolish the Mare Island Navy Yard. We have spent $21,000,000 on it. It can be utilized to its full capacity now, except for the very largest ships. The battle cruisers to be constructed can not come up there, on account of the depth of water. The purpose of this amendment is to get a navy yard lower down, not to be developed to the extent that the Mare Island yard is developed; to continue all the buildings, all the machinery, and everything at Mare Island for their present usefulness, but to have lower down a yard, or a part of a yard, where the largest ships can come. It is of the utmost necessity that that should be in San Francisco Bay, which should be one of our chief naval bases on the Pacific.

A commission was appointed at the last session of Congress, known as the Helm Commission, to examine the navy yards on the Pacific coast, the South Atlantic coast, and the Gulf coast, with a view to determining, before any more money is spent in a haphazard, loose way, what is to the best interests of the Government. That commission made its report, I think, about 30 days before we reported the bill from the Senate committee. That report is very urgent for this project. That report explains that if some one of the sites which are offered there can be purchased it will be utilized simply as an addition to the Mare Island Yard. It is not proposed to abolish the Mare Island Yard, but to let it be utilized to the fullest extent, and also let this new one be utilized. It would be necessary to continue dredging anyway for the battle cruisers and the other large ships now being constructed; and it is more economical, wiser, and better for the Government to have this as an addition to the Mare Island Navy Yard without eliminating that yard.

Mr. SMOOT. The statement made by the Senator just now goes to prove that the Mare Island Navy Yard is not fitted for the work that will be required on the part of the Government. It seems to me the proper thing to do would be to abandon the Mare Island Navy Yard and establish one at San Francisco Bay.

Mr. SWANSON. Allow me to say that the Helm Commission investigated this matter. The Mare Island Yard was established in 1854 and fitted for the construction of ships, and it was of sufficient capacity for all that was needed then.

Mr. SMOOT. Everybody knows that.

Mr. SWANSON. Nobody had any expectation that the water would not be sufficiently deep. To abolish the Mare Island Navy Yard would mean that the Government will lose $21,000,000—its investment there.

Mr. SMOOT. Oh, no.

Mr. SWANSON. But for the construction of small craft and ordinary battleships it can be used. The dry docks there can always be utilized for smaller battleships. The purpose is not to abolish the Mare Island Yard, but to utilize the $21,000,000 invested to the extent of the capacity in which it can be used, and then to have lower down the bay, where you have deep

water, a supplement to that yard, the two to be used together, the yard lower down to answer the purposes of larger ships that can not come up to Mare Island. Now, that was the report of the commission.

The VICE PRESIDENT. The hour of 12 o'clock having arrived further discussion of the bill, in accordance with the unanimous-consent agreement, will proceed under the five-minute rule. Senators yielding to questions will yield out of their own time.

Mr. SMOOT. I understand that, and therefore I shall be very brief.

The statement made by the Senator from Virginia simply means this, that within a radius of 30 miles they are to have two navy yards, and everybody knows that to maintain two navy yards will be more expensive in the end than it will to abolish one navy yard and have all the work done at one place. The overhead charges and everything else that attaches to the maintenance of a navy yard will be involved in maintaining the two yards. No business man would ever think of doing such a thing.

The Senator says that the loss will be $21,000,000 if the navy yard at Mare Island is abolished. It can not be that amount. The cost of the dry docks will be lost, but all the machinery can be utilized if the yard is established at San Francisco Bay. The buildings of course, whatever they are, would be lost; but that loss will be small in comparison with what the loss will be to the Government of the United States if two navy yards are maintained.

The proper thing to do is to establish a navy yard at a place where the water is deep enough so that the largest battleship can enter and have a dry dock there that can be used for the purpose of handling the larger vessels. It does seem strange to me that we should go to work now and have two navy yards in San Francisco Bay within a radius of 30 miles.

Mr. President, I sincerely hope that the amendment will be disagreed to.

Mr. SWANSON. Mr. President, it seems to me that in view of the Helm Commission report no business man would pursue the course suggested by the Senator from Utah. The commission has no purpose to lose the $21,000,000, as I stated, that has been invested there. That is not thrown away unless you abolish the yard. It can be utilized to the fullest extent, and there is no loss.

As I stated before, you will then have a navy yard there as a complement or supplement to the yard and it will be used for the largest battleships, for which Mare Island can not be utilized. You are not bound to have two overhead charges. A great many business establishments have different factories and different establishments near each other, and by the Navy Department such an arrangement can be consummated more successfully than by a business man.

To abolish the Mare Island Yard and create a new yard in San Francisco Bay would cost about $25,000,000, with a loss of the $21,000,000 expended at Mare Island. To establish a new yard there with a dry dock to simply take care of the largest battleships which can not be utilized and repaired at Mare Island it seems to me is wise and economical. We can not shirk one question, which is undisputed. San Francisco Bay is bound to be from its position and the great interests involved one of our largest bases on the Pacific coast.

Mr. KENYON. Mr. President——

The PRESIDING OFFICER (Mr. ROBINSON in the chair). Does the Senator from Virginia yield to the Senator from Iowa?

Mr. SWANSON. I could not yield.

Mr. KENYON. Take it out of my time.

Mr. SWANSON. All right.

Mr. KENYON. I want to ask simply the question, What will this yard eventually cost?

The PRESIDING OFFICER. The Chair suggests to the Senator from Virginia that the arrangement suggested by the Senator from Iowa can not be effected under the parliamentary agreement.

Mr. SWANSON. The Helm Commission estimates in the rough—and these naval people always design very far in their expenses—that ultimately in the course of years to develop it and utilize it the cost will be about $21,000,000, I think. That is for the fullest development. If you were to abolish the Mare Island yard you would have to duplicate everything that is at Mare Island, and it would cost some thirty or forty million dollars. The purpose is to utilize what we have and, to repeat what I have said several times, to have a supplement in San Francisco Bay to take care of ships that the Mare Island Yard can not successfully and economically handle.

Mr. PHELAN. Mr. President, concerning the cost of a navy yard, it depends entirely upon the number of dry docks, which are estimated to cost about $3,000,000 each. The necessity for a dry dock in San Francisco Bay is so manifest that it will have to be constructed, whether by this Congress or another, to accommodate the ships that are under way. As it takes a considerable time to build a dry dock it is wise for this Congress to take action in order that the dry docks may be ready just as soon as the ships are ready.

This is not a question, of course, of local benefit. San Francisco Bay is the greatest harbor of the United States on the Pacific. It may have been originally a mistake to have located the navy yard at Mare Island, but at that time the Government could not have anticipated vessels of greater draft. Mare Island, a perfect yard, is fully equipped, has done excellent work, and there have been constructed there great ships for the Navy, but the channel approaching it only admits of a draft of about 30 feet, whereas our new ships will require at least 40 feet of water, and there is no economical way of deepening that channel.

I desire to inform the Senator from Utah that the Helm Commission reports that 80 per cent of the ships of the Navy to-day can be cared for at Mare Island. So it is preposterous to propose to abandon that yard.

We are not establishing, as the commission states, and if I had time I would read it, a competitive yard, but a complemental yard. Mare Island can not take care of all the ships of the Navy. There must be in San Francisco Bay a complemental yard, not a new yard in any sense, but a complemental yard, in which the largest ships of the Navy can be cared for.

I submit that in San Francisco Harbor there is deep water hard against the shores there to-day, or channels can easily be made if one site is preferred to another. The commission reports four sites as available, one to be selected by the commission, the department, and the President.

The necessity of making this initial appropriation is to acquire the land. The city gives one-third of the land; the balance has to be acquired. How? By condemnation. There is no other easy way of acquiring the land. It is not built over, and the economical way is to acquire it by condemnation. Unless the bill passes as it is proposed, and the amendment is in the very language proposed by the commission itself, there will be no way of acquiring land and beginning a work which inevitably has to be done.

I do not think that any naval authority will for a moment question the fact that a yard will have to be constructed on San Francisco Bay, and it is wise and economical to make the appropriation now.

It has not been solicited by the people of San Francisco. It is in no sense a local benefit. It is a patriotic, a military, and a naval need. It would be a great mistake for Congress not to begin the work now.

The ultimate expense may be four or five or six million dollars, dependent upon the number of dry docks, and there is no way now of estimating our naval needs, but a beginning has to be made.

I repeat in all earnestness to Senators this is in no sense sought as a mere benefit, but that it is vital for the Pacific Fleet. We are without defenses on the Pacific. The enemy may at any time take that coast and give to Mexico, if you please, Texas, Arizona, and New Mexico, and give, in a disposition of the spoils, California and Oregon and Washington to the other allies. In order to maintain a Pacific Fleet it ish essential to have a Pacific base, with dry-docking facilities, as provided for and recommended by your experts, the highest authority in the Navy.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. WORKS. Mr. President, I am very sorry not to be able to support an appropriation that is supposed to be a benefit to my own State, but I try to look upon these matters just the same where an appropriation is proposed to be made in my State as I would if it were proposed to be made in another State, because I am not representing California alone in this body, but the United States. I am very glad that my colleague has relieved me from any embarrassment in this matter in that respect by saying that it will be of no benefit to that community and that it has not been urged by the people of San Francisco.

It is true that the Helm Commission recommended the making of this appropriation, but at the same time that commission recommended other appropriations to be made which should at the present moment be made available in the way of submarine bases, naval bases, and other improvements all along the coast. They are the improvements that ought to be made now, because as things look at this moment we are going to be forced into war. This improvement can not be made, I understand, short of five years. It will not be available to meet the present

emergencies, and I think it would be best for the people of San Francisco and the people of California to wait a while for this appropriation that, as my colleague says, will have to be made in time; but I do not think this is the time.

The bill carries an enormous appropriation. We are evading to some extent the responsibility we ought to assume at the present time in appropriating for improvements that ought to be made now and not delayed.

It is for this reason, Mr. President, I think the appropriation ought not to be made at this time. I feel it my duty to say this, whatever may be the effect upon myself, because it will bring upon me criticism, I have no doubt; but I have tried in my experience here not to allow myself to be swerved from what I believe to be my duty to the Government of the United States by the criticism of anybody.

Mr. PHELAN. May I ask my colleague a question in his time?

The PRESIDING OFFICER. Does the Senator from California yield to his colleague?

Mr. WORKS. Certainly.

Mr. PHELAN. May I ask the senior Senator from California if he has read the Helm Commission report?

Mr. WORKS. Oh, yes. I have no doubt of the recommendation of the Helm Commission report; but, as I said, I say to my colleague that that is combined with other improvements which were intended to be made and which I think should be made, and I think the Senator thinks so, too.

Mr. PHELAN. I understand that the Helm Commission report recommends this naval base at San Francisco Bay, with a torpedo station at San Pedro, the port of Los Angeles, and an aviation field at San Diego. The bill does not include, for reasons best known to the committee, any appropriation for the harbor at Los Angeles and the harbor of San Diego, something which I deplore. I will not make any invidious reflection upon my colleague; far from it; he is conscientious, doubtless, in what he says; but the fact remains that the only appropriation is for the great Bay of San Francisco, and in the wisdom of the committee that has been proposed. I can not understand why my colleague should dissent, because it is not in any sense, as I said, a local need. It is recommended by the highest authority of the Navy.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER. The time of the Senator from California [Mr. WORKS] has expired. The question is on agreeing to the amendment of the committee.

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

The yeas and nays were ordered and taken.

Mr. SAULSBURY. Has the senior Senator from Rhode Island [Mr. COLT] voted?

The PRESIDING OFFICER. He has not.

Mr. SAULSBURY. I have a pair with that Senator, and therefore withhold my vote.

Mr. CLARK (after having voted in the negative). I notice that the senior Senator from Missouri [Mr. STONE], with whom I am paired, has not been in the Chamber during the roll call. I therefore withdraw my vote.

Mr. SAULSBURY. I transfer my pair with the Senator from Rhode Island [Mr. COLT] to the junior Senator from Louisiana [Mr. BROUSSARD] and vote "yea."

Mr. GRONNA (after having voted in the negative). I have a general pair with the senior Senator from Maine [Mr. JOHNSON], which I transfer to the Senator from New Mexico [Mr. CATRON] and allow my vote to stand.

Mr. O'GORMAN (after having voted in the affirmative). In connection with my vote, I desire to make the same announcement which I made before respecting the transfer of my pair.

Mr. STONE (after having voted in the affirmative). I voted without knowing that the Senator from Wyoming [Mr. CLARK], with whom I am paired, had already announced that he would not vote, as I happened at that time not to be present in the Chamber. He is now out, and I withdraw my vote.

The result was announced—yeas 46, nays 26, as follows:

YEAS—46.

Beckham	James	O'Gorman	Simmons
Brady	Johnson, S. Dak.	Overman	Smith, Ga.
Bryan	Jones	Owen	Smith, Md.
Chamberlain	Kern	Page	Smith, Mich.
Culberson	Kirby	Penrose	Smith, S. C.
Dillingham	Lea, Tenn.	Phelan	Sterling
du Pont	Lee, Md.	Pittman	Swanson
Fall	Lodge	Poindexter	Tillman
Fletcher	Martin, Va.	Robinson	Underwood
Harding	Martine, N. J.	Saulsbury	Walsh
Hughes	Myers	Sheppard	
Husting	Newlands	Sherman	

NAYS—26.

Borah	Kenyon	Oliver	Vardaman
Brandegee	La Follette	Pomerene	Watson
Cummins	Lippitt	Shafroth	Weeks
Curtis	McCumber	Smoot	Williams
Fernald	McLean	Sutherland	Works
Gronna	Nelson	Thomas	
Hollis	Norris	Townsend	

NOT VOTING—24.

Ashurst	Clark	Hitchcock	Shields
Bankhead	Colt	Johnson, Me.	Smith, Ariz.
Broussard	Gallinger	Lane	Stone
Catron	Goff	Lewis	Thompson
Chilton	Gore	Ransdell	Wadsworth
Clapp	Hardwick	Reed	Warren

So the amendment was agreed to.

The next amendment was, on page 73, after line 6, to insert:

The Secretary of the Navy is authorized, in his discretion, to expend $30,000, or so much thereof as may be necessary, for the purchase and testing of one Talbott boiler to ascertain the feasibility of using the Talbott boiler on battle cruisers heretofore authorized to ascertain whether it is feasible to put the boilers below the protective deck on battle cruisers by the use of that type of boiler instead of those proposed in the plans. The sum of $30,000 is hereby appropriated for said purpose.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. TILLMAN. Mr. President, a large part of my time has been consumed for a long while in listening to men who think they have inventions to benefit the Navy and who are merely dreamers.

Observation and experience teach us that about 1 in 50 of this class are only cranks, but the fiftieth man is a genius; and too often American naval officers have listened impatiently and paid no respect or regard to what the inventors claimed to have discovered.

The monitor, which revolutionized naval warfare, was an invention of this kind and it was actually built by private capital because the officers of that day could see no merit in it and would have nothing to do with it.

There is a bureau at the Navy Department devoted exclusively to investigating these ideas and listening to these men. It is derisively called the "bug house," but be that as it may, I have recently had to do with a man whose claims are so marvelous and who talks so rationally, I have been impressed to believe that his so-called invention is worth trying, at least; especially as he himself lays down the conditions with which he will comply. He does not want the Government to advance a dollar toward the boat he will build until it has been completed, tested, and accepted by the Secretary of the Navy. It is to pay for such a boat that this amendment is proposed. If he can do what he claims, then the days of battleships are numbered and the days of warfare on the seas are also numbered, and the burden which building these ships has imposed on taxpayers will also be at an end. I, myself, will be more than rejoiced if Mr. Riker's coast submarine should prove a success.

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

The PRESIDING OFFICER. The Senator from South Carolina offers an amendment, which will be stated.

The SECRETARY. After the amendment just adopted, on page 73, line 15, it is proposed to insert:

One Riker coast submarine, $1,500,000, of about 1,500 tons displacement and of twin cylindrical hulled construction, with fittings, equipment, machinery, devices, appliances, and appurtenances of every kind, with latest improvements, complete in all respects, and suitable for naval purposes, about 175 feet long and about 33 feet beam, and be capable of submerging in 20 feet of water and of remaining submerged in 200 feet of water for at least 18 hours; traveling entirely submerged for at least 50 miles, without disclosing upon the surface any trace of its whereabouts, and shall be capable of maintaining a speed of 7 geographical miles upon the surface for 50 miles and 5 miles when beneath the surface for 50 miles, and shall carry three telescopic fighting conning towers, the armor of which shall be at least 4 inches thick, each tower to be surmounted by two heavy guns capable of being fired in any horizontal direction or vertically. This submarine shall carry 80 or more torpedo tubes, adapted to project the standard 21-inch torpedo, or the Riker torpedo, in volleys of 12 or more in four directions at almost the same instant, or its whole complement in any direction within five minutes; it shall carry a fighting anchor and two life boats, and extra torpedoes in its hold; and this submarine shall, with two naval officers on board, navigate from Miami, Fla., to the mouth of the Penobscot and return to the mouth of the Chesapeake, without any renewal of its supplies: *Provided*, That the money appropriated for this purpose shall not be paid to the builders of said boat until the same has been completed, passed the above test, and been accepted by the Secretary of the Navy; but upon such completion, test, and acceptance by the Secretary of the Navy, the sum appropriated shall be paid.

Mr. SMOOT. Mr. President, that has nothing whatever to do with the amendment that is before the Senate authorizing

the expenditure of $30,000 for testing one of the Talbot boilers and the feasibility of using those boilers.

Mr. TILLMAN. I thought that amendment had been accepted.

Mr. SMOOT. Oh, no; it has not been accepted.

The PRESIDING OFFICER. The Chair will call the attention of the Senator from Utah to the fact that the Chair announced that, without objection, the amendment was agreed to.

Mr. SMOOT. But I was on my feet asking for recognition.

The PRESIDING OFFICER. The Chair so understands.

Mr. SMOOT. Mr. President, I want to ask the chairman of the committee if the tests of the Talbot boiler have not already been made? My information is that they have been—I will not say absolutely rejected by every bureau of the Navy Department; but I understand that every bureau of the Navy Department has reported adversely to them and has said that they are not a success.

Mr. SWANSON. Mr. President——

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

Mr. SMOOT. I yield.

Mr. SWANSON. I shall take but a moment, as the Senator from Utah has but five minutes.

Mr. SMOOT. I will ask the Senator from Virginia if what I have stated in reference to the Talbott boilers is not the truth?

Mr. SWANSON. Mr. President, the chairman of the committee investigated this matter very thoroughly, and he became of the opinion that the Talbot boilers could be utilized on the battle cruisers, as those boilers are much smaller than are the ordinary boilers; also that the part of the boiler that is now above the water line, because of being smaller could be put below the water line. The Talbot boilers are used mostly for automobiles and purposes of that kind. They are very intricate and fine, but they have not yet been developed to such an extent that the department are willing to risk them for the rougher work of a battleship. The department has not made the tests, and has not been much disposed to make the tests; but the matter is left to the discretion of the department. If, however, these boilers could be so constructed that they could stand the wear and tear of a battleship, which is much more exacting than that which is imposed on automobile and other boilers of that kind, there is no doubt that they would be very valuable boilers for battleships and for battle cruisers.

I repeat, it is left to the discretion of the department to look into the matter and see to what extent the intricacies of the boiler could be got rid of, so that it might be utilized for rougher work in connection with battleships. The committee had an urgent presentation of the matter by the chairman of the committee, who has looked thoroughly into it, and we concluded that it was wise to give discretion to the department to make the experiment if they thought it proper to do so.

Mr. LODGE. Mr. President——

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

Mr. SMOOT. I yield.

Mr. LODGE. I desire to say to the Senator from Virginia that I did not approve of the introduction of this amendment appropriating money for this test; but I should like to ask him if something was not said about this boiler by the Chief of the Bureau of Steam Engineering and also by Admiral Taylor? They were asked what they thought of it, and, as I remember, their opinion was very unfavorable.

Mr. SWANSON. Their objection is the one I have suggested. The Talbot boiler is so intricate and so delicate that it very frequently gets out of order, and it has not been thought that it could be utilized for a battleship. If it could be adapted to use on a battleship and could be made to withstand the rough wear of a battleship, as it stands the wear of use in an automobile, everybody admits it would be a great benefit to the Navy. This matter is left entirely discretionary, and the test will not be made if the Secretary of the Navy does not approve of it.

Mr. SMOOT. Mr. President, my experience has always been that whenever an appropriation is made—I care not for what purpose—the money is generally spent. In this case I am informed that every report made has been against this boiler.

Mr. TILLMAN. That is erroneous. I have seen favorable reports from the Navy officers who have tested this boiler.

Mr. SMOOT. I get my information from the Navy Department.

Mr. TILLMAN. So do I. The reports I have come from the Navy Department.

Mr. SMOOT. Mr. President, I am simply giving to the Senate the information that has come to me.

Mr. SWANSON. I should like to say further——

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

Mr. SMOOT. My five minutes will be up in just one minute. Mr. President, the reports I have seen in regard to this boiler are adverse, and, as I have stated, the information received by me from the department is that the boilers will not be a success. What I am afraid of is, if we make the appropriation of $30,000, it will be spent in useless examinations; it will cost the Government $30,000, and in the end we will have nothing in return for the expenditure.

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

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

Mr. TILLMAN. The desirability of this boiler lies in the fact that, if it can be adapted to battleship use, it can be placed below the protective decks, where it will be safe and out of the reach of shell fire, while other boilers put above the protective decks would be blown all to pieces if a shell should happen to hit them.

Mr. SMOOT. What the Senator says is true——

Mr. TILLMAN. Is it not worth $30,000 to test it?

Mr. SMOOT. What the Senator says is true as to the advisability of securing a boiler which can be placed under the water line. It is desirable to get a boiler able to run a battleship and at the same time be below the water line; but all the examinations so far made as to this boiler, at least so far as I have seen them, and all the reports of the department, so far as I have seen them, are adverse to this boiler and its ability to accomplish that purpose.

The PRESIDING OFFICER. The time of the Senator from Utah has expired.

Mr. WATSON. Mr. President, the Senator from Massachusetts in his remarks referred to certain stenographic reports concerning the electric drive. The whole matter seems to have been gone into at that time; and why not let this amendment be passed over until we can get those stenographic reports and ascertain the facts regarding the matter?

Mr. TILLMAN. The reports are in the room of the Committee on Naval Affairs, and I can send them to the Senator.

Mr. WATSON. Very well; I will ask the Senator to send them down. But I suggest that we pass this matter over until we can get the reports and find out what they contain. I understand that this whole proposition is useless, that it is entirely in the field of speculation, and that there is nothing certain whatsoever about it.

Mr. TILLMAN. I will remind the Senator that there was nothing certain about the *Monitor*, either.

Mr. WATSON. This whole matter is one of experimentation, as I understand, and there has been a favorable report from nobody regarding it.

The PRESIDING OFFICER. Does the Senator from Indiana ask unanimous consent that this amendment be passed over for the present?

Mr. WATSON. I do.

The PRESIDING OFFICER. Is there objection?

Mr. SWANSON. Mr. President, I think we had better dispose of the amendments as we reach them; otherwise we shall simply have another discussion when they come up again.

Mr. WATSON. Does the Senator insist on this amendment?

Mr. SWANSON. I should like to have the amendment adopted. I take this view of it: I do not believe it is going to be a success until changes are made in it which may adapt it to the use of battleships. There is no doubt, however, that if it could be so adapted, and improved to withstand the wear and tear of large battleships, it would be a great saving, because it economizes space. The department has not been favorable to it, has not made favorable reports regarding it, and I doubt whether the department would use the discretion if it is given. I stated to the chairman of the committee, who has looked into the matter and who has nothing but the most patriotic interest in all these questions, that I was willing to support an amendment that left it discretionary with the department. If it should develop at the department that it would be wise to test this boiler on any of the ships of the Navy, that test could be made. If the discretion is not broad enough, or if the present language is not sufficient, in the opinion of the Senator, it might be made more positive.

Mr. WATSON. I did not pay any attention to that part of the language, but with the department opposing it and with the Senator from Virginia standing here and defending this amendment, and with characteristic frankness stating that, in his judgment, this boiler will not work and is not practical, I ask, then, why should he insist on this amendment or why should the Senate back him up in his insistence?

Mr. SWANSON. I have not examined it sufficiently to reach a conclusion. From such cursory examination as I was able to give it and inquiry at the department, it seemed to me that if these boilers could be developed and made to stand the wear and tear of battleship use, on account of the saving of space, they would be very valuable to the Navy, and that, therefore, it would be wise to have the experiment made to see if they could be adapted to battleships and larger craft. As I understand, the results so far have not been satisfactory to the department, but I can not see how any harm can be done by making this $30,000 appropriation, and if the department, in its discretion, thinks it wise to do so a test can be made to see whether the boilers can be so utilized.

Mr. LODGE. Mr. President, I hope the Senator will allow the consideration of this amendment to pause until I can find the testimony. It will take only a moment.

The PRESIDING OFFICER. The Senator from Massachusetts asks that the amendment be passed over for the present. Is there objection? The Chair hears none, and the amendment is passed over. The Chair inquires of the Senator from South Carolina, the chairman of the committee, whether the amendment that he had read a few minutes ago is offered as a committee amendment, and whether he desires to have it considered now?

Mr. TILLMAN. I should like to have it considered now.

Mr. LODGE. It is not a committee amendment.

Mr. TILLMAN. It is not a committee amendment, because I have not had time to get the committee together since this amendment came here.

The PRESIDING OFFICER. The Chair supposes that the committee amendments would be first considered, under the ordinary procedure of the Senate and under the unanimous-consent agreement. If there is no objection——

Mr. TILLMAN. Well, just hold that until a little later.

The PRESIDING OFFICER. Very well. The Secretary will state the next committee amendment.

The next amendment was, on page 73, after line 15, to strike out:

It is hereby reaffirmed to be the policy of the United States to adjust and settle its international disputes through mediation or arbitration, to the end that war may be honorably avoided.

The amendment was agreed to.

The next amendment was, on page 73, after line 19, to insert:

That section 44 of the act entitled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909, be, and the same is hereby, amended to read as follows:

Whoever shall willfully trespass upon, injure, or destroy any of the works or property or material of any submarine mine or torpedo or fortification or harbor-defense system owned or constructed or in process of construction by the United States, or shall willfully interfere with the operation or use of any such submarine mine, torpedo, fortification, or harbor-defense system, or shall knowingly, willfully, or wantonly violate any duly authorized and promulgated order or regulation of the President governing persons or vessels within the limits of defensive sea areas, which defensive sea areas are hereby authorized to be established by order of the President from time to time as may be necessary in his discretion for purposes of national defense, shall be punished on conviction thereof in a district or circuit court of appeals of the United States for the district or circuit in which the offense is committed, or into which the offender is first brought, by a fine of not more than $5,000, or by imprisonment for a term not exceeding five years, or by both, in the discretion of the court.

Mr. PENROSE. Mr. President, I should like to ask the acting chairman of the committee whether this is not largely covered by the espionage bill which the Senate passed recently?

Mr. SWANSON. It is quite possible that it will be covered. I have not looked it up carefully. If it is covered, when the bill gets into conference we can eliminate it or modify it; but it is necessary, especially for mines. People are apt to be very careless about mines if you should get into war.

Mr. PENROSE. Well, that is satisfactory.

Mr. SWANSON. It is very necessary.

Mr. PENROSE. Let it go to conference.

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

The amendment was agreed to.

The next amendment was, on page 76, after line 15, to insert:

All appropriations continued in this act are hereby made immediately available.

Mr. WORKS and Mr. SWANSON addressed the Chair.

Mr. WEEKS. Mr. President, before that amendment is adopted, let me ask——

The PRESIDING OFFICER. The Chair calls attention to an amendment that was passed over. Did the Senator from California desire recognition on this amendment?

Mr. WORKS. No; I desire to offer an amendment.

Mr. WEEKS. Mr. President, I want to ask a question about the pending amendment. Does the Senator mean "continued" or "contained"?

Mr. SWANSON. It ought to be "contained." It is a mistake of the print. I want to have it corrected.

The SECRETARY. The third word in line 16 should read "contained" instead of "continued," as printed.

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

Mr. SMOOT. Mr. President, does the Senator mean by that that all of these appropriations shall become immediately available?

Mr. SWANSON. That is what it means.

Mr. LODGE. Yes; that is what it means.

Mr. SMOOT. What is the reason for that?

Mr. SWANSON. If an emergency should arise, you would want to start your navy yards working at once, and the appropriations for that purpose would be available for ordnance and ammunition and so forth.

Mr. SMOOT. Yes; but those are not all the appropriations in this bill. I have no objection to that; but it seems to me that it is going a long way to say that the regular appropriations that are made every year shall become immediately available.

Mr. SWANSON. If the Senator will permit me, if we get into war and you desire to have your Navy promptly and efficiently equipped, all of your yards should commence working to the fullest extent at once. You ought to double your forces in a great many of them. You want the ammunition appropriated for here quickly and promptly. In the case of the battleships, some of them which could be constructed possibly in 6 or 12 months, you want the work doubled and trebled on them. Consequently, if we should try to designate the appropriations which should be immediately available, some appropriation might be left out. Nothing can be lost and everything can be gained by having the Navy Department proceed with its work in all directions in case we should have war, without waiting until the 1st of July.

Mr. SMOOT. Mr. President, I agree with what the Senator says as to the appropriations in this bill that might be called extraordinary appropriations for preparedness, or even the appropriations which are made under ordinary circumstances for that purpose; but I never yet have seen an appropriation bill in which every item appropriated for any fiscal year was made immediately available. Of course, I recognize the fact that the department need not use the money until the beginning of the next fiscal year, but it is so different from any legislation that I have ever seen passed since I have been a Member of the Senate that I simply wanted to call attention to it. I do it, not by way of objection, Mr. President. I call attention to this unusual legislation, so that in the future this should not be pointed to as a precedent, because I have noticed for the last six or seven years that deficiencies are covered, in many cases, in just such wording as this. In other words, the department spends more money than is appropriated for, and then, in an estimate that is made, calls for more than is wanted for the following fiscal year, and asks that it be made immediately available, and the money is diverted for the purpose of paying the deficiency. We want to stop all such future acts of Congress authorizing such a course. As I said to the Senator, I am not objecting to this provision upon this bill under the present unsettled conditions, but I did want to call attention to the fact that it should not be pointed to in the future as a precedent.

Mr. TILLMAN. I should be very glad to have the Senator suggest an amendment which would limit it.

Mr. SWANSON. I will say to the Senator, if he will permit me, that I endeavored to go through the bill and make immediately available the appropriations included in the bill which would be necessary to meet an emergency. The minute I would do that I would find in another appropriation something that ought to be included, until it was nearly impossible to segregate in this bill, with the ramifications of the Navy, every appropriation that should be made immediately available. The Senator from Massachusetts [Mr. LODGE] and myself, after thinking over the matter, thought this was the best course to adopt, and the Navy Department urgently recommended it, and sent up an amendment proposing that all of it should be made immediately available. I think the Senator from Massachusetts will corroborate my statement in that regard.

Mr. LODGE. Certainly. I was going to say a word when I could get the floor.

Mr. SMOOT. Let me point to one case. We will take the item of pay for the civil force. There is appropriated under that head, for clerks, messengers, watchmen, laborers, and so forth, a certain amount of money for the fiscal year 1918. The pending amendment covers all of the appropriations in this bill, and the department could, if they wanted to do so, spend for the employment of these clerks and other employees of the

Government the money that was intended for the fiscal year 1918 before the fiscal year began.

The PRESIDING OFFICER. The time of the Senator from Utah has expired.

Mr. LODGE. Mr. President, we have at the end of this bill a general provision making all of the appropriations immediately available. We may as well be frank about it. The country is in a situation where it may be in war at very short notice, and the first line of defense is the Navy. We want for this year to make all these appropriations immediately available. To tie them up until the 1st of July in the present situation would be, I think, a great mistake.

I am not in favor of loose appropriations. I appreciate the strength of the argument of the Senator from Utah, and I think his objection could be met by simply adding that none of the appropriations in this bill shall be used to pay deficiencies. But the funds appropriated in this bill ought to be, one and all, made immediately available.

Mr. SMOOT. I agree with the Senator.

Mr. LODGE. I think an amendment could be arranged that would cover that. We do not want this money used to pay deficiencies. Let that be covered by some other bill, where it properly belongs. This money we need now, and we want it where we can put our hands on it when we need it. If we do need it, we shall need it very much indeed.

Mr. SMOOT. Yes; that is right.

Mr. LODGE. One word more, Mr. President. I think there ought to be an extra session of Congress. I repeat what I said last night, that in the present situation the whole American Government ought to be here in Washington. I do not think it ought to be left to the minority to compel a situation of that kind, but if it is left to them I believe that it will be done. I for one am in favor of having an extra session of the whole Congress on the broad ground that they ought to be here in this condition of public affairs. If necessary, appropriation bills could be held up; but this bill ought to pass, because no man can tell when we will need every dollar in this bill, and need it with the utmost quickness.

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

Mr. SWANSON. Mr. President, the Senator from Utah has an amendment to the amendment which I shall be very glad to have adopted.

Mr. SMOOT. I offer an amendment to the amendment, which I send to the desk.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. After the word "available" it is proposed to insert "but no appropriation in this act shall be used for payment of deficiencies."

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Utah to the committee amendment.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

Mr. SWANSON. Mr. President——

The PRESIDING OFFICER. The Chair calls the attention of the Senator from Virginia to two committee amendments passed over, one on page 26, which will be reported by the Secretary.

The SECRETARY. On page 26, in the item for "Navy yard, Washington, D. C.," the committee proposes the following amendment. The paragraph reads:

Navy yard, Washington, District of Columbia: Gun shop, to complete—

The committee proposes, after the words "to complete," to strike out "$400,000" and to insert "$900,000, and the limit of cost is hereby increased to $1,100,000."

Mr. SWANSON. Mr. President, the Senator from Nebraska [Mr. NORRIS] had that amendment passed over. I do not like to dispose of it in his absence. I hope a page will go and ascertain where he is, and inform him that we are waiting for him in the Senate, if he is interested in that amendment. I suggest that we pass over that amendment and take up the next amendment.

The PRESIDING OFFICER. The Senator from Virginia asks unanimous consent to again pass over this amendment. Is there objection? The Chair hears no objection. The Secretary will state the next amendment that was passed over.

The SECRETARY. On page 73, beginning on line 7, the committee proposes to insert:

The Secretary of the Navy is authorized, in his discretion, to expend $30,000, or so much thereof as may be necessary, for the purchase and testing of one Talbott boiler to ascertain the feasibility of using the Talbott boiler on battle cruisers heretofore authorized to ascertain whether it is feasible to put the boilers below the protective deck on battle cruisers by the use of that type of boiler instead of those proposed in the plans. The sum of $30,000 is hereby appropriated for said purpose.

Mr. WATSON. Mr. President, this matter was passed over in order that we might obtain the hearings with reference to the electric drive, and with more particular reference to the so-called Talbot boiler. I find in the hearings, on page 12, that the chairman of the committee asked this question of Admiral Griffin:

Have you ever considered the possible advantages of the Talbot boiler? Have you considered the Talbot boiler?

To which Admiral Griffin responded:

Yes, sir.

The CHAIRMAN. Have you had any experiments with the Talbot boilers?

Admiral GRIFFIN. Yes, sir; in small vessels.

The CHAIRMAN. Were those experiments satisfactory?

Admiral GRIFFIN. No, sir; quite to the contrary.

Then, on page 15, they return to that subject, and again the chairman asked him, with reference to the Talbot boiler, what experiments, if any, had been made, and with what result, to which Admiral Griffin made response, whereupon the chairman remarked—and this is on the tenth day of last month, less than one month ago:

I never heard of it until last night, and therefore I do not know anything about it.

So that less than one month ago the chairman of this committee, after having been a member of the Naval Affairs Committee of the Senate for 20 years, stated frankly that he had never heard of the Talbot boiler and knew nothing whatever with regard to it. Yet here comes a recommendation from the chairman himself, stating that he knew at that time nothing about it, with an adverse report from Admiral Griffin, who knows all about these things, stating squarely that the experiments had shown that this boiler did not work satisfactorily, and declining to make anything in the nature of a favorable report respecting it, even in small vessels. Yet, notwithstanding this expression of the eminent chairman of this committee, so familiar with all of these naval questions because of his long service and experience in matters of this character, and notwithstanding the adverse report of the head of this bureau in the Navy Department, there is inserted here, by way of experiment in the wide field of speculation, $30,000, to be used for what purpose? Why, to experiment with a thing that has already been experimented with, and that nobody favors. Here is the head of the department who himself says that, while these experiments have been conducted, in no instance has the experiment resulted satisfactorily, and after these long experiments have been made he comes to the Senate committee to say that he is not in favor of their adoption. Yet in the teeth of that this appropriation is inserted.

Mr. President, it seems to me that if we are to rely at all upon the testimony of the men who are familiar with questions of this character this appropriation should not be permitted by this body.

Mr. TILLMAN. Mr. President, the Senator from Indiana has made no examination of this report on boilers for battle cruisers and the hearings before the Naval Committee. When it comes to the actual facts, he does not know them. There are three reports here from naval officers specifying and indicating what the test has been, and they are all favorable to it.

I ask leave to have printed in the RECORD a certain part of the report on boilers for battle cruisers in the hearings before the Naval Committee, as I shall indicate.

Mr. SMOOT. Will the Senator have it read at the desk? I would not ask to have it read if it were not that I want to vote intelligently. I have been informed that there has not been a favorable report made by any of our naval officers or any bureau of the Government. I should like to have it read now.

Mr. TILLMAN. Very well; let the Secretary read the part of the report I have indicated.

The PRESIDING OFFICER. Without objection, the Secretary will read.

The Secretary read as follows:

NAVY YARD, PUGET SOUND, WASH.,
January 5, 1915.

MY DEAR ADMIRAL: In reply to your letter of December 28, 1914, in regard to the Talbot boilers, I submit answers to your questions, as follows:

(a) Is the work they do similar to that done by ship's steamers; i. e., is it intermittent in character or continuous?

Answer. The work of launches *404* and *691*, in which the Talbot boilers are installed, is intermittent in character and similar to that required of ship's launches.

(b) If intermittent, how is the boiler regulated during periods of idleness extending over an hour or more?

Answer. The fire is extinguished when the engine is stopped, and no regulation is necessary.

(c) If the fire is extinguished during such times, what means are provided for starting again?

Answer. If the period is not more than 15 or 20 minutes, the hot bricks in the furnace are sufficient to light the fires when the oil is turned on. When the period is more than 20 minutes, but not greater than one hour for *404* and two hours for *691*, oily waste or a torch is necessary. If the period is greater than this, if no tanks are supplied containing compressed air, it is necessary to build a wood fire, which will take about 20 minutes getting up steam. Air tanks are supposed to be installed with this type of boiler and compressed air kept in reserve, to be used in atomizing the oil and starting the fires when there is no steam in the boiler. Tanks are used for this purpose in *404*, but the tanks in *691* proved defective and are not being used.

(d) Has there been any trouble from burning tubes when the boiler is idle, or through failure of feed pump?

Answer. There has been very little trouble with burned tubes. In *404* the original tubes are iron, lapwelded, and some of these spit; but there has been no trouble with seamless steel tubes. In *691* about 14 tubes have been renewed, due to sagging. This trouble is considered to have been due to the flame concentrating too intensely on one part of the tube. Failure of tubes has not been due to boilers standing idle or to failure of the feed pumps.

(e) Is there an independent feed pump in addition to the one on the engine?

Answer. Yes.

(f) If steam is used for atomizing, is the quantity used appreciable?

Answer. No test has been made of the amount of steam used in atomizing, but the machinists in charge of the launches state that *691* will empty her feed tanks, which contain 160 gallons, in a run of 35 miles at full speed, and that *404* uses about 5 per cent more water now than when she was coal burning.

The PRESIDING OFFICER. The time of the Senator from South Carolina has expired.

Mr. TILLMAN. I ask unanimous consent that all the matter may be read, so that the Senate will not make the mistake we did yesterday with the Charleston clothing factory.

The PRESIDING OFFICER. Is there objection? The Chair hears none and it is so ordered. The question is on agreeing to the amendment.

Mr. SMOOT. No; the unanimous consent asked by the Senator from South Carolina was that it be read, not printed in the RECORD without reading, but read, so that the Senate could know what they were voting upon.

Mr. TILLMAN. It is the report of a naval officer to his superior in regard to the Talbot boilers.

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

Mr. NORRIS. Mr. President, I wish to make a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. NORRIS. I supposed that the report was to be read. I should like to hear it all read.

Mr. TILLMAN. I ask unanimous consent that the testimony which I have indicated from naval officers be read.

The PRESIDING OFFICER. The Chair will state that that can not be done under the unanimous-consent agreement.

Mr. NORRIS. I wish to make a parliamentary inquiry in regard to this very point. While I realize that if anyone objects, the time of anyone can not exceed five minutes, but under the five-minute rule, which is rather an indefinite term, it seems to me it can be read. I was looking at it with a view of having this very matter read. If no one objects, or by unanimous consent, which would mean the same thing, any Senator could speak for more than five minutes.

Mr. LODGE. It refers specifically to the House rule, the five minutes allowed in the House of Representatives, and under such a rule unanimous consent is granted.

Mr. NORRIS. Under that rule unanimous consent can extend the time for any length.

The PRESIDING OFFICER. The Senator from Nebraska asks unanimous consent that the reading of the matter indicated by the Senator from South Carolina be proceeded with. Is there objection?

Mr. JONES. I object. I do not think that would be in accordance with the rule at all.

Mr. LODGE. That is a violation of the rule in regard to unanimous consent.

The PRESIDING OFFICER. The Chair rules that the terms of the unanimous consent govern this matter; and the unanimous-consent agreement, in so far as it is germane to this inquiry, is as follows:

The Senate will proceed to the consideration, under the five-minute rule, of H. R. 20632, the naval appropriation bill, and all amendments that may be pending, any amendments that may be offered. * * *

The Chair holds that the five-minute rule referred to is the Senate rule, under Rule VIII, and not a rule of the House of Representatives. The reference to the House of Representatives is to the bill under consideration. The Chair calls that to the attention of the Senator from Massachusetts.

Mr. LODGE. The Chair is correct. I did not notice it at the time.

Mr. PHELAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from California.

Mr. NORRIS. I wish to make a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Nebraska will state it.

Mr. NORRIS. I agree with the Chair. I think his decision is just right. The inquiry I wanted to make is whether it is not true that under the Senate rule, unless some Senator objects, a Senator can proceed longer than five minutes—by unanimous consent, I mean? I concede that any Senator has a right to object.

Mr. TILLMAN. I will obviate that trouble——

Mr. NORRIS. I make this inquiry so that we may know what we are doing, and I think we should have that question decided.

Mr. TOWNSEND. Mr. President——

The PRESIDING OFFICER. The Senator from Michigan.

Mr. TOWNSEND. Inasmuch as there has been a desire expressed for the reading of the report, I take the floor and in my time ask that during five minutes it may be read.

Mr. NORRIS. That still does not answer my question.

The PRESIDING OFFICER. The Chair will state that he does not feel called upon to answer hypothetical questions.

Mr. NORRIS. But I was going to make a request for unanimous consent.

The PRESIDING OFFICER. The Chair will state, out of deference to the Senator from Nebraska, that his understanding is that it has been the custom in the Senate, when proceeding under the five-minute rule, under Rule VIII, not to extend the time of Senators. The Chair, however, will submit the request for unanimous consent, if the Senator from Nebraska desires it.

Mr. BRANDEGEE. Before that point is passed upon, inasmuch as I shall after a little while be in the same position as to reading a document raising that point, I want to suggest to the Chair the language of the unanimous-consent agreement is that debate upon any amendment shall be limited to five minutes by any Senator, and could that cut off the reading of a document?

The PRESIDING OFFICER. Debate can only occur while a Senator has the floor, and a Senator can retain the floor for only five minutes, under the rule.

Mr. BRANDEGEE. But under the rule——

The PRESIDING OFFICER. The Senator from Michigan has obtained the floor in his own right and has asked that the reading proceed. The Chair is about to submit that request to the Senate.

Mr. BRANDEGEE. I am not questioning that at all. I am saying that I think the point raised by the Senator from Nebraska is——

The PRESIDING OFFICER. The Chair submitted the request for unanimous consent, but objection is made.

Mr. BRANDEGEE. The Chair did not understand. I think the point——

Mr. TILLMAN. I will cut this Gordian knot, if you will give me a minute to tell you how to do it. The Senator from Michigan has offered to give five minutes and four or five Senators on this side have offered to give five minutes.

The PRESIDING OFFICER. The Senator from Connecticut has the floor for the purpose of making a parliamentary inquiry.

Mr. BRANDEGEE. I was talking about the Gordian knot that I expect to get into, not the Senator's. I am willing to get out of his, but I want to get out of mine. I want some documents I have read, and if they are read possibly I could not say a word about the amendment when I offered it. It seems to me when the Senator from Nebraska states that under the five-minute rule of the Senate, under Rule VIII, unanimous consent can be given, if it can be obtained for a further extension, it is also applicable to this unanimous-consent agreement, which contains the five-minute rule of the Senate; but I am not asking for a ruling now.

The PRESIDING OFFICER. The Chair will state to the Senator from Connecticut that out of deference to the suggestion made by the Senator from Nebraska and the thought he presented the Chair submitted the request for unanimous consent and objection was made.

Now, the Senator from Michigan [Mr. TOWNSEND] takes the floor in his own right and asks unanimous consent that the reading be continued. Is there objection? The Chair hears no objection, and the Secretary will read.

The Secretary read as follows:

(g) Has there been any trouble due to the use of superheaded steam; if so, what?

Answer. When the boilers were first installed the superheated steam was carried at a temperature of over 600°, but it was found that the spring of the safety valve weakened under this heat, and the temperature was cut down to 550°. The temperature of the steam is now not allowed to go above 550°.

The boilers are acting reliably and efficiently, and launch 404 is doing a great deal of work, being employed in carrying workmen to ships anchored in the stream and also in towing barges. It rarely breaks down and is much more economical in fuel consumption than before this new type of boiler was installed.

Sincerely, J. R. BRADY.

Rear Admiral R. S. GRIFFIN, U. S. N.,
Chief of Bureau of Steam Engineering,
Navy Department, Washington, D. C.

Mr. TOWNSEND. Who is Brady?

Mr. TILLMAN. The naval officer at Puget Sound.

The PRESIDING OFFICER. Does the Senator from Michigan desire to have the reading continued?

Mr. TOWNSEND. I just wanted to interrupt myself long enough to find who is the writer of the letter.

The Secretary continued the reading, as follows:

NAVY YARD, PUGET SOUND, WASH.,
January 29, 1912.

From: Engineer Officer.
To: Commandant.
Subject: Seattle Talbot Generator Co.—Test of boiler.
References: Bu. S. E. End. 22533–D, Sept. 24, 1910; Bu. S. E. Let. 55970–611–1, Dec. 15, 1911; Bu. S. E. Let. 55876–611–1, Dec. 12, 1911.

1. Cutter *No.* 404 assigned for test: As directed by the first reference above, the Seattle Talbot Generator Co. was communicated with on the subject of installing one of their boilers in a steam cutter for experimental purposes. Thirty-six-foot cutter *No.* 404 was selected for the purpose, and the Ward boiler originally installed was removed and the cutter sent to Seattle and delivered to the Seattle Talbot Generator Co. for the installation of their boiler, a description of which was furnished the bureau by the company under date of September 8, 1910, and a copy of which is attached marked "A." A set of the blue prints of the boiler is also forwarded. The company installed their boiler, oil tanks, and the necessary fuel pumps, feed pump, piping, etc.

2. Space and weight of boiler: The boiler occupies a space of:

Length	feet	4
Width	do	2½
Height	do	4
Weight (steaming condition)	pounds	1,875
Heating surface	square feet	158
Horsepower		25

Oil tanks of a capacity of about 2 barrels were installed.

3. Comparison of size and weight: The following shows the relative space, weight, etc., occupied by the Talbot boiler compared with the Ward boiler removed:

		Talbot.	Ward (round).
Length	inches	48	44½
Width	do	28	44½
Height	do	48	68
Weight	pounds	1,875	3,003
Heating surface	square feet	158	182
Floor space	square inches	1,350	2,000
Cubical volume	cubic feet	37.28	68

The PRESIDING OFFICER rapped with his gavel, and by unanimous consent the remainder of the matter was ordered to be printed in the RECORD, as follows:

4. Evaporative tests not made: No evaporative tests of the boiler were attempted, as the object was primarily to determine the adaptability of the boiler for the conditions of service usually obtaining for a ship's running boat. During the time the boiler was being experimented with, however, the Seattle Talbot Co. had a test of a 100-horsepower boiler of their type made, a copy of the report of which is attached, marked "B."

5. Price of Talbot boilers: A copy of a communication received from the company showing their schedule of prices is attached, marked "C."

6. Test by *Cheyenne* and changes made in original installation: The boat when returned to the yard with its new boiler and equipment was turned over to the U. S. S. *Cheyenne* to test out in actual service, this being done with the consent of the Talbot Co. After being used for about a week the engine was wrecked and the boat returned to the yard. A long delay then occurred through a misunderstanding as to the approval of the bureau for the installation of engine G–2 No. 790, with a high-pressure piston valve. During this time the Seattle Talbot Co. again took the boat and made changes in the arrangement of their installation, consisting of turning the boiler around to face aft, so that one man can tend the boiler and engine, the removal of the coal bunkers and the installation of two 60-gallon tanks in the space thus obtained, the substitution of an air compressor driven by an eccentric from the main engine shaft for the fuel-oil pump, and a new double-acting plunger main feed pump driven by eccentric from the main engine shaft.

A copy of the report made by the *Cheyenne* is attached, marked "D."

A blue print showing the arrangement of the boiler, tanks, and accessories is attached. This print shows the arrangement after the changes referred to above were made.

7. Tests in use as yard launch: The new engine (G–2 No. 790 repaired) having been installed and the changes in boiler made as noted above, the launch was put in service for yard use. The following troubles developed:

(a) On account of the drag of the feed pump, air pump, and air-compressor pump on the shaft, it was necessary to fit a temporary additional steady bearing.

(b) The rapid circulation of steam in the boiler carried scale and other matter into the engine and pumps, causing further delays for repairs.

(c) The high temperature of the steam, 450° and over, melted out the metallic piston-rod packing, and the rods had to be repacked with asbestos packing, and difficulty is found in keeping it tight.

(d) After a few days' running the low-pressure slide valve and seat were so badly worn and cut that the cutter had to be laid up for repairs. These consisted of fitting a piston valve to the low-pressure engine.

(e) After two days' running the eccentric for the shaft feed pump was broken.

The boiler itself has not required any repairs whatsoever, even after some of the lower tubes and headers became red hot, due to failure of the feed pump. No gauge glass is fitted to the boiler, and as the feed enters at the top, water shows when working only in the upper try cocks. The steam pressure used is about 150 pounds per gauge, and the average temperature of the steam at the engine is about 450° F.—about 75° superheat. The temperature has been observed to go up as high as 650° F.

8. Advantages and disadvantages: The following is a brief statement of the advantages and disadvantages of the Talbot boiler as compared with the usual type of Ward boiler used in Navy cutters.

Advantages:

(a) Small space and light weight for a given power, allowing either more room in the boat or permitting larger fuel tanks to be installed.

(b) Rapidity of raising steam. Steam is first raised either with a wood fire until sufficient pressure is obtained to atomize the oil in the burner, or steam for atomizing may be obtained by means of a hose from the ship or wharf.

(c) Ease of replacing defective tubes should such develop. The company lays great stress on this point, but experience shows that it is seldom necessary to renew a tube.

(d) Strength and safety of pressure parts. Tubes and headers have been severely overheated without apparently causing any damage.

(e) Efficiency of evaporation. While no tests were conducted to determine the rate of evaporation of this particular boiler, tests have been made (see report attached, marked "B") on a boiler of this type, which shows high efficiency.

Disadvantages:

(a) The difficulty of controlling the steam pressure when making short trips with numerous stops, due to the small steam space in the boiler. The pressure runs down rapidly when the burner is turned off.

(b) The difficulty of regulating the temperature of the steam, the tendency being toward a high degree of superheat, which causes excessive wear on the valves, pistons, and packing of the engine. In fact, this is the principal cause of the impossibility, so far, of getting more than a few days' running without laying the engine up for extensive repairs or alterations to meet the conditions.

It has been suggested by the Seattle Talbot Co. that disadvantage (a) might be overcome by installing a small pilot burner, which could be kept going when the engine was stopped. This burner should be of sufficient capacity to furnish steam for atomizing the oil used by itself and for running an auxiliary feed pump to provide for the loss of water used for atomizing. This has not been fitted in the cutter, however.

9. Conclusion: (a) The boiler is very small and light and is capable of very rapid generation of steam, which, however, is apt to be highly superheated, with a small expenditure of fuel oil.

(b) On account of the high temperature of the steam, it is unsuitable for use with the present standard types of launch engines.

(c) Under date of December 8, 1911, the Seattle Talbot Generator Co. addressed a letter to the bureau, forwarding a blue print of an engine being built by Clark Bros. Co., of Belmont, N. Y., which seems especially well adapted for the use of high-pressure, highly superheated steam. It is believed that the combination of the Seattle Talbot generator with this type of engine would make a very compact arrangement of launch equipment.

(d) It is believed that the difficulty of keeping the engine in repair is partly due to the fact that the capacity of the boiler is greater than that of the engine.

10. The boat is again in service at present.

11. Recommendation: (a) It is recommended that the Seattle Talbot Generator Co.'s type of boiler be not adopted for use with the present standard types of Navy launch engines.

(b) Referring particularly to Bureau of Steam Engineering letter No. 55970–611–1 of December 15, 1911, it is recommended that the bureau purchase a Seattle Talbot generator and a Clark Bros. Co. engine for test in comparison with other installations.

C. N. OFFLEY.

[First indorsement.]

JANUARY 30, 1912.

From: Commandant, Navy Yard, Puget Sound, Wash.
To: Bureau of Steam Engineering.

1. Forwarded.

V. L. COTTMAN.

* * * * * * *

Senator POINDEXTER. But you have not yet answered Senator Tillman's question as to why you have not competed for Navy Department contracts.

Mr. MULLIGAN. We have competed with more or less success, and Admiral Griffin can probably verify that.

The CHAIRMAN. Has Admiral Griffin's department bought any boilers from you?

Mr. MULLIGAN. Yes, sir; Mr. Griffin has authorized the purchase of six boilers for launches. We are now prepared to show that, in view of what we have already done, that with but a slight increase in the size above that already operated the use of 48 boilers entirely within constructive and operative limits, which will require a total space in a battle cruiser of 56 feet wide by 90 feet in length, each unit having a width of 6½ feet and a length of 10 feet and a height of 12 feet, arranged in three fire rooms 56 feet long by 10 feet wide, will produce sufficient steam for 180,000 horsepower, on the basis of 12 pounds of water required per horsepower per hour. These boilers will easily go well below the protective deck and allow sufficient depth of inner bottoms for any other purpose.

The weight of water evaporated per ton of boiler, using the one having 1,350 square feet of heating surface as a basis, is 2,165 pounds per hour. This would make a total boiler weight for the entire 48 units of 1,000 tons, and the saving in weight thus made would be far more serviceable to the ship in the form of light armor or increase of thickness of protective deck than any advantage which could be compared with it by retaining the ordinary type of boiler for such a vessel and exposing part of the boiler plant to gunfire.

The CHAIRMAN. Are you prepared to furnish boilers for use in these proposed battle cruisers which will meet the requirements of the Navy Department as to power and speed in these vessels?

Mr. MULLIGAN. Yes, sir.

The CHAIRMAN. At what cost?

Mr. MULLIGAN. That would require consideration, which we would have to give it later.

The CHAIRMAN. Could you submit bids on these battle cruisers?

Mr. MULLIGAN. We are prepared to supply the boilers only, and with an additional $50,000 worth of equipment in our plant we can produce 500,000 horsepower of boilers per year. We are now equipped to produce 4,000 horsepower of boilers per month. We would build for test a sample unit of the size mentioned if we had the proper encouragement and assistance from the Government, which has evidently been extended to the development and trials of the Deisel type of engine. The boiler is physically incapable of doing any damage by explosion, as its contents are mostly of a low temperature and, in the event of a rupture, the water and steam within the tubes would have to struggle its way through a long and restricted channel to reach the outlet. The Talbot boiler is an extremely flexible combination of heating surface, and it is a matter of record that it has never failed to operate when even ordinarily reliable feed-water supply and fire control is available, and by comparison of each individual feature with those of the ordinary boilers it has proved to possess every primary and secondary requisite of a steam generator.

Reference to a letter written by Representative Hobson to Chairman Padgett, of the Naval Affairs Committee of the House, about March, 1915, will show the efforts that have been made in the past to have the advantages that have been shown by this boiler taken advantage of by the Navy Department. Additional evidence of such efforts by progressive Government officials can be found in the material prepared at the request of the Secretary of the Navy by the industrial manager's department of the New York Navy Yard concerning trials of the *Arizona* and *Pennsylvania*, using Talbot boilers. The advantage of such a boiler for use in the destroyer type of vessel is obviously of the highest value, greatly increasing both the speed and steaming radius.

The CHAIRMAN. Very well, gentlemen, the hearing is closed and the committee will now adjourn.

(Whereupon the committee adjourned, subject to the call of the chairman.)

ADDENDA.

(Subsequent to the close of the hearing Mr. Talbot personally interviewed the chairman of the Senate Committee on Naval Affairs and submitted a letter under date of February 13, which was ordered printed in the record. The letter is here printed in full, as follows:)

TALBOT BOILER CO.,
New York City, February 13, 1917.

B. R. TILLMAN,
Chairman of Naval Affairs Committee,
United States Senate, Washington, D. C.

HONORABLE SIR: 1. Talbot boilers have been used by the Navy four years.

2. Report by the engineer officer, C. N. Offley, navy yard, Puget Sound to Navy Department, January, 1912, states the following advantages:

(a) Smaller space and light weight for a given power, allowing either more room in boat or permitting larger fuel tank to be installed.

(b) Rapidity of raising steam.

(c) Ease of replacing defective tube should such develop. The company lays great stress on this point, but experience shows that it is seldom necessary to renew a tube.

(d) Strength and safety of pressure parts.

(e) Efficiency of evaporation.

3. Three years later a report to Navy Department by J. R. Brady, engineer officer, Puget Sound Navy Yard, on this same boiler and another four times the size purchased later, answering questions by Admiral Griffin, states:

Answer to question "d": "There has been very little trouble with burned-out tubes."

Conclusion: The boilers are acting reliably and efficiently and launch *No. 404* is doing a great deal of work, being employed in carrying workmen to ships anchored in the stream and also in towing barges. It rarely breaks down and is much more economical in fuel consumption than before this new type of boiler was installed.

4. Capt. Carr, United States Navy, on five-hour trip on 1,000 horsepower tug, June, 1916, says:

"I took his place (fireman's) during which time he remained on deck. No valves on boiler or any part of machinery were altered during that time (trip from Long Island City to Greenville, N. Y.). The automatic feed valve regulated the feed supply and the automatic oil valve the degree of superheat.

"On the return trip the fireman remained on deck nearly all the time with no one in the fireroom."

The above are quoted statements from reports of the officer named.

I wish to bring out (1) the advantage to the Government in saving approximately one-quarter of a million dollars on each battle cruiser equipped with Talbot boilers; (2) the advantages to the ships so equipped and (3) the advantages in making tests at the New York Navy Yard. These three advantages are detailed as per inclosures.

I request that you make every effort to get an appropriation of $30,000 to cover tests as per inclosed proposition.

Very respectfully,

PAUL TALBOT, *President.*

Proposition: Talbot Boiler & Engine Corporation to furnish drawings (except detail) and patent rights as well as cooperate with New York yard for the sum of $1.

Yard build boiler, cost	$15,000
Make tests, to cost	15,000
	30,000

These tests to show its suitability for larger ships of Navy.

If satisfactory, Talbot Boiler Co. to charge for privilege to build additional boilers $1 per indicated horsepower, thus saving Government over $250,000 on each ship such as a battle cruiser. A comparison of prices will also show this.

PAUL TALBOT.

Advantage No. 1: The Talbot boilers, including the proposed royalty privilege, will cost the Government $650,000. At the price the Government is paying for completing boilers, $900,000 and likely more than this, because of the advanced price of boilers, will be paid to makers of inferior boilers, as outlined under advantage No. 2.

Under the $30,000 appropriation, this results in a net saving of a quarter of a million dollars to the Government on each ship.

The Talbot Boiler Co. have paid more money out than they have received from the Navy Department to get their boilers in the naval service in the smaller sizes.

Advantage No. 2: In addition to the financial advantages, the following advantages which are proved by four years of service in the Navy and by reports from officers in charge of tests and who have made reports on the performance of Talbot boilers in service, should be considered:

(a) All of the boilers develop over 180,000 horsepower, if of the Talbot type, and are readily installed below the protective deck without the necessity of placing the other machinery above the protected deck to make room for them. Thus the boilers and other machinery of the vessel are protected from gunfire in the usual manner. The battle cruiser is the only exception where these boilers are exposed to gunfire (proposed Navy plan).

STATEMENT OF MR. P. C. MULLIGAN, SECRETARY OF THE TALBOT BOILER & ENGINE CORPORATION.

Mr. MULLIGAN. I want to say, gentlemen, that I have probably had more experience in the actual handling of the Talbot boiler in service than any other individual, in addition to having had a considerable amount of valuable experience in the handling of boilers of the ordinary type, both with oil and coal fuel, including the Babcock & Willcox, the Thornycroft, and the Scotch types. I wish to say that I have had sufficient experience with the Talbot boiler to be able to give the facts regarding its performances in every particular, including the history of its development and the results obtained with it to date. I can also make direct comparisons with boilers of the ordinary type, representing the latest development in boiler design, which will show the advantages of the Talbot boiler and give the particular features of boiler merit. These facts are obtained from the actual handling of boilers from the smallest sizes up to the largest so far constructed, which latter size is suitable for steam-generating purposes on board men-of-war.

We have produced a boiler and installed it in service on a large tugboat. It is a boiler with a width of 5 feet and a length of 9 feet, with a height of 10 feet 10 inches, having 1,350 square feet of heating surface and a weight of 12 tons, and has proved to have a greater capacity than a Scotch type of boiler having three furnaces and 2,800 square feet of heating surface and a weight of 60 tons. The performance of this boiler in service was observed by a naval officer, Capt. Carr, whose report on the boiler's performance during his observation, was highly favorable and by all reasonable comparisons it is entitled to every assistance by the Government because of its design and construction which any similar apparatus would merit to suit it for naval service. No other boiler of the water-tube type has ever been able to make such a tremendous saving in space and weight as has been done by the Talbot boiler. As a matter of comparison the installation speaks for itself and is the most striking illustration of producing power with reduced weight and space that has ever been made.

Another significant feature in connection with its application to naval work is that this boiler is making these savings without forcing the draft and with a turbo-electric generator, using superheated steam, with which these machines are most efficient, this boiler under present natural draft and operating conditions will produce 1,300 horsepower, allowing 12 pounds of water consumption per horsepower hour, which is liberal in view of the great economies obtained in tests of the turbo-electric equipment of the U. S. S. *Jupiter*. I believe that Mr. Robinson and Mr. Emmett, of the General Electric Co., will confirm this figure as a liberal one for steam consumption with this type of engine.

I wish to point out that the tests under forced draft of the Talbot boiler in the navy yard at New York, during November, 1915, showed that the same boiler which produced 40 boiler horsepower under natural draft operation showed a capacity of 112 boiler horsepower with a draft pressure of about 1.4 inches of water by the draft gauge. With a less proportion of increase in capacity than was shown to be possible by forcing the draft, the large boiler, having 1,350 square feet of heating surface, will easily produce 2,100 horsepower.

The CHAIRMAN. You say that Capt. Carr, a naval officer, has made a report on the performance of this boiler?

Mr. MULLIGAN. Yes; I was on board the boat with Capt. Carr.

The CHAIRMAN. Have you that report, Admiral Griffin?

Admiral GRIFFIN. Yes, sir.

Senator POINDEXTER. Is it favorable or unfavorable?

Admiral GRIFFIN. Favorable for the service it is performing.

Senator POINDEXTER. What type of boilers do you use in battleships?

Admiral GRIFFIN. The Babcock & Willcox and the small-tube express types, the White-Forster, the Yarrow, or the Thornycroft.

Senator POINDEXTER. Are these included in the Scotch boiler type?

Admiral GRIFFIN. No; the Scotch boiler is a fire-tube boiler—these are water-tube boilers.

Mr. MULLIGAN. Admiral Melville is to be credited with the boldest move, perhaps, that has been made in changes to boiler equipment for the naval service, when he introduced the Babcock & Willcox boiler, and showed its advantages for naval use. When the water-tube boiler was first introduced there was some difficulty experienced by the water tenders in controlling the water level, which was subject to rapid fluctuations, as compared to the old Scotch type of boiler, with the operation of which water tenders were familiar. This was finally overcome, until to-day no difficulty is experienced because of greater proficiency in handling. The Talbot boiler, in view of what has been accomplished with it in the way of successfully producing steam for marine service, is not in the least a more radical change in method of steam generation than was the water-tube boiler when it was introduced, to replace the Scotch boiler.

When the facts are known concerning the Talbot boiler proper, leaving out of consideration all handicaps which may have been found in any Talbot boiler plant, such as feed-pump troubles, oil-pump troubles, burner troubles, and lack of knowledge of its handling by inexperienced operators, then there will be less judgment of the merit of the Talbot boiler by assumption and more intelligent conclusions reached, which will be of the greatest permanent value. The Talbot boiler has been demonstrating what it is capable of under the greatest handicaps that probably have ever been imposed upon any new apparatus for ship propulsion, and it is safe to say that had the Deisel engine in the *Maumee*, the collier *Jupiter*, or the collier *Neptune*, in which the first geared turbines were tried, been handicapped as were the Talbot boilers in the majority of its installations, there would have been far less favorable reports and advocates of any of these three now very popular and successful installations. The perseverance of those who undertook to make a success of these three new types of marine equipment is a tribute to those who refused to be baffled by the difficulties encountered with details of each of the equipments named. We have had to suffer with handicaps for which we were in no way responsible, and the boiler, being the new part of the equipment, has been discredited unjustly, while its success in those installations which are satisfactory has

received a very small amount of notice in proportion to what has been accorded successful installations of apparatus having much less far-reaching influence or possibility. Mr. Talbot has, during the introduction of his boiler to the naval service, shown the naval engineers a number of highly valuable ideas in regard to feed pumps for high-pressure and high-speed work, and the fitting of ordinary engines for use with high temperature superheated steam.

Admiral Griffin showed his appreciation of this by authorizing the construction of several standard Navy engines to meet superheated steam requirements and to operate in connection with Talbot boilers. Steam having only 40° of superheat is used in the battleship *New York*, while the collier *Prometheus* suffered a great deal of difficulty because of attempts to use highly superheated steam, which is successfully handled by the engines fitted to Mr. Talbot's specifications.

The CHAIRMAN. Please tell us the names of the naval officers who experimented with the Talbot boiler and made reports. I have asked for that information from the Navy Department, and it is on the way here, but I want to put it in the record at this point.

Mr. LIPPITT. Mr. President, I should like to vote intelligently upon this proposition. While the reading has been going on I have been looking over the report on boilers for battle cruisers upon which the reading took place. As far as I can see in regard to this matter, this is a type of water-tube boiler. Water-tube boilers are now used in the Navy in the form of Babcock & Willcox and others, but this is a new type of water-tube boiler, the originators of which claim that it will produce steam faster than the type now in use. It has only been experimented with in two small plants, one in the case of a cutter, that is a very small affair, and the other in the case of a tugboat, also not a large matter, a boiler with a capacity of something like 100 horsepower. I can see nothing really in this report that would justify me in voting for the expenditure by the Government of $30,000 in experimenting with boilers of this type.

Mr. TILLMAN. The Senator has not examined the report sufficiently. I will say to the Senator, if he will examine it thoroughly he will find that he is woefully mistaken, because it has been tested by several naval officers. If the Senator will keep on right down in the report he will find it.

Mr. LIPPITT. I will say to the Senator that I have read all that is printed in the report.

Mr. TILLMAN. The Senator has not had the report for more than 15 minutes.

Mr. LIPPITT. I have not had the report very long.

Mr. TILLMAN. If the Senator will look at page 37 he will find it all summed up.

Mr. LIPPITT. I did read what is said on page 37, and I do not find anything that justifies in my mind the expenditure of $30,000 for an experiment on a boiler which is a mere experiment so far as it has been used in small plants. It is very easy to get boilers that will run on little yachts or little cutters. The Herreshoff people years ago had a boiler of this type which was very efficient in that way, but it was perfectly impracticable when an attempt was made to use it on a large scale, such as would be necessary for battleships. It seems to me that the owners of this plant should go ahead and make these experiments if they want. I do not want to be too positive about this matter, but I can see no sufficient evidence that has been reported to the Senate, so far as I am concerned, to justify me in voting for it.

Mr. SWANSON. Mr. President, on page 30 of the hearings there is a summary of the advantages and disadvantages and the conclusions. As I stated previously, this boiler has simply been used on small, high-speed boats, but it has been used very successfully in that respect. They have not made a test of a large boiler that could be used for large battleships.

Mr. TILLMAN. They have made the test up to 1,000 horsepower.

Mr. SWANSON. Up to 1,000 horsepower, but not on large battleships. The advantages can be made apparent in a small space. The committee determined that they would not direct the department to make the experiment. We did not know enough about it, but we had an idea that there was sufficient merit in it for the department to examine and determine whether to make experiments. There has been great difficulty to get men to make new ventures with such enterprises. The Senator from South Carolina, the chairman of the committee, submitted it and investigated it very carefully, and he is convinced there is great merit in this boiler and that it might be utilized. A small boiler will put the boiler below the water line. It is left entirely to the department if they think it is possible to experiment with it and see whether a boiler of this kind can be utilized or not. They are not compelled to do it. It seems to me, from what the Senator from South Carolina says and from this summary of the advantages and disadvantages, we could afford to authorize the department to make the experiment and see if it can be made a success. That is all the amendment does.

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

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

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

Mr. SMITH of Maryland (when his name was called). I have a general pair with the Senator from Vermont [Mr. DILLINGHAM]. I transfer my pair to the Senator from Nevada [Mr. NEWLANDS] and vote "yea."

Mr. SMITH of South Carolina (when his name was called). I have a general pair with the Senator from South Dakota [Mr. STERLING]. In his absence I withhold my vote.

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

The PRESIDING OFFICER. He has not.

Mr. WILLIAMS. I transfer my pair with that Senator to the Senator from Alabama [Mr. BANKHEAD] and vote "yea."

The roll call was concluded.

Mr. GRONNA. I have a general pair with the Senator from Maine [Mr. JOHNSON]. I ask if he has voted?

The PRESIDING OFFICER. He has not.

Mr. GRONNA. As I have a pair with that Senator and can not secure a transfer I withhold my vote. If permitted to vote, I should vote "nay."

Mr. McCUMBER. I have a general pair with the senior Senator from Colorado [Mr. THOMAS], but upon this vote he has relieved me from observing the pair. I vote "nay."

Mr. SIMMONS (after having voted in the affirmative). I have a general pair with the junior Senator from Minnesota [Mr. CLAPP]. I transfer that pair to the Senator from Nebraska [Mr. HITCHCOCK] and let my vote stand.

Mr. SMITH of South Carolina. I have a general pair with the Senator from South Dakota [Mr. STERLING]. I transfer that pair to the Senator from Kansas [Mr. THOMPSON] and vote "yea."

The result was announced—yeas 36, nays 25, as follows:

YEAS—36.

Ashurst	Husting	Owen	Sherman
Beckham	James	Phelan	Shields
Broussard	Johnson, S. Dak.	Pittman	Simmons
Bryan	Kern	Poindexter	Smith, Md.
Catron	Lea, Tenn.	Pomerene	Smith, S. C.
Fletcher	Lee, Md.	Ransdell	Swanson
Hardwick	Lewis	Robinson	Tillman
Hollis	McLean	Shafroth	Underwood
Hughes	Martin, Va.	Sheppard	Williams

NAYS—25.

Borah	Jones	Oliver	Walsh
Brandegee	La Follette	Page	Watson
Cummins	Lippitt	Smoot	Weeks
Curtis	Lodge	Sutherland	Works
du Pont	McCumber	Townsend	
Fernald	Nelson	Vardaman	
Harding	Norris	Wadsworth	

NOT VOTING—35.

Bankhead	Fall	Lane	Smith, Ariz.
Brady	Gallinger	Martine, N. J.	Smith, Ga.
Chamberlain	Goff	Myers	Smith, Mich.
Chilton	Gore	Newlands	Sterling
Clapp	Gronna	O'Gorman	Stone
Clark	Hitchcock	Overman	Thomas
Colt	Johnson, Me.	Penrose	Thompson
Culberson	Kenyon	Reed	Warren
Dillingham	Kirby	Saulsbury	

So the amendment was agreed to.

The PRESIDING OFFICER. The Secretary will now state the other amendment on page 26, which has been passed over.

Mr. WORKS. I had understood that we had disposed of the last committee amendment.

The PRESIDING OFFICER. The amendment on page 26 was passed over because of the temporary absence from the Chamber of the Senator from Nebraska [Mr. NORRIS]. The amendment will be stated.

The SECRETARY. The amendment passed over is on page 26, line 15, after the word "complete," to strike out "$400,000" and to insert "$900,000, and the limit of cost is hereby increased to $1,100,000," so as to read:

Gun shop, to complete, $900,000, and the limit of cost is hereby increased to $1,100,000.

Mr. NORRIS. I think there is a misunderstanding, Mr. President. I did not ask that that amendment go over.

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

The amendment was agreed to.

Mr. NORRIS obtained the floor.

Mr. WORKS. Mr. President——

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

Mr. NORRIS. I wish to make a parliamentary inquiry.

Mr. SWANSON. Before the Senator from California proceeds, I desire to offer a further committee amendment.

Mr. NORRIS. The amendment which I desired to go over was that on page 73, in lines 16, 17, 18, and 19. Has that amendment been acted on?

Mr. SWANSON. That amendment has been adopted.

Mr. NORRIS. I ask the Senator in charge of the bill if he will not ask that the vote by which the amendment was agreed to may be reconsidered?

Mr. SWANSON. The Senator from Nebraska can make the motion.

Mr. NORRIS. I wish to debate that amendment.

Mr. LODGE. The Senator from Nebraska can take the matter up in the Senate.

Mr. NORRIS. I know I can take it up in the Senate.

Mr. LODGE. I wish to suggest that the matter was not hurried. The amendment was disposed of in the regular course.

Mr. NORRIS. I am not complaining about it; but I was called out of the Chamber.

The PRESIDING OFFICER. The Senator from Virginia [Mr. SWANSON] states that he has some committee amendments to offer. If there is no objection, the Senator from Virginia will submit them.

Mr. SWANSON. I send an amendment to the desk, which I ask may be stated.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 68, after line 5, it is proposed to add a new paragraph, as follows:

That the Secretary of the Treasury is hereby authorized to borrow on the credit of the United States, from time to time, such sums as may be necessary to meet expenditures directed by the President from the naval emergency fund and for expediting naval construction as provided in this act, not exceeding $150,000,000, or to reimburse the Treasury for such expenditures, and to prepare and issue therefor bonds of the United States in such form and subject to such terms and conditions as the Secretary of the Treasury may prescribe: *Provided*, That such bonds shall be issued at not less than par, shall bear interest not exceeding 3 per cent per annum, shall not have the circulation privilege attached, and that all citizens of the United States shall be given an equal opportunity to subscribe therefor; but no commission shall be allowed or paid thereon. Both principal and interest shall be payable in United States gold coin of the present standard value and shall be exempt from all taxes or duties of the United States, as well as from taxation in any form by or under State, municipal, or local authority: *Provided further*, That any bonds issued under authority of this act or any other act or acts passed at the second session of the Sixty-fourth Congress, or any bonds hereafter issued under authority of section 39 of the act approved August 5, 1909, or acts approved June 3, 1916, and September 7, 1916, may, under such conditions as the Secretary of the Treasury may prescribe, be convertible into bonds bearing a higher rate of interest than 3 per cent per annum if any bonds shall be issued by the United States at a higher rate than 3 per cent per annum by virtue of any act hereafter passed, on or before December 31, 1918. In order to pay the necessary expenses connected with the said issue of bonds or any conversion thereof, a sum not exceeding one-fifth of 1 per cent of the amount of bonds herein authorized is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be expended as the Secretary of the Treasury may direct.

Mr. WADSWORTH. Mr. President, may I inquire of the Senator in charge of the bill who has offered this amendment? Do I understand that it is a committee amendment?

Mr. SWANSON. I conferred with members of the committee and was authorized to report the amendment.

Mr. WADSWORTH. I want to inquire of the Senator first——

Mr. SWANSON. It was not formally adopted by the committee, but the majority of the committee——

Mr. WADSWORTH. I understand. I want to inquire of the Senator about some details of it. In listening to it I was unable to catch whether or not there was any limitation placed upon the life of the bonds.

Mr. SWANSON. I think it is 20 years, is it not? I ask that the amendment be sent to me from the desk. [The amendment was handed to Mr. SWANSON.] The provision is similar to those in other bond issues; I think it is the same as that adopted in the revenue bill. We tried to make them conform.

Mr. WADSWORTH. There have been so many bond issues authorized that the Senator's reply scarcely answers my inquiry. I can not follow them all.

Mr. CLAPP. Your grandchildren will——

Mr. SWANSON. This amendment has no limitation in it. I will ask the Secretary to again read the amendment. It will only take a few moments, and will save time. The Senator from New York can listen more carefully.

Mr. WADSWORTH. I yield for the purpose of having the amendment again read, Mr. President.

The PRESIDING OFFICER. The Secretary will again read the amendment.

The Secretary again read the amendment of Mr. SWANSON.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. The Senator from New York has the floor.

Mr. NORRIS. I thought the Senator had left the Chamber. I shall ask to address the Senate after the Senator from New York shall have concluded.

Mr. WADSWORTH. Mr. President, this amendment has come rather suddenly to the attention of the Senate. It is exceedingly difficult, of course, at a moment's notice, to completely comprehend the situation. Certainly I would do nothing to interfere with the financing of the national defense. I assume that this amendment offered by the committee is for the purpose of facilitating the national defense so far as it relates to this paragraph in the naval appropriation bill, to which it is to be added as an amendment. I think I am right in saying that.

Mr. SWANSON. The bill provides for an emergency fund of $115,000,000 and an additional appropriation of $35,000,000 for submarines, making $150,000,000 in excess of the regular appropriations usually carried in the bill. That is not provided for in the revenue bill nor by the scheme of bonds that has heretofore been provided for. This is to provide a bond issue to take care of that situation.

The PRESIDING OFFICER. The time of the Senator from New York has expired.

Mr. WADSWORTH. I ask unanimous consent to find out something about this provision. I have not talked a minute and a half.

The PRESIDING OFFICER. The Senator from New York asks unanimous consent to proceed for five minutes. Is there objection?

Mr. HUGHES. I have no desire to object, but I wish to suggest that we are operating under a unanimous-consent agreement, as I understand. The Senator from New York, however, can move to strike out the last word of the amendment and reach the same result.

Mr. LODGE. We are not acting under the House rule.

The PRESIDING OFFICER. The Chair does not think such an amendment would be in order. The House rule does not apply in the Senate. Is there objection to the request of the Senator from New York? The Chair hears none, and the Senator from New York will proceed.

Mr. WADSWORTH. Mr. President, I inquire if the junior Senator from Massachusetts [Mr. WEEKS] is in the Chamber?

Mr. CLAPP. No.

Mr. WADSWORTH. I desire to call the attention of the Senator in charge of the bill to this situation: The junior Senator from Massachusetts the other day during the discussion of the revenue bill brought some exceedingly interesting facts to the attention of the Senate with respect to the great advantage of serial bonds over sinking-fund bonds. I think a good many Senators upon the other side of the Chamber quietly admitted that the Government would save in the future millions and millions of dollars if it would adopt the issuance of serial bonds instead of sinking-fund bonds; but apparently the majority Senators were fearful of accepting an amendment which would save money to the Government on the ground that perhaps it would cause delay in the other House or in conference and jeopardize the bill. So the amendments offered by the junior Senator from Massachusetts were voted down, as I remember, by a unanimous vote of the Democratic Senators.

The amendment which is now offered by the Senator in charge of the bill, it seems to me, can be improved. I do not myself feel able upon the spur of the moment to suggest a change of the language; but it ought to be improved if it is determined that it is necessary to issue $150,000,000 of bonds in addition to the other bond issues already provided for. There should be inserted at least a provision conferring the discretionary power on the Secretary of the Treasury to make those bonds serial bonds.

Mr. SWANSON. I understand the discretion is entirely with the Secretary of the Treasury. If not, I have no objection to so framing the language as to leave it discretionary with him; though I repeat, as I understand, the character of the bonds is left entirely to his discretion.

Mr. WADSWORTH. It is exceedingly difficult to take up a matter of this sort without a printed copy of the amendment before us.

Mr. WEEKS. Mr. President, I ask unanimous consent that this amendment be passed over until Senators on this side have an opportunity to offer amendments covering the general ground which has been stated by the Senator from New York [Mr. WADSWORTH].

Mr. SWANSON. I have no objection to that.

Mr. NORRIS. Will the Senator from Massachusetts withhold the request until I conclude? I want to say something on this matter while it is fresh in my mind.

The PRESIDING OFFICER. The Senator from Nebraska indicated a desire to be recognized, and he is now recognized.

Mr. NORRIS. Mr. President, this situation emphasizes, it seems to me, what I tried in my weak way to direct attention to a few days ago—that we are legislating here in a way that deserves condemnation. In a number of bills—and several times in most of them—we have been providing for the issuance of bonds in the discretion of the President or of the Secretary of the Treasury. Provisions for the issuance of hundreds of millions of dollars of bonds have passed through the Senate almost in the twinkling of an eye. We are remaining in session almost continuously, until Senators are exhausted. It is physically impossible to remain here all the time while the different chairmen of the various committees change off and bring up different bills providing these enormous appropriations.

Here is an authorization for the issuing of $150,000,000 of bonds. The amendment has never been printed; it was not reported in the bill, and it has been read from the Secretary's desk so rapidly that it was impossible for Senators to grasp much more than the enormous amount that was provided for. We are expected to pass it without any consideration, and we are going to pass it practically without any consideration. It is only a sample of the manner in which the business of the Senate has been conducted. If this were the only amendment of this nature, there would not be so much complaint; if only $150,000,000 of bonds had been provided altogether, we would not think so much about it; but the total amount of bond issues authorized is getting into the billions of dollars. We have authorized, I dare say, in the last three or four days the issuing of bonds by the President of the United States that will aggregate nearly a billion dollars. The taxpayers of the country at some time will have to pay them.

When a question was asked in regard to this amendment—which, as I have said, was read so rapidly that it was impossible to grasp its import—even the Senator in charge of the bill did not know whether or not there was a limitation in it. He himself was compelled to send to the Secretary's desk to get the amendment and examine it to see what its provisions were.

Why, Mr. President, how long can this method of legislation continue without receiving the open condemnation of the citizens of our country? Are we going, in the last few days of this session, to pass through Congress without any consideration all of these appropriations, with amendments such as this, which have never yet been printed, entailing upon the country and the taxpayers of the country the burden not of millions but of billions of dollars?

No Senator wants to object to any appropriation that may be necessary for any reasonable defense, to anything that is reasonable or fair; but I protest, Mr. President, that it is not right to expect Senators to sit here and in silence permit to be passed through the Senate of the United States such enormous appropriations and such enormous authorizations for the issuance of bonds by the President and the Secretary of the Treasury.

This bill and other bills, if it was expected to pass them during this session of Congress, ought to have been here weeks ago; and if they could not have been here prior to this time, then at least we should have had an opportunity to read the amendments intended to be offered, especially when the amount involved exceeds $100,000,000. I do not believe that an amendment of this kind ought to be rushed through here without any kind of consideration, when no Senator has a right even to speak for more than five minutes on the proposition. Within that time one could hardly read the amendment providing for this immense bond issue. It only needs a statement of the fact, it seems to me, to call the attention of the Senate and of the country to the ridiculousness of the situation, the solemnity of it, too, that we are here frittering away, without a moment's consideration, hundreds of millions of dollars, the payment of which must be borne, in many instances, by those who are still unborn, and whose bended backs will have to bear these burdens even after we are gone both politically and physically.

Why, Mr. President, in the name of preparedness, we are every few minutes entailing on unborn generations millions and millions of dollars. We had better stay here all summer and try to give some consideration to these enormous appropriations. There ought to be a halt called; we ought to stop and listen and wait a few moments. Let us give a second thought to some of these things before we pass them through. It is openly announced that we are going to remain in continuous session until the 4th of March. We can not expect to do business properly under such conditions.

The VICE PRESIDENT. The time of the Senator from Nebraska has expired.

Mr. BORAH. Mr. President, this amendment is to provide for a further bond issue, and, while I have had no opportunity to study the details, the fact that it provides for a bond issue is sufficient to justify my opposition. It is a fundamental principle with me in the matter of expenditures that we should pay as we go, and I am opposed to a bond issue under any circumstances or for any purpose.

We are still at peace, Mr. President. How long we shall remain at peace, of course, no man knows; but we are legislating at the present time when we are at peace with all the world and when we are enjoying as a Nation an extraordinary era of prosperity superinduced by conditions brought on by the war. So long as that condition obtains in the country we ought certainly to pay our expenses as we go along.

There has been presented to the Senate at no time by anyone any reason for this bond issue. It has been suggested that some of these improvements are permanent improvements, but be assured that the next generation and the generation after that will have all the burdens they can carry and all the expenses that they can well meet. Whatever our expenses may be, we need not doubt that those who come after will have their own expenses heavy enough without inherited burdens.

Mr. President, there is one thing that has been very thoroughly established in this country and in all other countries whose financial history it has been my privilege to examine, and that is that the issuing of bonds leads to extravagance and to waste and indispensable expenditures. I do not suppose there is any Senator here who desires to curtail expenditures which are necessary to meet the present situation. I know I myself have undertaken to vote rather liberally in regard to those matters; but to be in favor of meeting these expenditures and to be in favor of issuing bonds to meet them are two different propositions. I think whatever burden is necessary now to meet those expenditures we should leave upon the present generation. The present generation should take care of its own indebtedness.

For that reason, Mr. President, I shall vote against this amendment, as I have voted against all other amendments and bills which provide for any bond issue whatever. The idea of piling up millions and millions of dollars in these days in the way of gathered wealth, and yet while we are doing that putting upon other generations the part of the expenses that we ourselves should take care of! I am opposed to a bond issue in any form. I would rather have the proposition of the Senator from Colorado than a bond issue, because that may only be unwise; this is both unwise and unjust. If we are going to do a wrong thing, let us do that which we ourselves may correct and not that which we must leave to others to bear.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Virginia.

Mr. SWANSON and Mr. CURTIS addressed the Chair.

The VICE PRESIDENT. The Senator from Virginia.

Mr. SWANSON. Mr. President, I have listened with interest to the remarks of Senators upon this matter. I desire to remind them that this amendment does not increase the appropriations at all. The naval bill as it passed the House provided for the expenditure of a certain amount of money. When it came to the Senate an emergency necessitated an increase in the amounts appropriated. The bill as it passed the House did not provide an emergency fund of $115,000,000, and it did not provide a fund of $35,000,000 for additional submarines, which were considered very urgent and needed at this time. Those two funds were required to meet the emergency situation. Consequently, no provision having been made in the House bill to provide for these matters, it was deemed wise to take this action.

The Naval Committee, of course, had no authority to include a bond issue in the bill reported by them. They can only present the amendment providing for this bond issue and await the judgment of the Senate. The Finance Committee could have taken care of this matter if it had known of the emergency before it reported the revenue bill; but, not having taken care of it, the Secretary of the Treasury wrote me a letter stating that unless a bond issue was provided to meet the additional expenditure of $35,000,000 for submarines and $115,000,000 for the emergency fund, the Treasury would be left in a very unfortunate situation.

I repeat that this amendment will not increase the appropriations, as the Senator from Nebraska seems to think. It simply provides for a bond issue for the two specific purposes I have mentioned. It was thought wise to leave discretion in the Secretary of the Treasury in issuing these bonds. Why? Because the market for bonds varies. Sometimes a short-term bond sells high, and sometimes a long-term bond brings more money. In former years a bond, if it ran 10, 25, or 50 years, would bring more money than a bond running only 5 years. The world now seems surfeited with long-term bonds and short-term bonds sell better. Serial bonds, providing for the retire-

ment of a certain proportion each year, I think, were advocated by the junior Senator from Massachusetts. Is not that correct?

Mr. WEEKS. Yes.

Mr. SWANSON. Such bonds are very popular, indeed, and might sell for a better price than others. It was thought wise to leave it to the discretion of the Secretary of the Treasury in the issuance of these bonds to issue those that will bring the most money; and it is so provided in the amendment, as I understand.

I intended to offer the amendment heretofore and have it printed, but, at the Treasury Department, the provision of the amendment in regard to the character of the bonds was changed, and it was sent to me only yesterday. Consequently, it has not been printed. I was very ill yesterday. Otherwise I would have presented it heretofore. I am willing, however, to have the amendment go over until later so that Senators may examine it, ascertain its character and the form of the bonds to be issued. I wish to say that I have a letter here from the Secretary of the Treasury which I desire either to have read or inserted in the RECORD, showing the necessity for this bond issue.

The VICE PRESIDENT. It will be printed in the RECORD.

Mr. WEEKS. Mr. President, does the Senator from Virginia withdraw the amendment?

Mr. NORRIS. Mr. President, I should like to have the letter read. If it is to influence this legislation, it ought to be read.

Mr. SWANSON. I ask to have the letter read.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

THE SECRETARY OF THE TREASURY,
Washington, February 23, 1917.

HON. CLAUDE A. SWANSON,
United States Senate.

MY DEAR SENATOR: In view of the provisions in the naval bill for expenditures for expediting naval preparedness, amounting to $150,000,000, and on account of the fact that the revenue bill has advanced to such a stage that proper provisions to meet these expenditures can not be now inserted, it will be necessary, in the absence of any provision for the raising of the necessary funds therefor by taxation, to provide for the issuance of bonds. I am averse to bond issues for purposes of this character, but in view of the short life of the present Congress and the crowded condition of the calendar, I see no other way by which the matter can be quickly provided for than by an issuance of bonds. I therefore inclose an amendment, which, if passed, will confer the necessary authority for this purpose.

Sincerely, yours, W. G. MCADOO.

Mr. SWANSON. Now, Mr. President, if Senators desire to have an opportunity to look into this amendment and prepare amendments to it, I have no objection to having it go over, to come up later.

Mr. WEEKS. I have prepared an amendment which I desire to offer, if the Senator is willing.

Mr. THOMAS. I desire, before the amendment is acted upon, to offer a substitute.

Mr. WEEKS. I offer the amendment to the amendment which I send to the Secretary's desk.

Mr. BORAH. Mr. President, do I understand that this amendment is going over now?

Mr. SWANSON. I have no objection to it going over temporarily. We can vote on it later, if it is so desired.

The VICE PRESIDENT. The Senator from Massachusetts has been recognized and has offered an amendment to the amendment. The Secretary will state the amendment to the amendment.

The SECRETARY. In the amendment proposed by the Senator from Virginia it is proposed to strike out the words "and to prepare and issue therefor bonds of the United States in such form and subject to such terms and conditions as the Secretary of the Treasury may prescribe" and insert:

Provided, That the Secretary of the Treasury is hereby authorized to issue serial bonds of the United States, maturing in equal amount from date of issue to 20 years from date of issue, bearing interest, payable semiannually, at a rate not exceeding 3 per cent per annum.

The VICE PRESIDENT. The question is on the amendment of the Senator from Massachusetts to the amendment.

Mr. WEEKS. Mr. President, it is a fundamental in Government finances that the ordinary going expenses of government should be paid out of the tax levy of the year in which the expenditures are made, and that any additional expenditures, if there are surplus revenues, should be paid in the same way, but that bonds may be issued in case permanent improvements are made of a character that will be as beneficial to the people in the years that follow as to those in the years in which the improvements are made.

Now, it is possible that this expenditure will come under the latter head; but, Mr. President, it is absolutely improvident for us to go on issuing bonds for long terms without making any provision whatever for their payment.

I tried the other day to get some such provisions as this in the legislation known as the revenue bill. I think Senators on the other side who gave some consideration to the arguments which I made in favor of serial bonds were convinced that they should be adopted; but, owing to the parliamentary situation which arose, it was not possible to accept the amendments. Now, here is an opportunity for us at least to make a start, to indicate to the Secretary of the Treasury that it is the desire of the Senate that we shall undertake the issuing of serial bonds, and that hereafter, whenever any indebtedness is incurred, there shall be provision made for its payment. It is idle for us to go on refunding indebtedness year after year so that the people of the third and fourth generations are going to be burdened with the indebtedness which is incurred to-day.

I hope the Senator from Virginia will accept that amendment.

Mr. SWANSON. Mr. President, I think it would be unwise at this time to make it mandatory upon the Secretary of the Treasury to sell a certain issue of bonds.

Mr. WEEKS. I have not made it mandatory.

Mr. SWANSON. If the Senator will put in there a provision placing it in his discretion to sell this character of bonds——

Mr. WEEKS. That is exactly what I have done.

Mr. SWANSON. I will ask to have the amendment read. I have no objection, if it is left to his discretion.

Mr. WEEKS. It ought to be made mandatory, but I have not made it so.

The Secretary read as follows:

"*Provided*, That the Secretary of the Treasury is hereby authorized to issue serial bonds of the United States maturing in equal amounts from date of issue to 20 years from date of issue, bearing interest payable semiannually, at a rate not exceeding 3 per centum per annum."

Mr. SWANSON. Mr. President, I am given only five minutes. of the Senator's to issue bonds of other kinds than the serial bonds. If the Senator will have the amendment read "or other bonds," I shall have no objection to it.

Mr. HUGHES. Mr. President, will not the Senator from Massachusetts put in the language which I thought was agreed upon, by inserting, after the word "authorized," the words "in his discretion"?

Mr. WEEKS. My amendment authorizes him to do it.

Mr. SWANSON. No; the Senator's amendment does this: It authorizes him to issue serial bonds, but no other kind. If he does not issue serial bonds, he can not issue any bonds for the $150,000,000 for the emergency fund.

Mr. WEEKS. Mr. President, I am not going to take any more time with this serial bond proposition. I think I have demonstrated to the Senate a process of procedure which will enable the Government——

Mr. SWANSON. I can not yield my time to the Senator.

Mr. WEEKS (continuing). In the next 20 years, to save from ten to thirty million dollars. If there is not patriotism enough and business judgment enough on that side of the Chamber to accept that proposition, I am not going to waste any more time on it.

Mr. SWANSON. Mr. President, I am given only five minutes. Now, I have no objection whatever to giving the Secretary of the Treasury the authority, in his discretion, to issue serial bonds. My only purpose is to have the bonds sold for the best price. This amendment says that he is authorized to issue serial bonds, and none other; that they are the only kind that can be issued; and if they can not get a good price for them he is compelled to issue those or none. The discretion left to him is simply as to whether or not he shall issue those bonds, and no others. What I should like to have is discretion given him to issue serial bonds, or, in his discretion, other bonds, as he thinks the public interests may require.

The popularity of bonds is dependent upon the amount of them. If serial bonds are issued until the market is surfeited with serial bonds, and a man does not want to get back a part of his principal every year, there ceases to be a market for them. Before all the nations of the world were issuing a great amount of long-term bonds they were popular, and a 2 per cent long-term bond would bring more than a 4 per cent bond payable in two, four, or five years. But the market having been surfeited with long-term bonds, now short-term bonds bring a great deal more money. With the present issue of bonds in Europe by these great nations you have to meet the bond issues there and go into the markets of the world to get the best price for the character of bonds that are popular. At this time, of all times, discretion and latitude should be given,

so that the bonds that will bring the best price and the best results to this Government will be available.

Mr. CURTIS and Mr. THOMAS addressed the Chair.

Mr. SWANSON. Does the Senator want to ask me a question? I am going to yield the floor.

Mr. CURTIS. I do not care to ask the Senator a question.

The VICE PRESIDENT. The Senator from Colorado.

Mr. THOMAS. Mr. President, I offer the following substitute for the pending amendment——

Mr. CURTIS. Mr. President, will the Senator withhold that for a moment? I want to make a point of order against the pending amendment.

Mr. THOMAS. No; I want to read this before the Senator makes it.

Mr. CURTIS. All right.

Mr. THOMAS (reading)—

That for the purpose of meeting this expenditure, the Secretary of the Treasury shall be authorized to issue, on the credit of the United States, not to exceed the said sum of $115,000,000——

Mr. TILLMAN. One hundred and fifty million dollars.

Mr. THOMAS. One hundred and fifty million dollars is it? I suspect it was increased while I was absent from the Chamber.

Mr. NORRIS. Make it $200,000,000.

Mr. TILLMAN. It should have been printed in the bill that way.

Mr. THOMAS (reading)—

United States notes, not bearing interest, payable to bearer at the United States Treasury, and of such denominations as he may deem expedient, not less than $5 each, to be paid to all with whom obligation shall be incurred in effectuating the objects of this amendment. Such notes shall be redeemable in coin at the pleasure of the Secretary and shall be receivable in payment of all taxes, internal duties, excises, debts, and demands of every kind due to the United States of every kind whatsoever, and shall also be lawful money and a legal tender of all debts, public and private, within the United States.

In other words, Mr. President, let us mobilize the credit of the United States on this occasion, which is ample, without paying interest for it.

In this connection I want to read from a long-forgotten decision of the Supreme Court of the United States on this subject in sustaining this class of issues. I read from the Legal Tender cases (12 Wal., 552):

We will notice briefly an argument presented in support of the position that the unit of money value must possess intrinsic value. The argument is derived from assimilating the constitutional provision respecting a standard of weights and measures to that conferring the power to coin money and regulate its value. It is said there can be no uniform standard of weights without weight or of measure without length of space, and we are asked how anything can be made a uniform standard of value which has itself no value. This is a question foreign to the subject before us. The legal-tender acts do not attempt to make paper a standard of value. We do not rest their validity upon the assertion that their emission is coinage, or any regulation of the value of money; nor do we assert that Congress may make anything which has no value of money. What we do assert is that Congress has power to enact that the Government's promises to pay money shall be, for the time being, equivalent in value to the representative of value determined by the coinage acts, or to multiples thereof. It is hardly correct to speak of a standard of value. The Constitution does not speak of it. It contemplates a standard for that which has gravity or extension; but value is an ideal thing. The coinage acts fix its unit as a dollar; but the gold or silver thing we call a dollar is, in no sense, a standard of a dollar. It is a representative of it. There might never have been a piece of money of the denomination of a dollar. There never was a pound sterling coined until 1815, if we except a few coins struck in the reign of Henry VIII, almost immediately debased, yet it has been the unit of British currency for many generations. It is, then, a mistake to regard the legal-tender acts as either fixing a standard of value or regulating money values, or making that money which has no intrinsic value.

Now, again, on page 560:

I hold it to be the prerogative of every Government not restrained by its constitution to anticipate its resources by the issue of exchequer bills, bills of credit, bonds, stock, or a banking apparatus. Whether those issues shall or shall not be receivable in payment of private debts is an incidental matter in the discretion of such Government unless restrained by constitutional prohibition.

This power is entirely distinct from that of coining money and regulating the value thereof. It is not only embraced in the power to make all necessary auxiliary laws, but it is incidental to the power of borrowing money. It is often a necessary means of anticipating and realizing promptly the national resources, when, perhaps, promptness is necessary to the national existence. It is not an attempt to coin money out of a valueless material, like the coinage of leather or ivory or cowrie shells. It is a pledge of the national credit. It is a promise by the Government to pay dollars; it is not an attempt to make dollars. The standard of value is not changed. The Government simply demands that its credit shall be accepted and received by public and private creditors during the pending exigency. Every Government has a right to demand this when its existence is at stake. The interests of every citizen are bound up with the fate of the Government. None can claim exemption. If they can not trust their Government in its time of trial they are not worthy to be its citizens.

But it is said, why not borrow money in the ordinary way? The answer is, the legislative department, being the Nation itself, speaking by its representatives, has a choice of methods, and is the master of its own discretion. One mode of borrowing, it is true, is to issue the Government bonds and to invite capitalists to purchase them. But this is not the only mode. It is often too tardy and inefficient. In time of war or public danger Congress, representing the sovereign power by its right of eminent domain, may authorize the President to take private property for the public use and give Government certificates therefor. This is largely done on such occasions. It is an indirect way of compelling the owner of property to lend to the Government. He is forced to rely on the national credit.

Mr. CURTIS. Mr. President, I make the point of order against the amendment offered by the acting chairman of the committee [Mr. SWANSON] on the ground that it is general legislation on an appropriation bill.

The VICE PRESIDENT. The Chair overrules the point of order. It has to do with paying for the expenditures. It is germane to it. The question is on the amendment offered by the Senator from Massachusetts to the amendment of the Senator from Virginia.

Mr. SWANSON. I am willing to accept it. Is the Senator from Massachusetts here?

Mr. PENROSE. I would suggest to the Senator to accept the amendment, and then it can be fixed up in conference, in all probability.

Mr. SWANSON. No; I would not accept it in that way.

Mr. PENROSE. I only wanted to facilitate the passage of the bill.

Mr. SWANSON. If the Senator from Massachusetts is here, I suggest letting it read in this way: Let it be the kind of bond issue that is named here, showing a preference or desire of the Senate in that direction, if it can be done, and not eliminate what the Senator moves to substitute for it, but let it go in with this proviso:

Provided, That the Secretary of the Treasury is hereby authorized to issue serial bonds in his discretion.

Let both go in. If it gives him a discretion to issue those or others, I shall be very glad to accept it.

Mr. WEEKS. Mr. President, I am going to accept that suggestion. The Senator from Virginia is a great deal more desirous to protect the feelings of the Secretary of the Treasury than he is to do what I think is a broad-minded, businesslike act; but I do not think it is worth discussing. If the Secretary of the Treasury does his duty he will issue serial bonds when the time comes.

Mr. SWANSON. Mr. President, the suggestion that I desire to protect the Secretary of the Treasury, if it carries any insinuation that the Secretary of the Treasury needs any protection from my hands in any improper manner, is entirely unjustified. The present Secretary of the Treasury is a capable, patriotic, and efficient Secretary—I think one of the best this Government has ever had. There is not an act of his that I have known that has not been in the public interest—in the issuance of bonds, in the deposit of money, or in his recommendations to Congress. I have no desire to protect him nor does he desire any protection except what is proper and such as every honest and capable officer is entitled to have.

Mr. THOMAS. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Colorado will state it.

Mr. THOMAS. Does the vote upon this amendment affect the right to vote upon my substitute?

The VICE PRESIDENT. The amendment offered by the Senator from Massachusetts has now been accepted by the Senator from Virginia.

Mr. SWANSON. As changed by the Senator from Massachusetts, so that it leaves it discretionary with him to issue serial bonds or other bonds.

The VICE PRESIDENT. It leaves it as it is—that is all the Chair can say about it—and makes it one amendment. The question now is upon the amendment offered by the Senator from Colorado——

Mr. THOMAS. As a substitute.

The VICE PRESIDENT. As a substitute.

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

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

Mr. SMITH of Maryland (when his name was called). Making the same transfer as on the last roll call, I vote "nay."

The roll call was concluded.

Mr. BECKHAM. Has the senior Senator from Delaware [Mr. DU PONT] voted?

The VICE PRESIDENT. He has not.

Mr. BECKHAM. I understand that he would vote "nay" if he were here. I therefore vote "nay."

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

YEAS—14.

Borah	Gronna	Martine, N. J.	Vardaman
Chamberlain	Jones	Norris	Works
Clapp	Kirby	Thomas	
Curtis	Lane	Tillman	

NAYS—53.

Bankhead	Husting	Phelan	Smoot
Beckham	James	Pittman	Sterling
Brady	Johnson, Me.	Poindexter	Swanson
Brandegee	Lea, Tenn.	Pomerene	Thompson
Broussard	Lee, Md.	Ransdell	Townsend
Bryan	Lewis	Saulsbury	Underwood
Colt	Lippitt	Sheppard	Wadsworth
Culberson	Lodge	Sherman	Walsh
Fernald	McCumber	Shields	Watson
Fletcher	Martin, Va.	Simmons	Weeks
Hardwick	Nelson	Smith, Ga.	Williams
Hitchcock	Oliver	Smith, Md.	
Hollis	Page	Smith, Mich.	
Hughes	Penrose	Smith, S. C.	

NOT VOTING—29.

Ashurst	Gallinger	McLean	Shafroth
Catron	Goff	Myers	Smith, Ariz.
Chilton	Gore	Newlands	Stone
Clark	Harding	O'Gorman	Sutherland
Cummins	Johnson, S. Dak.	Overman	Warren
Dillingham	Kenyon	Owen	
du Pont	Kern	Reed	
Fall	La Follette	Robinson	

So Mr. THOMAS's substitute was rejected.

The VICE PRESIDENT. The question now recurs on the amendment of the Senator from Virginia [Mr. SWANSON] as modified.

Mr. BORAH. On that I ask for the yeas and nays, Mr. President.

Mr. SMITH of Michigan. Mr. President, before that question is put I desire to make an observation apropos of the suggestion of the Senator from Colorado [Mr. THOMAS]. I shall be very brief about it, but I think it is timely.

The falling off in revenue of the Government, for which our friends on the other side of the Chamber are responsible, began several months before the European war; and notwithstanding that war our importations have constantly increased, although we have received little from the central or Teutonic powers, until during the last year they were greater than ever before in the history of this Government. They amounted to over $2,400,000,000 worth of products. Under the rates of the tariff law which our friends upon the other side of the Chamber repealed, we could have gathered in all of the money necessary to meet even these extraordinary expenses of the Government.

Senators upon the other side of the Chamber, in convention assembled in political party, have declared over and over again that they favored a tariff so adjusted that it would produce revenue for the Government. They have even abandoned that policy now, and no Senator upon that side of the Chamber has risen to say that they have exhausted their remedy in that direction. Mr. President, the tariff law which they repealed would have raised ample revenues to have met the present situation. If Senators on the other side are truly desirous of doing that for which the country would give them its approval, they would, instead of bonding the country now and proposing the issue of Treasury notes at a crisis like this, retrace their footsteps and gather in at the customhouses of the United States tariff duties on hundreds of millions of dollars' worth of European products that come in free at the present time, as a donation to the European manufacturer and producer.

I say that our importations have exceeded by over $600,000,000 the highest point they have ever attained during any period of our country, whether the tariff is high or low, and millions of dollars' worth of products could easily be gathered in our customhouses and a fair rate of duty imposed which would yield the Government abundant revenue and would of necessity avoid class legislation and inquisitorial exactions upon which they seem to be blindly bent.

Mr. President, I protest against the free-trade policy of the Democratic Party, which has brought the Treasury to this extreme, and I proclaim again the wisdom of that time-honored principle of government of imposing duties upon imports from foreign countries and preserving our own market place for our own people, giving to American labor the right to win their bread here, rather than offering it as a free gift to Europeans and strangers beyond the seas, who pay none of our tax, who employ none of our labor in the ordinary and legitimate pursuits of our domestic commerce; and I say to the other side of the Chamber that if they will follow their own acknowledged and oft-enunciated principles of even a tariff for revenue, so often asserted in this Chamber, they will at least make an honest attempt to provide our Government with necessary revenues.

Mr. GRONNA. Mr. President, in the main I agree with what the Senator from Michigan has said. It is true, of course, that under a protective-tariff system there would be no necessity for the issuance of bonds to pay the running expenses of the Government; but I want to call attention to the fact that there are Senators on this side who are voting for these extravagant expenditures.

Mr. President, I realize that this is an important measure. It is a measure providing for preparedness, and I had hoped that the bill would be such that we could all vote for it. When it came from the House it provided for a little more than $360,000,000. When the bill was reported from the Senate committee it contained $535,000,000, and what it carries now I do not know. I should like to ask the chairman of the committee if he knows what the total amount of the appropriation is now, including the bond issues?

Mr. President, I feel that this measure is being loaded down with bond issues and appropriations not carefully considered before it is written into law in a scientific manner, not giving the people of the country the advantage of having the bonds issued so as to save them millions of dollars, as suggested by the Senator from Massachusetts [Mr. WEEKS]. The way it is going on, Mr. President, I feel that upon the final vote on this measure I may not be able to vote for it. I am unable to figure out exactly the amount carried by this bill, including appropriations and bond issues, but I am quite sure that it will, in the aggregate, be more than $700,000,000.

The VICE PRESIDENT. The question is on the amendment.

Mr. BORAH and Mr. CLAPP called for the yeas and nays.

Mr. TOWNSEND. I ask that the amendment be read.

The VICE PRESIDENT. The Secretary will state the amendment.

The SECRETARY. On page 68, after line 5, add the following paragraph:

That the Secretary of the Treasury is hereby authorized to borrow on the credit of the United States, from time to time, such sums as may be necessary to meet expenditures directed by the President from the naval emergency fund and for expediting naval construction as provided in this act not exceeding $150,000,000, or to reimburse the Treasury for such expenditures, and to prepare and issue therefor bonds of the United States in such form and subject to such terms and conditions as the Secretary of the Treasury may prescribe: *Provided*, That such bonds shall be issued at not less than par, shall bear interest not exceeding 3 per cent per annum, shall not have the circulation privilege attached, and that all citizens of the United States shall be given an equal opportunity to subscribe therefor; but no commission shall be allowed or paid thereon. Both principal and interest shall be payable in United States gold coin of the present standard value and shall be exempt from all taxes or duties of the United States, as well as from taxation in any form by or under State, municipal, or local authority: *Provided further*, That any bonds issued under authority of this act or any other act or acts passed at the second session of the Sixty-fourth Congress, or any bonds hereafter issued under authority of section 39 of the act approved August 5, 1909, or acts approved June 3, 1916, and September 7, 1916, may, under such conditions as the Secretary of the Treasury may prescribe, be convertible into bonds bearing a higher rate of interest than 3 per cent per annum, if any bonds shall be issued by the United States at a higher rate than 3 per cent per annum by virtue of any act hereafter passed on or before December 31, 1918. In order to pay the necessary expenses connected with the said issue of bonds or any conversion thereof a sum not exceeding one-fifth of 1 per cent of the amount of bonds herein authorized is hereby appropriated out of any money in the Treasury not otherwise appropriated, to be expended as the Secretary of the Treasury may direct.

Mr. SMOOT. I take it for granted that the Senate is ready to vote upon this amendment, and at the request of a number of Senators who are absent from the Chamber on official business of the Senate I suggest the absence of a quorum in order that they may be here to vote upon the question.

Mr. SWANSON. The yeas and nays have been called for.

Mr. SMOOT. I am doing what I promised to do. At their request 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:

Beckham	Hollis	Nelson	Smith, Mich.
Borah	Hughes	Norris	Smith, S. C.
Brady	Husting	O'Gorman	Smoot
Brandegee	James	Page	Sterling
Broussard	Johnson, Me.	Phelan	Sutherland
Bryan	Johnson, S. Dak.	Pittman	Swanson
Catron	Jones	Poindexter	Thomas
Chamberlain	Kirby	Pomerene	Thompson
Clapp	La Follette	Ransdell	Tillman
Culberson	Lea, Tenn.	Reed	Townsend
Curtis	Lee, Md.	Robinson	Underwood
Fall	Lippitt	Sheppard	Vardaman
Fernald	Lodge	Sherman	Wadsworth
Fletcher	McCumber	Shields	Watson
Gronna	Martin, Va.	Smith, Ga.	Weeks
Hardwick	Martine, N. J.	Smith, Md.	Works

The VICE PRESIDENT. Sixty-four Senators have answered to the roll call. There is a quorum present. The pending question is the amendment offered by the Senator from Virginia [Mr. SWANSON].

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

Mr. BRANDEGEE. I wish to ask the Senator from Virginia, if he is on the floor, a question about this amendment, and if not, I will ask any member of the committee who is in charge

of the bill. The proposed amendment comes in on page 68, after line 5, just after the amendment already agreed to, which creates the naval emergency fund, which fund is fixed at $115,000,000. This amendment reads:

That the Secretary of the Treasury is hereby authorized to borrow on the credit of the United States, from time to time, such sums as may be necessary to meet the expenditures directed by the President from the naval emergency fund and for expediting naval construction as provided in this act not exceeding $150,000,000, or to reimburse the Treasury for such expenditures.

And then provides for the bond issue. I wanted to ask the Senator in charge of the bill what the meaning of that is. I do not quite see how they can borrow $150,000,000 from $115,000,000, and I did not know whether it was the idea in the amendment now pending that the entire bond issue authorized should be $150,000,000.

Mr. SWANSON. If the Senator will permit me, the emergency fund as originally contemplated provided for $150,000,000, within which submarines were included. The Senator from Washington [Mr. POINDEXTER] insisted that we ought to spend $35,000,000 for submarines, especially for the Pacific coast, that is more or less undefended. So under the emergency fund there are two segregations, one of $115,000,000, which has been adopted, and certain portions of which can be specified and certain portions of which on account of the emergency can be used—we would not like to give it to the public, but each Senator can ascertain from letters here who desires to know—$115,000,000 to speed up construction, to build antiaircraft guns, submarine chasers, torpedo-boat destroyers, auxiliaries, and provide for the increase of the Navy. We have authorized the President in time of emergency to increase the Navy to 87,000 men, to command and make fully equipped every ship we have, both in commission and reserve. We have authorized, in addition, one-fifth increase proportionate for the Marine Corps to take care of that. That is $115,000,000, and the additional fund is $35,000,000 for submarines.

Mr. TILLMAN. The two together aggregating $150,000,000.

Mr. SWANSON. The two together aggregate $150,000,000. This bond issue is to take care of that emergency fund, which consists of two elements, the submarines and the emergency fund of $115,000,000.

Mr. BRANDEGEE. I am sorry the Senator took so long to answer my question, because I am afraid my five minutes will have expired before I reach the point I want to make. I think the Senator ought to have something in the bill, in a revision of this amendment, some proviso, making it clearly apparent that the total issued or to be used is $150,000,000 and not $265,000,000.

Mr. SWANSON. There is no purpose to issue more than $150,000,000. The Senator will see that the amendment provides for an issue of $150,000,000 worth of bonds.

Mr. BRANDEGEE. It does; but provides that $150,000,000 can be drawn by the President from a $115,000,000 emergency fund, which, on the face of it, is impossible. The Senator has not, in my opinion, arranged the pending amendment so as to fit in with the other amendment and make it plain. I accept the Senator's suggestion as to what his intention was and is, and if he will arrange the language so as to clearly express his intention I shall have no objection.

Mr. SWANSON. The mistake was made by the printer. When the committee and the subcommittee adopted a segregation of the $150,000,000 fund it intended to have in the emergency fund $115,000,000 for certain purposes and $35,000,000 for submarines, and the latter was transposed.

Mr. BRANDEGEE. The Senator perceives the point I make.

Mr. SWANSON. I perceive it. The only way it can be corrected so far as the Senator suggests is for the provision for submarines of $35,000,000 to be transferred back to the emergency fund. That was nothing but a misprint, and I ask unanimous consent that that be done.

Mr. WEEKS. May I call the attention of the Senator from Virginia to the fact that the amendment which has been offered by the committee and accepted provides for 40 submarines costing $1,300,000 each, 10 submarines costing $1,900,000 each, or $71,000,000? If I understand the Senator correctly, he is telling the Senate that $115,000,000 of the proceeds of this issue of bonds are to be devoted to the emergency fund and $35,000,000 to the building of additional submarines. Where are we going to get money to build the balance of the submarines?

Mr. SWANSON. If the Senator will permit me, that is all that is needed this year.

Mr. WEEKS. We are going to appropriate some more money to complete the submarines which we are providing for under this act.

Mr. SWANSON. If they were not completed but started they would be completed next year.

Mr. WEEKS. Of course it ought to be clearly understood, then, that instead of the $35,000,000 taken of the proceeds of these bonds for the building of submarines being sufficient to build the submarines it is going to require $36,000,000 more, which will be appropriated next year.

Mr. SWANSON. That is true.

Mr. BRANDEGEE. Let me ask the Senator further, if I may, while it may not be possible under the language of the two amendments which we are discussing to issue more than $150,000,000 worth of bonds, is the expenditure limited to $150,000,000 as well as the bond issue to secure the expenditure?

Mr. SWANSON. The Senator from Washington [Mr. POINDEXTER] is not here. I think it will cost about seventy or seventy-one or seventy-five million dollars to carry out the building of the submarines that we thought were absolutely necessary, but after full discussion in the committee the committee determined that out of the $150,000,000 emergency fund $35,000,000 should be devoted to submarines this year.

Mr. BRANDEGEE. Can not the Senator answer yes or no, whether this act as he has it arranged will authorize the expenditure of more than $150,000,000 in these two provisions?

Mr. SWANSON. It authorizes this year an expenditure of $150,000,000, and next year, if the paragraph for submarines is adopted, as it is so far by the Senate, it will authorize an additional appropriation of about $35,000,000 or $40,000,000—next year, not this year.

Mr. BRANDEGEE. Let me ask the Senator from Florida, if I may, if he understands my question, if he can answer whether the two paragraphs of the amendment now pending, which comes in on page 68, after line 5, together with the amendment directly preceding it, will authorize the expenditure of more than $150,000,000 during the coming fiscal year.

Mr. BRYAN. I think it would.

Mr. BRANDEGEE. How much would it authorize? What is the total?

Mr. BRYAN. Thirty-five million dollars and $40,000,000.

Mr. BRANDEGEE. How much altogether?

Mr. BRYAN. I should say that the submarine expenditure will be about seventy or seventy-five million dollars, of which $35,000,000 is appropriated and the balance is authorized.

Mr. BRANDEGEE. What does the Senator contemplate will be the total expenditure during the next fiscal year under the provisions of the naval emergency fund at the bottom of page 67, together with the expenditure provided under the amendment which is now pending?

Mr. BRYAN. As I understand, the amendment now pending is the provision for a bond issue.

Mr. BRANDEGEE. It says "the Secretary of the Treasury is authorized to borrow on the credit of the United States from time to time such sums as may be necessary to meet expenditures directed by the President from the naval emergency fund, and for expediting naval construction as provided in this act, not exceeding $150,000,000," and then provides for the bond issue to provide it. It is perfectly blind, as far as I can see, as to what the total expenditure authorized is to be.

Mr. BRYAN. Let me say that the total expenditure under the naval emergency fund, considering the language on page 6 is transposed so that it becomes a part of that fund, would be $200,000,000.

Mr. BRANDEGEE. Two hundred million dollars?

Mr. BRYAN. About that, I would say. That leaves, then, $150,000,000 appropriated, for which the bond issue is made, and the balance of $40,000,000 is authorized and not appropriated for.

Mr. SWANSON. If the Senator will permit me, this is perfectly clear. The construction of submarines will ultimately cost $75,000,000. For the submarines as proposed by the Senator from Washington [Mr. POINDEXTER] only $35,000,000 is appropriated this year. That amendment was adopted, of which I doubted the wisdom to some extent, but the committee voted against me. We have an emergency fund of $150,000,000, which is left to the discretion of the Navy Department to construct submarines, torpedo destroyers, submarine chasers, aircraft, ammunition, and otherwise, but the committee decided that they ought to spend $75,000,000 for submarines to be used mostly on the Pacific coast.

When that amendment was adopted we said you do not need an appropriation of $150,000,000 and $75,000,000 additional for submarines, which would make an emergency appropriation of $225,000,000. We said if you are going to construct these submarines, and your judgment is that $75,000,000 shall be used on them—$35,000,000 this year and $40,000,000 next year—the submarines ought to be taken from the emergency fund of $150,000,000. That view was finally adopted by the committee. Now, then——

The VICE PRESIDENT. Three Senators have had 15 minutes and the time is up.

Mr. SWANSON. I ask unanimous consent——

The VICE PRESIDENT. The Chair rules there is no unanimous consent to be had. These are five-minute speeches here.

Mr. SWANSON. I do not ask unanimous consent for a speech. I want to ask unanimous consent to make it clear that the special provision of $35,000,000 should be transferred to the emergency fund, as the committee decided. It was a misprint.

Mr. BRANDEGEE. Mr. President, while the Vice President was out the occupant of the chair ruled that under Rule VIII unanimous consent to extend the time could be had when proceeding under the five-minute rule.

The VICE PRESIDENT. The present occupant of the chair holds——

Mr. ROBINSON. Mr. President, the Senator from Connecticut is under a misapprehension. The then occupant of the chair stated, or undertook to do so, that, in his opinion, the rule which governs the proceedings of the Senate under the unanimous-consent agreement is Rule VIII of the Senate; that no rule of the House of Representatives applies to it; and that under the strict construction of Rule VIII of the Senate it is not in order by unanimous consent to extend the time of a Senator who has spoken once and for five minutes. That was the ruling of the Chair. However, in one instance a Senator was, without objection, permitted to speak more than once, and the time of one Senator was extended five minutes.

Mr. BRANDEGEE. It may be that I did not understand the ruling, but several Senators secured recognition subsequently. I apprehended this very situation and I tried to impress it upon the Chair at the time. I do not ask for any time at all, but I think it is very unfortunate that a matter of this vital importance can not be explained to the Senate.

The VICE PRESIDENT. It is very easy for a Senator to take the floor and ask the Senator from Virginia about it. That is a very easy way.

Mr. BRANDEGEE. I can ask this, I assume, and not take the trouble to go to the extent of a parliamentary inquiry. Did the Senator from Virginia propose or ask unanimous consent to modify in some way this language in the amendment?

Mr. SWANSON. If the Senator will look at page 67, there is a naval emergency fund of which $115,000,000 is appropriated under that naval emergency fund. When the committee and the subcommittee passed it they included the submarines on page 66, if the Senator will look at page 66.

Mr. BRANDEGEE. Yes; I have it.

Mr. SWANSON. This appropriation of $35,000,000 was included under the naval emergency fund when the bill was passed by the committee. Through a misprint, after we had included it under that, it was put under construction. They intended to have $115,000,000 emergency fund, and this sum named here, $35,000,000, appropriated this year for submarines. The clerks who had charge of the matter thought that the $35,000,000 for submarines that were authorized ought to go under construction, and without our assent they thought it better to print it under construction. If we simply transpose it, as I think can be done by unanimous consent, to the naval emergency fund, the objection made by the Senator will be completely met.

Mr. BRANDEGEE. In what line on page 66 does the $35,000,000 appear?

Mr. SWANSON. "In addition to the foregoing, the Secretary of the Navy."

Mr. BRANDEGEE. In what line?

Mr. SWANSON. From line 1 to line 14—$35,000,000.

Mr. BRANDEGEE. It appears in line 12.

Mr. SWANSON. From line 1 to line 14 was printed through a mistake under construction instead of the naval emergency fund.

Mr. BRANDEGEE. If the Senator can get it in any place to which it belongs, I have no objection.

The VICE PRESIDENT. Is there objection?

Mr. SWANSON. It was a misprint, and I ask unanimous consent.

The VICE PRESIDENT. Is there objection to transposing it? The Chair hears none, and the Secretary will do the work. The question now is on the amendment of the Senator from Virginia, on which the yeas and nays were demanded.

Mr. SMITH of Michigan. Mr. President, one word before the call is made. I think this is a new amendment, and I have a right to be heard.

The VICE PRESIDENT. No; there is no new amendment.

Mr. SMITH of Michigan. The amendment just offered?

The VICE PRESIDENT. The Senator from Michigan has had his five minutes on the amendment. The question is on the amendment, on which the yeas and nays have been called for.

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

Mr. O'GORMAN (when his name was called). I have a general pair with the senior Senator from New Hampshire [Mr. GALLINGER] and in his absence withhold my vote.

Mr. WARREN (when his name was called). I have a pair with the Senator from North Carolina [Mr. OVERMAN] and therefore in his absence withhold my vote.

The roll call was concluded.

Mr. BECKHAM. I have a pair with the Senator from Delaware [Mr. DU PONT] and in his absence I withhold my vote.

The result was announced—yeas 50, nays 24, as follows:

YEAS—50.

Ashurst	Hollis	Newlands	Simmons
Bankhead	Hughes	Oliver	Smith, Ga.
Brady	Husting	Owen	Smith, Md.
Brandegee	James	Phelan	Smith, Mich.
Broussard	Johnson, S. Dak.	Pittman	Smith, S. C.
Bryan	Kirby	Poindexter	Sutherland
Catron	Lea, Tenn.	Pomerene	Swanson
Culberson	Lee, Md.	Reed	Thompson
Dillingham	Lewis	Robinson	Tillman
Fall	Lodge	Saulsbury	Walsh
Fernald	McCumber	Shafroth	Williams
Fletcher	Martin, Va.	Sheppard	
Hardwick	Myers	Shields	

NAYS—24.

Borah	Jones	Norris	Townsend
Chamberlain	La Follette	Page	Vardaman
Clapp	Lane	Sherman	Wadsworth
Colt	Lippitt	Smoot	Watson
Curtis	Martine, N. J.	Sterling	Weeks
Gronna	Nelson	Thomas	Works

NOT VOTING—22.

Beckham	Goff	Kern	Smith, Ariz.
Chilton	Gore	McLean	Stone
Clark	Harding	O'Gorman	Underwood
Cummins	Hitchcock	Overman	Warren
du Pont	Johnson, Me.	Penrose	
Gallinger	Kenyon	Ransdell	

So the amendment was agreed to.

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

The PRESIDING OFFICER (Mr. ROBINSON in the chair). The amendment offered by the Senator from Virginia will be stated.

The SECRETARY. On page 8, after line 20, it is proposed to insert as a separate paragraph the following:

So much of the act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1917," and approved August 29, 1916, which reads as follows is hereby repealed:

"*Provided*, That any person who may hereafter enlist in the Navy for the first time shall, in time of peace, if he so elects, receive discharge therefrom without cost to himself during the month of June or December, respectively, following the completion of one year's service at sea. An honorable discharge may be granted under this provision; but when so granted shall not entitle the holder, in case of reenlistment, to the benefits of an honorable discharge granted upon completion of an enlistment: *And provided further*, That at the time he is not under charges or undergoing punishment or in debt to the Government."

Mr. SWANSON. I will explain this amendment in a few words. Last year we took from the Secretary of the Navy discretion in regard to discharges from the Navy and made it mandatory that in the months of June and December any person who enlisted and who had served one year should be permitted, on his own volition, without any discretion in the department, to be discharged from the Navy. At that time I thought it was an unwise provision, and I have fought its extension to the Marine Corps. It is now realized that it is a very unwise provision. Heretofore the discretion in this matter has been vested in the Secretary of the Navy to say whether or not a man should be discharged from the Navy after he had served one year. Now, when ships come in, with the high wages paid in munition plants and with many persons urging enlisted men to resign from the Navy and go into the munition plants, with the emergency existing, after one year, in those months, any enlisted man can secure his discharge from the Navy.

The Navy Department desire this law repealed, and the Secretary of the Navy has written me a letter on the subject. The department is very anxious that the matter of discharges during the first year's service shall be left discretionary with and not made mandatory on the Navy Department. After we have gone to the expense of equipping a man for one year in the Navy, it seems to me it is not wise to make the acceptance of his resignation mandatory, but that it should be left to the discretion of the Secretary of the Navy. That is the effect of the amendment.

Mr. TOWNSEND. Mr. President——

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

Mr. SWANSON. I do.

Mr. TOWNSEND. These men enlisted under the provisions of the law with the understanding that they could resign in one year.

Mr. SWANSON. This is the first enlistment in one year.

Mr. TOWNSEND. So the men who enlisted under this provision of law are now to be denied the privilege which existed when they did enlist.

Mr. SWANSON. This would become effective on the 1st of July possibly.

Mr. TOWNSEND. It seems to me that if this provision is wise it should be made applicable hereafter, but to say as to a man who enlisted under a certain condition of enlistment or contract that that condition shall not now be sustained would be an entire injustice to the men who enlisted under those circumstances.

Mr. SWANSON. If the Senator from Michigan will permit me, this proposed law only applies to men who have enlisted for the first time since August 29, 1916, which was the time that the law was passed. Consequently it seems to me it is wiser to make it effective at once.

If the Senator will permit me further, I desire to state that the defect of the law, as I thought at the time, was that it did not provide for an emergency, but applied to a time of peace. It is a hard question to determine whether these men would not be entitled to a discharge until there is an absolute declaration of war, but we think with the present emergency it is absolutely a demoralization to a ship coming into port for its captain to be unable to know whether or not all of his first enlisted men for three years will leave when he comes in.

Mr. TOWNSEND. I agree with the Senator from Virginia that that seems to be a bad provision of law, but nevertheless it seems to me that the Government should be held to its contract just as much as the Government holds individuals to their contracts.

Mr. SWANSON. Discretion is not taken from the Secretary of the Navy to discharge anyone in a meritorious case, but it seems to me in this emergency not to pass this provision of law at this time—as I have said, I did not favor the present law at the time it was passed, but finally yielded to others—would permit it to apply to the Marine Corps. So it seems to me this amendment ought to be adopted.

Mr. SMITH of Georgia. Mr. President, will the Secretary again state the amendment?

The PRESIDING OFFICER. Without objection, the Secretary will again state the amendment.

The Secretary again read the amendment.

Mr. SMITH of Georgia. As I understand that amendment, its effect is simply this: We allowed these men to enlist, agreeing at the time that under certain circumstances they could be discharged, and now we propose to break that agreement. We propose to change the law and not permit them to leave the service under the terms of their enlistment. It is compulsory service if we do that, and compulsory service in time of peace. I can not vote for it.

Mr. POINDEXTER. Mr. President, I should like to suggest to the Senator from Georgia that, if he would offer an amendment to the amendment providing that it shall not be applicable to enlistments prior to the passage of this act, I think that would meet his suggestion.

Mr. SMITH of Georgia. With such an amendment, I will vote for it with pleasure.

Mr. SWANSON. Let me make an appeal to the Senator. This amendment leaves the matter discretionary with the Secretary of the Navy as to whether he will discharge in June and December men serving their first enlistment of three years.

Mr. SMITH of Georgia. But they enlisted with the privilege to retire, not in the discretion of the Secretary of the Navy, but as a matter of right.

Mr. SWANSON. The only men who would come within that class are men who enlisted since the 29th of August last up to the present time, and any man who enlists in the Army or in the Navy does so with the right of Congress to determine by future laws whether it is absolutely necessary for the protection of the Government to change the law.

Mr. SMITH of Georgia. That is not only true, but every citizen lives under the right of Congress to put him in the service of his country, if necessary, either upon a vessel or in the line of duty of a soldier. What I ask is that we do not break our contract. If it is amended so as to read—

Provided, however, That this shall not apply to men who enlisted between the date of August 29 last and the present time—

That would be all I ask. As to future enlistments, I am perfectly willing to agree to it, but I ask that we do not break our contract with any of these boys who enlisted under the provisions of existing law.

Mr. SWANSON. I presume there will not be very many affected; but it was deemed important that the provision should be made. The Government, as has been stated, has a right now to call on its citizens for service. Why not let this matter be taken up in conference? I have no objection to the amendment of the Senator from Georgia being adopted for consideration in conference.

Mr. TOWNSEND. That is all right.

Mr. HUGHES. I have prepared such an amendment, I will say to the Senator.

Mr. SWANSON. What amendment does the Senator from New Jersey suggest?

Mr. HUGHES. I will read it:

Provided, That the provisions of this section shall not apply to enlistments under the operation of the act hereby repealed.

Mr. SWANSON. That is all right. I have no objection to that amendment.

Mr. HUGHES. It can go to conference, at any rate.

Mr. SWANSON. I accept that amendment.

The PRESIDING OFFICER (Mr. POMERENE in the chair). The Senator from Virginia accepts the amendment to his amendment offered by the Senator from New Jersey.

Mr. PAGE. Mr. President, I simply want to say, in a word, that if the original amendment offered by the Senator from Virginia only applied to one man and would hold him in the service for only one day I would oppose it. I will vote against anything, I care not what it may be, that permits the United States to repudiate an honest and honorable contract with anybody.

Mr. SWANSON. The amendment as now framed does not do that, and the whole matter will be in conference.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Virginia as modified.

Mr. SHAFROTH. I should like to ask the Senator from Virginia a question. Is there anything in this amendment relative to the discharge of officers of the Navy after they have graduated from the Naval Academy if they desire to resign?

Mr. SWANSON. Nothing.

Mr. SHAFROTH. They have a right, under a former law, as I understand, to resign after having served four years.

Mr. SWANSON. There has been a custom in the Navy Department to accept resignations after the officer has served eight years; but there is no law fixing that; and, in an emergency, after a man has been educated by this Government at a cost of thousands of dollars, although he may want to resign, this Government ought to have the right to refuse his resignation.

Mr. SHAFROTH. That is not involved in this particular amendment?

Mr. SWANSON. Not at all. The amendment only applies to enlisted men. Under the law of last year enlisted men are allowed to be discharged in December and June; but after we have gone to the expense of training men I think it is unwise to discharge them in so short a time. I thought so at the time, and told the Navy Department that in less than a year they would ask for the repeal of the provision. I think it especially unwise that such a provision of law should apply in an emergency. In my opinion, after the Government has gone to the expense of educating and training these men, it is wrong to allow them to be discharged at any time they please, simply on the payment of $60, the cost of their enlistment. The Navy Department now insists upon the repeal of that provision of law, and I have accordingly offered the amendment and think it ought to pass.

Mr. GRONNA. Mr. President, may we have the amendment read in its present form? I should like to know how it reads, as it has been modified.

The PRESIDING OFFICER. The Secretary will read as requested.

The SECRETARY. On page 8, after line 20, it is proposed to insert as a separate paragraph the following:

So much of the act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1917," and approved August 29, 1916, which reads as follows, is hereby repealed: "*Provided,* That any person who may hereafter enlist in the Navy for the first time shall, in time of peace, if he so elects, receive discharge therefrom without cost to himself during the months of June or December, respectively, following the completion of one year's service at sea. An honorable discharge may be granted under this provision; but when so granted shall not entitle the holder, in case of reenlistment, to the benefits of an honorable discharge granted upon completion of an enlistment: *And provided further,* That, at the time, he is not under charges or undergoing punishment or in debt to the Government:

Provided, That the provisions of this section shall not apply to enlistments under the operation of the act hereby repealed."

SEVERAL SENATORS. Question!

The PRESIDING OFFICER. The question is on the adoption of the amendment of the Senator from Virginia as modified.

The amendment as modified, was agreed to.

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

The PRESIDING OFFICER. The Senator from Washington offers an amendment, which the Secretary will state.

The SECRETARY. On page 72 it is proposed to strike out lines 16 to 24, inclusive, and to insert the following:

The sum of $12,000,000, or so much thereof as may be necessary, is hereby appropriated to enable the Secretary of the Navy to improve and equip the navy yards, including the acquisition of additional land where necessary, for the construction of such vessels as may be assigned to navy yards for construction.

Mr. POINDEXTER. Mr. President, I offer that amendment at the request of the Secretary of the Navy. I have here a letter from him upon the subject, which I ask leave to incorporate in the RECORD without reading.

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

The letter referred to is as follows:

Hon. B. R. TILLMAN,
Chairman Senate Committee on Naval Affairs,
United States Senate, Washington, D. C.

MY DEAR SENATOR: With reference to the pending naval appropriation act as introduced in the Senate, there is contained on page 63, lines 11 to 19, an appropriation of $12,000,000 for the equipping of navy yards for shipbuilding. As now written, the provision will not carry out what I had in mind and recommended to the House Naval Committee, and no work could be undertaken to fit these yards until after the plans and specifications had been made for the ships authorized, advertisement made for bids, etc., thus involving a delay of several months. The facilities of public and private shipyards are inadequate for the speedy construction of the program already authorized, not to speak of the ships authorized in the pending bill. If this appropriation is to accelerate the building of the ships authorized, the wording should be changed, closely following the language of the act of last year appropriating $6,000,000 and authorizing the fitting up of certain navy yards for shipbuilding, and made to read as follows:

"The sum of $12,000,000, or so much thereof as may be necessary, is hereby appropriated to enable the Secretary of the Navy to improve and equip the navy yards for the construction of such vessels as may be assigned to navy yards for construction."

This will require the following changes on page 63:

"Strike out, beginning at line 11, 'in the event ———'; lines 12, 13, and 14 to and including 'reasonable price'; line 16, after 'Navy to' insert 'improve and'; lines 16, 17, and 18 strike out 'with suitable and necessary machinery, implements, building ways, and equipment'; and line 18 strike out 'of said.'"

Very truly, yours.

JOSEPHUS DANIELS,
Secretary of the Navy.

—

DEPARTMENT OF THE NAVY,
Washington, February 22, 1917.

Memorandum for Senator POINDEXTER:

Referring to my talk with you this morning, I would suggest the following amendment:

"Page 72, strike out lines 16 to 24, inclusive, and substitute 'The Secretary of the Navy is hereby authorized to improve and equip navy yards for the construction of such vessels as may be assigned to said navy yards for construction, and the sum of $12,000,000, or so much thereof as may be necessary, is hereby appropriated therefor.'"

F. R. HARRIS,
Chief Bureau Yards and Docks.

Mr. POINDEXTER. Mr. President, the purpose of the amendment is to strike out of the present provision containing this appropriation these words:

In the event the Secretary of the Navy is unable to secure from the private shipbuilders contracts for the expeditious construction of the ships heretofore authorized at a fair and reasonable price, the sum of $12,000,000, or so much thereof as may be necessary, is hereby appropriated to enable the Secretary of the Navy to equip the navy yards with suitable and necessary machinery, implements, building ways, and equipment for the construction of such of said vessels as may be assigned to navy yards for construction.

Under the large program provided for in this act it will be necessary to take some of the construction to the navy yards. Under the bill as it comes from the House it is the opinion of the Navy Department that they can not do this as to ships authorized in this bill until they have first submitted proposals for the construction of the vessels to private contractors and ascertained that they can not secure from private contractors a fair and reasonable price. In order to give the department the discretion of building ships in private yards or in Government navy yards I have offered this amendment at the request of the department.

The PRESIDING OFFICER. The question is on the adoption of the amendment offered by the Senator from Washington.

The amendment was agreed to.

Mr. POINDEXTER subsequently said: I ask unanimous consent to insert in the RECORD in connection with my remarks on the naval bill a letter from the Secretary of the Navy containing a report of the naval board.

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

The matter referred to is as follows:

NAVY DEPARTMENT,
Washington, February 23, 1917.

MY DEAR SENATOR: I have your letter of the 19th instant, and in reply I beg to hand you the following information:

Question 1: "The opinion of the naval board and the department as to the most approved type of submarines and their value for defensive purposes."

Probably the most concise reply to this question is contained in the General Board's opinion in its letter to the department of January 12, 1917, which is as follows:

"The General Board renews its recommendation that there shall be two types of submarines, one for coast work and the other a fleet type of much larger displacement, speed and radius of action, capable of accompanying and acting with the fleet or independently at long distances from our coasts.

"The military characteristics for both of these types have been submitted by the General Board to the department.

"Nothing in these characteristics definitely limits the displacement of either type. The desire of the General Board is to obtain the most useful and reliable types possible for their particular missions on the least expenditure of money.

"The development of submarines abroad during the present war has been along the line of increase in displacement.

"Under the approved characteristics submitted by the General Board the Navy Department can determine from time to time the displacements for the two types, and any increase in size which in our own and foreign navies appears to improve their value as naval weapons can be determined by the technical bureaus of the department.

"If experience with our own submarines shows that reliability and habitability require an increase in displacement, the General Board is in favor of such increase as may be necessary. The General Board having recommended the military characteristics of the two types, their displacement will be dependent upon the designs prepared by the technical bureaus and approved by the department in accordance therewith.

"The above is the unanimous opinion of the General Board."

Question 2: "The probable maximum limit of cost of the several types designated in general terms as fleet submarines and coast submarines."

For the coast-defense submarines the probable maximum cost would be about $1,300,000 each and for the fleet submarines probably about $1,900,000 each.

Question 3: "The available means, either now in existence or which can be prepared, for the construction of same on the Pacific Coast."

It is noted from the bill that the number of submarines proposed to be built on the Pacific coast is 6 fleet submarines and not less than 25 of the coast-defense submarines. It is my opinion that there are sufficient facilities on the Pacific coast to build the 31 submarines proposed in the bill. At the present time there are five places at which submarines can be built and are built. Of these Long Beach, Union Iron Works, and Seattle Dry Dock & Construction Co. are private and two, namely, the navy yard at Puget Sound and the navy yard at Mare Island, are Government plants. The Long Beach Co. has stated in correspondence with the department that it is possible for them to lay down as many as 12 submarines at one time, but the department has not attempted to verify this figure. There are five submarines building at Long Beach at the present time. At the Union Iron Works there are six submarines now building, and it would be difficult to state how many this company could lay down. It should be borne in mind, however, that to use all "available means" for the construction of submarines on the Pacific coast at both Government and private yards would mean neglecting other work which this department considers of equal importance. Under these conditions it is, of course, impossible to estimate how many submarines could be laid down at one time. There are a number of places on the west coast which might be suitable for building submarines where no works exist at the present time, and these places could doubtless be prepared in an emergency for the construction of submarines. The department, however, does not consider such a step necessary or desirable at this time.

* * * * * * *

Sincerely, yours,

JOSEPHUS DANIELS.

Hon. MILES POINDEXTER,
United States Senate, Washington, D. C.

Mr. BRANDEGEE and Mr. JONES addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BRANDEGEE. Mr. President, I send to the desk an amendment, and ask that it be acted upon.

The PRESIDING OFFICER. The Secretary will read the amendment submitted by the Senator from Connecticut.

The SECRETARY. On page 23, after line 13, it is proposed to insert the following:

Submarine base, New London, Conn.: For the further development of the submarine base at New London, Conn., including the erection and equipment of repair shops, the provision of additional berthing space, and the erection of quarters and barracks for officers and men, including the acquisition of necessary lands, $1,250,000.

Mr. BRANDEGEE. Mr. President, I offer that amendment because I know the situation demands it. The chairman of the committee has in his possession a letter from the Secretary of the Navy and the estimates upon which the appropriation is based. If we are going to construct the new submarines authorized in this bill, it is of the utmost importance that there should be facilities for training their crews and officers. The department has looked into this matter exhaustively. I do not care to take a great deal of time in its discussion, but I am familiar with the conditions at that station, and have been familiar with them all my life.

New London has been used as a naval base, a coaling station, and a training station, and is now in existence as

a submarine station. It is located at an impregnable point behind the Government fortifications in Fishers Island Sound. It is in touch with two railroads, one running east and west and the other north and south; it is midway between the great ports of New York and Boston; it is within 2 miles of the works of the company that builds the engines for the submarines; and is in every respect an ideal location for this purpose.

I ask the chairman of the committee to have read in his own time a letter from the Secretary of the Navy in relation to this project.

Mr. SWANSON. Mr. President, this is a very wise and necessary appropriation. The Secretary of the Navy has written me several letters urging this appropriation and estimates have been submitted. That was, however, after the bill had been reported by the committee and after we had increased the number of submarines authorized. There is only one submarine base or school, and that is the one at New London, where men are taught how to use the submarines and to equip themselves for that service. It is absolutely necessary to have berthing and other facilities to make this submarine base efficient for the submarines we have authorized, and, in behalf of the committee, I accept the amendment for consideration in conference.

The PRESIDING OFFICER (Mr. ROBINSON in the chair). The question is on agreeing to the amendment offered by the Senator from Connecticut. Without objection, the amendment is agreed to. The Chair hears no objection.

Mr. SWANSON. Mr. President, I have one more amendment to offer, in behalf of the committee, that has been overlooked.

Mr. BRANDEGEE. Before that amendment is offered, I desire to have the letter of the Secretary of the Navy printed in the RECORD.

Mr. SWANSON. I will ask that the letter referred to by the Senator from Connecticut be printed in the RECORD.

The PRESIDING OFFICER. Without objection, that will be done.

The letter referred to is as follows:

NAVY DEPARTMENT,
Washington, February 7, 1917.

Hon. B. R. TILLMAN,
Chairman Committee on Naval Affairs,
United States Senate.

MY DEAR SENATOR TILLMAN: In view of the present demands, the prospective early delivery of a large number of submarines, and the necessity for the training of their officers and crews preliminary to their operating from their regular assigned stations, it is important that there should be available as early as practicable a complete submarine base and school at the New London naval station.

This station has so far been developed out of available funds for the department and is training a large number of officers and men, but its facilities are not adequate either as to quarters for officers, barracks for men, shops for repair facilities, or berthing space for the required number of submarines.

The department has had estimates submitted by the submarine flotilla commander, Admiral Grant, and the bureaus have estimated for their necessary equipment, etc., and it is requested that the sum of $1,250,000 be made available at once to equip fully this station to its full capacity.

To accomplish this there should be inserted in the pending naval bill as reported to the House, after line 12, page 23, a provision along the following lines:

"Submarine base, New London, Conn.: For the further development of the submarine base at New London, Conn., including the erection and equipment of repair shops, the provision of additional berthing space, and the erection of quarters and barracks for officers and men, $1,250,000."

It is urgently requested that the above provision be included in the present appropriation bill and that the appropriation be made immediately available.

Very sincerely, JOSEPHUS DANIELS.

Mr. HUGHES obtained the floor.

Mr. SWANSON. If the Senator from New Jersey will permit me, there is just one more committee amendment which I should like to have disposed of.

Mr. HUGHES. I have an amendment which I desire to offer, but I will yield to the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. SWANSON. There is one amendment which has been overlooked and which is very necessary. I send it to the desk and ask for its adoption.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. At the top of page 44 it is proposed to insert the following:

Officers of the Corps of Civil Engineers hereafter appointed shall from the date of their original appointment take rank and precedence with lieutenants, junior grade.

Mr. SWANSON. Mr. President, I should like to say, in connection with that amendment, that the reason why the amendment is offered is this: Officers who enter the Civil Engineering Corps of the Navy enter as ensigns now. It has been impossible to get men to enter with the grade of ensign. This change is to the grade of junior lieutenant in the Navy. All officers who enter the Medical Corps enter with that grade. We authorized an increased appointment last year, but it has been impossible to get young men who are equipped and competent to enter as ensigns; and this changes it from ensign to junior lieutenant, as in the Medical Corps and others, from the date of their entrance. It does not change the law in any way whatever except as to the grade at which they shall enter, the compensation, and the question of starting as junior lieutenants instead of ensigns. The requirements as to who shall be civil engineers are very exacting in the last bill and the requirements were such that it was impossible to fill the corps.

I do hope this amendment will be agreed to.

Mr. JONES. Mr. President, in connection with this amendment I am going to submit some remarks with regard to an amendment that I have been trying to get recognition to present. I have not sent my name to the Chair to be recognized in connection with the amendment, because I have assumed that under the rules the first Senator addressing the Chair will be entitled to recognition; but it seems that a different rule is being followed. I fear I may not get an opportunity to present the amendment I desire to present. So, in connection with this amendment, I want to call the attention of the Senate to some provisions on pages 70 and 71 of the bill as passed by the House that I do not believe either the committee or the Senators have examined very carefully, or they would not under any circumstances permit them to go through on this bill.

I am in favor of giving to the President all reasonable power that may be necessary to carry out the purposes and objects of this bill, but I am not willing to go as far as the House did in the language that it adopted in the passage of this act.

What does it do? It says, just in brief—for I have not time to read the two pages—that the President may place such order as he may see fit with any manufacturer or shipyard or any company or factory for anything that he may need which it produces, and compliance with this order is made absolutely obligatory upon the factory owner. He must put aside any work that he may have under way in order to comply with the order from the President. If he fails to do anything that the President requires of him, his property may be taken by the President, and for a refusal to do that the man is liable to a penitentiary sentence of three years or a fine not exceeding $50,000. He must take as compensation what the President fixes as just, or else he must go into the Court of Claims and go through that long process in order to get compensation. His property is taken, and he gets no compensation until the end of a long litigation and long years of legislation, besides being charged with a crime. If that property is all of his means of support, then he has nothing with which to go into any other class of business in the meantime. Of course, under the penalty provision he may not have an opportunity to do anything else except serve his term in the penitentiary.

Mr. President, it seems to me that that is too harsh, that that is too great a power to place in the hands of any man. Such power might be appropriate in a despot, but it is contrary to all the principles of a republic. It is subversive of all the principles of liberty which we prize so highly. What I wanted to propose, Mr. President, was this: That if the President of the United States makes a proposition to a factory owner that he feels he can not accept, the President may take his property and fix the compensation and pay him 50 per cent of the value fixed by the President and let him come into the Court of Claims and get the remainder. This will give him something to go on in some other business or continue that part of his business not taken. It seems to me that would only be fair and right; and it also seems to me, Mr. President, that when we authorize the President of the United States to take the property of an individual or to take any part of his factory that he sees fit if the man does not feel that he can comply with the order of the President—when we authorize the President to do that, and when the President does take that property, we ought not to inflict upon the man punishment as for a crime and subject him to trial and a fine of $50,000 and three years in the penitentiary. It seems to me that it is enough to authorize the President to take the factory and take his property and operate it and fix the compensation for it.

The provision, it seems to me, ought to be stricken out of this bill. But, at any rate, where a man feels that he can not in justice to himself and his business accept the valuation that the President makes we ought to permit the President to pay him 50 per cent of it, anyhow, and then let him go into some other kind of business and go through the processes of the courts for the other 50 per cent. That especially is the amend-

ment I desire, if I can get recognition at any time, to offer. I would also like an opportunity to strike out the criminal proviso.

The PRESIDING OFFICER. The time of the Senator from Washington has expired.

Mr. SWANSON. Mr. President, has the amendment I offered been adopted?

The PRESIDING OFFICER. It has not.

Mr. SWANSON. I should like to have it adopted.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Virginia.

Mr. CHAMBERLAIN. Mr. President, I really do not care to address myself particularly to this amendment; but the rule which seems to have been adopted here precludes every individual Senator except members of the committee from proposing any amendments to this bill. In view of that, and in view of the fact that under that rule it will be impossible for me to offer an amendment in which the people of the Northwest and the whole country are very much interested, I am going to read the proposed amendment into the RECORD.

Mr. SWANSON. Mr. President, if the Senator will permit me, this is the last amendment the committee has to offer.

Mr. CHAMBERLAIN. The Senator has been saying that ever since 3 o'clock.

Mr. SWANSON. I have not said that except this time. I thought all of them had been concluded, but this one was overlooked. I have not made the statement before. The Senator is entirely mistaken.

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Virginia?

Mr. CHAMBERLAIN. I do not yield; but it does not seem to make any difference. That has been the trouble with these committee amendments. They have taken up all the time discussing little amendments that ought to have been disposed of without any discussion at all. Now, I will either read it myself or ask the Secretary to read it, in my time, of course.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested. The Chair hears no objection.

The SECRETARY. On page 68, line 20, it is proposed to insert the following:

That the establishment of a naval base for submarines and aircraft in the vicinity of the mouth of the Columbia River is hereby authorized on such site as may be recommended as most suitable by the commission appointed by the President to report thereon in accordance with the provisions of the act of Congress making appropriations for the naval service for the fiscal year ending June 30, 1917, approved August 29, 1916, provided that such site is approved by the President; and the Secretary of the Navy is hereby authorized to acquire by purchase or gift, if not already owned by the United States, the site approved by the President, and the sum of $300,000 is hereby appropriated toward the acquisition and development of this site for a submarine and aviation base.

Mr. CHAMBERLAIN. Mr. President, my reason for introducing that amendment at this time is to call the attention of the Senate and the country to the neglected condition of the Pacific coast. With the exception of spending more money in San Francisco Harbor, no money is appropriated in this bill for the purpose of protecting the most exposed and unprotected section of this country. From Lower California up to Puget Sound practically the only coast defenses that amount to anything are at San Francisco and at Bremerton on Puget Sound.

Now, Mr. President, I know that I can not within five minutes discuss this question, but I want to insist that the Pacific coast ought to be recognized from a defensive standpoint, and this committee, with all due deference to what they have done in this bill, have absolutely neglected the Pacific coast.

Why has not something been done for the mouth of the Columbia River? As long ago as 1900 a committee of experts of the Navy called attention to the advantages of this river as a station for a naval base. It is true that certain defects were pointed out, but the construction of the jetties at the mouth of the Columbia River have long since removed the objections which were made to this stream, and there is no reason now why a submarine base or a naval base should not be established at the mouth of this splendid waterway. It drains 250,000 square miles of territory, the richest in the West, and this vast section is entitled to have a station established at the mouth of the river for the protection of the inland empire, its citizens, and its wealth.

No, Mr. President, it seems impossible to have proper attention paid to the West because there are so many demands along the Atlantic seaboard from New York to Florida. The western coast and its needs are entirely overlooked by the Naval Committee and by Congress, and I serve notice on the committee now that western Senators propose to insist hereafter upon definite action with reference to the proper safeguarding of the Pacific seaboard from San Diego to Puget Sound.

Mr. POINDEXTER. Mr. President——

The VICE PRESIDENT. The Senator from Washington.

Mr. LEWIS. Mr. President, will the Senator permit me to tender an amendment?

Mr. POINDEXTER. I should like, first, to have the Secretary read the amendment of the Senator from Virginia in my time. I want to make a few remarks on it.

The SECRETARY. At the top of page 44 it is proposed to insert:

Officers of the Corps of Civil Engineers hereafter appointed shall from the date of their original appointment take rank and precedence with lieutenants (junior grade).

Mr. POINDEXTER. Mr. President, in order that I may not lose an opportunity to do so hereafter, while it is not relevant to this amendment, I take this opportunity to indorse the proposition stated by my colleague a moment ago. It seems to me that authority to the President of the United States to enter the shipbuilding yards and fix the compensation for them or to make an order requiring the proprietor of the yard to construct naval vessels at a figure fixed by the President is all the authority that is necessary to protect the interests of the United States in any emergency. It is unreasonable to attach a criminal penalty against the proprietor of the yard to be inflicted upon him in case he finds that it is impossible to carry out the construction of vessels at the price fixed by the President of the United States. The United States, having the opportunity to take the yard and to construct the vessel itself and to pay such compensation as the President fixes, is amply protected.

Also, as to the other phase of the question, it is unreasonable to require that the proprietor of the yard shall await the almost interminable process of litigation of a claim in the Court of Claims. It is perfectly reasonable, as suggested by my colleague, to pay the proprietors of these yards, if seized by the Government, one-half of the price fixed by the Government. The Government can not lose anything on that, and it ought to be done; and I would ask that the opportunity be given to my colleague to submit the amendment.

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

Mr. LODGE. Will the Senator yield to me a moment?

Mr. POINDEXTER. I yield.

Mr. LODGE. I only wanted to say that I am in full accord with what has just been said, and that clause imposing criminal penalties ought to come out of the bill. That will take it, at least, into conference.

Mr. POINDEXTER. Mr. President, I will yield in just a moment to the Senator from Virginia. I will conclude what I had to say in regard to the matter by remarking that it is evident that this provision in the bill was prepared by a military man, looking at the matter purely from a military standpoint, and never was written by a civilian lawyer, else it would not have been so unreasonably harsh in its provisions.

Mr. SWANSON. Mr. President, I should like to have a vote on my amendment.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Virginia.

The amendment was agreed to.

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

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 76, line 16, it is proposed to insert:

That during the fiscal year 1918 all civilian employees in the Naval Establishment, including on the lump-sum rolls only those persons who are carried thereon at the close of the fiscal year ending June 30, 1917, shall receive increased compensation at the rate of 10 per cent per annum to such employees who receive salaries or wages in such establishment at the rate per annum of less than $1,200, and increased compensation at the rate of 5 per cent per annum to such employees who receive salaries or wages in such establishment at a rate of not more than $1,800 per annum: *And provided further*, That so much as may be necessary for such purpose is hereby appropriated out of any moneys in the Treasury not otherwise appropriated.

Mr. SMITH of Georgia. Mr. President, I desire to inquire whether this increase in appropriation has been recommended by the department or by the committee?

Mr. TILLMAN. No.

Mr. SMITH of Georgia. Then I make the point of order upon it.

Mr. HUGHES. While it has not been recommended by the committee, similar legislation has been passed by the Senate Committee on Military Affairs. This applies to the civilian employees of navy yards as the Army bill applies to civilian employees in the arsenals, and it would be an act of the grossest injustice, it seems to me, if the Government should make fish

of one character of civilian employees and flesh of another. If there are any people who are suffering from the high cost of living and because of the conditions that now confront us, it is not the highly paid salaried clerks and officials; it is the mechanics who are working in these cities where the cost of living is so high. The situation as it exists now is such that the United States Navy finds itself in a position where it can not get these employees at the present rate of wages, and in all human probability it will not be able to get these employees at the proposed rate of wages; but I consider that I would be failing in a patriotic duty if I did not attempt to give the Navy Department at least as fair an opportunity as the War Department has to employ these civilian employees.

I trust the Senator from Georgia will not insist upon the point of order.

Mr. PENROSE. Mr. President——

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

Mr. HUGHES. I yield.

Mr. PENROSE. I have just come into the Chamber. I should like to ask the Senator from New Jersey whether this is not similar to an amendment introduced by me on the same subject?

Mr. HUGHES. Yes; it is.

Mr. PENROSE. I sincerely hope the chairman of the committee will accept this amendment. It is simply putting these employees on an equality with employees in the other departments under similar amendments, and there is no reason why they should be discriminated against.

Mr. SWANSON. Mr. President, I hope the Senator from Georgia will listen to me for a minute.

The naval bill has not this provision. The Army bill of the House includes it. It is included in the report made from the Military Affairs Committee of the Senate, and it means this, that mechanics will get 5 per cent higher wages in the Army than they will in the Navy. It means that the Army will be enabled to pay 5 per cent more for its employees and take them from the Navy and put them in the Army. I feel, as acting chairman of the committee looking after the naval interests, that I ought, as far as I am able to do so, to accept this amendment. Why? To put it in conference. If it is not accepted, it can not go to conference.

Mr. TILLMAN. Mr. President, we have only got 10 minutes more for this bill.

Mr. SWANSON. The Army bill increases wages 5 per cent all over this country for people whose wages are fixed like those of the employees of the Navy. The Navy will be discriminated against and the Army can get the best employees. It will have 5 per cent advantage in paying wages over the naval people. I hope the Senator from Georgia will permit this amendment to go to conference, and if it is included in the Army bill and other bills——

Mr. SMITH of Georgia. Mr. President, if the Senator will stop a minute, of course we know that going to conference is nothing. That is adopting it. The House is demanding more everywhere than we have conceded.

Mr. SWANSON. Well, if the House gives the employees of the Army in these arsenals increased wages when they are doing precisely the same kind of work as the employees of the navy yards, why should not Congress give it to the naval employees? If they do not give it to either, neither ought to have it. If one gets it, both ought to have it. It is an act of justice, fairness, and equality. I hope, as far as my influence and voice can go, that this amendment will be adopted. I am not authorized by the committee to accept it, but it seems to me but an act of justice that this amendment should go to conference, and if the Military Committee gives the increase the naval employees ought to have the same increase.

Mr. TILLMAN. Mr. President, I call the attention of everybody to the fact that there is only 10 minutes before we will have to begin voting on the bill itself, and I have two amendments pending.

Mr. FLETCHER. Mr. President, I desire to offer an amendment.

Mr. PENROSE. What is being done with the present amendment?

Mr. TILLMAN. What has become of my two amendments?

Mr. PENROSE. What is the status of the pending amendment?

The VICE PRESIDENT. The pending amendment is the amendment offered by the Senator from New Jersey.

Mr. TILLMAN. I move to lay it on the table.

SEVERAL SENATORS. Oh, no!

Mr. TILLMAN. I move that it be accepted, then—any way to get rid of it and go on.

Mr. SMITH of Georgia. I made the point of order upon that amendment that it is an increase of the appropriation, for which there is no estimate by the department and no recommendation by the committee. It goes out under the rule.

Mr. PENROSE. I should like to have a ruling by the Chair on the point of order.

The VICE PRESIDENT. Even the Chair is beginning to get a little out of order about this matter. The Chair must have time to read it. [A pause.]

Mr. SWANSON. Mr. President, I desire to say on the point of order that no estimate is ever made for any specific wages; simply for so much money at navy yards. I do not see how a point of order could lie against this, because the navy-yard appropriation has been increased in the House for the pay of employees and others 8 per cent. It was increased the 1st of January, and I do not see how this point of order can lie. It was not recommended by the committee.

The VICE PRESIDENT. Does this increase the appropriation?

Mr. SWANSON. It increases the appropriation.

The VICE PRESIDENT. Has it ever been referred to a committee?

Mr. SWANSON. No.

Mr. HUGHES. It has been referred to the——

Mr. TILLMAN. The committee has not considered it.

Mr. SWANSON. The House increased the appropriation in this matter on account of increasing the wages 8 per cent on the 1st of January. The House, it seems to me, having legislated on this question——

The VICE PRESIDENT. Is that this bill?

Mr. SWANSON. It is in this bill.

The VICE PRESIDENT. The point of order is overruled. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. FLETCHER. Mr. President, I desire to offer an amendment, namely, to insert, after the word "practicable," on page 65, a semicolon and the matter which I send to the desk.

Mr. LODGE. Mr. President, I will save the time of the Senate, if that is what I suppose it to be—the shipping bill—by making the point of order that it is clearly general legislation.

Mr. FLETCHER. Mr. President, I will say that this is a bill as reported by the committee, which follows the increase of the Navy on page 65 of this bill, and has reference to naval auxiliaries and naval reserves.

Mr. LODGE. It has nothing to do with the bill.

The VICE PRESIDENT. Just a moment, please. We are not accomplishing anything. Let us be good-natured about it, if we are nothing else. Is there unanimous consent that the reading of this amendment shall be dispensed with?

Mr. JONES. No, indeed.

The VICE PRESIDENT. Then, the Secretary will read the amendment.

Mr. REED and Mr. SMOOT addressed the Chair.

The VICE PRESIDENT. The Senator from Missouri.

Mr. REED. Mr. President, I take it that remarks are in order. I want to say to the Senate that there is no more important matter relating to the question of preparedness than this bill.

Mr. JONES. I make the point of order that the amendment is not debatable until after it is read, under the unanimous-consent agreement.

Mr. REED. Well, I will debate the bill for a moment, then——

Mr. JONES. Very well.

Mr. REED. With the kind permission of the Senator, who has taken several hours on this bill to little purpose.

There are over 2,000,000 tons of vessels under construction in American navy yards, every ton of which is liable to be lost to this country and to the American flag if this bill is not passed. The measure has been carefully considered in a committee where both sides or both angles of the question have been fully represented. I hope the reading can be waived and a vote had on the proposition. It is unfortunate that we made such a unanimous-consent agreement as has been made, and there will be no more for some time in the future.

Mr. LANE. No more.

Mr. REED. But I ask now that we do not take the desperate chance of allowing this shipping to escape us and to go under a foreign flag and to go out of the American service.

Mr. SMITH of Michigan and Mr. WEEKS addressed the Chair.

The VICE PRESIDENT. The Senator from Michigan.

Mr. SMITH of Michigan. Mr. President, I have an amendment in the nature of a substitute which I desire to propose for the amendment proposed by the Senator from Florida.

Mr. FLETCHER. Mr. President——

Mr. JONES. Nobody knows what the amendment of the Senator from Florida is. It has not been read.

Mr. PENROSE. The amendment must be read first.

Mr. FLETCHER. The Senator knows what it is. It has been on his desk for a week.

Mr. PENROSE. The bill has been amended three or four different times. I do not know what the Senator's proposition is now.

Mr. FLETCHER. It has been on his desk for a week. I have seen what the Senator from Michigan is proposing, and I will accept it.

The VICE PRESIDENT. Just a moment, now.

Mr. FLETCHER. I am willing to accept the substitute.

Mr. JONES. I insist upon the reading of the amendment proposed by the Senator from Florida.

The VICE PRESIDENT. The Senator from Michigan certainly has the right to offer the substitute, at least.

Mr. JONES. I want it read.

Mr. PENROSE. Not until it is read.

Mr. SMITH of Michigan. If I may get the attention of Senators, I propose the following substitute——

The VICE PRESIDENT. Just a moment. Unless there is unanimous consent, the first reading will be the reading of the amendment offered by the Senator from Florida.

Mr. FLETCHER. I am willing to accept the substitute.

Mr. PENROSE. I insist on the reading of the amendment of the Senator from Florida.

The VICE PRESIDENT. The Secretary will proceed with the reading.

Mr. WEEKS. Mr. President, I want to debate the bill.

The introduction of these amendments is entirely contrary to the spirit under which the unanimous-consent agreement was reached. I do not suppose there are a dozen Senators on the floor who have read these bills or know anything about what the amendment offered by the Senator from Florida is, or the substitute offered by the Senator from Michigan.

I want to say, Mr. President, that I am quite in agreement with the Senator from Missouri that if this sort of thing is going to be done when a unanimous-consent agreement is reached which is supposed to relate to the legislation under discussion, if matter is going to be introduced that is entirely foreign to the bill, this will be the last unanimous-consent agreement that will be reached at this session of Congress.

Now, I can tell you, Mr. President——

Mr. SMITH of Michigan. Mr. President——

Mr. WEEKS. I will not be interrupted. I want to say to the Senate that the legislation which is now pending is not likely to pass during this session. There will be appropriation bills probably that can not be considered at this session. What we are considering is being improperly considered, and there is not any question but that it will be necessary to call an extra session of Congress. If it is necessary to call one, the President should do it without delay. Then this legislation may be given the consideration which it should be given. To adopt legislation without even having an opportunity to read it, covering 30 pages of bill form, is the height of folly, and ought not to be considered for a moment. I protest against the adoption or the consideration of any such amendment in connection with this bill.

Mr. SMITH of Michigan. Mr. President, a word on the bill, if I may be indulged. If the substitute or amendment which I have offered in any way infringes upon the unanimous-consent agreement, that is for the Chair to determine, not for the Senator from Massachusetts. I think it is in every way appropriate upon this bill. Under the law as it now stands merchant ships are auxiliary naval craft, and it is perfectly idle to say that this bill which I propose or the substitute which is consented to by the Senator from Florida is not at this time strictly germane and strictly within the unanimous-consent agreement.

The VICE PRESIDENT. The hour of 4 o'clock having arrived, in accordance with the unanimous-consent agreement that at this time a final vote shall be taken upon said bill, the Chair rules that the unanimous-consent agreement means that there shall be no further discussion of the bill or of any amendment, but that the sole thing which can be done is to vote upon the pending amendments and then through the regular parliamentary stages proceed to the final vote.

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

Mr. LEWIS. A parliamentary inquiry.

The VICE PRESIDENT. The Senator from Massachusetts makes a point of order.

Mr. LODGE. It seems to me it is perfectly clear it is confined to the bill.

> The final vote shall be taken upon said bill not later than 4 o'clock p. m.

The invariable form is "the bill and all amendments pending and to be offered." There is not one word said about amendments but only before 4 o'clock does it provide for amendments.

The VICE PRESIDENT. There are pending amendments.

Mr. LODGE. There is no mention of pending amendments. The term is:

> The final vote shall be taken upon said bill not later than 4 o'clock p. m.

I do not see how it can be made clearer.

The VICE PRESIDENT. The Senate is still considering the bill as in Committee of the Whole. The bill will be reported to the Senate.

The bill was reported to the Senate as amended.

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

The amendments were concurred in.

Mr. LEWIS. I tender an amendment in the Senate.

The VICE PRESIDENT. The Senate can not do it.

Mr. LEWIS. I make a parliamentary inquiry. The bill being now in the Senate, does the rule of the unanimous-consent agreement preclude the tendering of an amendment in the Senate to the bill?

The VICE PRESIDENT. It does in the view of the Chair, for the agreement provides that not later than 4 o'clock the final vote shall be taken on the bill. The question is on ordering the engrossment of the amendments and the third reading of the bill.

Mr. FLETCHER. There are pending amendments.

The VICE PRESIDENT. There are no pending amendments under the unanimous-consent agreement.

Mr. FLETCHER. There are amendments not voted on.

The VICE PRESIDENT. There are no pending amendments.

Mr. POINDEXTER, Mr. PENROSE and others. Question!

Mr. FLETCHER. Do not be in such a hurry. I have a right to make a parliamentary inquiry of the Chair. I do not believe it is quite courteous or decent to interpose yells and catcalls.

The VICE PRESIDENT. The Chair is not responsible for this unanimous-consent agreement. The Chair is not responsible for the fact that the question of the presentation of amendments was not raised until 4 o'clock p. m. The Chair can not help that. The Senate made the agreement. The Chair did not. You agreed that you would take the final vote on the bill not later than 4 o'clock, and that is the question.

Mr. TILLMAN. A parliamentary inquiry.

The VICE PRESIDENT. The Senator from South Carolina will state it.

Mr. TILLMAN. I have an amendment at the desk that was laid aside until it could be presented. I expected to offer it in the Senate.

The VICE PRESIDENT. We are in the Senate now.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. SWANSON. I move that the Senate request a conference with the House of Representatives on the bill and amendments, and that the President of the Senate appoint the conferees.

The motion was agreed to; and the Vice President appointed Mr. TILLMAN, Mr. SWANSON, Mr. BRYAN, Mr. PENROSE, and Mr. LODGE conferees on the part of the Senate.

Mr. SWANSON. There is another request I should like to make. One or two amendments have been eliminated, and I ask unanimous consent that where any appropriations were eliminated the totals may be corrected.

Mr. PENROSE. That can be done in conference.

The VICE PRESIDENT. That is the duty of the clerks at the desk.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19119) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1918, and for other purposes.

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. 8307. An act authorizing the granting of patent to certain lands adjacent to the agricultural experiment station at Scottsbluff, Nebr., to the regents of the University of the State of Nebraska for dry-land agricultural experimental purposes;

S. 8317. An act to authorize the Legislature of Alaska to establish and maintain schools, and for other purposes;

H. R. 12030. An act to amend an act entitled "An act to provide for the disposal of certain lands in the Fort Berthold Indian Reservation, N. Dak.," approved August 3, 1914;

H. R. 19119. An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1918, and for other purposes;

H. R. 19300. An act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1918; and

H. R. 19410. An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1918, and for other purposes.

ARMED MERCHANT SHIPS.

Mr. STONE. I move that the Senate now proceed to the consideration of the bill (S. 8322) authorizing the President of the United States to supply merchant ships, the property of citizens of the United States and bearing the registry of the United States, with defensive arms, and for other purposes, and upon that motion I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. CHAMBERLAIN. I have been attempting to get the eye of the President to be recognized for a good while, even before the Senator from Missouri rose to address the Chair, and I think I have a right to be heard on the motion which I propose to make now, and that is to substitute for the motion of the Senator from Missouri that the Senate proceed to the consideration of House bill 20783, an act making appropriations for the support of the Army for the fiscal year ending June 30, 1918, and for other purposes.

Mr. STONE. I make the point of order that my motion is not amendable.

The VICE PRESIDENT. Motions to proceed to the consideration of a bill are not amendable. Such a motion can be voted down and some other motion made.

Mr. POINDEXTER. A parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. POINDEXTER. Is the motion at this time to proceed to the consideration of another bill in order?

The VICE PRESIDENT. It is not until we dispose of the first motion some way or another.

Mr. NORRIS. The motion of the Senator from Missouri is a debatable motion. I should like to hear the Senator from Oregon just——

Mr. STONE. Does the Chair hold that the motion is debatable?

The VICE PRESIDENT. It certainly is debatable at this time of the day.

Mr. CHAMBERLAIN. I do not know that the Chair has ruled on the motion I have made to substitute the Army appropriation bill. I claim that under the rules of the Senate I have a right to propose this bill as a substitute because of its preference as an appropriation bill.

Mr. President, I desire to say in this connection I am not unfriendly to the measure which the Senator from Missouri desires to have considered by the Senate. I shall vote for it at the proper time, but it seems to me in view of the situation that confronts the Senate now appropriation bills have the right of way, particularly in the case of a measure which has for its purpose the defense of our country itself. That is the reason why I move to substitute the Army appropriation bill for the bill submitted by the Senator from Missouri.

The VICE PRESIDENT. The Senator from Missouri has moved to proceed to the consideration of a certain bill. It is not in order to substitute by motion another bill until after the Senator from Missouri has had a vote on his motion. Whether carried or lost does not make the slightest difference; the Senator from Oregon can immediately move to proceed to the consideration of the bill he has in charge.

Mr. CHAMBERLAIN. Does the Chair hold I can not move to take up the Army appropriation bill?

The VICE PRESIDENT. Not until the motion of the Senator from Missouri is disposed of. The Senate can not have two bills before it at the same time. The yeas and nays have been ordered on the motion of the Senator from Missouri [Mr. STONE] and the Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. O'GORMAN (when his name was called). I am paired with the senior Senator from New Hampshire [Mr. GALLINGER]. I transfer that pair to the senior Senator from Oklahoma [Mr. GORE] and vote "yea."

The roll call having been concluded, the result was announced—yeas 77, nays 14, as follows:

YEAS—77.

Ashurst	Brandegee	Colt	Fletcher
Bankhead	Broussard	Culberson	Harding
Beckham	Bryan	Curtis	Hardwick
Borah	Catron	Dillingham	Hitchcock
Brady	Chilton	Fernald	Hollis
Hughes	McLean	Ransdell	Sutherland
Husting	Martin, Va.	Reed	Swanson
James	Myers	Robinson	Thomas
Johnson, Me.	Nelson	Saulsbury	Thompson
Johnson, S. Dak.	Newlands	Shafroth	Tillman
Jones	O'Gorman	Sheppard	Townsend
Kern	Oliver	Shields	Underwood
Kirby	Overman	Simmons	Vardaman
Lane	Owen	Smith, Ga.	Wadsworth
Lea, Tenn.	Page	Smith, Md.	Walsh
Lee, Md.	Penrose	Smith, Mich.	Watson
Lewis	Phelan	Smith, S. C.	Williams
Lippitt	Pittman	Smoot	
Lodge	Poindexter	Sterling	
McCumber	Pomerene	Stone	

NAYS—14.

Chamberlain	du Pont	Martine, N. J.	Weeks
Clapp	Gronna	Norris	Works
Clark	Kenyon	Sherman	
Cummins	La Follette	Warren	

NOT VOTING—5.

Fall	Goff	Gore	Smith, Ariz.
Gallinger			

So the motion was agreed to, and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 8322) authorizing the President of the United States to supply merchant ships, the property of citizens of the United States, bearing the registry of the United States, with defensive arms, and for other purposes.

Mr. CHAMBERLAIN. I move that the Senate proceed to the consideration of House bill 20783, making appropriations for the support of the Army for the fiscal year ending June 30, 1918, and for other purposes, and I make the motion under the first subdivision of Rule IX.

Mr. STONE. Upon that I ask for the yeas and nays.

The years and nays were ordered; and being taken, resulted—yeas 15, nays 71, as follows:

YEAS—15.

Brady	Cummins	Kirby	Norris
Broussard	du Pont	La Follette	Vardaman
Chamberlain	Gronna	Martine, N. J.	Warren
Clapp	Kenyon	Myers	

NAYS—71.

Ashurst	Hollis	Newlands	Smith, Ga.
Bankhead	Hughes	Oliver	Smith, Md.
Beckham	Husting	Overman	Smith, Mich.
Borah	James	Owen	Smith, S. C.
Brandegee	Johnson, Me.	Page	Smoot
Bryan	Johnson, S. Dak.	Penrose	Sterling
Catron	Jones	Pittman	Stone
Chilton	Kern	Poindexter	Sutherland
Clark	Lane	Pomerene	Swanson
Colt	Lea, Tenn.	Ransdell	Thomas
Culberson	Lee, Md.	Reed	Thompson
Curtis	Lewis	Robinson	Tillman
Dillingham	Lippitt	Saulsbury	Townsend
Fernald	Lodge	Shafroth	Underwood
Fletcher	McCumber	Sheppard	Wadsworth
Harding	McLean	Sherman	Walsh
Hardwick	Martin, Va.	Shields	Williams
Hitchcock	Nelson	Simmons	

NOT VOTING—10.

Fall	Gore	Smith, Ariz.	Works.
Gallinger	O'Gorman	Watson	
Goff	Phelan	Weeks	

So the motion was rejected.

Mr. STONE. Mr. President, what was the result of the vote just taken?

The VICE PRESIDENT. The Senate refused to proceed to the consideration of the Army appropriation bill.

Mr. STONE. Then, the bill providing for the arming of merchant ships is before the Senate?

The VICE PRESIDENT. It is.

Mr. STONE. Mr. President, at this point I desire to make a brief statement. This bill, as I have heretofore said, was prepared by the Committee on Foreign Relations. As the chairman, and therefore as the official spokesman of the committee and in obedience to their direction, I presented the bill to the Senate. Subsequently, and at the earliest moment possible, I had the bill read and referred to the committee. Then, by direction of the committee, I reported it back to the Senate. Still following the direction of the committee, I have sought diligently to bring the bill before the Senate as the unfinished business, which position the bill now holds.

We have reached the point now, Mr. President, where candor to my colleagues compels me to say that I am not in accord with this bill as it has been framed, and it is my purpose to offer what I consider an important amendment to it. In that view of the situation I do not think it would be proper for me to continue further in the management on the floor of the pending measure. It is my purpose now, therefore, to ask the Senator from Nebraska [Mr. HITCHCOCK], who is the next ranking member of the committee, to take charge of the bill,

since I am advised by him that he intends to support the bill as reported.

In due time, Mr. President, I wish to state my views about the bill, and to define my attitude with regard to it. After that it will be my pleasure to contribute what I can to the efforts of the Senator from Nebraska and those cooperating with him to bring the bill to as early a conclusion as possible.

Mr. President, I now send to the desk an amendment which I propose to the bill, and ask that it be read. I will say that I have had copies of it printed in sufficient number for distribution to Senators, and that will now be done. After the reading of the proposed amendment I will ask the Senator from Nebraska to take charge of the bill.

Mr. BRANDEGEE. Mr. President, has the bill itself been read?

The VICE PRESIDENT. It has not.

Mr. BRANDEGEE. Then I ask that the bill be read before the amendment is read.

The VICE PRESIDENT. The Secretary will read the bill, and then the amendment.

The Secretary read the bill (S. 8322) authorizing the President of the United States to supply merchant ships, the property of citizens of the United States and bearing the registry of the United States, with defensive arms, and for other purposes, as follows:

Be it enacted, etc., That the commanders and crews of all merchant vessels of the United States and bearing the registry of the United States are hereby authorized to arm and defend such vessels against unlawful attacks, and the President of the United States is hereby authorized and empowered to supply such vessels with defensive arms, fore and aft, and also with the necessary ammunition and means of making use of them; and that he be, and is hereby, authorized and empowered to employ such other instrumentalities and methods as may, in his judgment and discretion, seem necessary and adequate to protect such vessels and the citizens of the United States in their lawful and peaceful pursuits on the high seas.

SEC. 2. That the sum of $100,000,000 is hereby appropriated, to be expended by the President of the United States for the purpose of carrying into effect the foregoing provisions, the said sum to be available until the 1st day of January, 1918.

SEC. 3. That for the purpose of meeting the expenditures herein authorized the Secretary of the Treasury, under the direction of the President, is hereby authorized to borrow on the credit of the United States and to issue therefor bonds of the United States not exceeding in the aggregate $100,000,000, said bonds to be in such form and subject to such terms and conditions as the Secretary of the Treasury may prescribe, and to bear interest at a rate not exceeding 3 per cent per annum: *Provided*, That such bonds shall be sold at not less than par, shall not carry the circulation privilege, and that all citizens of the United States shall be given an equal opportunity to subscribe therefor, but no commission shall be allowed or paid thereon; that both principal and interest shall be payable in United States gold coin of the present standard of value, and be exempt from all taxation and duties of the United States, as well as from taxation in any form of all State, municipal, or local authorities; that any bonds issued hereunder may, under such conditions as the Secretary of the Treasury may prescribe, be convertible into bonds bearing a higher rate of interest than 3 per cent per annum if any bonds shall be issued by the United States at a higher rate than 3 per cent per annum by virtue of any act passed on or before December 31, 1918.

SEC. 4. That in order to pay the necessary expenses connected with the said issue of bonds, or any conversions thereof, a sum not exceeding one-fifth of 1 per cent of the amount of bonds herein authorized to be issued, or which may be converted, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be expended as the Secretary of the Treasury may direct.

SEC. 5. That the President is authorized to transfer so much of the amount herein appropriated as he may deem necessary, not exceeding $25,000,000, to the Bureau of War-Risk Insurance, created by act of Congress approved September 2, 1914, for the purpose of insuring vessels, their freight, passage moneys, and cargoes against loss or damage by the present risks of war.

The VICE PRESIDENT. The Senator from Missouri [Mr. STONE] offers an amendment, which will be stated.

The SECRETARY. At the end of line 3, on page 2, it is proposed to strike out the period and insert a colon and the following:

Provided, That nothing herein shall authorize the President to employ or direct any person to manage or operate any arms placed on any merchant ship by the United States as herein authorized; and

Provided further, That it shall not be lawful for any merchant ship supplied by the President with arms as herein provided to carry or convey as a part of her cargo any munitions or other supplies of war destined for delivery to the armed forces of a belligerent nation engaged in war with another nation with which the United States is at peace; and

Provided further, That it shall not be lawful for any merchant ship which may be under the convoy or immediate protection of any public vessel of the United States to carry or convey as a part of her cargo any munitions or other supplies of war destined for delivery to the armed forces of a belligerent nation engaged in war with another nation with which the United States is at peace.

Mr. HITCHCOCK. Mr. President, before the discussion of this bill begins I have a preliminary request to make. Last night, rather late, the other House passed a bill known as H. R. 21052, which has a similar purpose and which is similar in its phraseology. I had intended to have that bill lie upon the table so as to be available in the Senate for consideration, but it was referred to the Committee on Foreign Relations. I now ask unanimous consent that that committee may be relieved from the further consideration of that bill, and that it may be considered as before the Senate.

Mr. STONE. I hope that will be done, Mr. President.

Mr. CUMMINS. Mr. President, will the Senator from Nebraska indulge me long enough to enable me to present an amendment to the bill under consideration and ask that it be printed?

Mr. HITCHCOCK. Certainly.

The VICE PRESIDENT. The amendment will be printed and lie on the table.

Mr. BRANDEGEE. Mr. President, I was unable to hear the request made by the Senator from Nebraska. I wish he would restate it.

Mr. HITCHCOCK. The bill which passed the House of Representatives last night was formally referred to the Committee on Foreign Relations. I ask that the committee may be relieved of the further consideration of that bill, and that it may be considered as upon the table of the Senate.

Mr. BRANDEGEE. And not referred to the committee at all?

Mr. HITCHCOCK. Yes.

Mr. BRANDEGEE. As though it had not been referred?

Mr. HITCHCOCK. Yes.

The VICE PRESIDENT. Is there any objection?

Mr. LODGE. Mr. President——

Mr. BRANDEGEE. Some of the Senators seem to think that the position of the bill would be as though it had been reported from the committee; but that is not what the Senator asks.

Mr. HITCHCOCK. No; that is not my intention—not at all.

Mr. LODGE. Mr. President, as I understand, the motion of the Senator from Nebraska is that the committee be discharged from the further consideration of House bill 21052. That brings the bill before the Senate.

Mr. HITCHCOCK. I asked unanimous consent.

Mr. LODGE. Yes; but I used the word "motion." Of course, that motion is possible if unanimous consent is refused. I only desire to say that it seems to me extremely desirable that we should have the House bill before us, so that we may deal with the whole subject; and I hope that the committee will be discharged, and the bill in that way brought before the Senate.

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

Mr. HITCHCOCK. Mr. President, I now propose to yield to the Senator from Maryland for a conference report.

DISTRICT OF COLUMBIA APPROPRIATIONS—CONFERENCE REPORT.

Mr. SMITH of Maryland. I submit the conference report on the bill (H. R. 19119) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1918, and for other purposes, and I ask for the adoption of the report.

The VICE PRESIDENT. The report will be read.

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 19119) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1918, and for other purposes, 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 amendments numbered 16, 87, and 88.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with amendments as follows: Omit the matter inserted by said Senate amendment and on page 9 of the bill, in line 3, strike out the following: "index clerk and typewriter, $900"; and on page 9 of the bill, in line 14, strike out "$180,540" and insert in lieu thereof "$179,640"; and the Senate agree to the same.

That the House recede from its amendment to the amendment of the Senate numbered 76, and agree to the said Senate amendment.

That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with amendments as follows: Amend the matter inserted by said amendment as follows: In line 1 strike out "SEC. 10" and insert in lieu thereof "SEC. 9," and in line 56, after the word "individuals," strike out all of the remainder of the said Senate amendment down to and including the word "session," in line 65; and the Senate agree to the same.

That the House recede from its amendment to the amendment of the Senate numbered 98, and agree to the same with an amendment as follows: In lieu of the matter inserted by the

amendment of the House to the amendment of the Senate numbered 98, and in lieu of the matter inserted by said Senate amendment, insert the following:

"SEC. 10. That to provide, during the fiscal year 1918, for increased compensation at the rate of 10 per cent per annum to employees who receive salaries at a rate per annum less than $1,200, and for increased compensation at the rate of 5 per cent per annum to employees who receive salaries at a rate not more than $1,800 per annum and not less than $1,200 per annum, so much as may be necessary is hereby appropriated: *Provided*, That this section shall only apply to the employees who are appropriated for in this act specifically and under lump sums or whose employment is authorized herein, and that the increased compensation of teachers of the public schools be computed on their basic salaries, and on the salaries of the employees of the police department below the grade of sergeants: *Provided further*, That detailed reports shall be submitted to Congress on the first day of the next session showing the number of persons, the grades or character of positions, the original rates of compensation, and the increased rates of compensation provided for herein."

And the Senate agree to the same.

JOHN WALTER SMITH,
JOE T. ROBINSON,
WILLIAM P. DILLINGHAM,
Managers on the part of the Senate.
ROBERT M. PAGE,
JAMES MCANDREWS,
C. R. DAVIS,
Managers on the part of the House.

Mr. NORRIS. Mr. President, I do not believe I have any objection. I have not seen the conference report. All I know is what the newspapers have contained, and I wish the Senator would tell us what was done with the several amendments that were in dispute.

Mr. SMITH of Maryland. There were six items in disagreement, I will say to the Senator. The Senate agreed to all except those six.

One was the enforcement of the child-labor law, which only created two more officers to look after the child-labor law instead of the two that are there now. The Senate receded, as it considered that it was an unimportant matter.

The next was in regard to the payment of Thomas W. and Alice N. Keller. The Senate receded from that.

The House receded from the proposition they made to put the Gallinger Municipal Hospital on Upshur Street and agreed to the Senate amendment to put it on reservation No. 13, where the hospital is now located.

The Senate receded from the Klingle Valley proposition, and there is nothing in the bill regarding that at this time.

Included in the bill is the intangible-property tax as presented by the Senator, with the exception that there is not to be an investigation in regard to taxation in the District of Columbia, which was gone over last year very fully, and we thought that there was no necessity for such an investigation.

The other was in regard to increased compensation. The Senate accepted the House provision in that respect.

Mr. NORRIS. The increased compensation to clerks under the agreement of the conferees is the same as agreed to by both Houses——

Mr. SMITH of Maryland. By the House and by the Senate on the Indian appropriation bill.

Mr. NORRIS. On the Indian appropriation bill; yes. I have no objection to the consideration of the conference report.

Mr. JONES. Mr. President, I was interrupted and did not hear the Senator's statement as to what action was taken with reference to the item relating to the Gallinger Municipal Hospital.

Mr. SMITH of Maryland. That hospital is to remain on its present location.

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

The conference report was agreed to.

POST OFFICE APPROPRIATIONS—CONFERENCE REPORT.

Mr. BANKHEAD. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Alabama?

Mr. HITCHCOCK. I am asked to yield for an opportunity to consider the conference report on the Post Office appropriation bill (H. R. 19410). I will do so temporarily, so that it may be taken up if there is no controversy upon it.

Mr. BANKHEAD. The conference report is on the table. I do not think there will be any controversy, because the conference report as adopted by the conferees is substantially the bill as it passed the Senate. There have been no changes in the bill except some very minor ones with reference to the amounts.

The VICE PRESIDENT. Is there any objection to the consideration of the conference report? The Chair hears none. The question is on agreeing to the conference report.

Mr. TOWNSEND. Mr. President, I want to say just one word. The Senate conferees receded on the amendment agreed to by the House relative to the payment of rural carriers for additional mileage over the 24 standard miles of the route. I was very anxious to stand by the Senate action; but it was thought under the circumstances that it could not be done, and especially in view of the prospect that possibly a resolution might be passed placing the post-office officials under the provisions, as to increase of salaries, which have been adopted thus far in the other bills. I think that at some time that injustice must be corrected.

Mr. SMOOT. Mr. President, may I ask the Senator reporting the agreement what conclusion was reached in relation to the increase of salaries of Government employees?

Mr. BANKHEAD. The amendment that passed the Senate was adopted by the conferees.

Mr. SMOOT. With the amendment offered to it by the Senator from Florida?

Mr. TOWNSEND. No.

Mr. SMOOT. Just the straight amendment?

Mr. TOWNSEND. Just the straight Smoot amendment.

Mr. HARDWICK. Mr. President, I want to say that the Senate amendment allowing an increase in compensation of rural carriers who are required to travel more than the standard distance, in my opinion, ought to be adopted as a matter of simple justice. We simply apply to these carriers the same scale that is applied to carriers in a descending way when they serve a rural route less than the standard. But at this stage of the session, and with many other important matters in the bill that ought to pass, it is not my purpose to delay or oppose the adoption of the conference report, although I offered this amendment and earnestly urged upon the conferees and upon the committee and upon the Senate its adoption in the first instance. I believe it is a matter of such simple and elementary justice that its adoption at an early date is a matter of absolute certainty; and resting on that belief I expect to support the conference report, although I wish this amendment had been retained in it.

Mr. LEA of Tennessee. Mr. President, I should like to ask the Senator from Alabama a question. Is there any change in the effective date of the so-called "bone-dry" amendment?

Mr. BANKHEAD. There is not. That matter was not in conference.

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

The conference report was agreed to.

LEGISLATIVE, ETC., APPROPRIATIONS—CONFERENCE REPORT.

Mr. OVERMAN. Mr. President, I ask the Senator if he will not yield to me to make a request to take up the conference report on the legislative, executive, and judicial appropriation bill (H. R. 18542).

Mr. SMITH of South Carolina and Mr. NORRIS addressed the Chair.

Mr. HITCHCOCK. I shall be glad to yield for the consideration of a conference report that can be adopted without objection; but I am informed by several of my colleagues that there are objections to this report.

Mr. NORRIS. Mr. President, will my colleague yield for just a moment, to enable me to make a request?

Mr. HITCHCOCK. I should like to dispose of this matter first.

Mr. NORRIS. My request pertains to a conference report that I understand has been formally adopted.

Mr. HITCHCOCK. We can get through with this first, and then go right to that.

Mr. OVERMAN. I do not know of any objection except to the item in regard to the increase in salaries, and that has been agreed to in other bills.

Mr. SMITH of Georgia. We do not want to take it up now.

Mr. NORRIS. Well, that is the question I wanted to ask. I wanted to ask the Senator from Michigan——

Mr. HITCHCOCK. I think, in view of the objections that have been made and the probability of a controversy, that I can not yield to my friend from North Carolina for this purpose at this time.

Mr. OVERMAN. The Senator, I understand, objects to my taking up the conference report on the legislative bill?

Mr. HITCHCOCK. There is an objection from——

Mr. OVERMAN. I ask the Senator to yield, and let us see whether somebody objects. I want to know if anybody is going to object.

Mr. PENROSE. I object, Mr. President.

The VICE PRESIDENT. Objection is made.

POST OFFICE APPROPRIATIONS—CONFERENCE REPORT.

Mr. NORRIS. Mr. President, will my colleague yield until I can make a request in reference to the Post Office conference report? There has been a misunderstanding here as to what it contained, and I do not believe the conferees desire to have us agree to it with that misunderstanding.

Mr. SMITH of South Carolina. That conference report has already been adopted.

Mr. NORRIS. I understand; but I want to ask if that fixes the compensation at the same amount that it was fixed in the Indian appropriation bill?

Mr. TOWNSEND. No; it does not. Let me explain to the Senator.

Mr. NORRIS. It was agreed to; but I did not believe it was——

Mr. TOWNSEND. I know it was; but the bill as it passed the Senate contained the Smoot amendment. The House had made no provision in its bill for that, and there was nothing left for the Senate conferees to do but to stand by the Senate bill, because the House conferees did not insist upon it; but that conference report has to be returned to the House, and I am very confident that the House will there take care of that proposition. But there was nothing left for the conferees on the part of the Senate to do but to stand by the Senate amendment.

Mr. NORRIS. That explanation is satisfactory.

ARMED MERCHANT SHIPS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 8322) authorizing the President of the United States to supply merchant ships, the property of citizens of the United States and bearing the registry of the United States, with defensive arms, and for other purposes.

Mr. HITCHCOCK. Mr. President, this is an emergency measure——

Mr. LODGE. Mr. President, before the Senator from Nebraska begins his remarks, would he object to having the House bill read? I do not think it has been read.

Mr. HITCHCOCK. It seems to me that is hardly necessary at this time, as the Senate bill is before the Senate, and the House bill is on the table and can be read at any time.

Mr. LODGE. It is not necessary, but there may be reference to it.

Mr. HITCHCOCK. I desire to make a preliminary statement of exactly what the situation is in regard to the Senate bill.

This is an emergency bill. Upon the eve of the adjournment of Congress the President came before the Congress and asked for certain powers. He asked for authority to maintain an armed neutrality. For this purpose he asked for authority to arm merchant ships of the United States for defense. He asked for authority to employ other instrumentalities and methods to protect vessels and citizens of the United States thereon in their peaceful pursuits on the high seas. He asked for the necessary credit to do these things. He asked for a larger insurance fund in order that the Government of the United States might protect, by insurance, the vessels and cargoes of citizens of the United States. All of these things have been granted in the bill which has been agreed upon by the Committee on Foreign Relations and reported to the Senate. One other thing also has been included in this bill. It is an authority for merchant vessels of the United States to defend themselves against unlawful attack.

When the committee came to consider the requests of the President, its attention was called to an old statute of the United States, I think of date 1819, which in times of war, when the United States is neutral, prohibited merchantmen of the United States from resisting by force the public vessels of other countries; and it was feared that if this law were not changed the merchant vessels of the United States, even though armed by the President, if they resisted or came into conflict with the public vessels of any belligerent nation might subject themselves to treatment as pirates. Therefore this authority for vessels to defend themselves against unlawful attacks has been incorporated in the bill.

Mr. President, I regret that the chairman of the committee has declined to manage this bill and present it to the Senate, although I have great respect for the conscientious motives which have moved him to do otherwise. The bill does not exactly represent my own judgment, but I have accepted it because it is the overwhelming judgment of the Committee on Foreign Relations after a careful consideration.

I know this bill has been referred to as one which if enacted may lead to war, but to my mind the United States will be in less danger of war during the next few months, or at least during the critical next few weeks, if the President is equipped with the powers which he seeks to enable the United States to assume the position of armed neutrality. I believe that the attitude of the United States under his very conservative administration and with his strong purpose to keep the United States out of the war as a party in the war is less likely to lead to war than for us to continue in the present uncertain state, where neither the people of the United States nor our merchantmen upon the seas nor the belligerent nations themselves know exactly what our attitude is. If we take under his management a position of armed neutrality, to stand for our neutral rights, if need be, against any other belligerent, we have taken a definite position, we have put ourselves in an unmistakable attitude of neutrality, and we have placed the destinies of the United States in the hands of our Chief Executive, who has shown for the last three years the steady purpose to keep this country out of that war as a participant.

I believe, Mr. President, that we will be in a safer position under those circumstances than if we permit the present uncertainty to continue. I am perhaps classified sometimes as a pacifist, and I do not shrink from that classification, but I believe there is more safety in a definite position than in our present uncertain position. Moreover, I would rather trust this President, who abhors war and who has shown his high purpose to keep out of the war—I would rather trust him in this emergency to be moderate, as well as firm, than I would trust this body itself if we should be confronted, as we may be confronted any day, with some great crisis.

Mr. President, I wish to call attention again to the fact that the attitude of the President, which I have described as a peaceful attitude, can be judged not only by his acts during the last three years, which have been much criticized by those of a bellicose disposition, but it is established by the words he spoke to us on the 26th of February. He came before us practically admitting that in his opinion he had most, if not all, the powers that he asks of Congress. He came before us and declared that he was as much opposed to war at this time as he has ever been. He said:

> I merely request that you will accord me by your own vote and definite bestowal the means and the authority to safeguard in practice the right of a great people who are at peace and who are desirous of exercising none but the rights of peace to follow the pursuits of peace in quietness and good will—rights recognized time out of mind by all the civilized nations of the world. No course of my choosing or of theirs will lead to war. War can come only by the willful acts and aggressions of others.

I am ready to take the President of the United States at his word upon his record, and I think he ought to be assured of these powers. I believe that a position of armed neutrality, a definite position of that sort at this time, is the safest as well as the most honorable attitude for the United States to assume. It will be notice to the belligerents that we are not going to submit to having our rights as a great neutral trampled upon. We ought to give notice to the world by this bill of our exact intentions, and by giving that notice we are, I believe, less likely to encounter the danger which will come if we continue to occupy an undefined and uncertain position.

Mr. President, at the present time this is all I care to say in support of the bill.

Mr. JONES. I should like to ask the Senator a question before he sits down. I wish to ask the Senator whether under the language contained in lines 1 and 2 and 3 on page 2 of the bill the President will be given authority, if he deems it necessary for the protection of American lives, to convoy these ships, upon which ships American citizens may be traveling as passengers or in their employment.

Mr. LODGE. To what bill does the Senator refer?

Mr. JONES. I refer to the Senate bill.

Mr. HITCHCOCK. The Senator will notice that the phrase relating to the protection of citizens is qualified by the term "vessels of the United States."

Mr. JONES. I have the bill here, Senate bill 8322. Probably this is the bill as it was introduced. It reads in this way——

Mr. HITCHCOCK. There is a calendar print of the Senate bill which is now pending.

Mr. JONES. It may read differently from this:

> And the President of the United States is hereby authorized and empowered to supply such vessels with defensive arms fore and aft and also with the necessary ammunition and means of making use of them; and that he be, and is hereby, authorized and empowered to employ such other instrumentalities and methods as may in his

judgment and discretion be necessary and adequate to protect such vessels—

Of course, that refers to vessels of the United States—

and the citizens of the United States in their lawful and peaceful pursuits on the high seas.

Mr. HITCHCOCK. That is the same language.

Mr. JONES. As I understand that, it would authorize the President to protect a British ship from attack if it was necessary to preserve the life of an American citizen traveling as a passenger on that ship, or an American who might be in the employ, working down in the engine room of that ship, because, I understand, it is the contention that American citizens have a right to travel on those ships and they have a right to work on those ships. It seems to me that the language there refers to two things—first, the protection of such vessels from attack, and then the protection of American citizens in the exercise of their lawful pursuits. I want to get the view of the Senator in reference to that.

Mr. HITCHCOCK. As far as my opinion goes, I should think that probably it is not necessary to specify protection for the citizens of the United States, but I have no idea that it was intended to protect any except vessels of the United States and citizens upon them.

Mr. JONES. The Senator thinks that this would not give the President the authority to do that?

Mr. HITCHCOCK. I think it would not authorize him to go further than to protect American vessels and those upon them.

Mr. LODGE. Mr. President, referring for a moment to the question which has just been asked, the vessels dealt with are described in the first line of the bill:

All merchant vessels of the United States and bearing the registry of the United States.

They are referred to subsequently in the ordinary form as "such vessels," which is the same as "said vessels." The reference to "such vessels," as repeated through the clauses, refers, of course, to the vessels described in the first line. The law could refer only to vessels of the United States and bearing the registry of the United States.

Mr. JONES. Mr. President——

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

Mr. JONES. If the Senator will permit me, I make no contention about that.

Mr. LODGE. I misunderstood the Senator.

Mr. JONES. I think that is very clear; but it seems to me the bill provides for two things: First, the protection of such vessels from attack as vessels of the United States. Then it goes further and authorizes the President to protect an American citizen in a lawful occupation upon the high seas from attack, whether he is on an American ship or on any other ship. It authorizes him to protect him where he is lawfully, and if he is lawfully on a British ship, as a passenger on the *Laconia*, it gives him authority to use whatever means may be necessary to preserve his life. In other words, it seems to me if he thought it necessary to protect American passengers on the *Laconia* or any other British ship, he could convoy those ships with American battleships. I should like to have the opinion of the Senator as to whether it gives the President that authority.

Mr. LODGE. I do not think, Mr. President, that this bill gives the President authority to convoy or arm the merchant ships of foreign nations.

Mr. JONES. I do not think he could arm them; of course not. I did not say that.

Mr. LODGE. That is all that is conveyed here—arm or employ other instrumentalities.

Mr. JONES. Yes; "other instrumentalities."

Mr. LODGE. I am speaking of the protection of the ship.

Mr. JONES. I am not interested in that, because I think the bill is perfectly plain with reference to the protection of ships.

Mr. LODGE. No; the Senator misunderstands me. I say the words "citizens of the United States" do not carry with them the power to protect by convoy or arm, which are the only ways known to me of protecting a ship at sea, a foreign merchant ship.

Mr. JONES. If the Senator will permit me, because I want to get the information; I want to get at what this means, and I know no one in whose judgment I have more confidence in reference to matters of this kind than the Senator from Massachusetts. It says here the President is—

Authorized and empowered to employ such other instrumentalities and methods as may in his judgment and discretion seem necessary and adequate—

Now, leave out the matter with reference to vessels—

to protect the citizens of the United States in their lawful and peaceful pursuits on the high seas.

I understand it is contended that American citizens have the right to seek employment and follow employment upon a British merchant ship. These ships have been sunk and American lives have been lost. Would the President have the authority under this bill to take any steps that he deems necessary; for instance, to send a battleship to accompany a British passenger ship on which he knows an American citizen is a passenger or an American citizen is employed for the protection or warding off of attack that would endanger the life of that American citizen? That is what I would like to have the opinion of the Senator upon.

Mr. LODGE. I will attempt again to say what I tried to say before. I do not think there is anything in the bill which permits the President of the United States to convoy or to arm a foreign merchant ship. He could, of course, do that if war existed, but I do not think unless war exists he has any power given him by the bill to convoy or arm a foreign merchant vessel; but——

Mr. HARDWICK rose.

Mr. LODGE. One moment. I want to complete what I was going to say at this time. I think most decidedly that American citizens in peaceful pursuits of trade or travel who are on a belligerent ship, a merchant ship, who are lawfully there, have rights which it is the duty of this Government to guard. I thought when the *Lusitania* sank that a great wrong was done to the citizens of the United States who perished in that wreck.

Mr. President, I read the other day in a newspaper the following cablegram addressed to President Wilson by Austin Y. Hoy, whose mother and sister were lost when the *Laconia* was torpedoed without warning by a German submarine. The cablegram says:

I am an American citizen, representing the Sullivan Machinery Co., of Chicago, living abroad not as an expatriate, but for the promotion of American trade. I love the flag, believing in its significance. My beloved mother and sister, passengers on the *Laconia*, have been foully murdered on the high seas.

As an American citizen outraged and as such fully within my rights, and as an American son and brother bereaved, I call upon my Government to preserve its citizens' self-respect and save others of my countrymen from such deep grief as I now feel. I am of military age, able to fight. If my country can use me against these brutal assassins, I am at its call. If it stultifies my manhood and my Nation's by remaining passive under outrage, I shall seek a man's chance under another flag.

Mr. President, that to me is painful reading. Those two women were lawfully on that ship. They did not sacrifice their rights as American citizens by taking passage on that ship. It was a merchant ship, a passenger-carrying ship. It was torpedoed at night without warning and these women perished miserably in open boats. I do not think they had lost their rights as American citizens.

Now, I repeat I do not consider that this bill gives the President any power to put arms or send a convoy with a foreign merchant vessel, but I think that without any law he has power to assert the rights of harmless, peaceful travelers who are where they are entitled by law to be.

Mr. HARDWICK. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Georgia?

Mr. LODGE. I yield.

Mr. HARDWICK. I desire to inquire of the Senator from Massachusetts, who is on the committee, I believe, that reported this bill.

Mr. LODGE. Yes; I believe I am on the committee.

Mr. HARDWICK. And I suppose the ranking member on the other side.

Mr. LODGE. I have the honor to be that.

Mr. HARDWICK. What does this language in the bill mean? I ask purely for information.

Mr. LODGE. I understand; certainly.

Mr. HARDWICK (reading)—

is hereby authorized and empowered to employ such other instrumentalities and methods as may, in his judgment and discretion, seem necessary and adequate—

And so forth.

Exactly what does the Senator and his committee mean by that language? What does that cover?

Mr. LODGE. Such measures as seem necessary and adequate.

Mr. HARDWICK. Yes; what kind of latitude does that authorize?

Mr. LODGE. If the Senator will allow me, I was going to discuss that in my own way a moment later.

Mr. HARDWICK. Very well, if the Senator is going to cover it.

Mr. LODGE. I am going to contrast it with the House bill, and I am coming to that precise point.

Mr. HARDWICK. The Senator will remember that our committee struck out that language and that the bill as passed by the other House does not contain it.

Mr. LODGE. I am aware of that.

Mr. HARDWICK. I wanted to know exactly what, in the opinion of the Senator, who has had long experience in such matters, this language covered, and what it meant.

Mr. LODGE. I was coming to that.

Mr. HARDWICK. Very well; I will ask the Senator to come to it in his own way.

Mr. LODGE. If the Senator will allow me, I will come to it. I meant to treat it as fully as seems necessary.

Mr. WORKS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from California?

Mr. LODGE. I do.

Mr. WORKS. Mr. President, the Senator from Massachusetts has said that two women to whom he has referred were entitled to the protection of the United States. If that be so, why should this bill not provide that the President shall protect American citizens under those circumstances? Why has that been omitted in the bill?

Mr. LODGE. Because, in my judgment, Mr. President, the President has ample powers under the Constitution to give general protection to American citizens in their rights wherever those citizens may be. If he needs the aid of Congress, he has, in my opinion, simply to apply to them for aid and they will give it, as we are going to give to him this limited aid which he has now asked.

Mr. President, I desire to call attention, first, to the lines with which the Senate bill begins.

Mr. LA FOLLETTE. Mr. President——

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

Mr. LODGE. I do.

Mr. LA FOLLETTE. Do I understand the Senator to mean, in his answer to the question propounded by the Senator from California [Mr. WORKS], that the President has, under the Constitution, all the powers which this bill seeks to confer upon him?

Mr. LODGE. No, Mr. President; he certainly has not. He has no authority to arm merchantmen, and he is applying for that authority.

Mr. LA FOLLETTE. I thought the Senator's statement was broader than he has now made it.

Mr. LODGE. No. I said that if he lacked authority he could come to Congress for it, as he has now done in this limited way.

Mr. President, the first three lines of the Senate bill provide—

That the commanders and crews of all merchant vessels of the United States and bearing the registry of the United States are hereby authorized to arm and defend such vessels against unlawful attacks.

Whether we pass the House or the Senate bill that clause must be placed in the bill. In the statutes of the United States we have a provision permitting merchant vessels to arm and defend themselves; but it expressly provides that they must not defend themselves against the public armed vessel of a nation with which we are at amity. Technically we are at amity with Germany now; and if we arm these vessels, or if they arm themselves, and then make resistance to a German vessel, be she cruiser or submarine, and they fail in that resistance and are made prisoners, under our own statutes they can be deemed pirates and treated in that way because of that particular exception in the statute of 1819.

It would be something worse than a mockery to invite the commanders and crews of our vessels to arm those vessels, to give them armament for that purpose, and then to send them to sea without at least fixing and defining their military status under our own laws. I do not know that even that would be sufficient to protect them as they ought to be protected, because we have the case of Capt. Fryatt, a merchant captain who defended his own ship, which he had a right to do under the English law and under the law of nations, but who was executed after being made a prisoner. We certainly ought never to arm those men and authorize them to resist all unlawful attacks, and yet by our own law leave them in a status where they might be treated as pirates, when it is our plain duty to give them the military status which would be recognized by all the world.

We then proceed in the Senate bill to authorize and empower the President to supply such vessels with defensive arms. After the words "defensive arms" in the Senate bill there were inserted the words "fore and aft." That was done at my suggestion. What I had in mind was a limitation which occurs in international law, and I think in our own regulations, about the position of the guns as evidence of the character of the ship, and there have been limitations in that way. All these limitations are merely in the nature of evidence as showing the character of the ship, and there is among them a limitation confining these merchantmen to carrying only one gun aft. My intention in making the amendment was to enlarge the power of the President in arming these ships, to give him the right, under our own regulations, to put on a complete defensive armament or an efficient defensive armament. I wished to make it possible to allow the ships to have revolving guns, both fore and aft, which would give them a really defensive armament; but I understand that my suggestion is regarded not as an extension of power in this direction, but as a limitation. The last thing I should wish to do would be to limit the President in that respect. I think, therefore, the words "fore and aft" had better be removed from the Senate bill.

I shall be glad to see the word "completely" put in before the word "defensive"; but if the words are now interpreted by the President and his advisers in that way, as meaning "completely defensive," and as leaving him the power to put broadside guns on the ships, and if he thinks that guns fore and aft are not enough, I want to give him all the power he desires in this direction. My last thought would be to put any limitation upon him.

Now we come to the part of the bill about which the Senator from Georgia [Mr. HARDWICK] questioned me.

Mr. CUMMINS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Iowa?

Mr. LODGE. Certainly.

Mr. CUMMINS. Before the Senator passes from that part of the bill, I should very much like to have his opinion upon this point: The bill uses the words "unlawful attacks." Does the Senator think the words "attacks" and "capture" are synonymous in this connection; or, in other words, what is an "unlawful attack"?

Mr. LODGE. Any form of attack not recognized by international law is unlawful.

Mr. CUMMINS. And that would cover capture, so that it might be read "unlawful capture" as well, I assume?

Mr. LODGE. No; capture is preceded by seizure.

Mr. CUMMINS. "Unlawful seizure and capture." The Senator from Nebraska [Mr. HITCHCOCK] said a few moments ago that this was intended to cover unlawful interference of all kinds.

Mr. LODGE. I think it is.

Mr. CUMMINS. Does the Senator from Massachusetts, therefore, propose that we shall arm these merchant vessels against their unlawful capture by a warship?

Mr. LODGE. Mr. President, I said any attack which was unlawful as tried by the admitted doctrine of international law, recognized by all the world for many centuries.

Mr. CUMMINS. Mr. President, I am asking these questions purely for information, because the Senator from Massachusetts is so much better versed in international law than I am, and I need the information to make up my mind upon this point. The President has said repeatedly, and I have no doubt has said correctly, that many of the captures or seizures of our ships destined to Germany or neutral ports by British warships have been illegal or unlawful. I want to know whether we are authorizing under this bill our merchant ships to use these guns to prevent a capture of that kind which the commander of the ship might think unlawful?

Mr. LODGE. Why, Mr. President, the armed merchantman has a right to resist any form of attack. He always has had that right in all wars. If he is held to be an armed merchantman, and not to have lost his character as such, he is not to be treated as a ship of war. The crew are entitled to be treated as prisoners of war and the neutrals to be set on shore by the captor at the nearest point. If he did not resist, they are entitled to be carried into port as a prize for adjudication. That was the ordinary rule; but under the old practice many merchantmen in time of war who kept their character as merchantmen would beat off an attack by a privateer, a letter-of-marque vessel with a recognized naval status. This measure is confined to "unlawful attacks," but I suppose our ships will undoubtedly have a right to resist capture and seizure.

Mr. SHERMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Illinois?

Mr. SHERMAN. If the Senator prefers not to be interrupted, I will not interrupt him.

Mr. LODGE. I yield to the Senator.

Mr. SHERMAN. In connection with the inquiry made by the senior Senator from Iowa [Mr. CUMMINS], I should like to make an inquiry of my own, which will be specific in character. The right is unquestioned of a merchantman to exact from the ship of another nation that visitation and search precede seizure and capture, of which the Senator has spoken.

Mr. LODGE. Absolutely.

Mr. SHERMAN. Specifically, a submarine is operated without either visitation or precedent search, which is necessary to establish the character of the ship as well as its cargo.

Mr. LODGE. That is true.

Mr. SHERMAN. Will an unlawful attack include in its necessary definition an attack by a submarine, without visitation and search, upon one of our merchant ships so armed under the provisions of this bill? Would that be an unlawful attack?

Mr. LODGE. It would be, in my judgment.

The Senate provided in the second clause of the first section that the President—

is hereby authorized and empowered to employ such other instrumentalities and methods as may, in his judgment and discretion, seem necessary and adequate to protect such vessels and the citizens of the United States in their lawful and peaceful pursuits on the high seas.

The House bill provides—

That he be, and is hereby, authorized and empowered to protect such ships and the citizens of the United States against unlawful attack while in their lawful and peaceful pursuits on the high seas.

The House omitted the words "employ such other instrumentalities and methods as may, in his judgment and discretion, seem necessary and adequate," leaving it simply that the President is "empowered to protect such ships." Now, as a matter of interpretation, to me that gives him, if anything, larger powers than the Senate bill. It denies him nothing. I think it is more indefinite than the Senate bill. I do not in the least object to it, but I think the Senate form is better. The House has also inserted, after the words "citizens of the United States," the words "against unlawful attack," a repetition of the phrase in the first portion of the paragraph. I see no objection to that, nor do I attach any importance to it. I think those two provisions of the House and Senate are substantially the same.

Mr. HARDWICK. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Georgia?

Mr. LODGE. I do.

Mr. HARDWICK. Does the Senator believe that the elimination of this language conferring, apparently, broad general powers narrows the power of the President?

Mr. LODGE. I do not think anything could extend the House phrase or give him more power.

Mr. HARDWICK. But in the House bill what he could do was specifically outlined, was it not?

Mr. LODGE. Not so specifically outlined as in the Senate bill.

Mr. HARDWICK. No; it was——

Mr. LODGE. If I may be pardoned one moment, Mr. President, if we say to the President "we authorize and empower you to protect," we say to him, of course, that he may use every power that he has to protect our citizens, which gives him everything.

Mr. HARDWICK. If the Senator is right in that contention, certainly it does not narrow it any.

Mr. LODGE. I say the House does not narrow it in the least.

Mr. HARDWICK. Well, we do not broaden it then by putting it in.

Mr. LODGE. We do not, in my opinion.

Mr. HARDWICK. In other words, the Senator thinks it means exactly the same thing whether we have it there or not?

Mr. LODGE. No; I do not know that it means precisely the same. I think we are more specific, but, so far as the grant of power goes, I think it goes as far under one bill as the other. Our bill, if anything, is limiting, because it impresses upon the President the words "what in his judgment is necessary and adequate," but I do not think it limits him in the least. I am certain the House does not limit him.

Mr. CLAPP. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Minnesota?

Mr. LODGE. Certainly.

Mr. CLAPP. Mr. President, at least one amendment has been offered which specifically authorizes the furnishing of convoy ships. Is there any question in the Senator's mind but that under the language of the Senate bill, "to employ such other instrumentalities and methods," the President would be authorized to furnish convoy ships for a vessel coming within the language of the proposed bill; that is, a merchant vessel of the United States bearing the registry of the United States?

Mr. LODGE. My belief is that we could, under the language of either bill, use convoys.

Mr. President, before I come to the next provision, which relates to war-risk insurance, it has been suggested to me that I did not make it perfectly plain about the fore-and-aft guns. Of course, with a single revolving gun aft there is a certain portion of the circle which that gun can not cover. It can not cover a portion on the broadside—I am not expert enough to know just how much—but it is impossible to give the ship full protection with one gun. If you have another revolving gun forward, of course that gun has the same limitation reversed, and you can come very near, I should think, to covering the whole horizon. The old gun carried aft, as the Senator from Vermont [Mr. DILLINGHAM] suggests, would reach a vessel in pursuit, and was looked upon as evidence of the merchant character of the vessel.

Mr. SMITH of Michigan. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Michigan?

Mr. LODGE. I do.

Mr. SMITH of Michigan. May I ask the Senator from Massachusetts whether he has referred to the first part of the Senate bill as conveying broader powers than the House bill with reference to the right of commanders and crews of merchant vessels——

Mr. LODGE. I began with that, and pointed out, as well as I could, my views on the subject. I thought I did so very fully.

Mr. SMITH of Michigan. I beg the Senator's pardon. I did not hear his statement on that point.

Mr. CLAPP. Mr. President, before the Senator takes up the insurance clause, if he will grant permission, I should like to ask his view as to this situation: I understand that the English Government has established a blockade as to German ports. Would it be contended that there could be any right given under this bill for a merchant ship armed or convoyed to pass, or attempt to pass, that blockade?

Mr. LODGE. Why, of course, Mr. President, as we know from our own war experience, if a blockade which is an effective blockade, and not a paper blockade——

Mr. CLAPP. Of course.

Mr. LODGE (continuing). Is established by a belligerent Government, it is a belligerent right to do so, and any vessel that tries to break through that blockade does it at its own risk, and if another nation attempts to break the blockade with a warship of course it is an act of war.

Mr. CLAPP. Yes.

Mr. LODGE. And the great question in our Civil War was whether France or England would come in at any time and break the blockade.

Mr. CLAPP. Would the effort of the blockading ships, carried perhaps to the extent of force against the merchant ships provided for in this bill, constitute the unlawful attack or come within the purview of the expression "unlawful attack," as used in the bill?

Mr. LODGE. An armed merchantman attempting to break the blockade is engaged in taking a risk of breaking through a belligerent right. She has the right to defend herself. It does not follow that lives must be destroyed because she does it.

Mr. CLAPP. No.

Mr. LODGE. But she is taking her own risk. But if you take the ship of a nation, an armed vessel of war, and attempt to put it through a blockade, that is an act of war, of course.

Mr. CLAPP. Then, I should like a little more information, if the Senator's view is clear on that, as to whether the effort of blockading ships carried to the extent of force as applied to the merchant ships would constitute the form of unlawful attack contemplated by the bill?

Mr. LODGE. Mr. President, in those cases there would be visitation and search first, and then seizure and capture. It is within the right of the armed merchantman to defend itself if it chooses. The House bill uses the same language on that point of unlawful attack.

The next provision is to appropriate $100,000,000 to enable the President to carry into effect the foregoing provisions, and the Senate bill contains a limitation that not more than $25,000,000 shall be used for war-risk insurance. We have already, by special bill, added $15,000,000 to the insurance fund of the Government. This addition of $25,000,000 would give them $40,000,000 for that fund, which will be ample for all purposes, and the remaining $75,000,000 is given to the President to use for carrying out the purposes of this act. The House does not

limit the amount which shall be allotted to the war-risk insurance, but puts in another limitation:

That said Bureau of War Risk Insurance shall not insure any arms or ammunition or any vessel carrying arms or ammunition consigned to belligerent countries or any citizen thereof.

Mr. President, no distinction is drawn in giving insurance to vessels engaged in trade in a period of war. The rate may be much higher for a vessel carrying contraband of any sort and still higher for one carrying arms and munitions; but the private insurance companies—great corporations, in most cases—both here and abroad grant insurance, possibly, if the risk is very great, at very high rates; but they draw no distinction as to the contraband character of cargo by refusal to insure. The vessel carrying contraband or munitions of war sails at her own risk. She is good prize. She is liable to capture by a belligerent, and she takes her own risk; and no nation attempts to put it on any other ground. Cases have been cited here to the Senate, and I can cite many statements of our State Department and of our Government to the effect that the right of the citizen to take munitions of war or contraband to a belligerent country was undoubted, but that they did it at their own risk; and that risk is insured by all insurance companies—at a high rate, perhaps—but they are not excluded from insuring if they can pay the premium.

I see no possible reason for making this distinction in Government insurance. It is not an act of war to insure a vessel—in no sense—and I see no object in that House provision.

Mr. President, I now take up the amendments offered by the Senator from Missouri [Mr. STONE]. They are as follows:

Provided, That nothing herein shall authorize the President to employ or direct any person to manage or operate any arms placed on any merchant ship by the United States as herein authorized; and

Provided further, That it shall not be lawful for any merchant ship supplied by the President with arms as herein provided to carry or convey as a part of her cargo any munitions or other supplies of war destined for delivery to the armed forces of a belligerent nation engaged in war with another nation with which the United States is at peace; and

Provided further, That it shall not be lawful for any merchant ship which may be under the convoy or immediate protection of any public vessel of the United States to carry or convey as a part of her cargo any munitions or other supplies of war destined for delivery to the armed forces of a belligerent nation engaged in war with another nation with which the United States is at peace.

Mr. President, in my opinion for us to arm a vessel loaded with contraband, or to convoy a vessel loaded with contraband, would be an act of war. I voted against that amendment in the committee, and it seemed to me going very far to say to the President that he must not commit an act of war. He is as well aware of what constitutes an act of war as we are; and I feel very sure that if the President were ready to make war, and thought the time had come for that action, he would call Congress together if it were not in session, and that in any event he would submit it to Congress. I do not believe for one moment that the President will undertake to make or declare war without the authority of Congress, which is the only constitutional body which can declare war. I felt, and the majority of the committee and I feel so still, that if we are not prepared to trust the President with the powers which he asks, we have no justification for giving him anything at all. We should be tying his hands; and when I join in conferring on the President powers like that of arming merchantmen—a power which he certainly does not possess under the Constitution—I, for one, am not going to accompany it with the statement that I do not think he can be trusted not to commit an act of war.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Idaho?

Mr. LODGE. I do.

Mr. BORAH. May I ask the Senator from Massachusetts if the statement that he has just made applies with equal force to the first proviso:

That nothing herein shall authorize the President to employ or direct any person to manage or operate any arms placed on any merchant ship by the United States as herein authorized?

Would that be an act of war?

Mr. LODGE. I did not touch on that, Mr. President; but while the Senator is a far better lawyer than I am, my own impression is that if you put officers of the Navy or men of the Navy of the United States—which this is, of course, intended to cover—on a merchant ship, you change her character; you make her a merchant auxiliary; you take her into the Navy of the United States; you make her a vessel of war, pro tanto.

Mr. BORAH. I asked purely for information; not in a controversial way.

Mr. LODGE. Oh, I understand that.

Mr. BORAH. I was not clear in my own mind, and I desired the Senator's opinion specifically upon that question.

Mr. LODGE. I am giving it for what it is worth. That would be my own judgment.

Mr. HARDING. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Ohio?

Mr. LODGE. I do.

Mr. STONE. Mr. President, will the Senator pardon me for just a moment? I did not understand the Senator.

Mr. LODGE. In regard to putting officers and men on board?

Mr. STONE. Yes.

Mr. LODGE. The first proviso?

Mr. STONE. Yes.

Mr. LODGE. I said that in my judgment if the President put officers and men—either or both—of the United States Navy on board a ship, he would convert that ship into a merchant auxiliary, as it is commonly known, and he would make her a ship of war of the United States to that extent.

Mr. STONE. Well, the Senator does not state exactly the proposition advanced in the amendment. It does not say that the President shall not be authorized to place men or officers who belong to the Navy on board ships. It says nothing about officers.

Mr. LODGE. The President has no power or authority to put anybody on board a merchant ship in the capacity of gunner except men who are in the service of the United States. He can not order a citizen on board.

Mr. STONE. Well, he might employ one.

Mr. LODGE. I do not see how, without enlisting him.

Mr. STONE. The language is, "shall neither employ nor direct."

Mr. LODGE. I do not think he can employ him without enlisting him in the naval service of the United States.

Mr. STONE. Well, I am satisfied with that answer.

Mr. HARDING. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Ohio?

Mr. LODGE. I do; with pleasure.

Mr. HARDING. In view of the statement the Senator from Massachusetts has just made, what objection is there, then, to putting this limitation in the bill?

Mr. LODGE. I have been trying to explain the objection, and I will repeat it. We are asked by the President to give him certain grants of power. We give him those grants. Now, these amendments propose to say to him: "You must not commit active and flagrant acts of war. You must not precipitate the country into war by your acts." If the President can be no more trusted than that, in my judgment we had better not give him any power at all.

Mr. O'GORMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from New York?

Mr. LODGE. I do.

Mr. O'GORMAN. Will not the language proposed by the Senator from Missouri be a protection to the President rather than an embarrassment? It will be noted the language in the second and third paragraphs places a restriction on the owner of the vessel and not on the President. It saves the President or helps to save him from imposition by the owner of an American vessel that might seek to carry munitions of war and at the same time look for the protection of a convoy—an American battleship.

Mr. LODGE. Whether that is in or not the method of determining the cargo of a vessel must be the same. The President in any event must know whether the vessel contains contraband and he must find out through the officers of the Government. That amendment compels nothing and relieves him of nothing as far as that goes. All this seems to me in the highest degree unimportant because the President of the United States under his constitutional powers can, if he choose, get the country into war. As Mr. Webster said on one famous occasion, "Nobody declared the Mexican War; Mr. Polk made it." The President can do that without any resolution of Congress, and I do not care to assume for one that he is going to do it.

Mr. O'GORMAN. The Senator from Massachusetts is, of course, quite familiar with the provisions of the London convention, and especially articles 61 and 62, which deal with the convoy of a merchant ship and make specific provision that where a merchant ship is convoyed by a man-of-war or a cruiser the representative of the belligerent, instead of searching the ship, has a right to receive from the commander of the convoying ship a certificate that there is no contraband of war.

Mr. LODGE. Undoubtedly.

Mr. O'GORMAN. And if not satisfied with that assurance he asks the commander to make further search because of suspicion entertained by the commander of the belligerent ship. It is the duty of the commander of the convoying vessel to make such further search, and if he then discovers that there is contraband of war he withdraws from the merchant ship the protection of the convoy.

That is only alluded to for the purpose of illustrating the possibility, perhaps probability, that the sovereign, in our case the President, may be deceived when he offers in the first instance the benefit of a convoying ship. I think, therefore, the Senator from Massachusetts is needlessly alarmed when he attributes to the language of the Senator from Missouri a desire to embarrass the President.

Mr. LODGE. The Senator from New York misapprehends the Senator from Massachusetts. I am not needlessly alarmed. The needless alarm is in those amendments. I am not in the least alarmed, either needlessly or otherwise.

Mr. O'GORMAN. Then I understand the Senator from Massachusetts to say, in substance, that the President would have no right to do those things which the proposed amendment covers, and that, therefore——

Mr. LODGE. The Senator, I know, does not want to misrepresent me. I said he had no right to do those things unless he was prepared to commit an act of war.

Mr. O'GORMAN. Do you think the President has a right to commit an act of war before Congress declares war?

Mr. LODGE. I do not; but it has been done.

Mr. O'GORMAN. You do not expect it to be done in this instance?

Mr. LODGE. I certainly do not—far from it.

Mr. O'GORMAN. Do I understand the Senator to be of the opinion that the insertion of the amendment offered by the Senator from Missouri will not have a tendency to safeguard the peace of this country?

Mr. LODGE. No, Mr. President; I do not think it will have the slightest effect in that direction.

Mr. O'GORMAN. Do you see any harm in it?

Mr. LODGE. I think it is very undesirable when we are asked by the President to give him certain powers to accompany the authority with a statement that he must not do that which he knows he can not do without committing an act of war and going beyond his constitutional powers. I see nothing to justify Congress in taking that position.

Mr. WILLIAMS. And that which the act does not empower him to do?

Mr. LODGE. Exactly.

Mr. STONE. But which the act in no wise forbids him to do.

Mr. CUMMINS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Iowa?

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

Mr. CUMMINS. I do not clearly apprehend the last statement of the Senator from Massachusetts. He says that he has no apprehension that the President will commit an act of war under the authority proposed to be given to him in this bill. Suppose he sent out one of our merchant ships which the United States has armed with cannon and ammunition. It sights a submarine. Does not the Senator from Massachusetts expect, in view of all that has taken place, that the merchant ship will use the cannon and ammunition at once, or does he expect——

Mr. LODGE. That is resisting unlawful attack. I should be very sorry if I did not think they would shoot at a submarine when it was approaching. The legislation would be quite useless unless they do so.

Mr. CUMMINS. Inasmuch as that is a method of attack adopted by one belligerent, if one of our merchant ships was armed, and immediately upon sighting the submarine would proceed to destroy it, it would be an act of war, would it not?

Mr. LODGE. It would be resisting an unlawful attack, according to the terms of this bill. I do not think it would be an act of war. I think a neutral merchantman armed has always had the right to resist attack without involving the country in war. It has always done it.

Mr. CUMMINS. I do not want to debate the question with the Senator, because I am in favor of sinking these submarines on sight.

Mr. LODGE. So am I. [Applause in the galleries.]

The PRESIDENT pro tempore. The Chair will state to the occupants of the galleries that any demonstration of approval or disapproval is not permitted here, and if repeated the Chair will not hesitate to order such portions of the galleries as may be necessary cleared.

Mr. CUMMINS. But I think there is no use closing our eyes to a patent fact that if we send out these ships to themselves attack the submarines the moment they are sighted, without waiting for any communication, whether physical or otherwise, with the submarine, we are committing an act of war.

Mr. LODGE. There I differ from the Senator. I do not think it is an act of war for a merchantman to defend herself against attack whether above sea or under sea.

Mr. WILLIAMS. Will the Senator from Massachusetts pardon me?

Mr. CUMMINS. I was thinking, though, that the attack had not been made had the submarine simply been seen.

Mr. LODGE. When the periscope of a German submarine appears in the neighborhood of a merchant ship it is the first step to attack.

Mr. CUMMINS. What the Senator from Massachusetts really means is, I hope, that these merchant ships are to avert threatened attack.

Mr. LODGE. Well, as long as she sinks the submarine, I do not care whether you call it averting or resisting attack.

Mr. WILLIAMS. Will the Senator from Massachusetts pardon a suggestion?

Mr. LODGE. Certainly.

Mr. WILLIAMS. Under circumstances of that sort are we not rather resisting an act of war than committing an act of war?

Mr. LODGE. We are most assuredly.

Mr. SHERMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Illinois?

Mr. LODGE. I do.

Mr. SHERMAN. More substantially following the thought of the Senator from Iowa, would an attack and destruction by a submarine of a merchant ship armed under the Senate bill, without the amendment, when the merchant ship so armed, laden with contraband, was destroyed by the submarine without search or halting be a lawless act?

Mr. LODGE. I am assuming that the vessels to which we give arms are not carrying contraband. If we deliberately, as a Government, put arms on a vessel carrying contraband, and we know it is carrying contraband, of course it is an act of war. I take it that any vessel which is armed by the Government will be subjected to careful examination by the officers of the United States to make sure that she is not carrying contraband and that her cargo and voyage are lawful.

Mr. STONE. Would the Senator from Massachusetts be willing to put a provision of that kind in the bill?

Mr. LODGE. I do not think it is necessary to put international law into the bill.

Mr. WILLIAMS. If the Senator will yield to me to make a suggestion, there is a double meaning in the phrase "carrying contraband of war," whether the contraband of war be contraband by our definition or be that of the belligerents. We are not committing any act of war when we put arms upon a vessel which does not carry any contraband at all according to our definition. If Germany, or any country, chooses to regard it as an act of war because carrying contraband according to her definition in particulars in which it differs from our definition, that is their affair. I say that, because lately both belligerents have about put everything that grows from the soil or falls from the heavens upon the list of contraband.

Mr. LODGE. They have. I am glad the Senator called attention to that distinction. I had it in my own mind, but in answering generally I did not cover it.

Mr. REED and Mr. SUTHERLAND addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield; and if so, to whom?

Mr. LODGE. I yield to the Senator from Missouri. I saw him first.

Mr. REED. Mr. President, I do not like to see the point that was under discussion a moment ago left in the manner it was left in. Assume that the United States Government furnishes guns to the owners of merchant vessels sailing under the American flag, and goes no further than to simply furnish those guns. That, of course, would not be an act of war against any nation, and it would not be an act against which any nation could protest up to that point. Now, assume that the captain of that merchant vessel was to be summoned to surrender by a vessel of the British Navy and to permit a search of the vessel. The Senator from Massachusetts surely would say that under those circumstances the captain of the vessel ought to permit the examination of the ship's papers, and so forth. Assume now that instead of answering the summons to halt, the captain of the vessel was to fire at this British man-of-war; the British man-

of-war would be perfectly justified then in sinking the merchant vessel, would it not?

Mr. LODGE. Absolutely; yes.

Mr. REED. Now suppose the vessel, instead of being an English vessel sailing above the water, happens to be an English vessel that has the ability to go under the water, and that that vessel summons the merchant vessel to halt. Is the right to fire upon that vessel, which has the ability to submerge, any different from the right under the law to fire upon a vessel that does not have the ability to submerge?

Mr. LODGE. I do not think it is.

Mr. REED. Then when the Senator from Massachusetts says it is proper—I think he said that in substance—for the captain of a vessel to fire the moment he sees the periscope of a German submarine he means to assert that the German submarine is to be treated in a different way from a British submarine?

Mr. LODGE. No; I did not say that.

Mr. REED. Would the Senator from Massachusetts mean to say that if the periscope of a British submarine was seen the captain of an armed merchant American ship would have the authority to immediately fire at that periscope?

Mr. LODGE. Yes, Mr. President; if the English submarine or the French submarine had been sinking American vessels without warning by night, I should say just the same that the American crew would have a right to shoot.

Mr. REED. Then if the same rule applies to submarines—I simply want to get the Senator's viewpoint——

Mr. LODGE. And especially, if I may add, when their Government had declared that they should do it.

Mr. REED. Yes, sir. If I get the Senator's viewpoint correctly, if the British Government had said that they would sink a vessel coming within a certain prescribed zone, it would be entirely justifiable for an armed merchant ship of our country the moment it saw a British man-of-war within that zone to open fire without waiting even a moment for a summons to surrender.

Mr. LODGE. I think if the English submarine or the French submarine had been destroying vessels in the way in which German submarines have been destroying them and their Governments had announced the purpose of destroying all vessels within a certain zone the merchantman would be absolutely justified in shooting at them on sight.

Mr. REED. The Senator makes that statement because he assumes that the merchantman would have the right to assume the moment he saw such a vessel that he intended to sink him?

Mr. LODGE. Yes; the first step to making the attack was to bring the periscope above the water.

Mr. REED. So we may now understand that the position of the Senator from Massachusetts is this: When we arm these merchant vessels and send them out we understand that as soon as they see the periscope of a German submarine or see the submarine itself if it comes above the water it is to be expected that they will begin shooting at it and attempt to sink it.

Mr. LODGE. That is my understanding in giving this power.

Mr. REED. Now, does the Senator understand if a merchant vessel does that that it is or is not an act of war?

Mr. LODGE. Most distinctly it is not an act of war.

Mr. REED. Because done by a private person?

Mr. LODGE. It is done by a merchant ship which has carried nothing but defensive armament and has not made an attack.

Mr. REED. But nevertheless while it only carries defensive armament it begins the attack.

Mr. LODGE. I do not think it does begin the attack. That is a difference of judgment.

Mr. LODGE. Perhaps it does begin the attack.

Mr. REED. I just want to ask one other question. The Senator has been very courteous and very patient. If an American vessel armed with the guns which we furnish goes out upon the seas and sees the periscope of a German submarine and, without waiting for warning, attacks that vessel and gets sunk by the German submarine, what is the next step?

Mr. LODGE. Mr. President, if a man has threatened to shoot me on sight, and I meet him coming toward me armed with a pistol in his hand, ready to shoot, I think I am entitled to protect myself, and I do not think I should be held to have gone beyond the bounds of self-defense.

Mr. REED. I am not asking what happens to the man who owns the merchantman or what happens to his crew; but if we send out a merchantman armed in this manner, if we furnish the guns, and that merchant vessel, without waiting for signal or warning, shoots at a submarine and the submarine then sinks that vessel, what is the next step our Government ought to take, in the opinion of the Senator from Massachusetts?

Mr. LODGE. Does the Senator mean, if the submarine sinks the vessel?

Mr. REED. Yes.

Mr. LODGE. If the vessel is taking her risk in the zone, and we have armer her, it is not an act of war either for her to sink the submarine or for the submarine to sink her if she resists capture.

Mr. REED. So the Senator's opinion is, then, that our responsibility is not at all affected by the fact that a vessel is sunk under these circumstances?

Mr. LODGE. I do not think the fact that we have put arms on board alters the situation.

Mr. REED. Then, all that we are going to do, according to the Senator's view, if I understand it, is that we are going to furnish a few guns to a few merchant ships, and if they go out and get sunk, that is the end of the matter?

Mr. LODGE. That is the end, if we choose to let it end there.

Mr. REED. Well, that is the end of the matter, so far as this particular bill is concerned. We may hereafter get angry and declare war, or something of that sort, but, so far as this bill is concerned, that is where the whole matter is to end?

Mr. LODGE. This bill is not a declaration of war.

Mr. REED. I had understood the Senator's statement to be of so belligerent a character a little while ago that I thought he was construing the bill really as a declaration of war, for I understood him to say——

Mr. LODGE. If the Senator refers to what I said about people killed or destroyed on the *Laconia* and the *Lusitania*, I was going wholly outside the bill.

Mr. REED. I was referring to the Senator's statement that he thought that it was perfectly proper for a merchant vessel to begin shooting at a German submarine as soon as it came in sight.

Mr. LODGE. I do. It is not an act of war for a merchant vessel to defend itself.

Mr. President, I have taken far more time than I had intended. I only desire to say a few words in conclusion. We have been asked by the President to confer on him certain powers. If we refuse him those powers, he will have a right to turn around and say, "I can do anything for the protection of American rights; the powers have been refused to me by Congress." I, for one, do not propose to put myself in that position.

I am going to vote to give the President the power which I think he ought to have in answering his request, and then the responsibility is his. I would not have Congress refuse what he asks when this country is at odds with a foreign nation. When I give I am going to give freely; I am not willing to tie strings to the gift; I am not going to send it to the President with statements which I think would show an utter lack of faith in his purposes and intentions. If I am going to give at all I am going to give freely; I am going to give the President what he wants.

I am one of those, Mr. President, who think it is for the best interest of this country that Congress should remain in session. I wish the President would call Congress together at an early date, because the situation seems to me to be so extremely grave that I think it is better for the entire Government of the United States to be in session at Washington, just as they were during the Spanish-American War; but so far as giving the President powers is concerned, I am not going to haggle over it. I am going to give him what he asks, so far as I am individually concerned.

I think the bill reported from the Committee on Foreign Relations is the better bill of the two. I am entirely against the amendment proposed by the Senator from Missouri [Mr. STONE]. I hope the Senate will pass the bill of the Committee on Foreign Relations and confer upon the President the powers which he asks, which are more than ever needful in the presence of the letter, the authenticity of which the President declared to us last night.

There have been speeches on this floor in reference to the Zimmermann note as if it were a pleasant, playful, and friendly communication. It does not so impress me. It seems to me that one of the great governments of the earth was conspiring to get two other countries with which we hold friendly relations to engage in war against us if we sustain our undoubted rights against the submarine warfare. Certainly, after a publication of such a note as that, it is no time to be close-fisted in the powers

we confer upon the President of the United States. [Manifestations of applause in the galleries.]

Mr. WALSH and Mr. KIRBY addressed the Chair.

The PRESIDENT pro tempore. The Senator from Montana.

Mr. WALSH. Mr. President, I desire to submit some observations on a question of very great importance which is involved in this measure.

By the Constitution of the United States Congress is vested with power to declare war. In the distribution of governmental functions made by the supreme law, it is generally understood, and rightly so, that in the law-making body is reposed the duty, and that upon it rests the obligation, of determining when the Nation shall wage war.

When it was first suggested that it was the purpose of the President to ask Congress for authority to meet the crisis in the manner provided by the bill before us, it was advanced that to comply would be to delegate to him a power intrusted by the people, under the Constitution, to their representatives in Congress and to them alone; that such compliance would be an abdication on the part of Congress and the institution of a dictatorship, a practice not uncommon in republics in time of imminent national peril, but unknown under or system of government.

In his message delivered at the joint session on February 26, 1917, the President expressed the view that he already enjoys, by virtue of his great office, all the powers which he expressed the hope would be, in terms, extended to him by the formal act of Congress. In that aspect his request comes not as an attempt at usurpation, but as a manifestation of a deferential desire for the cooperation of the immediate representatives of the people in the discharge of the surpassingly delicate, grave, and important duties which late events have devolved upon him. If the course outlined in his message as that which he feels impelled to pursue is to be followed, it is of the utmost importance, looking to the success of the enterprise, that the world should know that in entering upon it, the President has the approval of the Nation, speaking through the Congress of the United States.

It may be that some Members of this body who entertain no doubt that the power, if conferred, would be discreetly and prudently exercised, who regard the President as the truest exponent of that ardent love of peace so generally prevalent in this country, might hesitate about giving their assent to the measure before the Senate in the belief that in according it the Congress abrogates one of the greatest functions with which it has been invested, and that those who support it weakly abandon the responsibility which they assumed in becoming Members of this body. To them, if there be any such, these remarks are particularly addressed. I inquire, How well sustained is the claim of the President that this bill is merely declarative, in that part of it in terms bestowing upon him authority to insure the safety of our ships at sea, in its nature confirmatory only of powers he now enjoys under the Constitution?

The Constitution does, indeed, give to Congress power to declare war, but it also makes the President "Commander in Chief of the Army and Navy of the United States, and of the militia of the several States when called into the actual service of the United States." It commands that "he shall take care that the laws be faithfully executed." These several grants of power are all to be considered in arriving at a just conclusion as to where the authority rests to initiate war or to direct acts likely or calculated to precipitate war. It admits of no dispute that if an army should attempt to invade our territory it would be the duty of the President as Commander in Chief of our land and naval forces to utilize all the means at his command as such to repel and, if necessary, to destroy the hostile force. No President, in such a crisis, would be held excused by the American people if he should defer action until he had taken the advice or sought specific authority from Congress, even though actual war must ensue by reason of his resistance of or his efforts to overcome the invading force. The opportunities to effect a landing by such a force at the time the Constitution was adopted were infinitely greater than they now are. Even if Congress were in session the delay incident to its formal action after information of a surprise might be deadly. But it was not contemplated by the framers of the Constitution that Congress would be in continuous session, and the process of assembling it was necessarily slow in the face of a great national crisis.

It is expected and always had been expected that actual war may be precipitated in consequence, at least of aggressions upon our territory, without any action upon the part of Congress, and always has been recognized that in case of invasion it is the duty of the President to act promptly and with all the force at his command and necessary to the occasion. And so an eminent writer on the Constitution says:

> The right to "declare war" belongs to Congress alone (Art. I, sec. 8, par 11). Of course, the United States may get into a war without Congress's having declared war. War is, in the first place, a state of fact, the appearance of which can not be made wholly dependent by any constitutional provision whatever upon the pleasure of one of the nations concerned. As far as that is possible, however, Congress has the exclusive right of the initiative. If a foreign power begins war against the United States, then it is not only the right, but the duty, of the President to oppose the enemy with all the means placed at his disposal by the Constitution and the laws. (Von Holst, 164–165.)

As has heretofore been suggested on the floor this afternoon, the battles of Palo Alto and Resaca de la Palma were fought before Congress took any action touching the Mexican War, those engagements having been entered into upon the claim—a mere pretext in the opinion of many—that Mexico had invaded the territory of the United States. The course of the President was justified by Congress in a resolution which did not declare war, but recited that by the act of Mexico a state of war existed between that country and the United States.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from Idaho?

Mr. WALSH. I do.

Mr. BORAH. I should like to ask the Senator if he is citing the acts with reference to the Mexican War as acts which were really justified by the Commander in Chief without any action upon the part of Congress?

Mr. WALSH. By no means. I do not undertake to assert that the acts were or were not justified. I assert that the acts of the President were justified by himself and by the Congress, upon the claim that he had only resisted an invasion of our territory.

Mr. BORAH. The Senator does not take the position that, historically, they were borne out in their claim, does he?

Mr. WALSH. I do not care at this time to be drawn into a discussion of that much-debated question.

Mr. BORAH. The reason I asked that question is this, that, if that were true, there is practically no limitation upon the power of the President to get us into war.

Mr. WALSH. Of course, the limitation, so far as this is concerned, is as I have indicated: He has a right to repel invasion and to resist the invading force. Whether he transgresses and actually invades the territory of a foreign country is, as a matter of course, another question.

So when war was waged against the Union by the State of South Carolina and hostile forces were assembling throughout the seceding States to defy and resist its authority the President did not hesitate to utilize all the land and naval forces to put down the revolt. No one questions his authority to utilize the Army to quell insurrections or to overcome resistance to the national authorities without any express direction or declaration by Congress. Another writer says on this subject:

> A state of war may exist without a declaration of war by either of the hostile parties. Congress has the sole power, under the Constitution, to make that declaration and to sanction or authorize the commencement of offensive war. The United States would ordinarily begin hostilities against a foreign nation by a public proclamation, which would be equivalent to a declaration of war. But this is quite a different case from a defensive or a civil war. The Constitution establishes the mode in which this Government shall commence wars, the authority which may authorize, and the declarations which shall precede any act of hostility; but it has no power to prescribe the manner in which others should begin war against us. Hence it follows that when war is commenced against this country by aliens or by citizens, no declaration of war by the Government is necessary. (Whiting's War Powers Under the Constitution.)

These views have been confirmed by the Supreme Court of the United States, which, in the Prize cases, Second Black, page 635, said:

> If a war be made by invasion of a foreign nation, the President is not only authorized but bound to resist force by force. He does not initiate war, but is bound to accept the challenge without waiting for any special legislative authority.

It is not only, however, when war against us is waged by way of invasion that the President is called upon to act. "The navy of a European nation," says a writer heretofore quoted—Whiting—"may attack an American frigate in a remote sea," or a "foreign enemy might send out its armed cruisers to sweep our commerce from the seas." War would be upon us in such event without any action by Congress. Indeed, such aggressions are quite like an invasion of our territory, as it is maintained by many writers that the ships of a nation on the high seas are an extension of its area and though this view is controverted by others all agree that it is a duty, imperative in character, of every State to accord protection to its ships against attack or seizure in violation of their right to be upon the ocean highways. It would be accounted a gross dereliction on the part of any commander of a public armed ship did he not interfere, the

exigencies permitting, to avert or neutralize any such aggression. In such a situation he acts under the express or implied direction of the Commander in Chief of the Army and Navy, the President of the United States. The duty of the Nation extends further even than to the protection of our ships in foreign parts. Its citizens are equally, perhaps even more, the subject of its care. The strong arm of their Government has frequently been interposed to protect their lives and to secure for them their liberty and their rights threatened by some foreign power. It has in most cases fallen to the Navy to act as their defender, but instances have not been uncommon in which the land forces have been utilized to rescue our citizens in peril in distant lands. An historic incident will well illustrate the vast power enjoyed by the President of the United States as Commander in Chief of the Army and Navy. It is related in the opinion of the court in re Neagle (135 U. S., 64), thus:

Martin Koszta, a native of Hungary, though not a fully naturalized citizen of the United States, had in due form of law made his declaration of intention to become a citizen. While in Smyrna he was seized by command of the Austrian consul general at that place and carried on board the *Hussar*, an Austrian vessel, where he was held in close confinement. Capt. Ingraham, in command of the American sloop of war *St. Louis*, arriving in port at that critical period, and ascertaining that Koszta had with him his naturalization papers, demanded his surrender to him, and was compelled to train his guns upon the Austrian vessel before his demands were complied with. It was, however, to prevent bloodshed, agreed that Koszta should be placed in the hands of the French consul subject to the result of diplomatic negotiations between Austria and the United States. The celebrated correspondence between Mr. Marcy, Secretary of State, and Chevalier Hulsemann, the Austrian minister at Washington, which arose out of this affair, and resulted in the release and restoration to liberty of Koszta, attracted a great deal of public attention, and the position assumed by Mr. Marcy met the approval of the country and of Congress, who voted a gold medal to Capt. Ingraham for his conduct in the affair.

The display of force in defense of one entitled to the protection of our Government by the officer of the Navy in the thrilling affair adverted to, received the sanction of the court in the Neagle case as being quite within the line of his duty, as it had many years before had the approval of both of the other coordinate branches of our Government.

It has frequently been found necessary to land marines in order to protect the lives of American citizens endangered by insurrections in the turbulent republics of Central and South America. At the time of the Boxer troubles in China all available ships of war in the Orient were hurried to the ports at which they might be most useful, and 5,000 men under Gen. Chaffee were sent from the Philippines for the relief of the legations besieged in Peking—all without any concurrent action on the part of Congress.

In none of the cases in which such temporary occupation of foreign soil, induced by concern for the safety of American lives and property, occurred, did the status of war, to which reference will hereafter be made, ensue.

It is not open, accordingly, to serious doubt that the President is well within his rights in using the armed forces of the United States for the protection of American ships and seamen and for the safeguarding of the lives of American citizens against attack upon the high seas contrary to the laws of nations. Undeniably he may use the Navy to defend them from violence perpetrated under the authority of a foreign power, and, since he is vested with plenary power in reference to the movements and disposition of the forces, he may unquestionably direct the vessels of the Navy to convoy merchant ships that the former may be at hand should an anticipated peril appear. Touching his authority as the head of armed forces of the Nation, Von Holst says:

Congress * * * can withdraw from the President not the slightest part of the powers appertaining to the Commander in Chief. This is without doubt, as the Constitution confers that office upon him with a categorical "shall be."

The President alone must determine how the military force shall be employed, and he must make all provisions, temporary and not general in their nature, because from the nature of things these must be adapted to special circumstances. Congress—to make this relation clear by some illustrations—provides where forts shall be built and what kind of forts they shall be, how many and what kind of arms are to be provided, and how the men are to be distributed among the different branches of the service; but as to what the strength and composition of the garrisons are to be, how the arms and ammunition are to be distributed, how and where the Army and Navy are to be stationed and moved, as to all this Congress can give the President no directions whatever. (Von Holst, 192, 193.)

It is an ordinary duty of the naval force of a neutral—

Says Wharton—

during either civil or foreign wars to convoy merchant vessels of the nation to which it belongs to the ports of the belligerents. (3 Wh. Dig., 345–346.)

To afford such convoy is not to wage war, nor is it a declaration of war to inaugurate such a policy. It is followed by none of the legal consequences that attend a state of war, in the midst of which all intercourse between the subjects and citizens of the belligerent countries is suspended, every kind of trading or commercial dealing is interdicted, such subjects and citizens become incapable of contracting with each other, except within narrow limits, partnerships subsisting between them are dissolved, the alien enemy is not permitted to sue in the courts, and his property is subject to confiscation.

The practice by neutral nations of convoying their merchant ships to defend them against attacks by the navies of belligerents is an ancient one. The Armed Neutrality League of 1780 entered into between the northern nations of Europe while the Revolutionary War was in progress contemplated a concert of action by the parties to it to protect by convoy their commerce against belligerent rights asserted, or at least exercised, by Great Britain, in violation of the principles proclaimed by the league, namely:

First, freedom of the coasting trade of States at war; second, that the neutral flag should cover all goods not contraband; third, that contraband should be limited to essentially warlike stores; and, fourth, that a blockade to be effective must be one dangerous to pass. (Taylor, International Public Law, 633.)

The Empress Catherine, upon whose initiative the alliance was entered into, did "not hesitate to declare that to maintain these principles and protect the honor of her flag and the security of the trade and navigation of her subjects she had prepared the greatest part of her maritime forces"; that she would continue a strict neutrality "so long as she was not provoked and forced to break the bounds of moderation and perfect impartiality"; that in such extremity her fleet had "orders to go wherever honor, interest, and need might require." (Id., 634.)

A second armed neutrality league was organized by the same dauntless sovereign in 1800, under which war was provoked between England and Denmark, resulting in the destruction of the naval power of the Danes in the bloody battle of Copenhagen.

If, then, the President may direct the ships of the Navy to convoy our vessels of commerce to protect them from belligerent attack, of which there can be no serious doubt, it can scarcely be open to question that he may provide such vessels with guns from the Navy with which to defend themselves and with trained men to operate them. If a state of war prevailed, perhaps no one would be bold enough, I fancy, to deny his right so to do. It was a matter of extreme surprise to me that the learned and experienced Senator from Massachusetts should express a contrary view, as I understood him to, in the answer to the inquiry of the Senator from Wisconsin. That neutral commerce vessels may themselves, unless restrained, expressly or impliedly, by the municipal law, arm for defense appears to be as well settled as almost any proposition in international law, if there remain any such which can be said to be settled. It was asserted in the most unequivocal language by the Supreme Court of the United States, speaking through Chief Justice Marshall in the case of the *Neride* (9 Cranch, 388), decided in 1815. Prof. Triepel, of Berlin, contended at the meeting of the Institute of International Law at Oxford in 1913 that the merchant ship had no right to resist capture as distinguished from attack. But Dr. George Schramm, legal adviser to the German Admiralty, later in the same year went further and maintained that "from the point of view of the modern law of war there is no legal foundation for the rule allowing a merchant ship to defend itself." But these views expressed on the very eve of the present war militate but little against a doctrine which the maritime world had recognized in actual practice for centuries. It has been the very common practice, as well, for Governments to supply merchant ships with the means of making a defense against attack. In a letter from the English Embassy to the State Department, under date of September 9, 1914, it is said:

The practice of arming ships in self-defense is very old and has been ordered by royal proclamation in England from early in the seventeenth century. During the Napoleonic wars the right to arm in self-defense was recognized by British and United States prize courts in the cases of the *Catherine Elizabeth* and the *Neride*.

Mr. STONE. Mr. President——

The PRESIDING OFFICER (Mr. LEA of Tennessee in the chair). Does the Senator from Montana yield to the Senator from Missouri?

Mr. WALSH. I do.

Mr. STONE. The question as to the status of an armed merchant ship—that is, a private ship bearing its own arms—is one that opens an interesting field of inquiry and discussion under conditions existing in these later years; and I speak now, to make myself clear, of the period antedating and coming up to the present European war.

The principle upon which merchant ships were armed for defensive purposes, as the phrase goes, was recognized many, many years ago upon the theory that it was necessary that a ship should be so armed to defend herself first against pirates and secondly against privateers. But now since piracy has disappeared and is universally condemned as a crime, and since privateering has been condemned by the nations of the world and has ceased, an interesting question arises whether and to what extent and under what circumstances a merchant ship

may arm. But without seeking to invite the Senator into that field of inquiry I wish him to draw the line of distinction between the arming of a private ship by its owner and the arming of a private ship under public authority by the Government itself. Are the conditions the same? Are the responsibilities of the Government and the duty of the Government the same in the one case as in the other?

Mr. WALSH. Mr. President, I have not been unmindful of the importance of the two considerations to which the learned Senator from Missouri adverts—first, that one of the principal reasons for permitting merchant ships to arm themselves was for protection against pirates, and, second, that other conditions have made the business of sailing the seas quite different from what it was originally. But, Mr. President, I desire to remark in this connection that, although it was an important consideration in the development and establishment of the practice, it was by no means uncommon for the merchant ships of various nations, armed for that purpose, to resist attacks upon them not only by pirates but by belligerent enemies and by belligerent nations professing to maintain illegal blockades. In other words, Mr. President, before the armed neutrality of the nations of northern Europe was entered into they protested for years against invasions of their rights upon the high seas by Great Britain, and they have repeatedly armed themselves to defend against an attack by that nation and unlawful seizure.

Mr. STONE. Since the declaration of Paris against privateering made in 1856 privateering has been an unlawful enterprise.

Mr. WALSH. I hope the Senator will understand I had no reference whatever to privateering. The ships I speak of were not privateers at all; they were not going to prey upon peaceful commerce. They were themselves engaged in peaceful commerce, and armed themselves in order to assert their rights against the methods of belligerent nations that denied them the right to travel on the high seas, as they were permitted to do under the law of nations.

Mr. STONE. I referred to privateers merely to show the two reasons upon which the right of a merchant ship to arm was predicated in the early days. It was a right authorized and recognized generally by the nations that a ship could defend against pirates and privateers. Both those things have been made unlawful and have ceased, the one because of the crime and the other because the Governments do not issue letters of marque and reprisal which were formally granted to privateers.

But, Mr. President, does the Senator think that a private ship, a merchant ship, can resist when challenged by the warship of a belligerent, whatever its nation may be, and because the captain of the ship may think that a blockade is illegal? Whatever he may think, is he not obliged to submit himself to the authority of the warship of a responsible government when it asks that it may examine the papers of the ship and its cargo and its destination?

Mr. WALSH. The rule of law has been quite accurately stated on the floor this afternoon and it is quite in keeping with the statement now made by the Senator from Missouri. The belligerent nation has the right of search, and as a matter of course has a right to overhaul for the purpose of making the search. If the merchant ship resists search and resists an attempt to board for the purpose of making search it may be fired upon and sunk. If, instead of allowing search, it opens an attack upon the overhauling vessel it is subject to be destroyed. The rule is quite well established.

The Senator spoke of another feature, and that is the question as to whether the introduction of munitions and of guns as well as of men to operate them by the Government upon the merchant ships makes any difference in the character of the ship.

Mr. STONE. I did not say that.

Mr. WALSH. I mean munitions for the supply of the guns, or, we will say, the guns only. When the Senator first interrogated me he asked me whether that changed the character of the ship. As a matter of course, that question, it does not seem to me, is directly involved here. The question would be presented very pertinently as to what disposition should be made of those aboard the ship, whether they are to be considered noncombatants or whether they are to be considered as part of the naval forces and subject to be made prisoners of war; but the character of the ship, I take it, is not altered by that.

Mr. WILLIAMS and Mr. REED addressed the Chair?

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

Mr. WALSH. I yield to the Senator from Mississippi. He rose first.

Mr. WILLIAMS. To follow up the question which has just been asked—Can a merchant ship resist when challenged?—does not the Senator agree with me that the answer depends upon the nature of the challenge? Of course, the merchant ship can not resist when challenged, under international law, for the purpose of visit and search. It can not resist, and it can not undertake to escape, without subjecting it to a penalty. But is not the answer, Yes; it can resist if challenged, not for the purpose of visit, but for the avowed and known purpose of sinking her?

Mr. WALSH. Unquestionably it can resist. It is obliged, anywhere upon the high seas, to submit to search if search is made. It is not obliged to submit to an attack, and it may carry guns to defend itself against it.

Mr. WILLIAMS. I take it the Senator will agree with me in this: Nor is the merchant ship obliged to submit to a command to put his crew in boats preparatory to sinking the ship.

Mr. WALSH. Of course, that introduces another question. I suppose the rule to be that when a ship is captured it must be brought into a port for adjudication in a prize court; but if the prize is likely to be lost it may be sunk, but provision must be taken to preserve the lives of those aboard the ship. The question whether adequate provision is made when they are put into open boats in a storm is, as a matter of course, a very important and delicate question of fact.

Mr. WILLIAMS. The Senator has not caught me. I am not talking about a case of capture at all. I am supposing a case where even the formalities of capture and visit and search are not gone through with, where no man from a belligerent ship visits the ship which is challenged at all, but where merely the ship is warned that she has so many minutes to put her crew and her passengers in boats.

The right to capture for the purpose of visit and search and the right to visit and search after capture and the right to destroy contraband in case the ports are closed so that the captor's ship can not carry the captured ship in to be submitted to a prize court is all undoubted common learning, but the point here is whether a merchant ship is compelled to heave to and to obey a command to put his crew in boats without search to determine whether the contraband be on board or not. It is not a question of the destruction of the contraband, but of the ship itself, and when the right is asserted not to capture a vessel and visit and search and then let the character of the search determine what shall become of the ship but to destroy her regardless of the character of the ship or the result of the search, I say it is entirely another question and that no principles of international law upon the subject of visit and search have ever given a right to a belligerent ship to sink the ship without visit and without search.

Mr. WALSH. The Senator from Mississippi is, of course, correct about that. The right to sink exists only in case contraband is found aboard the ship after the search is made and it has no means to get the ship away, and then provision must be made for the lives of those on board. That does not justify by any means the sinking of a ship regardless of what it has on board and without any search.

Mr. WILLIAMS. The reason why I asked the question is because the known fact in these cases is that the right is asserted to sink it without hailing, but when it is hailed, the purpose of hailing is not to visit it or search it, but it is to sink it, and the commander of the ship knows that.

Mr. WALSH. Mr. President, this legislation proceeds, as I take it, upon the assumption that that course is contrary to the rules of international law. I now yield to the Senator from Missouri.

Mr. REED. The point that I wanted to direct the Senator's attention to is so far past that it is hardly worth taking up time with it now. The right of the owner of a vessel to arm his vessel for the purpose of repelling unlawful attacks is asserted. It is further asserted that the guns can be furnished by the Government. As I understand, it is also asserted that men to handle the guns can be furnished by the Government.

Mr. WALSH. I can not see any escape from that as long as the President has power to dispose of the forces and put them wherever he sees fit.

Mr. REED. Of course, I concede the power of the President of the United States to take officers of the Navy and put them upon a merchant vessel. I think that power exists. It might, of course, be so exercised as to constitute an abuse of power. But now suppose the President of the United States does put guns and does put men on the decks of a merchant vessel. Does that not transform that vessel into an auxiliary vessel of the Navy?

Mr. WALSH. I do not express any opinion on that point. I do not see that it affects the situation here at all.

Mr. REED. I am not sure that it affects this bill. I do not want to say that it does or that it does not.

Mr. WALSH. I mean to say that it is remote from the subject under consideration here. As I suggested, the question of what disposition should be made of those aboard the ship would involve the question as to whether she retained her merchant character or had become an auxiliary.

Mr. REED. We will assume that Mr. Franklin, who is, I believe, the president of a company owning a number of American vessels, shall himself place a gun aboard one of his ships. Suppose the captain of the vessel, observing a German submarine, and, following the policy advocated by the Senator from Massachusetts, as soon as he observes a German submarine fires upon it, and that thereupon the submarine shall send a torpedo into the vessel and sink it. Now, that would not involve us in any war, because the assault would be the act of a private citizen. The Government could ignore the sinking of the merchant vessel and say, "You got into a fight and you were whipped; you must take the consequences." But suppose the same case, except that instead of Mr. Franklin arming his own ship the President of the United States shall place guns aboard that vessel and man them with expert gunners from our navy yard. Suppose, now, that a German submarine shows its periscope and instantly those enlisted men of the Navy with the guns of the Navy aboard a ship by authority of the President shall fire upon that submarine, I inquire how we can distinguish that case from the firing on the same submarine by an American gunboat?

Mr. WALSH. The question of the Senator presents the matter very clearly, indeed. The Senator will perceive that the case that he has put is just exactly the same as though an American cruiser ran alongside convoying the merchant ship and that the shot was fired from the cruiser adjacent to the merchant ship instead of from the deck of the latter. In other words, you have exactly the same condition that would present itself with a convoy, and accordingly I argue that whenever a convoy is justified, do whatever the convoy may, may be done by the guns from the Navy of the United States and the gunners from the Navy of the United States may do from the deck of the merchantman.

Mr. REED. Exactly; and no more.

Mr. WALSH. And no more. The results are just exactly the same.

Mr. REED. And, of course, if one of our war vessels were to be convoying one of our merchant vessels, and the moment a German submarine showed its periscope our war vessel were to sink that German submarine, we would then and there be at war with Germany?

Mr. WALSH. No; we would not be.

Mr. REED. If not, why not?

Mr. WALSH. We would not be at war with Germany; we would simply have met an attack which Germany had made upon us. That country might or might not deem the incident required her to declare war.

The Senator from Missouri is a skilled lawyer; he has distinguished himself——

Mr. REED. Will the Senator permit me to interrupt him?

Mr. WALSH. Not just now. I want to answer the statement made by the Senator. The Senator has distinguished himself as one of the most efficient public prosecutors in this country. He knows the principles of the criminal law as well as does any Senator in this body, if not better than any other Senator here. If one threatens to shoot another on sight if he goes within a certain territory or upon a certain street where he has a perfect right to go, and then the threatened man, taking counsel with himself, knowing the past record of the threatener, arms himself in order to defend himself against the threatened attack, and goes where he has a right to go within the territory which the other man has declared as proscribed, and hovering about there he finds his enemy, the threatened man may draw his weapon and kill and justify himself as having acted in self-defense.

Mr. REED. Exactly.

Mr. WILLIAMS. By anticipation.

Mr. WALSH. The Government of Germany has authorized——

Mr. REED. Then and there you have to fight. That is all I am talking about. The war is on then and there.

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

Mr. WALSH. I have not gotten quite through. We have a perfectly analogous case here. Germany has served notice upon all the world; she has proclaimed her purpose to sink any ship that comes within a certain defined area on the high seas, into which area our ships under indisputable rules of international law have a perfect right to go. We have studiously endeavored to draw out from her a declaration that she will not thus destroy the ships which fly our flag, but she has as resolutely declared that she will make no exceptions, even in our favor, notwithstanding the ties that bind us to that nation and the long and honorable peace that has subsisted between us. We know, therefore, when our ships go within that area, that any submarine in the neighborhood is there by command of the German Government to sink them and any other ship that may be within sight, and we take the precaution, as the man does who is threatened, to get in our shot first. We are simply resisting an attack in the only way in which it can be effectually resisted.

Mr. REED. Mr. President, the Senator from Montana has been very courteous in permitting me to ask him these questions, and he has been very clear and explicit, as he always is, in his replies. Now, will he permit me to say just a word, for I do not want to be left apparently even in a position of undertaking to controvert the rights of this Government to defend its commerce upon the seas? That is not the question I have raised. I have been trying, however, in the questions I have asked the Senator from Montana, and by those which I propounded to the Senator from Massachusetts, to make plain the purpose of the pending act, namely, that our purpose is to arm American merchantmen, to send those American merchantmen, probably with American naval officers and enlisted men aboard, into the zone which Germany has marked out as a prohibited zone; and that it is the opinion, at least of Senators here, that because Germany has asserted that she will sink vessels upon sight going within that zone, therefore, it is perfectly justifiable for our vessels thus armed to fire upon a German submarine the moment it comes in sight. This we propose to justify upon the theory that we do not need to wait until Germany has sent a torpedo through our vessel, because we have been told in advance that her submarine is there for that purpose.

So we understand now the fact to be that it is proposed to put guns aboard merchant vessels; to probably take those guns from our navy yards——

Mr. WILLIAMS. But, if so, the merchant ships will pay for them.

Mr. REED. I do not care whether they pay for them or not. That gets you nowhere.

Mr. WILLIAMS. They cease to be naval guns.

Mr. REED. Oh; I am discussing not that evasion, but the bold statement—and it ought to be a bold statement and it ought to be boldly made—by the Senator from Montana.

Mr. WALSH. From my standpoint, it is entirely immaterial whether they are paid for or not.

Mr. REED. The proposition is to take naval guns, perhaps to take expert gunners from our warships, and put them aboard those vessels, to sail into the prohibited zone, and, if a German periscope shows itself, to fire at the periscope, and, if the boat shows itself, to send a shot or shell through it. Of course, we know the minute that is done by a vessel thus equipped, it will be treated as though it were done by a war vessel of the United States; in other words, the act will be the beginning of war.

I am not trying to settle whether we are or are not justified in so arming our merchant vessels. I do not concern myself with the question whether the firing upon the submarine as soon as it comes in sight can be classed as an act of self-defense. What I want to make plain is that an act so done will certainly mean the beginning of war. It seems to me that it is conceded that vessels shall be armed and shall fire upon German submarines the moment they come in sight. If that is the purpose, might we not just as well plainly provide that our war vessels shall convoy our merchant vessels?

Mr. WALSH. The principle is exactly the same. It is a mere matter of policy; that is all.

Mr. REED. I thank the Senator. I wanted to get this point plainly before the Senate, plainly in my own mind; and I wanted to get the viewpoint of others. I want to say in conclusion that I am not at all prepared to say that I am not ready, reluctant as we all may be, to take the grave step, but I want it taken, and I want to take it myself with my eyes open, and I think they are thoroughly opened by this discussion.

Mr. WALSH. Mr. President, the Senator and my other colleagues will understand that I intended to confine myself to the discussion of the question as to whether the power exists in the President without this legislation. I did not intend to be led into any discussion of the policy or the wisdom of exercising the power, although I have no hesitancy whatever in giving the bill my support, and thus approve the policy. But,

of course, it is expected, it must be expected, that these ships will sink German submarines on sight, because the German Government has left no room for doubt that they are within the proscribed zone for the purpose of sinking our ships should they venture within it. Now, Mr. President——

Mr. REED. If the Senator will pardon me, would it not be really, then, a more businesslike method to take our fighting vessels and go out there and go after them?

Mr. WALSH. Of course that is——

Mr. BRANDEGEE. Mr. President, I am interested in this colloquy, but can not hear a word of it. I should like to hear the discussion.

Mr. REED. I asked the Senator the question, if that was the case, whether it would not be a more businesslike method to take our fighting vessels and go out hunting German submarines?

Mr. WALSH. Mr. President, I am obliged to say as to that, that it is a problem for the naval experts. I do not pretend to be such. It may be that the result could be more satisfactorily accomplished by a convoy than by the arming of merchant vessels. I assume that the President will take the advice—indeed, that he has taken the advice—of the officers of the Navy, in whose judgment and discretion I believe we all have the greatest confidence.

Mr. HUSTING and Mr. JAMES addressed the Chair.

The PRESIDING OFFICER (Mr. HOLLIS in the chair). Does the Senator from Montana yield, and if so, to whom?

Mr. WALSH. I yield first to the Senator from Wisconsin.

Mr. HUSTING. I desire to ask the Senator if there is not some distinction between the method suggested by the Senator from Missouri and the one now under consideration, namely this, that if the fleet of the United States should go out and seek submarines aggressively, with the avowed intention of finding them and sinking and destroying them, would not that be an act of war, whereas the method now suggested leaves it still optional with Germany whether she wishes to commit an overt act and sink an American vessel?

Mr. WILLIAMS. That is exactly right.

Mr. WALSH. The Senator from Missouri [Mr. REED] had anticipated me a little. I was about to say, and will say in regular order, that all the power the President has in the matter is to defend, not to attack, and he really defends when he endeavors to sink a submarine in its course for the purpose of making an attack. He occupies exactly the same position as a man who in self-defense draws his weapon on one who, as he is entitled to believe, purposes taking his life. But, Mr. President, the Senator has not put the question quite right, and he has been corrected by the statement of the Senator from Wisconsin [Mr. HUSTING]. This bill gives the President no power to roam the seas hunting for German submarines wherever he may find them. Even under the convoy he has no right to do that. Just exactly where the line of demarcation must be drawn between defensive warfare and offensive warfare is often a very difficult thing to determine; and so in a homicide case it is difficult to determine whether it was an aggravated murder or whether the assault was made in self-defense.

Mr. JAMES. Mr. President——

Mr. WALSH. We are obliged to trust in the wisdom and discretion of the President and the officers whom he puts in charge to conduct merely a defense against attack.

Mr. JAMES and Mr. REED addressed the Chair.

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

Mr. WALSH. I yield to the Senator from Kentucky.

Mr. REED. Will the Senator allow me to say a word? I desire to conclude the colloquy I have had with the Senator from Montana. I will be through in a moment.

Mr. JAMES. Very well.

Mr. REED. Mr. President, I want the Senator from Montana and I want the Senate to understand that I have not been challenging the wisdom of passing this legislation.

Mr. WALSH. I understand that.

Mr. REED. I am going to vote for this bill, possibly with an amendment and possibly without. I am not afraid to trust the President. I am not arguing against that; but I did want to draw out the distinctions, so far as I could, if distinctions there are, between what we are here proposing to do and what we would be doing if we went out with our war vessels, and I think this discussion has brought out the distinction.

Mr. JAMES. Mr. President, the Senator from Missouri [Mr. REED] assumes, as I understand him in his colloquy with the Senator from Montana, that if a German submarine shows its periscope and comes within reach of a shot from a merchant ship of the United States, and that that ship fires in its defense, that would necessarily mean war. I do not think that necessarily means war at all. Germany has sunk our ships and we have not declared war. If a submarine comes to the surface, after an avowed declaration that it is going to sink a merchant vessel of the United States——

Mr. WILLIAMS. On sight.

Mr. JAMES. And if in self-defense we fire upon it, I do not see how that of necessity forces Germany to declare war against us.

Mr. WALSH. Certainly not.

Mr. JAMES. But if she does we must protect our commerce upon the sea or get off of it.

Mr. WALSH. It is a matter of choice with Germany whether she will yield after such an encounter or whether she will declare war on the United States and seek to destroy our forces by every means in her power.

Mr. JAMES. And merely because we defended ourselves from the attack they declared they were going to make.

Mr. WILLIAMS. We leave to her the question of peace or war. That is the point.

Mr. HUSTING. Mr. President——

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

Mr. WALSH. I am practically through; but I will be very glad to yield to the Senator.

Mr. HUSTING. The point I wanted to clear up a little while ago was that sending our fleet out to hunt the enemy—as they would then be the enemy—would be an act of war, whereas the present idea, I understand, is to assume that no one would interfere with our rights upon the seas, and that, even though a certain country has made threats, yet when it comes to the test we assume that she will not carry out those threats. We simply go where we have a right to go; and it is up to Germany, then, to say whether she will interfere with our rights or not. So it does not necessarily mean that in convoying merchant vessels across the sea or in arming such ships we will actually meet with resistance, but, rather, we presume that Germany will recognize our rights and, notwithstanding her threats, will desist when she sees that we intend to assert our rights.

Mr. WALSH. It does not by any means follow that we will ever sink a submarine; it does not by any means follow that the submarines will not carefully avoid coming into the neighborhood where it might be believed they would be with a purpose to sink American ships. It may have been noticed that they have not been making a special search, if one is to judge from results, for American ships.

Now, Mr. President, I shall be through in just a moment.

Mr. REED. Mr. President, if the Senator will pardon me, that might be very true if it were not asserted here that it is the business of American ships to fire at one of these submarines the instant they are seen. It seems to me, in view of the doctrine that is announced here, that we are to sail the seas, and the submarine must absolutely keep out of sight or trouble begins.

Mr. WALSH. Yes. The Senator will remember perfectly well, however, that the man who made the threat may have been on the street for a perfectly peaceful purpose and did not intend to kill the man whom he had threatened at all, but the man whom he had threatened had a perfect right to believe that that was his purpose.

Mr. REED. Oh, yes. All that goes to the question of self-defense; however, I am not dealing with the question of self-defense, I am dealing with the probability of trouble, whether it is technically in self-defense or not. The question is not whether we will be justified; the question is, What is going to result? That is all I am dealing with. I understand, from my viewpoint at least, that we are abundantly justified.

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

Mr. WALSH. Certainly.

Mr. JAMES. As a matter of fact, the German submarine, before it can be in a position to be sunk, can ascertain the character of its prey upon the seas. If it sees that it is an American vessel and sticks its head above the water, everybody knows that it is coming to sink such vessel, because it has already seen it. While it is down under the water it is protected. The periscope tells what vessel it is. Now, if I tell the Senator I am going to shoot him on sight, and he sees me come prancing down Pennsylvania Avenue, I imagine he would commence shooting.

Mr. REED. I am not interested in the question of justification; I am interested in what is likely to result. Of course if I saw the Senator coming down Pennsylvania Avenue, and he had made the threats, and I had the courage to go down Pennsylvania Avenue under those circumstances, I say to him frankly

that I would commence to shoot before he got his gun out, if I could, because that would be my method of defense.

Mr. JAMES. And the Senator would be justified.

Mr. REED. But the illustration is lacking in one essential element. We are settling to-day the question, I take it, shall the Government put itself in a position where it is very likely to be speedily engaged in the conflict with Germany. At present private commerce is being destroyed. When we take the position here advocated we are likely to have our Government directly involved in the conflict and at war with Germany.

Mr. WILLIAMS. That depends upon Germany.

Mr. BRANDEGEE. Mr. President——

Mr. REED. At present the conflict, if we can call it conflict, is this: Germany is threatening to sink vessels owned by private individuals. It is now proposed that our Government shall take such acts, if the Senator from Montana is right—and I think he is—as will put the Government of the United States, in effect, aboard every one of these merchant vessels; for it is said that we will so arm them and so equip them and so man them that a shot from the deck of one of these vessels will be the equivalent of a shot by a war vessel convoying a merchant vessel. So it is not the case of the two individuals meeting on the street who have a quarrel; it is the question of the Government of the United States taking such action as puts it into the contest. Now, I am not saying it should not go into the contest, but I am saying that our act here to-night is likely to put us into the contest.

I am saying there is no use in our sitting here and undertaking to split any hairs about who is at fault and who is defending and who is attacking. We might just as well understand that the minute this thing is done, if a submarine shows itself, it will be fired upon, and probably fired upon under such circumstances and conditions as will amount to the same thing as though the shot were fired from the guns of an American man-of-war, and that whatever responsibility comes from that we must now, with open eyes, accept in advance.

Mr. JAMES. A United States merchant vessel has a right upon the high seas—just as much right as I have to go down Pennsylvania Avenue.

Mr. REED. Undoubtedly.

Mr. JAMES. And if Germany, by her submarine warfare, in violation of international law, makes the express declaration that she is going to sink all vessels, whether they fly the Stars and Stripes or the flag of any other country, either neutral or belligerent, the United States has got to do one of two things: It has either got to arm its ships for their defense, or it has got to keep them at their docks and leave the high seas.

Mr. REED. Well, of course that does not follow in that extreme way. Nevertheless, I say to the Senator from Kentucky, I am in favor of protecting American shipping; but I do not want anybody to stand here on the floor of the Senate and try to deceive himself or mislead himself or mislead me—and I am not saying anybody has tried it—with the theory that when we take this action here to-night we are not changing the situation. We are changing the situation.

Mr. BRANDEGEE. Mr. President——

Mr. REED. We are saying that from this hour on, an attack by a German submarine will be replied to from the throats of naval guns, probably fired by naval officers or men. That means, if Germany persists in her present policy we shall soon have serious trouble with her. We may not call it war; we may call it by whatever name we please; but when two men are shooting at each other with deadly weapons, that is war between those two men; and when nations point their guns at each other and fire them, that is war.

Mr. HITCHCOCK rose.

Mr. JAMES. If Germany declares war on us——

Mr. BRANDEGEE. Mr. President——

The PRESIDING OFFICER. The Chair must, with five Senators on their feet, enforce the rules. The Senator from Montana has the floor. To whom does he yield, if to anyone?

Mr. HITCHCOCK. I desire to give notice that in view of the fact that there are a number of Senators desiring to speak I shall ask to have the rules of the Senate enforced from now on with regard to debate.

The PRESIDING OFFICER. Senators will observe the notice. Does the Senator from Montana yield to the Senator from Connecticut?

Mr. WALSH. I yield, provided I do not lose the floor. I have a very little more to say.

Mr. BRANDEGEE. I wanted to ask the Senator from Missouri if he did not think the situation ought to be changed?

Mr. REED. If I may have permission of the Senator——

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

Mr. WALSH. I yield.

Mr. REED. I think so; yes. I am not caviling at that. I am simply discussing one question—what this bill means.

Mr. BRANDEGEE. Very well; I understand. Now I want to ask the Senator if he does not think that Congress ought to give to merchant vessels the right to carry arms to defend themselves?

Mr. REED. I think they have the right now, but I am willing to give them any right they may lack.

Mr. BRANDEGEE. Very well. They have not the right now.

Mr. HITCHCOCK. Mr. President, we are violating the rules of the Senate now, and we will never get to an end.

Mr. JAMES. This is very interesting. There is no filibuster in this.

Mr. BRANDEGEE. I think the Senator will not want to confine this debate to set speeches of an hour apiece. Now, Mr. President, if we have the right to pass legislation authorizing our merchant vessels, in the face of this threat of their destruction, to arm themselves for their defense, of what use is it to give them that right and to put the guns on their decks unless they can use them? How can they defend themselves without shooting?

Mr. REED. Undoubtedly they will shoot.

Mr. BRANDEGEE. Of course then, Mr. President, I think every Senator here understands perfectly well, without being told very often, that if they do sink a German submarine, the German Government having publicly advertised that they will sink any vessel upon sight and without warning, it is then clearly up to the German Government to determine whether they want to regard the exercise of our admitted right of defense as a cause of war or not; and, if they want to make it a cause of war, rather than abandon our rights, I, for one, am willing to meet them on that issue.

Mr. WALSH. Mr. President, I had, as I think, concluded the discussion of the right of the merchant ship to arm itself. I was reading from a letter which showed it to be the custom and practice of governments to provide merchant ships from their naval stores with arms that they might defend themselves. The letter is as follows:

> The practice of arming ships in self-defense is very old and has been ordered by royal proclamation in England from early in the seventeenth century. During the Napoleonic wars the right to arm in self-defense was recognized by British and United States prize courts in the cases of the *Catherine Elizabeth* and the *Nereide*.
>
> The right of a belligerent to carry arms and resist capture is clearly and definitely laid down in modern times. The right of resistance of merchant vessels is recognized by the United States Naval War Code, by the Italian Code for Mercantile Marine, and by the Russian Prize Regulations.

While the recitals of a document of such a nature, issuing from such a source at such a time are to be regarded with caution, it is believed that the statements made therein are substantially correct.

The argument of the foregoing is that the President may avail himself of the means at his command to protect our commerce on the high seas against attack; that is, he may use any instrumentality for defense though not for aggressive warfare. The line which separates operations conducted for defense from those which characterize offensive war is often vague and shadowy, but none need hesitate to vote in favor of the pending measure, lest he be guilty of an unwarranted delegation of power to the Executive. That he will exercise the authority which he asks with discretion and due regard to his oath to uphold the Constitution none have any occasion to fear.

Mr. POINDEXTER obtained the floor.

Mr. LANE. Mr. President——

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

Mr. POINDEXTER. I do.

Mr. LANE. Mr. President, before this discussion closes between these very able attorneys—I am not of that profession—I should like to suggest to them an idea that has presented itself to me.

Mr. POINDEXTER. Mr. President, I decline to yield further.

Mr. LANE. Does the Senator decline to yield? I wanted to ask a question.

Mr. POINDEXTER. I yield to the Senator from Oregon for a question.

Mr. LANE. There is involved in this question this condition: We are protesting, and preparing to back ourselves in the protest, against Germany forbidding us access to the English ports. I guess that is, briefly stated, about what it is.

Mr. HUSTING. Neutral ports also.

Mr. LANE. Yes; neutral ports, too. Now, in that respect, if we insist on our rights, I suppose we have a right to begin to tote guns, and go and make our rights good, and have it out with them. But at the same time, if we do that, why have not

these ships of ours the same right, by the same token of toting guns, to go into the ports of Germany, where they need our products, or any other country that we please? If the sea is free and open to us in one instance, why is it not just as free and open, and why are we not within our God-given rights in demanding the privilege of going where we please from all nations?

Mr. POINDEXTER. I only yielded for a question.

Mr. LANE. That is the question I wished to ask.

Mr. POINDEXTER addressed the Senate. After having spoken for some time,

The PRESIDING OFFICER (Mr. LEA of Tennessee in the Chair). The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had resolved that the amendments providing for the issuance of bonds added by the Senate to the House bill H. R. 20632, in the opinion of the House contravened the first clause of the seventh section of the first article of the Constitution of the United States and is an infringement of the privileges of the House, and the bill with amendments was returned to the Senate.

The PRESIDING OFFICER. Will the Senator from Washington suspend a moment while the Chair lays before the Senate the message from the House of Representatives?

Mr. POINDEXTER. Certainly.

The PRESIDING OFFICER. The Chair lays before the Senate the message from the House, which will be read.

The Secretary read as follows:

IN THE HOUSE OF REPRESENTATIVES,
March 2, 1917.

House resolution 550.

Resolved, That the amendments providing for the issuance of bonds, added by the Senate to the House bill H. R. 20632, in the opinion of this House contravenes the first clause of the seventh section of the first article of the Constitution of the United States and is an infringement of the privileges of this House, and that the said bill with the amendments be respectfully returned to the Senate with a message communicating this resolution.

Mr. BRYAN. Mr. President——

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

Mr. POINDEXTER. I decline to yield, Mr. President. I should like to conclude what I have to say.

Mr. BRYAN. Mr. President, may I inquire if the Senator will not yield to me for the purpose of making a motion with reference to the naval appropriation bill?

Mr. POINDEXTER. Does the Senator want to make some request in regard to this message from the House of Representatives?

Mr. BRYAN. I do.

Mr. POINDEXTER. I yield for that purpose.

NAVAL APPROPRIATIONS.

Mr. BRYAN. Mr. President, I desire to make a very brief statement to the Senate with reference to the bond provision that was placed in the naval appropriation bill (H. R. 20632) this afternoon.

That provision was offered by direction of the House Committee on Naval Affairs, and went out of the bill on a point of order in the House. I am sure that the Senate did not intend to invade the constitutional prerogatives of the House of Representatives. In the closing days of the session, Mr. President, we were confronted with the necessity for this provision. The House was unable to place it in the bill because of the point of order; and it was not with any intention to reflect upon the House, but it was for the serious purpose of providing the necessary funds to carry out the provisions of the bill, that the Senate committee reported the amendment which had been offered by the House committee, and which the House had rejected.

In that situation, Mr. President, it becomes necessary to reconsider the vote by which the bill was passed. I am going to make that motion, and then move, when I get it so that it can be done, to strike out this provision.

I hope that no Senator will object to that on either side of the Chamber. I hope that no other amendment will be offered to the bill.

I now move, Mr. President——

Mr. PENROSE and Mr. CURTIS addressed the Chair.

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

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

Mr. CURTIS. I just want to state to the Senator from Florida that I made the point of order against this amendment this afternoon on the ground that the amendment was general legislation, intending to state the reasons, but the Chair overruled the point of order without an opportunity to discuss it. I think the ruling is responsible for the situation in which we find ourselves.

The PRESIDING OFFICER. The Senator from Florida moves to reconsider the vote by which the Senate passed House bill 20632.

Mr. JONES. I make the point that that is out of order now, as long as the unfinished business is before the Senate. It has not been laid aside.

The PRESIDING OFFICER. Does the Senator from Washington make a point of order?

Mr. JONES. Yes.

The PRESIDING OFFICER. On what ground?

Mr. JONES. On the ground that it can not take the place of the unfinished business. The Senator has not asked unanimous consent to lay aside the unfinished business.

The PRESIDING OFFICER. Does the Senator from Washington refer to the pending bill as the unfinished business?

Mr. JONES. There is a bill before the Senate that has been taken up by motion, and that is the business before the Senate—the unfinished business—until it is displaced.

The PRESIDING OFFICER. Can there be unfinished business unless the Senate adjourns with some bill under consideration?

Mr. JONES. I make the point——

The PRESIDING OFFICER. The Chair rules that the motion of the Senator from Florida, as he understands it, is in order.

Mr. NORRIS. Mr. President, at least the matter is debatable, is it not?

The PRESIDING OFFICER. It is.

Mr. NORRIS. Mr. President, I am clearly of the opinion that the Chair is wrong in that ruling. I do not care to take any appeal from the decision, but we have before us a bill. It will be fair, perhaps, to state to the Senator from Florida that a reconsideration of the vote by which this bill was passed, of course, will open it up. There were other amendments intended to be offered by other Members of the Senate who were shut out because of the unanimous-consent agreement to vote at 4 o'clock; and in all fairness they ought to have an opportunity to be heard on those amendments.

Mr. BRYAN. Mr. President, I will say this to the Senator from Nebraska: There were amendments, no doubt, that were not considered which Senators would like to have considered, but the Senate agreed by unanimous consent to vote upon the bill at 4 o'clock. Everybody supposed that there would be ample opportunity and time within the four hours elapsing between 12 o'clock and 4 o'clock to offer the amendments.

Mr. NORRIS. They did.

Mr. BRYAN. We all had an equal opportunity with our amendments.

Mr. NORRIS. No, Mr. President, we are not having an equal opportunity. I am not speaking of myself, because I was not one of the Senators who had any amendment to offer, but as a matter of fact everybody supposed that there would be plenty of time. It turned out that there was not. I think the Senator ought not to press this motion at the present time.

Mr. BRYAN. I wish to say that of course I realize that Senators can prevent the passage of the bill at this time, but I do not know what else is left for me, in charge of the bill, to do except to make the motion in order to get the question back before the Senate.

Mr. NORRIS. I will not object to the Senator making the motion if he makes it at a time when it is in order.

Mr. BRYAN. The purpose of offering other amendments will be very clearly understood. If we want to pass the naval appropriation bill, let us do it, and we can do it in three minutes.

Mr. NORRIS. Mr. President, we can not pass it in three minutes. The Senator ought not to expect us to pass it in three minutes. It is not right for the Senator to say that everybody had an equal chance, and that it was fully discussed, or to make any intimation to that effect, because as a matter of fact we only got through with the amendments offered by the committee on the floor of the Senate that were not printed. Nobody had notice of them. The one that is now causing the trouble was an amendment which never had been printed, and nobody knew it was going to be offered, and that took up most of the time in debate. Other Senators had amendments to offer to the bill and they were shut out.

If it had been known that the committee were going to offer amendments of that kind there would have been objection to agreeing to take the vote at 4 o'clock. It is only a matter of fairness, it seems to me. It does not mean that the naval bill is going to be defeated, but these amendments ought to have consideration if anyone has such amendments to offer. There

was really no opportunity for Senators to offer individual amendments, and we had to take the bill just as it was.

Mr. BRYAN. If that be true we simply miscalculated the time, that is all. The Senate did it. The Senate entered into a unanimous-consent agreement to vote upon the bill at 4 o'clock, and the vote was taken under an agreement that each one of us made.

Mr. NORRIS. I am not complaining as far as the agreement was concerned.

Mr. HITCHCOCK. Will my colleague permit me to offer a suggestion?

Mr. NORRIS. Gladly.

Mr. HITCHCOCK. I ask unanimous consent that the pending bill be temporarily laid aside for one hour to enable the Senator from Florida to present his request.

Mr. WILLIAMS. Say not longer than one hour.

Mr. THOMAS. Mr. President, I object.

Mr. LANE. I should like to say that I desire an opportunity to be heard. I found there were 8 or 10 Senators on the list, and I had no opportunity to submit what I wished. The agreement was a most unfortunate one, and in the interest of good legislation there should be no more such agreements. It gives us very little time for consideration. I feel that I did not have justice in that respect. The bill has come back, and it is back here for the reason that it contains legislation that was such that it could pass the other House.

Mr. SMOOT. Did I understand that a decision was rendered by the Chair that the bill authorizing the President to supply merchant ships with defensive armor is not the unfinished business?

The PRESIDING OFFICER. That was the opinion of the present occupant of the chair. The Chair will be glad to hear the Senator on that point.

Mr. SMOOT. The bill was taken up after 12 o'clock. One o'clock was the close of the morning hour, and a motion to take up the bill after that time was in order, and the bill, having been taken up, it becomes the unfinished business. Senate bill 8322 is certainly the unfinished business.

I say this so that the record will be straight, as far as the rules are concerned. I should like to have the Chair reconsider that decision which he has just rendered.

Mr. HITCHCOCK. I make the point of order that the motion made by the Senator from Florida is out of order. He obtained the floor for the purpose of asking unanimous consent, and the Senator from Washington [Mr. POINDEXTER] yielded for that purpose. It seems to me that the motion at this time is out of order.

Mr. JAMES. Mr. President, the Senate entered into a unanimous-consent agreement that it would vote at the hour of 4 o'clock to-day upon the naval appropriation bill. That agreement was carried out. The Senator from Florida asked, by reason of the action of the House in refusing to receive the bill, that the matter be reconsidered. Whatever the Senators may say about snap judgment, whatever they may suggest about not having had time to offer amendments—and that is an unusual statement to be made in the Senate that somebody has not had time to do something—everybody agreed to the unanimous consent. The Senate voted on the bill. I say it is in keeping with the good faith of the unanimous-consent agreement that this matter be reconsidered, as suggested by the Senator from Florida.

I understand that any one Senator can object, but I also understand that any one Senator could have objected to the unanimous-consent agreement which was solemnly entered into. To say that because this bill comes back in this unusual situation that it is to be again thrown open to amendment, that indefinite delay and time are to be taken in order to resift and reargue and redebate these old, overdebated questions is, to my mind, a violation of the very honor and spirit of the agreement the Senate entered into.

Mr. NORRIS. Mr. President, if the Senator from Florida will move, as I think he has a right to move under the rules, to take up this matter, as far as I am concerned I will have no objection to it. I do not want to do anything that would prevent him from getting it before the Senate. But when he gets it before the Senate I think Senators who were cut out by the unanimous-consent agreement have a right to offer amendments. I do not charge, of course, that there was anything malicious, but they were cut out because they did not know that the committee had a whole lot of amendments which never had been printed, more important than most of those that were printed, that they were going to offer and that would cause debate and thus preclude other Senators from offering their amendments. It seems to me if there was any violation anywhere of a sort of an unwritten law, that was one instance.

Another one was this, Mr. President: We met at 11 o'clock this morning under that unanimous-consent agreement, and while it was not put in the unanimous-consent agreement it was stated here on the floor of the Senate, and understood, that the Senator from Florida would move to take up the naval bill just as soon as the ordinary routine morning business was finished. I am not blaming the Senator from Florida, because he tried to do it; but what did happen? The Senator from Missouri made a motion to take up the President's bill, and that was carried, notwithstanding it was known all over the Senate at the time it was carried that it was in reality a violation of the understanding that was had at that time.

Mr. GRONNA. Mr. President——

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

Mr. NORRIS. I yield.

Mr. GRONNA. May I ask the Senator is it not true that new matter was inserted into the bill which had not been submitted at all when the unanimous-consent agreement was entered into?

Mr. NORRIS. Yes.

Mr. GRONNA. If that had been known, objection would have been made to the agreement.

Mr. NORRIS. Certainly. The very committee amendment that gets the Senate into this trouble would have caused an objection to have been made to the unanimous-consent agreement if it had been known that the committee had that amendment "up its sleeve."

Mr. WILLIAMS. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The parliamentary situation, as the Chair understands it, is that the Senator from Florida moves to reconsider the vote by which House bill 20632, the naval appropriation bill, was passed.

Mr. WILLIAMS. That displaces this bill if it is adopted, and it displaces it indefinitely unless the Senator from Florida will agree to make his motion for a definite time. I understand the Senator in charge of the bill has asked unanimous consent that the pending bill be laid aside for an hour for the consideration of the naval appropriation bill, and that request was objected to. There would be risk then of this bill not being acted upon. This bill is of more importance than the naval bill, because what is provided for in the naval bill is to lay down things and begin to build things that will be finished anywhere from a year to five years. This bill is to take care of the present situation and as quickly as possible.

I hope, therefore, that any motion to set aside indefinitely this bill and take up the naval bill will be defeated. As soon as this bill is through, then we can take up other bills.

To see if we can not come to a settlement, I will ask unanimous consent that this bill be laid aside temporarily for two hours for the consideration of the naval bill.

The PRESIDING OFFICER. The Senator from Mississippi asks unanimous consent that the present business be temporarily laid aside for a period of two hours in order to consider the naval appropriation bill.

Mr. JONES. I object.

The PRESIDING OFFICER. The Senator from Washington objects.

Mr. BRYAN. I intend to make a motion to reconsider the bill. I regret very much that the House is so sensitive about this amendment, but that is a matter with which we can not deal. I feel like the Senator from Kentucky [Mr. JAMES], that good faith ought to require that we reconsider this bill, strike out the objectionable item, and then immediately vote upon it. I believe that can be done. I believe that will appeal to the sense of fairness of Senators. There was no intention to take any advantage of anybody. The Senator from Virginia was absent last night when the unanimous-consent agreement was entered into. There were not more than two or three committee amendments, at least so far as I knew and so far as is shown by the report. It developed to-day that a great many amendments were offered, but that is a matter which can not go over now. If Senators did not have the opportunity they thought they were going to have, it was only a miscalculation. There was no intention on the part of anybody to mislead the Senate or any Senator. I submit in all good faith we ought to reconsider this vote and then strike out the objectionable matter and immediately pass the bill again.

Mr. BRANDEGEE. In relation to the statement there was some sort of an understanding that the Senate should proceed

to the consideration of the naval appropriation bill as soon as the Senate convened I call the attention of the Senator from Florida to the fact——

Mr. BRYAN. The Senator does not have to do that. I knew that. I tried to get the floor. The Senator from Missouri was recognized. I voted against his motion to proceed to the consideration of his bill, and as soon as that bill was taken up I immediately moved to proceed to the consideration of the naval appropriation bill, and that motion was voted down.

Mr. BRANDEGEE. There could have been no understanding that that should be done, because I asked the Senator from Florida last night when he was asking for the unanimous-consent agreement whether he would agree to move that immediately after the conclusion of the routine morning business the bill should be taken up.

Mr. BRYAN. I know the RECORD shows that question was asked, but Senators will remember, even when the motion of the Senator from Missouri was pending, although perhaps I had no right to do it under the rule of the Senate, I stood in the middle aisle and moved that the Senate proceed to the consideration of the naval appropriation bill.

Mr. THOMAS. Mr. President——

Mr. BRYAN. I yield to the Senator from Colorado.

Mr. THOMAS. I wish to state that my purpose in objecting to unanimous consent to take up this bill when suggested by the Senator from Nebraska was because I wanted, if possible, to secure an understanding that if taken up for reconsideration it would be only for the purpose of eliminating the objection which the House makes to the bill and to prevent, if possible, an extensive consideration of it. I may add that I am ready to withdraw my objection at any time when such an understanding can be reached.

Mr. JONES. Mr. President, it has been suggested here that this is in violation of the spirit of the unanimous-consent agreement. I want to call attention to the fact that while that unanimous-consent agreement was actually in force a great deal of time was taken up in endeavoring to place upon the bill a proposition that nobody had in mind and nobody had any suspicion would be offered to the measure, and that was a bill relating to an entirely different subject, changing the law, that has nothing to do with the Navy or the Navy Department, however it may refer in some respects to naval auxiliaries, and so forth. That was attempted to be put upon the bill, and it was held to be in order.

Mr. BRYAN. I think I can assure the Senator that no amendment will be offered on this side of the Chamber to the naval appropriation bill.

Mr. JONES. In this connection I wish to say that I called the attention of the Senate to some language in the bill as it came from the House, that I think everyone who heard me felt ought to be modified, and yet as it has passed it can not be modified; the conferees will have nothing to do with it. The Senator having charge of the bill told me it ought to be modified, and took the amendment I had prepared in expectation that he would get the recognition of the Chair to present it. I think that ought to be considered upon any motion to reconsider or to take up the bill. I would have no objection to unanimous consent to reconsidering the bill if the amendment the Senator from Florida has in mind may be considered and the House language modified so that it may get into conference. I would not want to take one minute of time in debating it.

Mr. BRYAN. I would be willing to do that; but does not the Senator see that if he did that every other Senator who had amendments would want to present them? The chairman of the committee himself had an amendment rejected in Committee of the Whole, and he wanted to present it in the Senate, and failed to get it up.

Mr. JONES. I think that was very different. I have no matter of special interest to my State that I want to present or anything of that sort, but I have called attention to language in the bill which in the judgment of every Senator here ought not to pass in that shape. I have had no other intention in calling attention to it except that the opportunity may be given to correct it. Of course I know that other Senators may be just as earnest about their amendments, probably, as I am in reference to this one.

Mr. BRYAN. That is the trouble, of course.

Mr. SMITH of Michigan. Mr. President, if the Senator from Florida will yield to me a moment, I will say that I also introduced an amendment. I did it advisedly, and I did it because I thought that the legislation which it embodied ought to be incorporated in the naval bill. I did it as a member of the Committee on Naval Affairs and as a member of the Committee on Commerce. The proposition of the Senator from Florida was to incorporate an amendment on the naval bill. I disagreed with the whole of the Senator's amendment and offered my substitute in its place. I think the substitute deals with a very exigent and important matter to the Government of the United States, and that our relations, especially with the Norwegian Government, warrant us in taking this step, but——

Mr. BRYAN. Mr. President——

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

Mr. BRYAN. I have the floor, Mr. President.

Mr. SMITH of Michigan. Just one second. I shall not, however, embarrass this request for unanimous consent by pressing the substitute which I offered late in the afternoon; and I say, without reservation, that it is not the part of wisdom or of patriotism to interpose any technical objection to the passage of the naval bill, which should be speeded on its way, it having met substantially the approval of the Senate.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from California?

Mr. BRYAN. I do.

Mr. WORKS. Mr. President, I was one of the Senators who were waiting very anxiously to offer an amendment to the bill who were cut off by this unfortunate unanimous-consent agreement. It turned out to be unfortunate to several of us. The Senator from Florida acted in perfect good faith about the matter, I am sure. I do not know whether or not the Senator in charge of the bill knew that these committee amendments were held back and had not been disclosed to the Senate; but the result of it was that the consideration of those amendments, which had not been made known to the Senate at all, resulted in depriving those of us who desired to offer amendments from doing so. However, I am not disposed to insist upon my right now, if this bill should be reconsidered, to offer the amendment, notwithstanding I think the unanimous-consent agreement turned out to be very unjust and unfortunate.

Mr. BRYAN. I will say to the Senator from California that I accepted the unanimous-consent agreement as it was tendered to me by a Senator on the other side of the Chamber. I am sure he acted in good faith; I am sure we all did.

Strictly speaking, those amendments were not committee amendments; they had not been placed upon the committee print of the bill; they had not been reported by the committee. I was as much surprised as was any other Senator that so much time was taken up in their consideration. I think, however, it is accurate to say that not so much time was taken up in the consideration of the amendments as with the five-minute speeches. I think we understand each other pretty well now, and I am going to again propose——

Mr. NORRIS. Mr. President——

Mr. BRYAN. I hope the Senator from Nebraska will allow me to finish.

Mr. NORRIS. All right.

Mr. BRYAN. I am going to again propose this agreement: That, by unanimous consent, we reconsider the vote by which this bill was ordered to a third reading, read the third time, and passed, for the sole purpose of considering this amendment, which is objectionable to the House of Representatives.

Mr. THOMAS. Mr. President, relying upon assurances made by Senators upon the other side, I withdraw my objection.

The PRESIDING OFFICER. The Senator from Florida asks unanimous consent to reconsider the vote by which the Senate passed House bill 20632.

Mr. NORRIS. Let me say just a word. I am not charging the Senator from Florida with any bad faith. It was an unfortunate condition into which the Senate had gotten itself. No one was particularly to blame for it, but the condition came about; the things did happen. Now, the Senator from Florida wants to reconsider the naval bill because of one particular amendment. Other Senators who had amendments, and desired to offer them, were in just as good faith as was the Senator from Florida. There was not any amendment offered at any time during the debate that was not strictly applicable to the bill and offered in the best of faith. No one intimated anything to the contrary. If we should now agree to adopt the unanimous-consent agreement to take up the one amendment which the Senator from Florida desires considered, and which was offered by the committee, it is quite proper that the same good faith should be applied to those Senators who want to offer amendments. It may be that, like the Senator from California [Mr. WORKS], Senators will not offer their amendments. I do not expect to offer any myself.

Mr. BRYAN. There is the best reason in the world for the request, and the Senator from Nebraska, I think, will recognize it.

Mr. NORRIS. I understand that.

Mr. BRYAN. We are in the position that the House refuses to receive the bill——

Mr. NORRIS. Yes.

Mr. BRYAN. And to receive our amendments. If it were not for that fact, if the House would receive it, this bill would not be back here at all.

Mr. NORRIS. That is the correct reason for it. The other reason was that a Senator who had an amendment that he wanted to offer in good faith, because the time had expired, could not get recognition. There is one committee amendment on which I expected to say something. I know several other Senators who expected to debate it. I thought it was quite important, but no one debated it because the time was too short to do so.

Mr. VARDAMAN. Mr. President, I merely want to suggest to the Senator from Nebraska that, if he expects to object, it would be an economy of time for him to do so. I would not myself object; but if I thought that objecting would defeat the bill, I would be very glad to do it. I did not have an opportunity to express my hearty disapproval of the bill while it was here. I do not think objecting would defeat it, but would simply consume the time of the Senate. If, however, the Senator from Nebraska has any amendment which he has not introduced, but which will cut down the appropriations and improve the bill, I shall be very glad to vote for it.

Mr. NORRIS. Mr. President, I was about to say when the Senator interrupted me, that it seems to me that in the interest of absolute good faith, if you are going to set aside the unanimous-consent agreement, which this request does, it is just as important to any Senator having an amendment which he wants to offer and have considered that he be allowed the privilege of offering it. I do not think there is any Senator who will unnecessarily take up time, but I believe he will offer his amendment in good faith. Therefore, Mr. President, I object to a unanimous-consent agreement.

The PRESIDING OFFICER. Objection is made.

Mr. BRYAN. Then I move that the Senate proceed to reconsider the vote by which the naval appropriation bill was ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. The Chair did not understand that that was the motion of the Senator from Florida. The Chair understood that the Senator from Florida moved to proceed to the consideration of a motion to reconsider the vote by which the bill was passed. If that motion carries, then the motion to reconsider would be in order. The question is on the motion of the Senator from Florida.

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

Mr. SUTHERLAND. Mr. President, I desire to make a parliamentary inquiry before voting. If this motion carries and the vote is reconsidered, will the bill then be open to amendment generally?

The PRESIDING OFFICER. In the opinion of the present occupant of the chair, it will be.

Mr. SUTHERLAND. I understood the Senator from Nebraska was willing for a unanimous-consent agreement if that might be the situation?

Mr. NORRIS. That unanimous-consent agreement has not been asked for; but I have no objection to it.

Mr. BRYAN. Mr. President, the proper motion is to reconsider the vote by which the bill was passed. If the bill was over in the other House, it would have to be accompanied with a motion to bring the papers back. The motion is to reconsider the vote whereby the bill was read a third time and passed.

Mr. NORRIS. I have no objection to that; but I think the Chair stated the parliamentary proposition correctly, because there is something else before the Senate. The motion, first, is to take the bill up, and then it will be in order, as the Chair stated, to make the motion to reconsider.

Mr. BRANDEGEE. A parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator from Connecticut will state it.

Mr. BRANDEGEE. Is the naval appropriation bill in the custody of the Senate at the present time?

The PRESIDING OFFICER. It is in the custody of the Senate.

Mr. PENROSE. Mr. President, I was not in the Chamber at the time this message was read, and I should like to make an inquiry. Has the House message been read to the Senate?

The PRESIDING OFFICER. It has been read to the Senate.

Mr. PENROSE. Might I ask that it be again read? There are a number of Senators present who have not heard it.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Pennsylvania? The Chair hears none, and the message from the House of Representatives will be again read.

The Secretary read as follows:

IN THE HOUSE OF REPRESENTATIVES,
March 2, 1917.

House resolution 550.

Resolved, That the amendments providing for the issuance of bonds, added by the Senate to the House bill (H. R. 20632), in the opinion of this House, contravenes the first clause of the seventh section of the first article of the Constitution of the United States and is an infringement of the privileges of this House, and that the said bill, with the amendments, be respectfully returned to the Senate with a message communicating this resolution.

Mr. PENROSE. Mr. President, I only want to say on that point, in connection with the message, that, while I know there is precedent for this action of the House, yet had the House proceeded in what, in my opinion, is the better way and referred this bill in the usual course to a conference, and perchance instructed their conferees on this particular paragraph, this embarrassment in the Senate to-night would not have occurred, because there would only have been the report of the conferees on this one particular subject. The fact that this whole matter has been opened up, or is likely to be opened up, is due to the procedure, which, in my opinion, while there may be precedent for it, is not the best procedure to settle these differences.

The PRESIDING OFFICER. The question is on the motion of the Senator from Florida. Those in favor will say "Aye." [A pause.] Those opposed "No." [A pause.] The ayes have it, the motion is agreed to, and, without objection, the votes whereby the bill was ordered to a third reading, read the third time, and passed are reconsidered.

Mr. BRYAN. I move now to strike from the bill the provision as to the issuance of bonds, inserted at page 59, after line 16.

The PRESIDING OFFICER. Without objection, it is so ordered. The question now is on the passage of the bill.

Mr. NORRIS and Mr. JONES addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. NORRIS. The bill is open to amendment, is it not?

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

Mr. JONES. Mr. President, just for the purpose of getting the matter in conference—I have not the amendment which I gave to the Senator from Virginia—I move to strike out from line 12, on page 71, to line 3, on page 72. I will not discuss the matter.

Mr. BRYAN. I am sorry the Senator does that, but I accept it and will let it go to conference.

The PRESIDING OFFICER. Without objection, the amendment is agreed to. The question is on the passage of the bill. Those in favor will say "aye." [A pause.] Those opposed "no." [A pause.] The ayes have it, and the bill is passed.

Mr. BRYAN. Mr. President, may I inquire what motion was made by the Senator from Virginia as to a conference, or did the Senator from Virginia make such a motion?

The PRESIDING OFFICER. The Senator from Virginia moved that the Senate insist upon its amendments, ask for a conference with the House, and that the Chair appoint the conferees on the part of the Senate.

Mr. BRYAN. I make the same motion.

The PRESIDING OFFICER. Without objection, the motion is agreed to; and the Chair appoints the Senator from South Carolina [Mr. TILLMAN], the Senator from Virginia [Mr. SWANSON], the Senator from Florida [Mr. BRYAN], the Senator from Pennsylvania [Mr. PENROSE], and the Senator from Massachusetts [Mr. LODGE] conferees on the part of the Senate.

ALASKAN ENGINEERING COMMISSION (S. DOC. NO. 741).

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying papers and illustrations, referred to the Committee on Territories and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith, for the information of the Congress, the annual report of the Alaskan Engineering Commission for the year ending December 31, 1916.

WOODROW WILSON.

THE WHITE HOUSE, *March 2, 1917.*

ARMED MERCHANT SHIPS.

Mr. HITCHCOCK. I ask that Senate bill 8322 be again laid before the Senate.

The VICE PRESIDENT. Is there objection to the request of the Senator from Nebraska?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 8322) authorizing the President of the United States to supply merchant ships, the property of citizens of the United States and bearing the

registry of the United States, with defensive arms, and for other purposes.

Mr. POINDEXTER. Mr. President, before proceeding to make the few remarks that I intended to make, I might answer the question of the Senator from Oregon [Mr. LANE].

There is no question about the right of American ships engaged in lawful commerce to go into the ports of Germany if they can get there. There is no objection on the part of the United States, however, to a belligerent engaged in this European war interfering with this commerce by halting a ship, visiting it, and searching it, determining whether its cargo is contraband or not contraband, or enforcing, if they can, an effective blockade. Now that reason of international and commercial rights is entirely outside of the discussion here. There is no such question involved in the controversy of this country with Germany.

What gave rise to this extraordinary legislation is just one thing; that is, the claim on the part of Germany that she has the right to sink without notice an American ship engaged in commerce with her enemy belligerents, and her claim of the right to sink without notice belligerent merchant ships upon which American passengers are traveling. The President of the United States, representing the Government of the United States and the people, after a very long negotiation has taken the position that we will not submit to that action on the part of Germany. It is perfectly useless to muddy the issue here by claiming that any similar question is involved in the relations of the United States with Great Britain or with France, because neither one of those countries has made any such claim. No such question has ever arisen between the United States and either one of them.

Mr. LANE. Well, Mr. President, some people might resent being held up and searched as much as others would to take a chance on getting shot.

Mr. POINDEXTER. Yes—well, of course, if people should be constituted that way. But in the matter of merchant ships the former is allowed by law, while the latter is not.

Mr. WILLIAMS. Suppose the man has an agreement that he shall visit and search?

Mr. POINDEXTER. I am speaking of the issue that has been made by the President of the United States. If the Senator from Oregon were President perhaps he might have made an issue out of that; but the President has not made that issue, and the country is not committed to any controversy on account of any such circumstances. There is a very deep and fundamental distinction between the nature of the complaints that we have had of Great Britain in the enforcement of her blockade and this claim on the part of Germany that she can kill American women and children without notice.

I listened with a great deal of interest to the learned discussion of the Senator from Montana [Mr. WALSH], but I think it must be admitted that a great deal of the learning with which the address was filled, precedents of international law with regard to the right of search and the right of merchant vessels to arm in self-defense, is of no value in determining exactly what is involved in the present controversy.

This controversy arises out of new conditions. A claim is made by Germany, too, that there should be new rules on account of new conditions. That being the case the only possible way in which the United States can protect itself against unprecedented claims growing out of unprecedented conditions is by adopting new rules. We can not find the remedy for an unprecedented situation in the old customs and rights to which we are entitled, as a neutral, under international law.

Now, what is this new condition? I did not intend, Mr. President, when I asked to be recognized to discuss this phase of the question, but some suggestions have occurred to me since, in listening to the arguments upon the floor. Germany claims that her submarines are very weak; they have not heavy armor and can not stand an open fight; that if she abides by the old rules of visitation and search her submarines will be hurt; that they are liable to get sunk. I understand that that, in substance, is the argument; and so, she says, because the observance of the immemorial rules of humanity is dangerous she must be absolved from them, and that, in order to avoid being sunk, her submarines shall stealthily approach, regardless of the lives of noncombatants on board, and send a ship to the depths of the sea without notice or warning. It is as though a man were engaged as guard at a turnstile where travelers were going into a fairground and should claim that, as he was a small man and too weak to stop anyone going in without tickets, he should be allowed to conceal himself and shoot them all on sight from ambush.

Now, that is a claim which Germany makes. What is the issue which the United States makes upon that proposition? So far as it has been suggested, it is simply this, that we propose to make defensive war against the German submarine. It has been stated in debate here this afternoon that in carrying out the authority granted by this bill in using the guns which this law would authorize the President to place upon the decks of merchant ships German submarines found in the way would be sunk upon sight. I think that was correctly stated, because that is the only practical way in which any use could be made of these arms.

Mr. WILLIAMS. I dislike to interrupt the Senator——

Mr. POINDEXTER. I yield to the Senator.

Mr. WILLIAMS. But if the Senator will permit me a word, I think that is going a bit too far and is not fully justified by the exigencies of the situation. An illustration was given a moment ago—one man giving another notice that if he appeared in a certain street or square he would kill him on sight. Much of the merit of the case would depend upon how the man who had made the threat presented himself. Of course, if the submarine periscope is going in the other direction from the merchant ship, or if it was seen in front of it, going in the same direction, there would be no right to shoot it on sight; but if the submarine which we may suppose, for the sake of argument, to have made the threat, although it was the Government that made it, was seen approaching the victim, then the right to shoot upon sight would exist.

The question, after all, will have to be decided by the captain of the merchant ship as to whether the circumstances are such as to convince him that the threat is about to be executed or may be, and then, if he thinks it is, he has a right to anticipate the attack; but to shoot any submarine going in his front on sight I think is going a little further than the gentlemen who have said that meant to carry.

Mr. POINDEXTER. To carry out the distinction that the Senator from Mississippi makes he will admit they make very difficult situations.

Mr. WILLIAMS. Oh, no doubt a whole lot will have to be left to the discretion of the individual who is in command of the merchant ship.

Mr. POINDEXTER. We have got to start out upon this basis, that not only once or twice but often, through their official press, through their official diplomatic correspondence with this Government, Germany has given us notice—just as she gave us notice that she was going to sink the *Lusitania*, and did sink her, and advertised it in the newspapers before hand—that she will sink American ships without notice within a certain zone. Are we entitled to believe that, or are we not?

Mr. WILLIAMS. I think we are entitled to believe it.

Mr. POINDEXTER. If we are entitled to assume that she says that in good faith, and we arm our merchant ships against such attack, it would be legitimate, and at the same time it would be necessary, upon meeting such a submarine to destroy it on sight if possible.

Mr. WILLIAMS. I think so, too.

Mr. POINDEXTER. That is, in meeting a German submarine in the way of a merchant ship within that zone under conditions in which we have been notified she would sink our ships without notice, to use the guns placed on merchant ships for that purpose.

Mr. WILLIAMS. But it would give us no right to pursue the submarine ahead of us and going out of the way. It would give us no right if we were going in this direction and saw a submarine going in the other direction and out of shooting distance to follow her up. In other words, I agree with the Senator perfectly in the general statement and in nine cases out of ten, but I do not want it to go abroad that we will have a right to shoot them on sight, no matter what they are doing or which way they are going. Now, it is conceivable, although in my opinion hardly possible, that the German Government might give orders to a submarine to let American merchant ships alone, and then in every case where they would see them they would get out of the way. I do not think that is the policy.

Mr. BRANDEGEE. Having announced the other policy——

Mr. WILLIAMS. Having announced the other policy we will act upon it until we find out she has a different practice.

Mr. POINDEXTER. I agree with the Senator from Mississippi in what he says. We have no cause for controversy with Germany about a submarine that is not hostile. We are talking about a submarine which intends to carry out her announced policy; but that assumes a wholly different case from that which we are legislating for. Then the controversy would be abandoned and it would be a cause for universal congratulation in the United States, and I hope in Germany. I was going to follow by saying that when we do that, when we see a German submarine engaged under the German Government as announced they would be engaged, and we sink it, it would have to be without notice, because if you stop to parley with a submarine it is all off. You might as well stop to parley with a

rattlesnake or a she bear after you had killed her cubs. We sink her. Now, Germany does not admit that that sinking is authorized. We claim that it is. Germany claims that it is not. When we sink her we have committed an act of violence against the war vessel of Germany which she claims was engaged in legitimate warfare.

Now, that is an act of war, is it not, on the part of the United States against Germany? It seems to me that is what it amounts to. I do not say that in order to create any impression that I am not in favor of giving the President the authority which is provided by these bills, but only in order that we may get as accurate an idea as possible of the policy on which we are about to launch ourselves.

Mr. HUSTING. Mr. President——

Mr. POINDEXTER. Just a moment. Fortunately for us personally, a great many of these questions we are not responsible for. We are only responsible and can only be responsible as a legislative body for the broad lines of policy to be adopted. The manner of its execution must be in the nature of things vested in the executive branch of the Government. There has been some disposition here and there to hesitate at granting adequate power to the Executive. I feel no such hesitation, because that is what the Executive is for. In the nature of things, this matter can not be carried out unless there is a certain amount of discretion vested in the agent of Congress, which will be the President of the United States, under the law which we are about to pass.

Upon that phase of the question I much prefer the bill that has passed the House. The powers granted by that bill are all contained in the first paragraph. It authorizes the President of the United States to supply the merchant ships, the property of citizens of the United States, with defensive arms and with the necessary ammunition and means of making use of them in defense against an unlawful attack, and he is authorized and empowered to protect such ships and citizens of the United States against unlawful attacks.

It seems to me that that is an efficient piece of legislation. On the contrary, when you take the Senate bill, which is intended to accomplish the same object, it says that the President of the United States is authorized and empowered to supply guns "fore and aft." In sinking a German submarine why should we be limited to guns "fore and aft"? Is it any more amicable to sink a submarine "fore and aft" than broadside?

Mr. SUTHERLAND. I call the Senator's attention to the fact that those words are to be eliminated.

Mr. POINDEXTER. I was only reading the bill. I am very glad they are to be eliminated. They ought to be eliminated. I now yield to the Senator from Wisconsin.

Mr. HUSTING. The Senator has left the point where I was going to interrupt him. The Senator said if the sinking of a German ship or submarine took place it would be for doing what Germany claims she has a right to do. I do not understand that Germany claims that she has the right to do what she is doing, especially as to boats plying between neutral ports. I do not think she makes any pretense of having a right under international law. I believe she puts it on the ground of necessity and retaliation against her enemy.

Mr. POINDEXTER. That is a difference in reasoning which I can hardly appreciate. She says she will do it and that she is justified in doing it. That is equivalent to saying that she has a right to do it.

Mr. SUTHERLAND. Mr. President——

The PRESIDING OFFICER (Mr. LEA of Tennessee in the chair). Does the Senator from Washington yield to the Senator from Utah?

Mr. POINDEXTER. I yield to the Senator from Utah.

Mr. SUTHERLAND. I understand the Senator from Washington to say that he prefers the House draft to that presented by the Senate committee. I call the Senator's attention to the fact that in the House bill there is no provision which authorizes American ships to arm themselves; there is only a provision authorizing the President to do so. Does not the Senator think that an American ship which can not arm itself and desires to do so should be permitted to do it without calling upon the Government?

Mr. POINDEXTER. I infer that that power is, by implication at least, contained in the Senate bill. I think that power ought to be granted; but when we authorize the President in the House bill also to supply ships with defensive arms, it seems to me that it authorizes him to permit them to supply themselves with defensive arms.

Mr. SUTHERLAND. I call the Senator's attention to the fact that there is already upon the statutes a law which authorizes American ships to carry arms under some circumstances, but the express provision of the statute is that those arms shall not be used against a public ship of a Government with which we are at peace. Unless we authorize the ships to arm themselves we are in great danger of this statute being construed so as to make an exception to the existing statute only in the case where the precise provision of the statute has been complied with, namely, where the President has furnished the arms.

Mr. POINDEXTER. I think any doubt about that ought to be removed.

Mr. President, I have stated the consequences of what we are about to do. It means a limited war against German submarines. We do not propose, as I understand, to go submarine hunting, but we do propose to sink submarines found in the path of merchant ships unless there should be some circumstance that plainly indicated, as the Senator from Mississippi [Mr. WILLIAMS] has pointed out, that the Germans are not going to carry out their announced policy. That being the case, the question of contraband seems to me to be entirely eliminated from consideration. I do not understand that if the President of the United States, exercising the authority to be granted by this act, should put guns and men for operating them upon merchant ships for the purpose of protecting those merchant ships he would be expected to enter in any way upon the regulation of the commerce carried on by those ships.

Questions of contraband are eliminated from this controversy, first, because Germany has announced to the United States officially that she is going to sink without notice ships within that zone, whether they have contraband on board or not, and that she will not inquire as to contraband; second, because one of our chief complaints is the sinking without notice belligerent merchant ships carrying American passengers. Of course, the United States would have no right to regulate the cargoes of belligerent ships or the commerce in which they were engaged. Whether or not their cargoes are legitimate or illegitimate is a matter of no consequence, because that is not the condition which Germany has laid down as that upon which such ships will be destroyed without notice.

Mr. BRANDEGEE. Mr. President——

Mr. POINDEXTER. I yield to the Senator from Connecticut.

Mr. BRANDEGEE. I agree with the Senator from Washington on that proposition, but I wanted to ask him if he thought there was anything in the provisions of either the House bill or the Senate bill upon this subject, to wit, the authorization by Congress that the Government property in the line of arms might be loaned to merchant vessels or supplied to them, and the means of using them supplied to them by the President, which would constitute the merchant vessel a vessel of war or a Government vessel in any way whatever?

Mr. POINDEXTER. Well, of course, as I said in the beginning, it is a new condition, and it seems to me that we should have to determine that question by a consideration of the use and purpose of the Government's action. There is no precedent for it in exactly similar circumstances. My opinion is, with such consideration as I have been able to give it here during the debate, that when there is a Government gun on a ship and a Government man there to operate it, in so far as their operations are concerned, that ship is a Government ship.

Mr. BRANDEGEE. I must differ from the Senator entirely on that, but I want to call his attention to the fact that there is not one syllable in the bill which contemplates the placing of a Government man on one of these merchant ships. The word "man" is not used in the bill. The language of both the bills is to supply defensive arms to these merchant vessels, together with the means of using the same.

Mr. POINDEXTER. It seems to me——

Mr. BRANDEGEE. Will the Senator pardon me just a moment?

Mr. POINDEXTER. Yes.

Mr. BRANDEGEE. I assume that, if the bill passes, the President of the United States is going to put enlisted men or officers of the Navy aboard these merchant vessels to operate the guns. I do not think any necessity for such a thing will arise, but if it should I am quite certain that when the gunners are at their posts on the decks of these merchant vessels they will in no way be employed by the United States or be subject to its authority, and the merchant vessels will be under the control of their owners and their masters.

Mr. CLAPP. Will the Senator yield for an interruption?

Mr. POINDEXTER. I yield to the Senator from Minnesota.

Mr. CLAPP. What I desire to say is partly in answer to the suggestion just made by the Senator from Connecticut [Mr. BRANDEGEE]. Whatever might be said of the effect of placing members of the American Navy on a merchant ship, I understood the Senator from Massachusetts [Mr. LODGE] to admit that under the phrase "employ such other instrumentalities and methods" there was no question but that the President could

order a warship to convoy a merchant ship that came within the designation "merchant vessels of the United States and bearing the registry of the United States." I would ask the Senator from Washington if he does not concur in that? The action of the officers and men on an American warship convoying a merchant ship would put the United States Government in action through the activity of the warship. Could there be any doubt about that?

Mr. POINDEXTER. I think not. I think the rule as to the extent of governmental responsibility would be the extent of governmental action. That is all there is about it. It is a very simple proposition.

Mr. CLAPP. Mr. President——

Mr. POINDEXTER. If the Senator will pardon me just a moment, if the United States—I do not, however, want to interfere with what the Senator was going to say——

Mr. CLAPP. I was going to make another inquiry when the Senator should have finished.

Mr. POINDEXTER. Well, go ahead.

Mr. CLAPP. No; let the Senator go on and complete his answer.

Mr. POINDEXTER. I was just going to say that if the Government of the United States put guns on board American merchant vessels and said to those merchant vessels, "Use these guns to sink German submarines," it would be absurd for us to argue with Germany that we, as a Government, were not responsible for it. I am willing to assume that responsibility, much as I regret it, and I am not willing to deny the responsibility. I think we ought to accept it.

Mr. CLAPP. Mr. President, a few moments ago the Senator, in discussing the question of the regulation as to details, said we could not prescribe with what the ships should be loaded. I am not questioning that part of the statement, but the Senator enlarged the illustration by reference to the fact that we could not, of course, regulate a foreign merchantman which has American passengers upon it.

While this bill does not cover the loaning of arms to foreign ships, undoubtedly it does cover the convoying of merchant ships by American battleships; and I will ask the Senator, in view of the statement he made with reference to the foreign ships, if it is his opinion that under this language, "employ such other instrumentalities and methods as may," and so forth, it would be within the province of the President to convoy a foreign merchant ship with American passengers upon that ship as a means of protecting the citizens of the United States, in view of the language found in the first three lines on page 2?

Mr. POINDEXTER. This is the language of the Senate bill——

Mr. NELSON. Mr. President——

Mr. POINDEXTER. I should like to answer one question at a time.

Mr. NELSON. Before the Senator answers it, will he allow me to interrupt him?

Mr. POINDEXTER. Well, I will yield.

Mr. NELSON. I call the Senator's attention to the fact that in legal effect there is no difference in that respect between the House bill and the Senate bill. I wish the Senator would turn to line 8 of the House bill, where the following is found:

> And that he be, and he is hereby, authorized and empowered to protect such ships and the citizens of the United States—

Not only to protect such ships, but to protect "the citizens of the United States"—

> against unlawful attack while in their lawful and peaceful pursuits on the high seas.

That is the language of the House bill. Does not that involve the protection of American citizens upon the high seas under all circumstances?

Mr. POINDEXTER. I think so.

Mr. NELSON. And is it not in legal effect just as broad as the Senate bill?

Mr. POINDEXTER. I think the Senator is entirely right, that the two bills are substantially the same in that respect. Now, applying that to the question of the junior Senator from Minnesota [Mr. CLAPP], to use the language of the House bill, one of the "lawful and peaceful pursuits of American citizens on the high seas" is to travel on the merchant ships of a belligerent; and this Government, acting through its authorized representatives, has said that they are entitled to protection against having the ship on which they are passengers sunk without notice with the result that they lose their lives.

Now, we authorize the President to protect them; and undoubtedly I must answer the question of the junior Senator from Minnesota in the affirmative. When we say that the President has unlimited power to select the means of protecting them, it would include a convoy of that belligerent ship by the President of the United States, if the President of the United States sees fit to exercise that power.

Mr. CLAPP. There is no question about that.

Mr. POINDEXTER. We might as well give the ordinary common-sense construction to the language which we use in these bills. There is no occasion to deceive ourselves about it at all.

Mr. SUTHERLAND. Mr. President, I will ask the Senator, however, whether, under the rules of international law, the law of convoy is not perfectly well understood, and that it only applies to the ships belonging to the Government which furnishes the convoy? In other words, the service of the convoy is to give notice to the belligerent that the necessity of search and seizure is done away with, and the Government which furnishes the convoy thereby guarantees that the ship does not carry contraband. By its very nature that can not apply to the vessel of another nation. It only applies to the vessels of our own country. So, as it seems to me, and I suggest it to the Senator, to speak of furnishing a convoy for a vessel of another country is a contradiction in terms.

Mr. POINDEXTER. I can not agree with the Senator. One of the ordinary meanings of the term "convoy," I know, is the accompanying of a merchant ship by an armed ship of its own Government, giving it the technical international status the Senator describes. But it is a term that has a much broader use and significance than that. There was a time when Venice was mistress of the seas, when she convoyed all of her ships. It was a time of more or less lawlessness, and it seems that we are getting back to conditions that are somewhat similar. Growing out of the necessity of protecting her merchant ships against the lawless attacks of others, call them pirates or call them what you may, there grew up the custom of collecting her ships into fleets; and so long as she was responsible for the conduct of the fleet, it was an easy step for her to take to prescribe the day upon which that fleet would sail, the ports at which it would touch, how long it would remain in the ports, and when it should return home.

It was an easy step for her to say what type of ships should be built, how they should be manned, and rigged; so that the entire merchant marine convoyed by the armed ships of Venice was under strict governmental regulation as to types and construction of vessels, as to their route, their equipment, and personnel. A "convoy" under those conditions was quite different from the ordinary "convoy" of a strictly private merchant ship at this time. So a "convoy" of a belligerent merchant ship, for the protection of Americans on board of her, might be under an agreement between this Government and that of the merchant ship, and have one status, or it might be a mere accompanying on the high seas of such merchant ship by our warship, on our own authority, and have quite a different status.

Mr. BRANDEGEE. But, Mr. President, whatever may have happened in those times of which the Senator speaks, the Senator from Washington will not claim, will he, that we could, without a violation of our neutrality, convoy with our Government vessels the ships of a belligerent power?

Mr. POINDEXTER. No.

Mr. BRANDEGEE. So that the question, it seems to me, is not applicable to the facts in this case. We do not propose to convoy British ships. The Senator from Utah [Mr. SUTHERLAND], in my opinion, is quite correct when he states what the convoying of our own ships means, and the obligation we assume when we do convoy them.

Mr. POINDEXTER. We are getting into quite an interesting phase of this question, and before I proceed to something else and forget the interesting suggestion of the Senator from Connecticut I will dwell upon it for a moment. The Senator said that, if we should convoy a belligerent ship, we will say a British ship, on which there were American passengers, it would be a breach of our neutrality. Of course it would, but does the Senator from Connecticut think that we can arm our merchant ships and sink German submarines engaged in a business which they claim the right to be engaged in, and still preserve our neutrality?

Mr. BRANDEGEE. I think it would very likely lead to war under the recent proclamation of Germany.

Mr. POINDEXTER. I am not speaking of what it would lead to; I am speaking of what it is.

Mr. BRANDEGEE. I think we can arm our merchant ships; I think we have that right. Clearly we have that right today, and have had it since 1819 under section 4295 of the General Statutes, only under that statute we are prohibited from arming merchant ships against foreign government-owned ships. Therefore, if we should pass the House bill, which does not contain authority for us to arm our ships against foreign

government-owned ships of a power with which we are at amity, and our ships should use the arms provided them, they would find themselves in the position of pirates if they attempted to use them against a foreign Government's warship. That is the reason the Senate committee put in the broad declaration in the first three lines of the Senate bill that the ships themselves and their commanders and crews were authorized and empowered to arm their ships for defense, and that the President was authorized to furnish them the arms, if they themselves did not have them. Then, if as a defensive act they sink a German submarine, they will be prisoners of war and not pirates. They will be acting under the authority of the laws of their own country, which at present deny them that position and that status. That is what I mean to say to the Senator.

Mr. POINDEXTER. Yes; well, I am in favor of that provision. I think in that respect the Senate bill is the better. What I had reference to, in comparing the two bills, was that limitation of a gun "fore and aft," which I understand is to be stricken out.

It seems to me that the confusion in regard to the relations between Germany and the United States, if we carry out the plan and the policy that is provided for in these bills, either one of them, is the assumption that the situation is going to be interpreted by the rules of ancient international law applicable to a neutral country. It can not be interpreted by the customs and precedents of international law applicable to anybody, because such a condition never existed before. It involves new elements. And it can not be defined by the law that defines the status of a neutral, because we will have ceased to be a neutral.

Mr. BRANDEGEE. Of course, Mr. President, when we cease to be a neutral and engage in war with a nation, I do not think there will be any question about the authority conferred in this bill or its exercise. It will all become utterly irrelevant when we enter the field as a belligerent, if we do.

Mr. POINDEXTER. I am not speaking about what might happen. I agree with what the Senator has just said; but I am attempting to arrive at a conclusion largely in order to satisfy myself in voting for these propositions, as I expect to do, upon which there is perhaps a sharp difference of opinion—not extensive, however, I am glad to say—in the country.

If we take all the deliberate care that we take in passing this legislation, and appropriate all this money, and provide all the guns and ammunition that are necessary for carrying it out, and then go out and destroy vessels that are sailing under the flag of Germany and sink them to the bottom of the sea, I fail to see how we can say that it is a peaceful errand on which we are engaged.

Mr. BRANDEGEE. Mr. President, I am not saying that it is a peaceful errand. We have got to do one of two things. Our merchant vessels at present are tied to the wharves in this country, and our foreign commerce is stopped, and we are effectually blockaded. Now, we have either got to send those vessels to sea across this zone of horror, with the standing threat of the central powers of Europe that they will sink on sight without warning everything which enters that zone, or else we have got to send them there with arms for their defense. The first vessel that goes there undefended Germany says they will sink, if they can, without warning and, in my opinion, they will do it. That would mean war. There is no doubt of that. The President has said that would be an overt act.

Mr. POINDEXTER. Well, that is what we are talking about.

Mr. BRANDEGEE. Very well; that would be war. Do not let the Senator think I am acting in ignorance of what the consequences of defending our rights may mean.

Mr. O'GORMAN. Mr. President, may I be permitted just one question?

Mr. BRANDEGEE. Not at this point, because I have not yet finished my sentence. I have not the floor, either. If we arm a vessel and send her there, and in defending herself she sinks a German submarine, that will mean war, in my opinion.

Mr. POINDEXTER. Well, is not that what we are providing for here?

Mr. BRANDEGEE. We are providing to defend our rights, even at the risk of war, and we ought to.

Mr. POINDEXTER. Will not the Senator describe specifically just what we are providing for?

Mr. BRANDEGEE. I have. I have attempted to do so.

Mr. POINDEXTER. Well, that is what I am talking about. He says it is war, and I say it is war.

Mr. BRANDEGEE. But the Senator says that we will be neutrals then, and I say we will be belligerents.

Mr. POINDEXTER. Just the contrary.

Mr. O'GORMAN. May I be permitted now?

Mr. POINDEXTER. I yield to the Senator.

Mr. O'GORMAN. I was only curious to know whether the Senator from Connecticut desired to be understood as saying that the destruction of a submarine by one of our vessels would constitute war, or whether he meant to say it would be a cause for war?

Mr. BRANDEGEE. Mr. President, of course I am not in the confidence of the Germanic or Teutonic powers; but, in my opinion, the first one of their submarines that we sink they will declare war on us. I have not a doubt of it.

Mr. POINDEXTER. If we sink one of their submarines, would it not be cause for them to declare war on us?

Mr. BRANDEGEE. If I were in their place I would consider it an act of war, and I expect them to. But I think they will have brought it on their own heads by their own utterly illegal acts and proclamations.

Mr. POINDEXTER. Yes.

Mr. HUSTING and Mr. THOMAS addressed the Chair.

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

Mr. POINDEXTER. I will yield in a moment. I will not yield now.

The PRESIDING OFFICER. The Senator declines to yield.

Mr. THOMAS. I simply wanted to suggest——

The PRESIDING OFFICER. The Senator declines to yield.

Mr. POINDEXTER. The Senator from Utah raised a very interesting question. He said that there is no such thing as the convoying by us of a British vessel, because convoying was to guarantee against search and seizure of contraband, and we could not be responsible for the cargo of a foreign ship. But I want to ask the Senator from Utah a question.

The principal controversy, at least in its early stages, between Germany and the United States, grew out of such incidents as the *Lusitania*—the sinking by Germany, without notice, of belligerent ships upon which American citizens were passengers. Now, we are providing in this bill primarily to protect our citizens against that violation of their rights. Will the Senator from Utah say what steps we are going to take to protect these rights which the Senator has declared appertain to American citizens traveling upon a belligerent ship against the sinking of that ship without notice?

Mr. SUTHERLAND. Mr. President, if the Senator means by that to say that in his judgment there is no other way in which we could do it except to convoy the English ship, then I disagree with him. An armed vessel of the United States may be in the neighborhood of the merchant vessel of another country, upon which merchant vessel our citizens are being carried; and if that merchant vessel is attacked so as to endanger the lives of our citizens, the United States man-of-war may take a hand in the affair, and protect these citizens upon the foreign merchant vessel, without occupying the relation to it of a convoy.

As I said to the Senator a moment ago, as I understand, the word "convoy" in international law has a well-settled and very narrow meaning. Of course, we speak popularly of a convoy. We might speak in popular language of a man-of-war of the United States going along with a vessel of another country as convoying it; but that would be to speak of it in popular language, and not in the exact language of international law.

In international law, as I understand, it has the narrow meaning that a convoy is a man-of-war—as applied to the United States—of the United States, convoying a merchant ship of the United States. The very purpose of the convoy shows that, because the purpose of the convoy is to get rid of the search and seizure on the part of a man-of-war of the belligerent country. By going along with a ship and convoying it, we guarantee by that very act that the ship is carrying no contraband; and of course we can not guarantee that with reference to a merchant vessel. In addition to that, as it has been suggested to me, when a man-of-war is a convoy of one of our vessels, the merchant vessel is under the direction of the man-of-war. The man-of-war is commanding the whole enterprise. Of course we can not speak of a man-of-war of the United States commanding the movements of the ship of some other country. We have not any power to do that, or any right to do it; but I imagine the President can find means, if it becomes necessary, of defending our citizens upon the merchant vessels of one of these belligerent countries. We can have our vessels of war in the neighborhood so, as I say, to take a hand in the difficulty if any arises, without convoying the ship, and without guaranteeing anything about it.

Mr. NELSON. Mr. President——

Mr. POINDEXTER. I decline to yield further. I will complete what I have to say in just a few moments.

The PRESIDING OFFICER. The Senator declines to yield just at this moment.

Mr. POINDEXTER. There is very little material distinction in principle between a merchant ship of a belligerent having the protection of an armed vessel of the United States for an hour and having it throughout its entire voyage. There is nothing in international law that would prevent a naval vessel of the United States from accompanying a belligerent vessel upon which American citizens were passengers.

Just one word more. In the colloquy in regard to the convoying of a belligerent ship by an armed naval vessel of the United States for the purpose of protecting the rights of American citizens lawfully traveling on it it was suggested by the Senator from Utah we would have no right as a neutral country to convoy a belligerent merchant ship, because we would have no right to protect that ship against search for the purpose of determining whether or not her cargo was contraband. That is undoubtedly correct where visitation and search or the capture or destruction after notice of a neutral or belligerent ship is concerned. But I suggest that that question has no bearing on the bill now pending before the Senate, because the United States has no complaint of visitation and search of our own merchant vessels or of the capture or even destruction after due notice of those of belligerents upon which our citizens are traveling. Whatever inconveniences we may have suffered, whatever abuses may have arisen out of the visitation and search of American vessels by one or more of the belligerents, are aside and entirely distinct from the proposition involved in this bill. In fact, instead of objecting to search, seizure, or capture we are insisting that there shall be these very things instead of sinking without notice and the consequent murder of noncombatants. The proposition involved in this bill is that which has been stated to the joint sessions of Congress by the President of the United States in his several messages, and is the step which this country is taking to protect itself against the sinking of merchant ships, whether belligerent or our own, by submarines without notice. Now, I will leave that phase of the question.

Mr. WORKS. Mr. President, before the Senator leaves that point——

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

Mr. POINDEXTER. Well, if the Senator desires to interrupt me——

Mr. WORKS. If the Senator hesitates about it, I will not proceed.

Mr. POINDEXTER. I yield to the Senator. I was just going to say that I did not want to become involved, as I was before, in a very long colloquy.

Mr. WORKS. I will not interrupt the Senator.

Mr. POINDEXTER. I will be very glad to yield to the Senator.

Now, as to the authority and the extent of the authority which is conferred upon the President of the United States, there is no substantial danger, in my opinion, of too vigorous or decisive action by the President. The danger is, if I may be allowed to say so, that he will not be vigorous and decisive enough. In such situation as has existed with Mexico and with certain countries of Europe during the past several years, many occasions have arisen in which an ounce of action would have been worth a ton of talk. In national affairs, as well as in individual affairs, there are tides—

> Which taken at the flood lead on to fortune;
> Omitted, all the voyage of their life
> Is bound in shallows and in miseries.

Firmly grasping a situation is often the only means of saving it. The most dangerous course is often the indecisive and halting one. One clear act showing the true spirit of the American people to protect the life and the rights of every citizen and to perform our duty in Mexico four years ago would have saved much misery. One deed by the Government that rang around the world, when the women and the babies of the *Lusitania* were hurled into the sea without notice, would have made war or the present situation impossible. It would have saved billions in taxes that we are now imposing upon the people, and the piteous death of hundreds of killed abandoned by their country.

We do not deny to Germany the right to blockade England if she is able to do so, nor that any ship defying the terms of the blockade must do so at the risk of capture. What the President, the representative for the time being of the American people, has forbidden is the sinking of merchant ships without notice and the murder in this way of noncombatants. This is the position, and the proper position, the President has taken not only against Germany but against England and France as well.

This declaration should be enforced against them all alike, and I have no doubt it will be enforced against them all alike. Whether or not it is enforced against any of them may be a doubtful question; but I have no idea that there will be any distinction between these belligerents in that regard. So far, however, there is no offender against it but Germany, and there probably will not be.

Our rights upon the sea—and I say this because of the disposition on the part of a great many of our citizens to attach no importance to our rights upon the sea, and a more or less widespread propaganda that we should abandon our privileges upon the high seas—are as important as our rights upon the land. Our property and our lives upon the ocean are as essential as upon the land. If we are cut off at the sea we will die on the land. Great as we are, we must have trade and intercourse with the world. The bread that we put into our mouths comes in part from our business upon the ocean. Our rights upon the main roadways of the world are as distinct and well defined in law as those upon the shore, and as necessary to be defended. We have grown into a great and mighty people because we lie across the highway of the nations. Close that highway, and we cut off the sustenance that makes us great.

Fortunately for us, there could be no extensive actual conflict of arms growing out of the present situation. There may be a nominal war, but there can not be very much of an actual war. We desire no war with Germany, and will act, I assume in voting for conferring these powers upon the President, in so far only as her attack upon us makes it necessary. Between Germany and the United States, perhaps fortunately for us in our present condition, are the fleets and the armies of the other belligerents. No particular glory can come to us from a conflict with Germany, bled white as she is and staggering as she is, but much dishonor can come to us from abandoning our people.

Only a finger's breadth on the map of the world lies between the mighty legions of Germany and the capital of France, and yet in two years and seven months of concentrated effort she has not been able to advance across it. With scientific precision and superb organization she has hurled against it the material and human resources of 160,000,000 people and a million and a half square miles of the best part of Europe and a portion of Asia, and yet she could not cross that strip of ground that might be covered in a two hours' ride. Her hopes were blasted in the shambles of the Yser, and the Brandenburg Guard was broken on the heights of Verdun.

Now she is wearied, and her children are crying for bread. It requires nothing particularly heroic on the part of this great Nation to make a stand now against Germany.

The physical conditions prevent any extensive conflict of arms. The power which could not reach Paris in its prime in the days of its decline can not menace the United States. Yet if the throes of its death struggle involve in its fearful vortex the rights, property, and lives of our people, there must come a time for action.

There can be no pursuit of freedom in the paths of peace without protection. In the lean poverty and distress of Europe, when the fat has been fried out in the fires of war, America will be the hope of the world. That hope will be vain if this Government fails to provide for its citizens security in the ordinary and reasonable rights of mankind. All that has been gained by the sacrifices and triumphs of our statesmen and patriots will be lost if the Government they maintained shall fail to provide security to its citizens in the peaceful ways of business against foreign violence. Our merchants are as much entitled to protection for their ships and cargoes as the farmer for his land. Our sailors unlawfully imprisoned abroad, our women and children sunk in the slimy pits of the deep in violation of international law, involve the national honor and integrity as deeply as though they had been enslaved or murdered after an invasion of our soil. If it does not stand for the security of person and property under just laws, the power of the Nation back of the lives and liberty of its citizens, the flag loses its value and significance.

There are many who oppose the defense of our citizens who would yet cry aloud for protection if their own houses, their own lands, their own families, were taken and outraged or destroyed. There are some, apparently, who would only resent an attack upon real estate, but there are personal rights more precious than the ownership of land. There is property as valuable as the occupation of the soil. The inlets and outlets of our national life are by way of the sea. This war has demonstrated again that control of the sea decides the fate of nations. It is there that ours will be determined, and it is essential to our national existence.

Mr. THOMAS. Mr. President, in the short time that I shall detain the Senate I request that I shall not be interrupted, be-

cause I do not wish to be in any way concerned with an undue extension of the debate upon this bill.

I would not speak at all did I not deem it necessary to give the reasons which have prompted me to accept this measure and to support it as it comes from the committee. I have been concerned chiefly, Mr. President, with the question whether, by the adoption of this measure, we were delegating a power expressly committed to us by the Constitution, and which we alone can exercise.

The power to declare war is, by the organic act of the Republic, vested exclusively in Congress, and it is axiomatic that no such power can be delegated. If it could, our investment of it would be meaningless, and the reasons which actuated the framers of the Constitution in vesting us with that authority would be defeated could we delegate it to either of our coordinate branches of authority. They had, Mr. President, the best of reasons for depositing that great authority with their Representatives and Senators. These reasons are too obvious to need repetition here. The manner of its exercise—or, to be more specific, the reasons which would justify its exercise by Congress—have been well stated by the Supreme Court in the case of Fleming against Page, in Ninth Howard, page 603. It is there said:

> But the genius and character of our institutions are peaceful, and the power to declare war was not conferred upon Congress for the purposes of aggression or aggrandizement but to enable the General Government to vindicate by arms, if it should become necessary, its own rights and the rights of its citizens.

The message of the President, and the reasons which prompted him to come before us with that message, are entirely within the purview of this solemn judicial declaration. Consequently, if in fact we are shifting upon the shoulders of the President the power to declare war, we would, so far as the purposes are concerned, be in complete harmony with judicial construction; but that would not justify us in devolving upon somebody else a duty which is ours, and ours only, to discharge.

The question with me, therefore, is whether, in authorizing the President of the United States to do the things which are here outlined, we are delegating a power which we are supposed, under our oaths of office, to exercise if it is to be exercised at all.

The bill was carefully prepared, and follows very closely the language of the President in his address; and that address was prepared with unusual care, every word of it being judiciously selected, in order to convey to us exactly what the President desired us to do—no more, and no less. What he requested was read by the Senator from Nebraska [Mr. HITCHCOCK] on yesterday, but it will perhaps be well for me to repeat it.

He requests us to authorize him—

> to supply our merchant ships with defensive arms, should that become necessary, and with the means of using them, and to employ any other instrumentalities or methods that may be necessary and adequate to protect our ships and our people in their legitimate and peaceful pursuits on the seas.

Turning now to the bill, it is proposed to authorize the President—

> To supply such vessels with defensive arms, fore and aft, and also with the necessary ammunition and means of making use of them; and that he be, and is hereby, authorized and empowered to employ such other instrumentalities and methods as may, in his judgment and discretion, seem necessary and adequate to protect such vessels and the citizens of the United States in their lawful and peaceful pursuits on the high seas.

Mr. President, within the life of this administration it became our duty to enact a resolution strengthening the arm of the President in his vindication of the flag in the waters and upon the shores of Mexico. I do not recall the exact phraseology of that resolution, but it was then my opinion, and I so expressed it, that that action virtually was a declaration of war. I have never changed that opinion, Mr. President. I believe that it did not result in war simply because we were engaged with a weak nation, and that had Mexico been one-tenth as powerful as Germany there would have been a state of war whether we had so declared it or not. That opinion was not shared at the time by many lawyers in this body, some of whom are here still, and for whose opinions I have the most profound respect.

When I first saw this bill and read it my mind naturally reverted to the incident to which I have referred. I then studied as carefully as possible this phraseology, and the more I did so the more it impressed me at the time with the view that, in an indirect way at least, we were declaring war, or, if not, that we were really delegating such power to the President. But another reading of his message disclosed a fact which I had temporarily overlooked. It is this:

> I feel that I ought, in view of that fact, to obtain from you full and immediate assurance of the authority which I may need at any moment to exercise. No doubt I already possess that authority without special warrant of law, by the plain implication of my constitutional duties and powers; but I prefer, in the present circumstances, not to act upon general implication.

That, of course, means that the duly constituted legal advisors of the President had informed him that in their opinion he possessed, virtute officii, those authorities which he desired us to expressly confer upon him, and that his purpose was more to secure community of action, mutual proceedings along the same channel of operation, than to ask us to confer an authority resting only in us. That seemed to me at the time to be a solution of the ambiguity under which I was laboring. Then to-day the Senator from Massachusetts in discussing this measure declared that he wanted to give the President every power and authority which he did not now possess, which indicated that the Senator was not in full agreement with the President's own view of his inherent authority in the premises. The opinion of the Senator from Massachusetts upon a subject of this kind is entitled to the highest consideration, but I am inclined to the view still that the Executive of this country would not have made such a declaration as that to which I am now calling attention either impulsively or without a full and due consideration and counsel.

After listening to the Senator from Montana [Mr. WALSH], who always exhaustively investigates his subjects and who presents them in the most illuminating manner to his associates here, I have reached the conclusion, Mr. President, that this is not a delegation of authority, and that as a consequence we are not proceeding in any other than the proper method of exercising our powers.

I shall, Mr. President, for that reason support this measure and the reason is confirmed, indeed it is very largely strengthened, by a historical precedent occurring during the administration of John Adams. At that time French privateers roamed the seas without regard to the rights of neutrals and seized and captured vessels, reckless of property and life alike, so that it became necessary for the Government to take action just as it is now necessary, and for kindred reasons. The President came to the Congress, which enacted three measures, two of them bearing date the 28th day of May, 1798, the last approved on the 16th of July of the same year. The submarine, of course, then had no existence and all violations of the rights of neutrals upon the seas were inflicted by vessels from the surface, and by sailing vessels at that time exclusively, as the Senator from New York [Mr. O'GORMAN] suggests. I will read these bills, as they are very short:

> *Be it enacted, etc.*, That the President of the United States be, and he hereby is, authorized, in the event of a declaration of war against the United States, or of actual invasion of their territory, by a foreign power, or of imminent danger of such invasion discovered in his opinion to exist, before the next session of Congress, to cause to be enlisted, and to call into active service, a number of troops, not exceeding 10,000 noncommissioned officers, musicians, and privates, to be enlisted for a term not exceeding three years * * *. (Approved May 28, 1798.)

This is not the complete text, but sufficient for my purpose.

Here, Mr. President, is language quite as much the basis of the view that there might be a delegation of the power to declare war by the Congress to the President as is presented in the text of the measure now under consideration. The second statute provides among other things:

> That it shall be lawful for the President of the United States, and he is hereby authorized, to instruct and direct commanders of the armed vessels belonging to the United States to seize, take, and bring into any port of the United States, to be proceeded against according to the laws of nations, any such armed vessels (French) which shall have committed or which shall be found hovering on the coasts of the United States, for the purpose of committing depredations on the vessels belonging to citizens thereof * * *. (Approved May 28, 1798.)

This authority to seize the armed vessels of a power with which the United States was then at peace is no more an act of war, can be no more an act of war, than authority to arm and defend our own vessels against unlawful attack or the authorization to the President to employ such instrumentalities and methods as in his judgment may be necessary to meet the emergency.

From the third of the laws of that year upon the subject I will now quote:

> That the President of the United States shall be, and hereby is, authorized to borrow, on behalf of the United States, from the Bank of the United States, which is hereby authorized to lend the same, or from any other body or bodies politic or corporate, or from any person or persons, and upon such terms and conditions as he shall judge most advantageous for the United States, a sum not exceeding $5,000,000 in addition to the moneys to be received into the Treasury of the United States from taxes, for making up any deficiency in any appropriation heretofore made by law, or to be made during the present session of Congress; and defraying the expenses which may be incurred, by calling into actual service any part of the militia of the United States, or by raising, equipping, and calling into actual service

any regular troops or volunteers pursuant to authorities vested or to be vested in the President of the United States by law. * * *
Approved July 16, 1798.

Our proposed measure is one which comprises in substance all of those parts of the three statutes to which I have called attention. The authority there given to the President was ample to justify him in taking such steps and in doing such things as would inevitably lead to war. Fortunately war did not actually occur between the nations, although frequent collisions occurred between their respective vessels upon the high seas. We may be here equally fortunate—I trust we may—but the point at issue is whether this act of ours about to be taken is or is not a declaration of war. There can be such a thing as a state of war, as the Senator from Montana [Mr. WALSH] very clearly demonstrated this evening, without any declaration whatever.

I was much interested in reading the decision of the Supreme Court of the United States this afternoon in the case of the Pedro, in One hundred and seventy-fifth United States, on page 354, which was the outgrowth of our recent War with Spain. After the sinking of the *Maine*, Congress passed a resolution declaring that Cuba of right ought to be independent, and instructing the President of the United States to carry out that declaration. It was communicated to our minister at Madrid, but before he could present it, he was informed that the Spanish ambassador to America had been ordered to demand his passports, and our minister was instructed to take such action in consequence thereof as seemed desirable. On the 23d of April, three days afterwards, Congress enacted a declaration of war somewhat peculiar in its terms, but that, of course, was caused by its previous action of three days before. The law recited first:

That war be, and the same is hereby, declared to exist, and that war has existed since the 21st day of April, A. D. 1898, including said day, between the United States of America and the Kingdom of Spain.

The court here held that the action of the Spanish Government consequent upon our initial action involved the two countries in a state of war three days before its actual declaration by the Congress of the United States. So it is true, supported by abundant authority, that a state of war may be the outgrowth of precautionary defensive measures and resolution, and thus precede its declaration, and that acts of Congress providing for such things may or may not be a declaration of war in themselves.

Now, Mr. President, what will be the course of action of the President here? It has been outlined so fully by those who have spoken upon the subject that it is unnecessary for me to recapitulate. I feared also that if this were indirectly a declaration of war, if it could be construed as a delegation of power, while there was no possibility of its abuse in the hands of President Wilson, it might as a precedent come back to plague the Nation in some crisis to arise in the future and that we should therefore hesitate about establishing such a precedent in view of its possible consequences. I do not think, however, Mr. President, for the reasons which I have attempted to assign and for those which have been assigned so much better by the Senator from Montana that there could be anything more than a doubt about the nature of this proposed measure, a doubt which should, in the pending instance, in my judgment be solved in the direction of the Government asking authority. I am therefore prepared, notwithstanding the existence of a possible question on the subject, to solve that doubt accordingly.

Mr. President, something has been said here, and I think it was admitted by the Senator from Washington [Mr. POINDEXTER], that under this authority to be bestowed upon the President he might, in the exercise of his discretion, furnish convoys to the ships of belligerents carrying American passengers. The fact that such seems to be the opinion of very able Senators upon this floor, including my friend the distinguished Senator from Georgia [Mr. SMITH], justifies its brief consideration. I do not think it extends so far, and I confess that if I were of the opposite view I would hesitate long before voting for the measure. I do not think that it confers that authority and power unless it exists already. In other words, unless the President of the United States has the authority eo ipso to furnish convoys now to the vessels of a belligerent carrying passengers he would not have it under this measure if we enact it into law, provided the President is right when he assures us that he already possesses all the authority which he asks us to express in this measure, and which, in my judgment, he must possess unless his legal advisers shall have reached an erroneous conclusion.

If there is such an authority to be derived from this measure, it must be found in its general authority giving him the power to take such measures and use such instrumentalities as are "necessary and adequate to protect such vessels"—that is, vessels of the United States—"and the citizens in their lawful and peaceful pursuits on the high seas."

Mr. WALSH. Mr. President——

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

Mr. THOMAS. I requested, when I began, not to be interrupted. While I would willingly yield to the Senator, I can only do so by being compelled then to yield to others, and I do not care to do that. I shall occupy a very brief period of time, however, before concluding.

An American seaman lawfully engaged upon a merchant vessel of a belligerent, in my judgment is entitled to the same protection as is an American passenger upon the same vessel. The one has a right to sail, the other has a right to be employed. If we concede that under this bill the President would have power to give a convoy to a belligerent merchantman because it carried American passengers, that would also include the power, and perhaps the duty, of giving the same convoy to the same sort of vessel which happened to be employing American seamen. I do not believe that will be contended for. There may be instances, possibly, exigencies might arise which would demand the exercise of such an authority, but if so it would come not any more from this bill than from the general power of the Commander in Chief. I do not think that it does it, and I do not care to elaborate that any further.

Mr. President, so far as the causes underlying the events which have reached the present crisis are concerned, let me say before taking my seat that I think they abundantly justify the attitude of the President, a man of peace, a man who has kept this country out of serious conflict, sometimes by the exercise of a judgment and patience, subjecting himself to bitter censure and equally bitter criticism. He, however, has pursued his course step by step, constantly and consistently safeguarding every point and every proposition announcing his attitude to the belligerents and making his demand with regard to American rights upon the sea, which is a common highway, after a patient and exhaustive consideration of every phase of that subject.

Matters came to a crisis when the Imperial German Government established an arbitrary zone around the British Islands and along the shores away into the ocean of the other belligerents and announced to the world that every ship after the 1st of February presuming to enter into that zone would be sunk on sight, but conceding to the United States the right and the privilege—the gracious right and privilege—of sailing one vessel per week to one of the harbors of one of the belligerents upon condition that it should always be painted like a huge, floating barber pole and according to regulations prescribed by that Government.

Mr. President, if the German Government can prescribe a zone bounded by the distances and degrees which appear in her now famous order she can also create a zone the western boundary of which will be the eastern 3-mile limit of the United States, and can prohibit all vessels from the Atlantic Ocean. If she can do that, then there is no limit to the boundaries that she may prescribe in all the seas and oceans of the universe. If she has the right to do it, and that right is recognized, other maritime nations equally entitled to possession of the seas may proceed accordingly, and international trade and the rights of citizens of all the countries to free access to a passage across the seas will be subject to the domination of the strongest maritime power.

Mr. President, no nation conscious of its dignity, of its authority, and its rights could, by any possibility, submit to such a limitation of its authority, particularly when accompanied by notice that death—instant and terrible death—would be the punishment meted out because of its violation.

I was therefore not surprised, but I expected the President to appear, as he did appear, to announce the breach of diplomatic relations and ask for this expression. That, Mr. President, we must give or else recede from the position outlined last April, surrender our common right to the use of the seas, and confess ourselves unable or unwilling to enforce them.

Such, Mr. President, being the position which now confronts us, I do not think that we should hesitate.

I want no war between the United States and any other country. As a youth, Mr. President, I passed through the vicissitudes and the ordeals of one war, and I have a lively recollection to this day of its awful horrors, of its blood and its tears, of the desolation which followed in the wake of deadly conflict, and of the terrible struggle for rehabilitation which those who were so unfortunate as to go down in the ordeal were compelled to undergo before resuming the proud

position which they now occupy as a part of our common country. I had fondly hoped that I should never live to see another war, but if, in the providence of God, it is to come, then, like other Americans, I am willing to take my share of the responsibility, believing that in the discharge of my duty as such I shall receive the support and the approval of the constituency which I in part represent upon this floor. I shall, therefore, Mr. President, support this bill.

Mr. KIRBY. Mr. President, I have a few words to say about this condition in addition to what I heretofore said. I believe the time has come when we should tear aside cant and hypocrisy and sham. I believe we should view this condition as it really is, and I am going to talk about it along that line to-night.

I agree with the distinguished Senators who have preceded me and with the brief that has been presented by the Senator from Montana [Mr. WALSH]. I do not question the President's power under existing law to exercise all the authority that he is asking here to be granted. I do not think there is room for questioning this power. Then why is the bill here? As the President said in his message, he came to Congress for this reason, and this reason alone: This is a grave question; the time is momentous, and he does not desire to assume alone the burden of plunging this country into war with Germany. Therefore he has brought the condition to Congress—to the Senate and to the House of Representatives—and said, "I desire that you approve my action; that you approve the course of conduct I outline and propose to follow before I shall be irrevocably committed to it." The President asks for no power, in fact, but an approval of the policy outlined; and along that line I am going to discuss this matter.

What is the condition? Let us be fair about it, and then, if we want war, let us go to war. That is the thing I want to talk to you about—the condition as it is, and not like we think it or make it or assume it to be. Let us see. We have had trouble with Germany. We said to Germany back yonder, "If you shall continue this submarine warfare we shall regard it as an unfriendly act. We want to know now what you are going to do about it." What was Germany's reply? Germany said, "We will discontinue this policy and practice now, but we expressly reserve the right to resume it when necessity requires that it shall be done." That was Germany's reply to our note.

Then, our next note said: "If you shall resume this warfare, we are going to regard it as an unfriendly act and break off diplomatic relations with you." There was not an agreement. There was Germany's express reservation of the right to resume this warfare. Then there was our ultimatum. There was no agreement between this country and Germany. Now we say here, "in contravention of your solemn promise not to, you have done this thing"—resumed this warfare. There is no court on the face of God's earth that would say that that constitutes an agreement between two men or between two powers. That is the condition now. We have followed our ultimatum; we have broken off diplomatic relations with Germany; and we have said further, "If you shall sink some of our merchantmen yonder in the prohibited zone, we will regard it as an overt act of war, and will protect our rights by force upon the sea and upon the land."

Now, let us look a little further. That is the condition that has been confronting us. We have our commercial interests that are crying for war. Why? In order that their profit taking may continue safe. Let us look at it as it is. Senators, we have said to England, "You have blockaded the ports of Germany and your blockade is effectual; therefore we will respect it, and not attempt to furnish supplies and munitions of war." Germany has said to us that conditions require that she blockade the ports of England; that she has no navy with which to blockade them above the sea, but that under the sea she is supreme and will blockade those ports, and all who attempt to enter them with supplies and munitions, contraband of war, shall be destroyed. That is the condition, Senators. Our commercial interests have said, "We are going to continue to safely take our profits if the whole power of the United States must be brought to our aid to do it."

What do we find yonder in New York? I picked up a paper two or three days ago, and it said what? It said, "Wall Street is impatient of the delay; Wall Street prefers war to the suspense which injures business." And, gentlemen, the public mind has been inflamed by a hireling sensational press—that ought to be in hell—to a point where we are not able to deliberate about matters as we should. We can hardly deliberate here as Senators in the United States Senate upon this important question, because of the inflamed condition of the public mind. These are the conditions as they actually exist, as I understand them. The reason for engaging in war, if this country shall go to war, is that our commercial interests shall be protected in what? In selling supplies and munitions to the belligerents. That is the condition with which we are confronted right here to-night.

We talk about international law. It has been regarded as settled international law from the days of Bynkershoek and Vattel down to the present time, that a blockade must be respected when it is effective; but when we come to examine what international law is we find it is but the declaration of a nation of what the law is if it has the power to support the declaration. That is all international law is in the final analysis, and that is all it ever has been.

Now, what is our position? Our position is that this is international law: We have these rights—the unrestricted right to carry our commerce through the German blockade under the sea and to furnish supplies and munitions to her enemy—England. That is our construction of international law, and that will be international law if we have the power to uphold and enforce it. I do not question our power when it comes to that, but, Senators, has the time come when we ought to do that? The same Wall Street that revels yonder in the coining of money and that would revel in the coining of the blood and patriotism of the Nation into dividends is impatient of delay. They want war and prefer it to suspense.

Reference has been made to the blockade. Senators have talked about the reasons for war; they have talked about upholding the hands of the President. I do not question the President's power, and I do not distrust his discretion, but I do not believe that the time has come when the United States ought to go to war about this particular matter. Has anything happened since we broke off diplomatic relations with Germany to change the conditions? No; nothing has happened; no overt act has been committed.

Some Senators say the *Laconia* has been sunk, but the *Laconia* was not an American vessel; the *Laconia* was in the prohibited zone, and all those Americans and others who unfortunately lost their lives on that vessel had been notified that there was danger and that no one was there to protect them. They went into that situation. It is unfortunate that they were destroyed, but were they within their rights in going there?

Mr. President, I am going to take just a few moments more. I desire to refer to the provisions of the bill. Mine is not so pacific a soul as some Senators may think. I do not believe any man here goes beyond me in love of this country of ours, nor concede that any Senator here is more patriotic than am I; but the conditions, I believe, are as I have stated them to-night; and do they warrant war? Now, let us see. We are giving the President the power that he asked for, and down here at the bottom of the first page of this bill is this provision:

> And the President of the United States is hereby authorized and empowered to supply such vessels with defensive arms, fore and aft, and also with the necessary ammunition and means of making use of them; and that he be, and is hereby, authorized and empowered to employ such other instrumentalities and methods as may, in his judgment and discretion, seem necessary and adequate to protect such vessels and the citizens of the United States in their lawful and peaceful pursuits on the high seas.

If you insert the word "thereon" after the words "citizens of the United States," you will limit him to the protection of people on our own vessels and under our own flag. But when Congress provides that the President shall have authority to arm merchant vessels fore and aft, when Congress says that the President shall have authority to put guns and ammunition and means of making use of them on the ships, we have put an American vessel under the Stars and Stripes, the emblem of the honor and power and glory of the greatest Nation on earth; you have put on the deck of that vessel American guns and American marines, gunners; and let me tell you, Senators, when the guns roar it will be America speaking, and the voice will be war and not peace. That is what this measure means; and I think that is the reason it is brought to us here, because it can not result in anything but war if the provisions of the bill are followed out.

Therefore, I am not going to vote for the bill, not because I do not believe in the rights of the United States of America, not because I do not believe in protecting our rights upon land and sea, but because I do not believe that the condition has arisen that demands that we shall go to war to protect such rights as I have referred to. That is the reason I am going to cast my vote against the bill.

Senators, I have not spoken in favor of England; I have not spoken in favor of Germany; but there are sleeping to-night a million young men in the United States of America, and we have the power to put 5,000,000 or 10,000,000 of the men of this country into military camps inside of the next 30 or 60 or 90

days. If we go to war with Germany, we must carry that war to her shores. Land an army there. It seems to me that the time has not come when such action as is here proposed is required on the grounds alleged, not because I fear the result, because, Senators, I believe that the power of America is not surpassed by the power of any other nation, nor of all the nations on the earth if we shall stay on our own soil. I do not fear the result, for sooner or later, we must win, but I am speaking for America to-night. The vast majority of our people do not want war. I am speaking for our young men who must go to war if these conditions shall come to pass, and I say we ought not to go to war at this time.

Mr. McCUMBER. Mr. President, for six hours and five minutes we have been discussing in the Senate what are the lawful, peaceful rights of an American citizen upon the high seas. We have had about as many opinions upon that subject as there have been speakers, and practically as diverse opinions, and as many as there are Members of this body. Now, while we are unable to agree among ourselves on what are the lawful commercial rights of this country, what are the rights of neutral shipping in this war zone, and what is the limitation of the right of interference on the part of any belligerent, nevertheless we, in whom is vested the only authority to make war, are ready to-day to place in the hands of a single individual the right to determine that question for us.

Mr. President, I am satisfied that the authority will be given in some form, but as it is bound to be given, as we are bound to surrender that authority vested in us by the Constitution, not to declare war but to make war, and to place that in the power of a single individual, it is my hope that we may at least indicate to that person what we believe to be a righteous cause for war; that we should say and pass judgment upon what are the lawful rights of a neutral vessel in this war zone, and what is the limitation of the interference we will brook of belligerents in conducting our commercial relations.

Mr. President, while we may not agree entirely as to what will be our rights under each and every condition, I am certain that we can formulate a few declarations of international rights on which we are willing to go to war, if necessary, and upon which we will receive the united backing of every citizen in the United States. I should like to make our proposition so clear not only that our own citizens may feel and be impressed with the justice of our cause, but that it will be so certain and so just and so fair that every belligerent nation will be compelled to recognize it or admit that such nation is clearly at fault.

Mr. President, I offered in the committee an amendment which changed this bill to a joint resolution. That resolution declared unquestionable American rights. I will ask that the Secretary read the proposed declaration of these rights, and then I will comment upon them.

The PRESIDING OFFICER (Mr. SHEPPARD in the chair). Without objection, it is so ordered.

The Secretary read as follows:

Resolved, etc., That the following are the recognized rights of neutral merchant vessels engaged in commerce, under international law, and the limits of belligerent interference:

Neutral merchant vessels may be armed for defensive purposes only.

A belligerent country has the acknowledged right to declare and maintain a blockaded zone around her enemy. In the enforcement of that blockade she has the right of search to determine whether any neutral vessel passing through the blockaded zone is engaged in carrying contraband goods to her enemy.

If contraband is found on a neutral merchant vessel and it is impossible or impracticable to take it into port and subject it to the investigation of a prize court she may seize and destroy such cargo.

In maintaining her right of search and seizure of a neutral merchant vessel, the question of the contraband character of the cargo of such vessel must be determined before such vessel or cargo is sunk or destroyed.

In ascertaining such fact the merchant vessel of a neutral must first be summoned to surrender and can only be fired upon in case of an attempt to escape after such summons.

Except in preventing an attempted escape of such vessel, it can not be fired upon or sunk unless and until all passengers and crew shall have been removed therefrom and assured safe conduct into some port where they may find shelter and food.

While any belligerent has the right of search for the purposes aforesaid, no belligerent has the right to prevent a neutral vessel from entering the port of another belligerent to discharge passengers, mail, or noncontraband products.

No belligerent has the right to prohibit any neutral vessel from traveling upon any part of the high seas in carrying on commerce with another neutral in goods not intended for belligerent destination, and no right to exercise any interference, except such as may be reasonably necessary to determine the character of the cargo and its destination.

Any act committed by any belligerent against American merchant vessels and American citizens in defiance of these well-recognized rights must be regarded as an act of hostility against this country: Therefore be it further

Resolved, That the commanders and crews of all merchant vessels of the United States and bearing the registry of the United States are hereby authorized to arm and defend such vessels against unlawful attacks, and the President of the United States is hereby authorized and empowered to supply such vesels with defensive arms, fore and aft, and also with the necessary ammunition and means of making use of them; and that he be, and is hereby, authorized and empowered to employ such other instrumentalities and methods as may, in his judgment and discretion, seem necessary and adequate to protect such vessels and the citizens of the United States in their lawful and peaceful pursuits on the high seas, in accordance with the declaration of international rights herein contained.

Mr. McCUMBER. Mr. President, I would prefer this as an amendment to the original bill on all of page 1, and lines 1, 2, and 3 on page 2.

I have here declared clearly international rights. I have, after making that declaration, provided in the resolution that the commanders and crews of all merchant vessels of the United States bearing the registry of the United States are authorized to protect and defend themselves against unlawful attacks. I have followed the wording of the Senate bill down to the end of that portion of the power; and then I provide, "in accordance with the declaration of international rights herein contained," so that the power which will be exercised by the President under the provisions of the bill as it would be amended would be only such rights as are clearly indicated in the resolution itself.

Mr. President, the first sentence in the bill reported from the Committee on Foreign Relations authorizes commanders and crews of merchant vessels of the United States to arm and defend themselves against unlawful attacks, and empowers the President to supply such vessels with defensive arms. As that is an international right recognized by all nations of the world—the right to defend against unlawful attack—I would have no hesitancy in voting for that part of the bill. In fact, Mr. President, I desire to vote for that provision.

The bill then proceeds—

and the President of the United States * * * is hereby authorized and empowered to employ such other instrumentalities and methods as may in his judgment and discretion seem necessary and adequate to protect such vessels and the citizens of the United States in their lawful and peaceful pursuits on the high seas.

This, Mr. President, everyone will admit under present conditions is a clear surrender of the power to make war, vested by the Constitution in the Congress, and a delegation of that authority to the President of the United States. We must construe this power given to the President in the light of present conditions. We can not eliminate from our minds the declaration on the part of the Imperial Government of Germany that she will conduct unrestricted submarine warfare within certain limits and a certain zone. We can not eliminate from our minds the reply of the United States to that declaration, and the severance of diplomatic relations with the German Government as a result of that declaration. The power granted, therefore, under those peculiar conditions, is the power to make war, if the President sees fit, or a power to surrender our rights, if he so chooses.

As Commander in Chief of the Army and Navy of the United States, the President must execute the will of this country. But, Mr. President, the power that wills is the people, speaking through their Congress; and before the President takes any active step, the consequence of which will necessarily be war, he ought to be informed as to the will and purpose of this Government.

The duty of protecting our citizens "in their lawful and peaceful pursuits upon the high seas" is imposed upon the Executive commanding the Army and Navy; but the determination of what are "lawful and peaceful pursuits" is imposed upon the Congress. It is, therefore, the duty of Congress to declare what are the lawful and peaceful pursuits which we command the President to defend. There should be no misunderstanding, no cross-purposes between the executive and the legislative branches of the Government in this great crisis.

Mr. President, there are two very important objects which I wish to accomplish in proposing this amendment. First, I want to keep this country out of this war, if possible and honorable; second, I want to preserve all the just and unquestioned commercial rights of this country. I am satisfied that both of these objects can be accomplished by following a proper course. I can not believe that if we insist only upon those rights which every nation is bound to recognize, and to recognize as being eminently just, any belligerent will purposely deny us those rights.

Mr. President, in the bill presented by the majority of the Committee on Foreign Relations, the President of the United States is empowered not only to supply arms for our merchant ships—which is a legal right under international law—but is also "empowered to employ any instrumentality which in his judgment may seem necessary or adequate to protect such vessels and the citizens of the United States in their lawful and peaceful pursuits on the high seas." This is a most

wonderful and far-reaching power with which we clothe the President.

Mr. President, the Constitution of the United States reposes in Congress alone the power to declare war. The real purpose of the constitutional provision is to make clear that the question of peace or war is a legislative and not an executive function. By this bill we in effect surrender our authority and delegate it to the President—to one man. The provisions of this bill, while they do not authorize the President to declare war, do authorize him to make war; and not only that, but they authorize him to determine what shall and what shall not be a cause for war. One man and one only in the United States, under the provisions of this bill, is to pass judgment upon what are the "lawful and peaceful pursuits of our citizens on the high seas"; is to pass judgment on a question which we have debated for more than six hours without coming to any agreement upon it.

I do not want to give to any one man the sole power to construe the meaning of that phrase. I want Congress to retain the power, first, to determine what are our "lawful and peaceful pursuits on the high seas"; and, second, under what circumstances the interference with such "peaceful pursuits" shall be a cause for war. That is a legislative duty. Under this bill we are about to transfer that duty.

If, however, Mr. President, Congress is disposed to surrender to the Executive that legislative function imposed by the Constitution upon Congress alone, then I want Congress to define beyond any reasonable question of doubt just what it regards as the rights of American citizens in "their lawful and peaceful pursuits," and then direct the President to uphold those particular rights, to the end not only that the American citizen shall be fully apprised of just what his rights are and any limitation in the exercise of those rights, but that all belligerent nations may also be apprised of what acts on their part will invite a war with the United States.

If I surrender my legislative discretion over the subject of war or peace, I want to know how that discretion will be exercised by the grantee of that power. We do not even allow a board of five men to pass judgment upon what shall be the charges for railroad freight and passenger service. We declare first a rule under which they must exercise their judgment; and yet in so important a matter as sending 100,000,000 people into this war we turn it over to one single individual and say, "Do as you like; declare what you believe to be a cause for war, and go at it without any further instruction on the part of Congress. We will give you the first start in a vote of $100,000,000."

Mr. President, I want our position not only to be defined with great accuracy, but I want it to be so just and so fair that there will be back of it a united American sentiment. Not only this, I want it to be so fair and just that any nation violating our rights must be compelled to recognize the wrongfulness of her own acts.

Mr. President, I do not want to empower the President of the United States to commit an act of war for any cause for which I would not vote a declaration of war. On the other hand, I do not want him to refrain from taking any step necessary for the protection of every unquestioned and just American right which I, acting under constitutional legislative authority, would insist upon his taking, even to the extent of war.

I would not vote to go to war for the breach of any inconsequential right, but only in defense of or to support the vital interests and honor of the country. It is evident that there are certain infringements of our international rights which we not only have heretofore condoned, but which we will continue in all probability to forego during this conflict. The President has asserted as international law the right of American citizens to travel upon and ship their goods in belligerent merchant vessels without any greater risk than that of having the ship seized and condemned as a prize and its crew detained. But we will not go to war in the assertion of that right in its entirety, and I do not think we ought to go to war for its enforcement to the limit. Judging from the past, it is also evident that we shall not go to war unless American ships not carrying contraband of war to an enemy are sunk or the lives of American citizens thereon destroyed.

We have not done it, although the act has been committed over and over again, and although the President has declared as often as he could get at his typewriter that he would hold that country to a strict accountability for the infringement of those rights. Inasmuch as we have stated to the world that we will not go to war for the infringement of those rights to that extent, inasmuch as the President seems to be backed by the people of the United States in that attitude, and inasmuch as they voted him into power again for four more years for keeping us out of war, notwithstanding the fact of those acts, I am inclined to think that we will not now go to war for the protection of the rights of the American citizen to ship his goods or himself upon a belligerent vessel carrying munitions of war to one of the belligerents.

Mr. President, I have therefore presented in the substitute for the general powers contained in the committee bill a short and concise declaration concerning the unquestioned rights of our merchant vessels, rights for which we ought to battle, rights for the defense of which I would vote a declaration of war. I have purposely excluded all foreign merchant vessels because I am satisfied that we ought not to enter into this contest, even though one of the belligerents commits unjustifiable acts against the vessels of another belligerent.

My first declaration is that neutral merchant vessels may be armed for defensive purposes only. That is an ancient and well-established rule. A merchant vessel can defend itself, if attacked, to the best of its ability, no matter what it is carrying. It has the right under international law to save itself from destruction or capture. It, however, must not go out of its way to hunt for an enemy submarine or vessel. Whatever the character of its defensive equipment, it must be used for the sole purpose of escape. No nation can complain of the exercise of that right of escape. If it goes beyond that it loses its rights and immunities as a merchant vessel.

My second proposition is that a belligerent country has the right to declare and maintain a blockaded zone around her enemy; that in the enforcement of that blockade she has the right of search and seizure. For what purpose? To determine whether any neutral vessel passing through the blockaded zone is engaged in carrying contraband goods to her enemy. Now, we can not deny that right to the belligerents in this war—to either of them. We can not say to the German submarine, "You shall not summon our vessel to surrender." And, of course, if she has the right to summon her to surrender and she refuses to submit to the search, the right to fire upon her must necessarily follow, and that right exercised by a belligerent would not be an act of war against this country any more than an exercise of the right to fire upon a pursuing submarine would be an act of war on the part of this country. They are concurrent and mutual rights. We do not challenge that right if properly exercised.

Suppose, then, that the summons is given and contraband goods are found. Under the old international law, as it existed prior to the use of submarines, it was necessary to take the ship into port and submit it to a prize inquiry, if it were practicable to take it into port. The submarine ordinarily can not perform this act; therefore we must concede to it the right to destroy the contraband cargo. I think these new instrumentalities of war do work a modification of some of the older requirements of international law, but not those demanded by the humane sentiments of twentieth century civilization.

The only question, or at least the most important question, is how the right of search and seizure may be maintained. It is evident that as neither the vessel nor the cargo can be sunk or destroyed without a determination of the contraband character of such cargo—I am speaking of neutral vessels only—that fact must be determined before such sinking or destruction.

Now, that is all that we ask of the submarine. It is all we have a right to ask of it; and it does seem to me, when we present it in that form, when we say to the German Government, "You have the right to destroy any contraband found on our ships," that she will not insist that she has the right to destroy an American vessel which is not carrying any goods that can by any possibility injure her cause, and that she has a right to sink them without ascertaining whether they are carrying contraband.

It follows, then, that in ascertaining such fact, the question of the contraband character of the cargo, the merchant vessel must first be summoned to surrender. If she surrenders and is found to carry nothing declared by Germany herself to be contraband there would be no legitimate purpose on the part of the German Government in the destruction of such innocent vessel.

What next? Suppose the submarine finds that there is a contraband cargo and exercises her right to destroy that cargo, or exercises the right to sink the ship itself, is there no duty imposed by the everlasting law of humanity?

Mr. President, international law has said that all passengers and crew must be safeguarded. Undoubtedly the same protection should be accorded the passengers and crew that would be accorded if the seizure were made by a cruiser or battleship. If, however, passengers and crew, under the conditions and limitations of submarine capacity, can only be accorded the safety of their own lifeboats, they could be turned adrift only under such

conditions as to make it reasonably certain that with diligence and care they could be landed safely in port. If this could not be done, it would simply mean one case where the submarine must forego any claimed right to destroy a vessel. It would have to be content merely with the destruction of the contraband on such vessel, leaving the vessel in the hands of the crew to reach a port of safety.

Again, while recognizing the right of search, we insist that no belligerent has a right to prevent a neutral vessel from entering the port of another belligerent to discharge passengers, mail, or noncontraband products. And why should any belligerent refuse to recognize that right of a neutral? The exercise of that right can not materially affect the interest of the opposing belligerent. How can it seriously injure the German cause that we allow passengers to travel to France or Italy, or we take on mail from Italy or convey mail to that country? In a desperate war belligerents should be allowed great latitude, and they are so allowed, even at great inconvenience to neutrals. But that right does not go to the extent of imposing upon a neutral conditions and restrictions so onerous as to put the neutral in the position of an enemy.

Again I assert in my declaration of the rights of neutral vessels that no belligerent has the right to prohibit any neutral vessel from traveling upon any part of the high seas in carrying on commerce with another neutral in goods not intended for belligerent destination. We have a trade, for instance, with Holland and Denmark, with Norway, and with Sweden. When we send a vessel to Holland loaded with cattle feed we are not assisting the enemies of Germany. Holland is sending her products to this country. She is not interfering with the German war. Each of these countries is conducting its commercial affairs in a proper way that ought not to be offensive to any belligerent.

Why, then, would Germany claim to exercise the right to sink that vessel, simply because she traverses a war zone? I admit, of course, she has the right to stop the vessel, to examine her papers and her cargo, to ascertain whether any part of that cargo is in fact intended to be transported either directly or indirectly to her enemy. But, having exercised that right and having found that the goods are intended only for the people of Holland, is it possible that Germany in her fight against France or Italy or Great Britain would assert that we have no right to carry on commerce with these other neutral nations? It seems to me that she has no more right to say that than she would have to say that we should not carry on commercial relations with South America, and I can not believe she would seriously assume such right if our own absolute fairness were made manifest and our purpose to defend those rights absolutely certain.

These, Mr. President, are the rights which the American people claim, and none of them are inimical to the interests of any belligerent. If we assert those rights and then say to belligerents on both sides that we shall regard any defiance of those innocent rights as an unprovoked act of hostility against this Nation, can it be possible that any country in the world will insist upon pursuing a course which while it injures us in no way seriously affects her war against her enemy? Can it be possible that any belligerent nation for such a wrongful cause, for such a useless cause, would willfully add this country to the list of her enemies? I believe when the right is asserted and declared fairly the belligerents in this great war will every one of them accede to it.

It seems to me, Mr. President, as I have stated, that we should make our declaration of rights so clear that not only our own people but the people of the world will be impressed with their absolute fairness, and then give notice to the world that we shall maintain them.

Mr. President, there has been considerable discussion of a purpose to convoy American ships. No one will claim, Mr. President, that the United States would have that right or will ever exercise a right to convoy an American ship loaded with ammunition or contraband of war to the enemy of any belligerent. I have no fear on earth that the President will ever assert such a right, loath as I am to turn over to him this entire matter which under the Constitution primarily rests with Congress. Such an act would be an act of war on our part. It would be projecting ourselves into this war. Of course, if war actually occurs, then we may do any of these things as a war measure. But we could not do such a thing at this time and claim any neutral rights, and we would not do so.

We simply want to say to Germany and Austria, "We shall not attempt to do an unneutral act." While the individual citizen may take his chances in running a blockade, if one is established, we shall not attempt to protect such citizen or his vessel from capture. All we shall ask in such case is that the lives of the crew and passengers shall not be sacrificed. That is not only international law, but it is the law of humanity. These crews have every right of prisoners of war, and no belligerent has any more right to willfully destroy the lives of such passengers and crew than it would have to purposely kill prisoners whom it has taken.

I am certain, Mr. President, that the adoption of the amendment, an amendment which not only sets forth unquestioned international rights, but which will allay any suspicion on the part of belligerents that we propose to do an unlawful act, or any suspicion on the part of our own people that we will get into this war without any just reason, will tend to preserve peace and maintain our real rights.

We do not want to back into this war. If we get into it, we want to get into it face foremost, and we want to know why and how we are entering it.

Mr. President, the American people do not know just what we mean by the phrase "lawful and peaceful pursuits on the high seas." Senators of the United States do not know, at least some of them do not know, for they do not agree with others. Therefore they can not all be right.

The many notes between this country and the central powers on the submarine question not only tend to cloud the meaning of that phrase, but without doubt give an elasticity of construction which may easily be stretched to cover cases for which our people do not want to go to war or to allow the President to avoid defending our rights where he should defend them.

These notes not only do this, Mr. President, but they create suspicion that we shall claim rights which we do not intend to exercise and thereby evoke a hostility which may unnecessarily lead us to war. If we—and when I say "we," I mean the United States—get into this conflict, we should first make clear to the people for what cause we enter it. If we are to get into war with Germany, I want to put the onus of that war on Germany, and then, and then only, will we present a united front. We want to know what we are fighting for and we want to know that the cause is one we fully justify.

This amendment would make our position clear. It would allay the suspicion of belligerents that we are about to project ourselves into this war, cause or no cause, and it will unite our people by showing to them that only for a just and serious cause will we send our sons to battle.

Mr. President, for these principles of international rights of neutral vessels, I am ready to war. To defend these rights I am ready to direct the President to use the armed powers of the United States while Congress may not be in session, but without any legislative definition of what we mean by "lawful and peaceful pursuits on the high seas," I dislike very much to vote to surrender the power of Congress to make war to the President or any other one man. I would far rather confine the bill simply to arming our merchant ships and stop there.

Mr. President, I appreciate the fact that I can justify myself only on the ground that if we now fail to grant the authority to defend our "lawful" rights, it will be taken by these great central powers that we are divided and will not defend those rights; and leaving that question open to such a construction will be the very thing that will lead to war. We need above all things certainty of purpose. I dare not by my vote cloud that purpose with uncertainty.

But I do wish, Mr. President, to have this Congress perform its sacred duty to declare what are our international rights, and then to empower the President to defend those rights. In the amendment which I have offered I keep clearly away from what might be regarded as debatable ground, for I do not think we should go to war on grounds that may be debatable. I admit there is a twilight zone of uncertainty that may arise on some of these questions. I have purposely avoided that one, and have stated only those clear, unquestioned rights for which every American citizen will stand and which every belligerent will be compelled to concede. Then we can safely adjourn and allow the President to put into force what we have declared to be our rights, and to maintain them upon the high seas.

Mr. President, I appreciate that at this time there is another amendment pending, and that I can not now offer this amendment, but I shall offer it at some time during the discussion.

Mr. HITCHCOCK. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the bill (H. R. 21052) authorizing the President of the United States to supply merchant ships, the property of citizens of the United States and bearing American registry, with defensive arms, and for other purposes.

I will say that my reason for asking this is that we may have the House bill on the subject before the Senate, instead of the Senate bill. If that consent is granted, I shall then move to strike out everything in the House bill, except the enacting

clause, and to substitute the text of the Senate bill. That text will then be open to amendment. While my motion is pending, the Senator from Missouri [Mr. STONE] can offer his amendment, and other amendments can be offered to it.

Mr. HARDWICK. A parliamentary inquiry, Mr. President.

The PRESIDENT pro tempore. The Senator from Georgia will state it.

Mr. HARDWICK. If that request is granted, then, the first proposition will be to perfect the text of the House bill, will it not?

The PRESIDENT pro tempore. That is the usual course, the Chair would think.

Mr. BRANDEGEE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Connecticut?

Mr. HITCHCOCK. I do.

Mr. BRANDEGEE. Mr. President, I should have no objection to the request of the Senator from Nebraska at all, for I realize the parliamentary advantage to be obtained by substituting the Senate text for the text of the House bill after the enacting clause, but in that case would an amendment offered to the Senate text be subject to another amendment? If the Senator from Nebraska would get unanimous consent that it could be, I should have no objection.

Mr. LODGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Massachusetts?

Mr. HITCHCOCK. I yield.

Mr. LODGE. I take it, that if the House bill comes before the Senate, the motion will be to strike out all after the enacting clause and to insert. Under our rules the subject matter stricken out is open to being perfected, and such an amendment is not regarded as in the third degree—that is, an amendment to an amendment may be offered to it, and the same is true of what it is proposed to insert.

Mr. HITCHCOCK. I think that is correct.

Mr. BRANDEGEE. If that may be agreed to by unanimous consent, I shall have no objection.

The PRESIDENT pro tempore. The Chair thinks there is some misunderstanding in reference to this matter, and he would like to have it cleared up so that there can be none. As stated by the Senator from Connecticut, the Chair thinks an amendment to the amendment would not be in order.

Mr. PENROSE. Except by unanimous consent.

The PRESIDENT pro tempore. By unanimous consent, it would, of course, be in order.

Mr. PENROSE. That was the suggestion of the Senator from Connecticut, as I understood it.

Mr. LODGE. I think the rule on the subject is quite clear.

Mr. BRANDEGEE. I am simply trying to provide against a ruling by the Chair, that after the Senate text has been substituted for the House text and a Senator offers an amendment, a point of order might be raised and sustained that such an amendment was not in order, as being in the third degree.

Mr. HARDWICK. Can the Senator cite the precedent? I think the rule is the other way.

Mr. BRANDEGEE. My action is simply precautionary. I am trying to provide against an adverse decision by some other Senator who may be in the chair at the time.

Mr. LODGE. Mr. President——

Mr. HITCHCOCK. I yield to the Senator from Massachusetts.

Mr. LODGE. The rule is very clear that "pending a motion to strike out and insert"——

The PRESIDENT pro tempore. Will the Senator state from what rule he is reading?

Mr. LODGE. Page 19, the last sentence of Rule XVIII:

> But pending a motion to strike out and insert, the part to be stricken out and the part to be inserted shall each be regarded for the purpose of amendment as a question—

That is, it is open to amendment, and an amendment to an amendment does not make it in the third degree; it is considered an independent question—

> and motions to amend the part to be stricken out shall have precedence.

Mr. BRANDEGEE. That does not exactly answer my question, Mr. President.

The PRESIDENT pro tempore. The Chair does not think so. The Senator will state his parliamentary question.

Mr. BRANDEGEE. What I am asking is this: Assume that the Senate substitutes in the House bill the Senate text, and a Senator offers an amendment to the portion the Senate has substituted for the House text. I want it arranged so that any Senator can offer an amendment to that amendment.

Mr. LODGE. Mr. President, after the substitution, as the Senate has agreed to the precise form of words substituted, it is not open to amendment at all.

Mr. BRANDEGEE. Very well, then. I would exceedingly regret that condition, and I think other Senators who have amendments pending would also regret it. If it is so that after we substitute the Senate text for the House text in the House bill the bill is not susceptible of further amendment, I think we would be in a bad position.

Mr. HITCHCOCK. I think the Senator has misconceived the proposition. I propose to move to substitute the Senate text for the House bill, and while that motion is pending either the original Senate text or the House text will be open to amendment.

Mr. CURTIS. Mr. President, why would it not be a better plan to first perfect the Senate bill, and then to offer it as a substitute for the bill of the House?

Mr. HITCHCOCK. I think, Mr. President, that the plan I suggested gives the Senate the greatest latitude. It will then have before it practically two bills, either one of which will be subject to and open to amendment.

Mr. STONE. But, Mr. President, we can not have two bills pending at the same time.

The PRESIDENT pro tempore. If the Senator from Missouri will pardon the Chair, the motion, as the Chair understands, which the Senator from Nebraska proposes to make, is to take up for consideration in lieu of the Senate bill the House bill, intending them to make a motion to strike out and insert.

Mr. HITCHCOCK. That is correct.

Mr. STONE. I desire to state that I am entirely willing to have the end accomplished which the Senator from Nebraska seeks; that is to say, I would have no objection whatsoever to bringing the matter to the point of substituting the Senate amendment for the House text by moving to strike out all of the House bill following the enacting clause and inserting the Senate bill. That would help the business along, perhaps not in the Senate, but in conference, if the bill passes here and goes to conference. But, Mr. President, I desire to have it distinctly understood, and I wish it to be submitted in the form of a unanimous-consent agreement, whether it accords with the technical rules and the technical procedure of the Senate or not in ordinary cases, that when the text of the Senate bill is substituted it is open to amendment.

The PRESIDENT pro tempore. The Chair is prepared to rule on this question.

Mr. LODGE. It would be open to amendment in the Senate, of course.

The PRESIDENT pro tempore. The Chair will state as to how he would rule if he should happen to be in the chair when the question comes up and any Senator desires a ruling. The ruling of the Chair would be that on motion by the Senator from Nebraska to strike out all after the enacting clause and insert the Senate bill an amendment would then be in order to the House bill which would then be up for consideration, but the amendment would be to the Senate text, and a second amendment would be in the third degree, and could not be offered, which is the point made by the Senator from Connecticut.

Mr. BRANDEGEE. Mr. President, for the sake of expediting the consideration of this bill in the way we would all like to consider it, can we not agree by unanimous consent that the House bill shall be laid before the Senate and that the Senate shall proceed to the consideration of the House bill, and then, by unanimous consent, the Senate text be substituted for the House bill, and the bill be considered as in Committee of the Whole, just as if it were an original Senate bill open to amendment, and amendments open to further amendment?

Mr. SUTHERLAND. Mr. President——

Mr. HARDWICK. Mr. President, if the Senator from Nebraska will pardon me, that would not do, because there are a number of Senators who want to consider the House text.

Mr. LODGE. That would give the opportunity desired.

Mr. BRANDEGEE. My request, if agreed to, would give every Senator an opportunity to offer any portion of the House text to the Senate text.

Mr. HARDWICK. But under Rule XVIII, cited by the Senator from Massachusetts, the first thing in order would be to perfect the text of the House bill.

Mr. BRANDEGEE. That could be done by amendment.

Mr. HARDWICK. Yes; an amendment would be made to the House text.

Mr. BRANDEGEE. Yes.

Mr. HARDWICK. The next thing in order would be to perfect the text of the substitute proposed by the Senator from Nebraska.

Mr. BRANDEGEE. Oh, no.

Mr. HARDWICK. Yes.

Mr. BRANDEGEE. I beg the Senator's pardon. What I asked was—and the rule would have no application if the unanimous consent for which I asked were agreed to——

Mr. HARDWICK. I am speaking of what the situation would be under the rule.

Mr. BRANDEGEE. The Senator is not discussing what I have in mind.

Mr. HARDWICK. Yes; I am coming to that in just a moment. As I understand, the Senator wants to make it in order to offer amendments in the second degree to the text of either bill.

Mr. BRANDEGEE. I do.

Mr. HARDWICK. I am perfectly willing to agree to that.

Mr. BRANDEGEE. Only we can not have both bills before us at the same time.

Mr. HARDWICK. Of course, we would dispose of the House text first.

Mr. BRANDEGEE. I withdraw the request I made.

Mr. STONE. Mr. President, I suggest to the Senator from Nebraska that he ask unanimous consent to lay aside the pending bill, which is a Senate bill, and request that the House bill be laid before the Senate in lieu thereof. Then when that is done let your unanimous request be limited in that way—simply to lay aside the Senate bill, and then lay the House bill before the Senate.

Mr. HITCHCOCK. Mr. President, that is entirely satisfactory. In fact, that is what I had in mind. I therefore ask unanimous consent that the Senate proceed now to consider the bill H. R. 21052.

Mr. PENROSE. Mr. President, before that question is put to the Senate I should like to make an inquiry of the Senator from Nebraska. We all want to facilitate the passage of this measure, but some of us are pretty well tired out. We have been working here all day, and I think many Senators would be interested in knowing whether the Senator having charge of this bill proposes to adjourn to-night or take a recess at 12 o'clock, after this consent is given, or at some later hour?

Mr. HITCHCOCK. I will say to the Senator that I am anxious to do that as soon as possible, and I had expected to tender a further unanimous-consent agreement for the limitation of debate to-morrow—not to name an hour to vote, but to limit debate—so that we might naturally proceed to a vote.

Mr. PENROSE. Well, I think it very doubtful, Mr. President, that that consent will be granted. I think this debate will have to take its natural course, and the bill will ultimately come to a vote at a reasonably early hour. It will certainly come to a vote earlier if the Members of the Senate do not come here in the morning tired out, cross, and ill-tempered, and waste a lot of time getting a quorum, as has frequently been the case. I think it would facilitate the request of the Senator and the series of requests that he is about to make if we should feel some assurance that along about midnight he would ask for a recess until 10 or 11 o'clock to-morrow.

Mr. HITCHCOCK. I have been anxious to do something of that sort, only I thought it proper to couple it with a request for a limitation of debate some time to-morrow.

Mr. PENROSE. I am afraid that hope is vain and illusory, Mr. President. I do not think it is possible.

Mr. HITCHCOCK. I realize, with the number who are to speak——

Mr. PENROSE. There are a number of Senators who have not been heard. I can speak disinterestedly, because it is not my purpose to address the Senate myself on this measure; but I know of others who I do not think will be willing to be restricted by any limitation of debate. At the same time, I am fully satisfied that they do not intend to speak at any length. I think it would facilitate the matter if the Senator could intimate that his purpose is not to prolong this debate to-night into the morning hours.

Mr. HITCHCOCK. Does the Senator think that it would be possible to provide by unanimous consent to take a recess at midnight, or thereabouts, until 10 o'clock to-morrow morning, the debate after 1 o'clock to be limited to 10-minute speeches?

Mr. PENROSE. I have no right to speak for anybody, Mr. President, only to express my own opinion, and, as a result of conversations with Senators on both sides of the Chamber, to speak candidly, I have very grave doubt whether it would be possible at any time to get a limitation on the debate on this resolution. At the same time, I want to assure the Senator that I am equally well satisfied that it is going to come to a vote, and I think he will get a vote just as soon——

Mr. STONE. Mr. President, I do not know whether it is possible to get an agreement to fix a time to vote or not, but I have a very ardent hope that we will get this measure to a vote to-morrow afternoon some time if we recess until 10. Of course I can give no assurance about it, but I think so.

Mr. HITCHCOCK. Mr. President, I want to suggest to the Senator from Pennsylvania that if he will accede to this unanimous-consent agreement that I ask we will then have before us the House bill, and we will not then be in such urgent haste to close debate, because when the bill is finally passed by the Senate we will be able to go into conference upon it. So it is really in the interest of giving greater opportunity for debate that I am making this request.

Mr. PENROSE. Mr. President, I fully recognize that, but there is no use in any Senator endeavoring to facilitate the progress of the bill if it simply means an all-night session. That takes away any motive to try to help.

Mr. CUMMINS. Mr. President, in order to give us some information——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Iowa?

Mr. HITCHCOCK. I do.

Mr. CUMMINS. I understand that there is on the desk of the Presiding Officer a list of Senators who have up to this time signified their desire to speak upon the measure. Am I right about that?

The PRESIDENT pro tempore. The Chair is informed that six or seven Senators desire to speak.

Mr. CUMMINS. I can safely say that there are several who have not sought precedence by filing their names with the Presiding Officer. I do not know of any one of them who intends to consume a great amount of time, but I am quite sure that no agreement could be reached to-night for limitation of debate or for a time to vote. I say this because I intend to address the Senate at some time upon the measure, and I shall try hard to confine myself within the proper limitations of discussion. I have no objection whatever to the request now made by the Senator from Nebraska, namely, to proceed to the consideration of the House bill instead of the Senate bill.

Mr. HITCHCOCK. Then, Mr. President, I ask that the request be placed before the Senate.

Mr. GRONNA. Mr. President——

The PRESIDENT pro tempore. The Senator from Nebraska requests unanimous consent that the House bill be taken up for consideration in lieu of the Senate bill now before the Senate. Is there objection?

Mr. CURTIS. Mr. President, I did not hear the suggestion made by the senior Senator from Missouri; but I would have no objection if, as suggested by the Senator from Connecticut, the matter is presented in such a way that amendments may be offered. I want a chance to vote on the amendments offered by the Senator from Missouri and the amendment that has been suggested by the Senator from North Dakota. Personally, I shall not object; but I do want to see a provision made that would give Senators an opportunity to vote upon those amendments. I think we ought to have that right, and that that ought to be assured the Senate before the agreement is made.

Mr. HITCHCOCK. I think I can assure the Senator that an agreement to that effect can be reached. I can not put it in this agreement.

Mr. FALL. Mr. President, I should like to ask what the parliamentary situation will be in the event the unanimous consent is granted. The pending bill, which we have been devoting a large part of the last day or two to discussing, would then be set aside, as I understand.

The PRESIDENT pro tempore. The Chair thinks the Senator is correct. The House bill will then be before the Senate.

Mr. FALL. And in the event the House bill happened to be set aside, something else would be brought in, and the Senate bill would have lost its place.

The PRESIDENT pro tempore. The Senate can undoubtedly guide its own decision.

Mr. FALL. In other words, it would be practically substituting without a vote or without a motion the House bill for the Senate bill.

The PRESIDENT pro tempore. By unanimous consent.

Mr. FALL. By unanimous consent. I can not consent.

Mr. STONE. Just one moment.

The PRESIDENT pro tempore. Objection is made.

Mr. STONE. Wait a moment, please. The Senator from New Mexico, I think, does not understand the entire suggestion of the Senator from Nebraska.

Mr. FALL. Possibly not.

Mr. STONE. Possibly the Senator was not in the Chamber at the moment.

Mr. FALL. Yes; the Senator from New Mexico was in the Chamber. He has been asking the Chair just what the parliamentary situation would be.

Mr. STONE. The request is this: That the Senate bill now before the Senate, the pending measure, be laid aside and the House bill be laid before the Senate.

Mr. FALL. Yes.

Mr. STONE. But the Senator from Nebraska went on further to say that his purpose is to move to strike out all after the enacting clause of the House bill and substitute the text of the Senate bill.

Mr. FALL. Exactly.

Mr. STONE. His object being to facilitate a conference.

Mr. OLIVER. Mr. President, I suggest that the Senator from Nebraska might further add that after the Senate bill is substituted it will then be open to debate and open to amendment, the same as it is now pending before the Senate.

The PRESIDENT pro tempore. The Chair is inclined to that view now.

Mr. OLIVER. If there is any doubt about the right to do that, then I will suggest that it be made part of the unanimous-consent agreement.

Mr. FALL. Mr. President, as I understand, the practical effect of the unanimous consent is to displace the Senate bill and to place the House bill in the position now occupied by the Senate bill.

The PRESIDENT pro tempore. That undoubtedly is the effect of the motion.

Mr. FALL. Then, I am not willing to displace the Senate bill, and by implication, at any rate, or by unanimous consent, give the House bill the position of the Senate bill.

Mr. HARDWICK. Mr. President, will the Senator yield to me for just a moment?

Mr. FALL. I will.

Mr. HARDWICK. The Senator, of course, does not want the two Houses playing at cross-purposes on this question. Now, the House has passed a bill on this subject almost like the Senate bill. Ought we to proceed with the consideration of our own bill as an original proposition, or take up the House bill, and, if we want to, substitute the Senate proposition for it, and in that way get it to conference? That is the object of the request.

Mr. FALL. Is it not perfectly feasible to offer an amendment to substitute the House bill for the Senate bill?

Mr. HARDWICK. Not until we get the House bill before the Senate. That is the first stage of this proceeding, and that is the object. We will never get the two Houses together otherwise, because our bill would have to go to the House and be acted on there.

Mr. FALL. Yes; I understand, Mr. President. I think I understand the object some Senators have in view also. By an affirmative vote, then, you must amend the House bill. I believe that is the purpose. That is the understanding. It will then come up on the proposition to amend the House bill by practically substituting the Senate bill for it. Senators can take the responsibility if they wish. They are welcome to it. I will not offer any further objection.

Mr. CUMMINS. Mr. President, in order that there may be no misunderstanding, there can be no unanimous consent to substitute the Senate bill for the House bill.

Mr. HITCHCOCK. Oh, no; I am not asking that.

Mr. HARDWICK. That will be the motion, of course.

The PRESIDENT pro tempore. Is there objection to the unanimous consent requested by the Senator from Nebraska?

Mr. LA FOLLETTE. I object.

The PRESIDENT pro tempore. Objection is made.

Mr. VARDAMAN. Mr. President——

The PRESIDENT pro tempore. The Senator from Mississippi.

Mr. SMOOT. Mr. President, will the Senator from Mississippi yield to me for the presentation of a conference report?

Mr. VARDAMAN. I shall detain the Senate only a very few minutes. I shall have to leave the Chamber soon, and I prefer to go on at this time.

Mr. SMOOT. I will say to the Senator that if the conference report leads to any discussion whatever I will ask to withdraw it, because the House is waiting for the report. It is only a partial report.

Mr. VARDAMAN. I have already declined to yield to two other Senators.

Mr. SMOOT. But this is a conference report.

Mr. VARDAMAN. I can not yield at this time, Mr. President.

The PRESIDENT pro tempore. The Senator from Mississippi declines to yield.

Mr. VARDAMAN. Mr. President, if ever in the history of this Republic it were imperative that the United States should keep its head, when all the nations about it are losing theirs and blaming it on Germany, now is the time. Conflicting interests, the shrewd manipulator of governmental functions for personal pecuniary profits, on the one side, the partisan patriot on the other, and mingled with it all the militarist, the imperialistically inclined element, whose natural sympathies are with a strong centralized government as against democracy, creates a situation which will test the wisdom and patriotism of those responsible for the Government in steering the ship of state through the newly discovered breakers. Love of country and that patriotism which will stand the martyr test when the emergency comes are common attributes to the character of the genuine home-bred and permanently imported, without-hope-of-reversion American citizen. No man or class of men have a corner on the stuff of which the hearts of patriots are made. And they who would arrogate to themselves the distinction of being the sole possessors of those superior qualities are either narrow, bigoted egotists, or hypocritical pretenders. Their asinine assumption of superiority is the old trick of the dangerous demagogue resorted to for the purpose of putting those who differ from them in a false light, or perhaps, for the selfish criminal purpose of deceiving the public in order that they may rob and plunder the people.

I have always found, Mr. President, that the truly brave man will go far toward avoiding dangers and difficulties which involve the sacrifice and suffering of others. For an adequate cause or a proper purpose it is not hard for a brave man to die. The inspired writer was right when at the height of patriotic fervor he exclaimed:

> Whether on the scaffold high
> Or in the battle's van
> The fittest place for man to die
> Is where he dies for man—

But oh! how much better it would be for the world if he were permitted to live for man. In this critical moment of our national history, when the world has become a veritable whirlpool of military preparation, when blood lust has poisoned the springs of human love, and confidence in the honesty and altruism of men has given place to doubt, suspicion, and sinister selfishness, it is easy to drift with the wind and elicit applause from the multitude by joining with loud voice in the chorus of the song put upon the lips of the shallow, hired claquers of the patriots for pelf and the advocates of "preparedness" for profit. But when a man conscious of the magnitude of the impending crisis, fully mindful of the far-reaching, soul-crushing disasters that war brings upon the world, urges peace, forbearance, charitableness of judgment—do unto others as you would be done by, not for selfish profit, but rather for world betterment—such an one is held up to the scorn and ridicule of a world, drunken with blood drawn from the quivering heart of innocence, and bereft of reason, by the all pervasive overpowering hysteria of war. For the craven creature—the conscienceless slanderer who would thus prostitute the columns of the newspapers—misuse his place in the halls of state, disgrace the pulpit, and dishonor the name of the Prince of Peace, I have not words with which to express the mingled feeling of pity and contempt that fill my heart. "Down all the stretch of hell to its last gulf" there is no character quite so despicable. The advocates of "preparedness"—"preparedness," a word that will stand as a colossal blood-stained monument, marking the turning point in the life of this Government—from a Government of the people, by the people, and for the people, to a military despotism. Yes, I repeat, the advocates of "preparedness" have won their fight.

The weapons of satire, ridicule, and sophistry, the bludgeon of mendacity, and the poison pen of detraction have been used with telling effect. The promoters of this pernicious propaganda started out at the beginning of the European war, bent upon taking advantage of the world's abnormal condition to open the Treasury vaults to the contractor for building battleships and furnishing Army supplies, and at the same time building a navy and creating an army that will overshadow every other influence in our national life. Like the poisonous breath which emanates from the Upas tree, everything within the purview of its deleterious influence will wither and die. Democratic principles can not live in such an atmosphere. No democratic-republican form of government ever lasted very long whose flag was defended and whose laws were upheld by a hired professional army. Yes; they have won their fight, and it was a sad day for America when they did. Just how long they will be able to hold the position they have taken by force of assault, by means foul and fair, time and chance alone will determine. I hope, however, the American people may read aright the real tendency of things, and through

the clouds and mists of doubt and fear they may see the star of eternal truth. The American voters will understand, I hope before it is everlastingly too late, that by their votes alone, old conditions, better conditions, altruistic, patriotic conditions, can be restored. The intelligent freeman's ballot is the only power beneath the flag that can steer the ship of state back to the moorings where the fathers of the Republic left it—that alone can save it. It may be that this administration has set the plow so deep that, to use a plowman's phrase, the team will refuse to pull it. If that be true, we may look forward for better things. So long as the people feel, think, and understand, the country is safe.

The taxes piled high upon the aching stoop of the laborer, the burden put upon the producer after being borne for a while, I pray to God, the voter may be brought to a realizing sense of the dangers to the Republic and his responsibility therefor in this tragic hour of the Nation's history. Eternal vigilance is the price of liberty to-day just as much as it was when Patrick Henry fired the hearts of the colonists with the dramatic statement more than one and a quarter centuries ago, "Give me liberty or give me death!" I love the Democratic Party, and I have heretofore indulged the hope that by and through the principles of Democracy American institutions are to be preserved and the sublime dream which glorified the brains and hearts of the founders of this Republic shall be realized; but above and beyond all that, as high as the sun hangs above the earth, I love my country. I love it with a fervor and devotion that knows no bounds. I shall make any sacrifice, or endure any hardships necessary to keep the American flag in the heavens, unstained and unpolluted by any act of injustice, hypocrisy, dissimulation, or dishonesty. The honor of this Nation is as precious and sacred to me as the stainless name of my sainted mother, and it is because of that feeling of reverence that I decline to be swept from my feet and refuse to consent to any measures which I know, whatever may be the motives that inspire the proponents, the inevitable effect will be not for the good of the Nation, but rather to serve sinister, selfish interests of the plutocratic few. Mr. President, I did not favor the bill to increase the Navy, for I know the country does not need at this time the ships and other implements of war which are provided for in that measure. They can not be constructed in time to meet any emergency that may grow out of the war flagrant in Europe to-day. And after that war is over, if we wisely use the power we should exert upon the nations of the world, conditions may be brought about which will result in the partial disarmament of the world. Oh God, that America may not throw away this opportunity to serve mankind by taking from the backs of the oppressed laborers throughout the world the enormous burden of militarism. Five hundred and thirty-five million dollars are carried in the Navy bill. A tax of about $40 for the head of every family in the United States is levied in that bill. It is without a precedent or parallel in the history of mankind. No nation ever appropriated that much money for that purpose in one year in time of peace. And when we realize the fact that about only two-thirds of the families produce anything, and in the end the producing families pay it all, it makes one shudder to contemplate the crushing injustice which necessarily will be inflicted upon the laborers of America. Nor shall I vote for the Army bill, which has been reported by the Committee on Military Affairs.

The appropriation it carries is enormous and the un-American principle of compulsory military training ought to damn it incontinently from the beginning. It proposes a policy that is as far from the ideas of the founders of our Government as infinite sorrow is from consummate bliss, far as Russian despotism is from Athenian democracy, and as far as wrong is from right. To take advantage of the unsettled abnormal panic-stricken state of the public mind to fasten this undemocratic, imperialistic, damnable scheme upon the American people is too horrible and outrageous for my limited vocabulary to adequately describe. As to giving the President the power to control and use the Army and Navy in order to keep the channels of commerce between New York and London open, is a matter that should be very carefully, prudently, and fearlessly discussed and considered by the Congress. There is some merit in the House bill, if amended by the resolution proposed by the able Senator from Missouri, Mr. STONE. It goes quite as far as the legislative department should go in the matter of delegating its authority to the Executive. I think it goes too far, but there is semblance of excuse for it. I will not, under any circumstances, consent that the President be given unlimited power to do certain things which we know if done would bring on war, sacrifice human life, and enable the conscienceless speculator and those commercial cormorants in the great centers of trade to coin the blood of the soldier and the tears of the women and orphaned children into dollars for their personal benefit. I do not question the President's patriotism—that is not in issue; nor would I derogate one iota from his intellectual attainments. He may possess all the elements of greatness that ever adorned the character of the greatest American statesman. He may have the patriotism of Pericles and the wisdom of a Washington.

I am not dealing with individuals but I am dealing with governmental functions! The President of the United States is only a man, with the limitations, subject to the same influences that affect, move, and actuate normal human creatures. There is no Divinity hedging him about in his great office which renders him immune to the errors common to humanity. The responsibility for managing the affairs of this Government, in desperate situations such as confront us to-day, should be shared by the Congress. For in the multitude of patriotic intellectual counsel there is safety—there is wisdom. I should like to be relieved of my share of responsibility in this hour of peril, but I can not and you can not. The Constitution imposes it upon us individually and as a Senate. Immortal souls, the happiness and security of the homes—the lives of men, women, and children are involved in this question, and therefore the Congress can not be too careful about what it may do. I would not offend the President by withholding from him any authority he might ask of the Congress, but I will not be disloyal to the trust which the people have committed to me. My first obligation is to the people, my master. Personally, I am willing to stay here as long as necessary to meet changing conditions and emergencies as they may arise. It is the duty of the Congress to remain on guard and no man will be excused by a patriotic, intelligent, and exacting constituency who fails to do his duty in this hour of stress and trial.

There is no necessity for war with Germany—there is no necessity for war with any of the belligerent powers. Three thousand miles of water makes it impossible for us to be drawn into that vortex of blood and passion and woe if we are true to the American people. If this administration shall put a higher estimate upon human life than commercial conquest; if we shall put the immortal soul above the dollar, and regard justice of more importance than financial success, there will be no war. It is not for the vindication of the principles of human justice that imperil our peace, but rather the avaricious reaching out for pelf that threatens to involve this Nation in this world war. I submit it would be more profitable to the people of the United States—better for the peoples of the world, rather than involve the United States in that war, to suspend commerce between Europe and America so far as American shipping interests are concerned. Not that I believe that Germany or England, or any other power, has a right to prevent our ships from going where they have a right to go on the high seas. I might have a right to go in the streets where a duel was being fought by participants in a drunken mob, but it would be better for me if I exercised the prudence of a brave, sane man, and remained away from the danger zone until order should be restored. If it be necessary to contribute to the belligerents in order that the allies may win and make the bonds of the allies held by the Americans collectible, I submit it would be a wise economy, it would cost less in blood and treasury to the American people if Congress should issue bonds for the payment of those debts which ought never to have been contracted.

Mr. President, the United States has had wars in the past, but her wars have been waged in defense of principle, and not for private pecuniary profit. Great Britain has violated our rights upon the seas quite as often as Germany. Great Britain's unwarranted and flagrant violation of international law cost the cotton growers of the South during the years 1914 and 1915 more than $750,000,000. Was any suggestion made to go to war with the allies because of that crime against the southern farmers? No. Can it possibly be less a crime to plunder the farmer than it is to inconvenience the munition manufacturers? That question is worth considering. I do not condone the crimes or wrongs of either country. But, if we are going to hold Germany to a strict accountability for her infractions of international law, it is cowardly and pusillanimous for the United States to supinely submit to the contemptuous treatment we have received at the hands of Great Britain and the allies. I do not want war with either power. That war in Europe is not our war, and the sensible, patriotic thing for the United States to do is to discourage the war—lend every possible proper assistance to bring it to a close without incurring in any way the hostilities of either of the nations engaged in that death struggle. They do not want war with us and whatever may be done to our detriment is incidental and not intentional. That,

in my judgment, Mr. President, is the manifest duty of America at this time. However unpromising the prospects, I have faith that justice and truth will ultimately prevail.

Under the storm and the cloud,
To-day the hard peril and pain,
To-morrow the stone shall be rolled away,
For the sunshine shall follow the rain;
Merciful Father, I will not complain,
I know that the sunshine shall follow the rain.

AGRICULTURAL APPROPRIATIONS.

Mr. SMITH of South Carolina. Mr. President, I wish to have conferees on the part of the Senate appointed on the disagreeing votes of the two Houses upon the bill (H. R. 19359) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1918. This is a very important measure; it has been discussed; and we have very few hours now left in which to consider it. The only question now is for us to have conferees named so that the matters at issue may be discussed and a report brought back to the two Houses. I therefore ask that conferees on the part of the Senate be named by the Chair.

Mr. GRONNA. Mr. President, I have on two occasions objected to taking up this conference report. I think the Senator from South Carolina knows that my people are intensely interested in certain proposed legislation from which the Senate conferees have agreed to recede. The only item in disagreement, I understand, is the question of salary. Am I correct in that?

Mr. SMITH of South Carolina. If the Senator will allow me, the House took action on that, but when the Senate appoints its conferees, and they go back to conference the whole bill, under the rule of the Senate, is open to any amendment the conferees see fit to put in.

Mr. GRONNA. I am very glad to learn that, Mr. President. I think every Senator here realizes the importance of the industry of agriculture. The talk has been to get back to the farm. I think every one here concedes that the farmer of the United States has been successful in producing not only sufficient food for our own people but a great surplus. I believe every one will concede that the farmer is the only person engaged in any industry in this country who has had absolutely nothing to say about the price of his products.

Mr. President, I proposed an amendment to the agricultural appropriation bill which, in my own opinion, is vital to the welfare of my people. The farmers, as I said, have nothing whatever to do about fixing the price of their products. Every one engaged in any other industry makes his price. I proposed an amendment which the legislative assembly of my State only on the 14th of last month by a concurrent resolution demanded; and moreover, they said, due to the fact that the standard has not been fixed so as to make it beneficial to the producer, during the year 1916 the loss to the farmers in my State alone is $55,000,000; yet the committee of conference refused, I understand, to appropriate $25,000 for what? For the purpose of aiding the Secretary of Agriculture to ascertain the right method of fixing standards and fixing grades.

Mr. President, I shall not consume a great deal of the time of the Senate in opposition to sending the bill back to conference, but I want it understood that at least the conferees on the part of the Senate will insist that amendment No. 82 shall be agreed to and that the conferees on the part of the Senate will ask the conferees of the House to recede.

Mr. President, it is unfair to the agricultural States of the Northwest to deny us this small appropriation. It is not the appropriation alone that is vital; it is the principle that I want to have recognized. I want the Congress of the United States to say to the Secretary of Agriculture that he shall in fixing standards apply the so-called milling test; that he shall apply the laboratory and mechanical test; and that the grain standard shall not be fixed simply by a physical test.

I ask the attention of the acting chairman of the committee. I think it is only fair to say that on a former occasion this body sent back practically unanimously to conference this same item, insisting that the item should remain in the bill. With the understanding that on this same question which I refer to, and which I know the acting chairman of the committee is familiar with, our conferees will insist upon it in conference, I shall interpose no further objection to the motion of the Senator from South Carolina.

Mr. JONES. Mr. President, I hope the bill will go back to conference, and I am glad to know that when it does go back to conference the whole proposition will be open.

I do not wish to add to the trouble of the Senator who has charge of the bill, but the amendment, I think it is numbered 79, put in by the Senator from Florida [Mr. BRYAN] I consider one of the most important amendments to the bill, and I hope that it will be included in the conference report in some form or other. I do not know just how true it is, but I understand that the department officials oppose it; that they claim they have the authority now. I hope that we will legislate upon the subject. I hope that we will do what ought to be done and not leave it to their discretion or to their contention with reference to the matter. If they contend that they have the power to do it now, they ought not to have any objection if we put in express authority and direction for them to do what the amendment requires shall be done.

So, regardless of their wishes one way or the other in reference to the matter, I hope the conferees on the part of the Senate will insist on that proposition being covered. While I do not care to say what I will do if it is not done, I want to say I hope it will be done.

The PRESIDING OFFICER (Mr. LEA of Tennessee in the chair). The Senator from South Carolina moves that the Senate agree to the further conference asked by the House and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. SMITH of South Carolina, Mr. SMITH of Georgia, and Mr. WARREN conferees on the part of the Senate on the further conference.

REPUBLIC COAL CO.

Mr. MYERS. Mr. President, I move that the Senate conferees heretofore appointed on the joint resolution (S. J. Res. 50) authorizing the Secretary of the Interior to sell the coal deposits in and under certain public lands to the Republic Coal Co., a corporation, be discharged, and that the House amendments to the joint resolution be concurred in. Every day other conference reports are being disposed of, one after another, and this joint resolution is entitled to be disposed of in one way or another. All I ask for is a vote. If Senators do not like the House amendments, let them vote them down; but let the matter be ended. This joint resolution has passed both the Senate and the other House. It has passed the Senate in one form and has passed the House in another form.

Mr. HITCHCOCK. Mr. President, will the Senator from Montana give me any assurance that there will be no opposition to his motion?

Mr. MYERS. No; I can not give any such assurance.

Mr. NORRIS. Will the Senator tell me what the joint resolution is?

Mr. MYERS. It is the joint resolution in regard to the Republic Coal Co. It has taken four years to get the resolution passed through the Senate and the other House. There was some disagreement between the two Houses and the conferees were not able to come to an agreement.

The gist of the whole matter is that the House insists on a lease only, and the Senate conferees insist on a sale. I repeat, they can not agree. I simply ask to have the matter disposed of. It is entitled to be disposed of one way or another.

Mr. NORRIS. What is it the Senator requests?

Mr. MYERS. My motion is that the Senate conferees be discharged, and that the Senate concur in the House amendments. The motion is before the Senate; it is in order; and there is nothing to do but to vote on it, unless some Senator wants to debate it.

Mr. PENROSE. Do I understand that one objection will stop this debate, Mr. President?

The PRESIDENT pro tempore. The Chair thinks that the Senator could move to proceed to the consideration of the matter before the Senate.

Mr. PENROSE. Then I object to the consideration of the joint resolution.

Mr. MYERS. I hold there can be no objection. I have been recognized, and I have made the motion.

Mr. BRANDEGEE. I rise to a question of order.

The PRESIDENT pro tempore. The Senator from Connecticut will state it.

Mr. BRANDEGEE. My point of order is that the Senate is now proceeding with the consideration of the bill to authorize the President to arm merchant ships. The Senator from Montana can not take the floor to make another motion unless he displaces the pending order. I do not understand that the Senator from Montana has been yielded to by the Senator in charge of the bill. I will make the parliamentary inquiry, whether, if the Senator's motion to discharge the conferees prevails, it would not displace the bill now under consideration?

The PRESIDENT pro tempore. The Chair sustains the point or order. The matter before the Senate is the bill now under consideration.

Mr. HITCHCOCK. I ask unanimous consent that the Senate proceed to the consideration of the bill (H. R. 21052)

authorizing the President of the United States to supply merchant ships, the property of citizens of the United States and bearing American registry, with defensive arms, and for other purposes.

Mr. MYERS. Mr. President, I had not surrendered the floor, and I want to appeal from the ruling of the Chair on the point of order.

The PRESIDENT pro tempore. The Chair thinks that the Senator from Montana should be allowed an opportunity of appealing from the decision of the Chair.

Mr. MYERS. May I ask on what ground the point of order was made? There was so much confusion I could not hear it.

Mr. PENROSE. That is in order. Let us have the appeal; let us vote on it, and we shall dispose of it entirely.

Mr. MYERS. I should like to know on what ground the point of order was made.

The PRESIDENT pro tempore. On the point of order made by the Senator from Connecticut [Mr. BRANDEGEE] that the Senator from Montana [Mr. MYERS] could not at this time make the motion which he did, the Chair decided that the motion was out of order. The Chair recognized the Senator from Montana only in connection with the pending bill, thinking that he desired to discuss the bill. Does the Senator from Montana appeal from the decision of the Chair?

Mr. MYERS. We are not operating under any unanimous-consent agreement. Is not a motion to take up any matter at any time in order?

The PRESIDENT pro tempore. The Senator did not make a motion to take the matter up. The question is, Shall the decision of the Chair stand as the ruling of the Senate?

Mr. MYERS. If the Chair will pardon me just a moment, I made a motion to do a certain thing with a certain bill. Is that not in order at any time?

The PRESIDENT pro tempore. The bill was not before the Senate.

Mr. REED. Mr. President——

The PRESIDENT pro tempore. The Senator from Missouri.

Mr. REED. If we are going to get technical about things, there is no bill before the Senate. The bill that we have been discussing all night was displaced by a motion, and the transaction of other business, and no motion was made to again take it up.

Mr. HITCHCOCK. The Senator is mistaken about that. I made the motion, and it was declared carried by the Chair.

Mr. REED. Then the motion was made a good long while after the discussion had proceeded and when I had gone out of the Chamber.

Mr. HITCHCOCK. The Senator from Tennessee [Mr. LEA] was in the chair at the time.

Mr. LEA of Tennessee. The Senator from Nebraska asked unanimous consent that the pending bill be laid aside.

Mr. REED. In that case, I stand corrected, but I know that there was a period when we were discussing the bill when it was not before the Senate.

I think, Mr. President, if I may be permitted a word, that the Senator from Montana has been used very unkindly with reference to this matter. He has tried a number of times to bring it up. He simply asks for a vote, and I think it ought to be given to him. I think we shall gain time by giving it to him. I know we should gain time by doing so, if he were of the same disposition that I am.

Mr. MYERS. Then, Mr. President, I move that Senate joint resolution 50 be laid before the Senate for action.

The PRESIDENT pro tempore. Does the Senator appeal from the decision of the Chair?

Mr. MYERS. I withdraw that appeal and make my motion.

The PRESIDENT pro tempore. The Senator from Nebraska was recognized. Does he yield to the Senator from Montana for that purpose?

Mr. HITCHCOCK. I should like to ask the Senator from Montana whether this means a controversy or a discussion? If it means simply a vote, I shall be glad to yield.

Mr. MYERS. It means a discussion if any Senator wishes to discuss it. I do not wish to discuss it.

Mr. SMOOT. Mr. President, I assure the Senator from Nebraska that I shall oppose the passage of the joint resolution with all the strength I have.

Mr. BRANDEGEE. A parliamentary inquiry, Mr. President. If the motion of the Senator from Montana should prevail, would it not displace the bill which we are now considering?

The PRESIDENT pro tempore. As the Chair understands, it undoubtedly would. The Chair does not know where the bill referred to by the Senator from Montana is. Is the bill in the possession of the Senate at this time?

Mr. MYERS. It is in the possession of the Senate at this time.

The PRESIDENT pro tempore. In what way? The Chair is informed that that bill is now in conference.

Mr. MYERS. It is in conference.

The PRESIDENT pro tempore. Then, the Chair will have to rule that the motion of the Senator is out of order until there is a report from the conference committee.

Mr. MYERS. I appeal from the ruling of the Chair.

Mr. SMOOT. I am one of the conferees, and I have not been asked to sign the conference report.

Mr. MYERS. Because the Senator told me he would not sign it.

Mr. LODGE. Mr. President, I understand that an appeal has been taken from the ruling of the Chair?

The PRESIDENT pro tempore. The Chair is of the opinion that that is the situation.

Mr. LODGE. Then, I move to lay the appeal on the table.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Massachusetts to lay on the table the appeal of the Senator from Montana from the ruling of the Chair.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives by D. K. Hempstead, its enrolling clerk, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20755) to provide a temporary government for the West Indian 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 on the 7th day of September, 1916, and for other purposes.

ARMED MERCHANT SHIPS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 8322) authorizing the President of the United States to supply merchant ships, the property of citizens of the United States and bearing the registry of the United States, with defensive arms, and for other purposes.

Mr. BRANDEGEE obtained the floor.

Mr. HITCHCOCK. Mr. President——

Mr. BRANDEGEE. Does the Senator from Nebraska desire to make a request?

Mr. HITCHCOCK. I desire to ask to present again to the Senate my request for unanimous consent that the Senate proceed to the consideration of House bill 21052.

Mr. BRANDEGEE. Mr. President, I yield to the Senator for that purpose.

The PRESIDENT pro tempore. The Senator from Nebraska requests unanimous consent that the Senate proceed to the consideration of House bill 21052.

Mr. NORRIS. Mr. President, I do not want to interfere with the arrangements of my colleague, but if he will withdraw that request for a few moments or until the Senator from Connecticut [Mr. BRANDEGEE] concludes, I should like to consult with my colleague about it before the request is submitted. I do not want to object, if I can avoid doing so; but it will not delay matters if he should allow it to take that course.

Mr. HITCHCOCK. Very well.

Mr. BRANDEGEE. Mr. President, I send to the desk the Revised Statutes of the United States, and ask the Secretary to read section 4295.

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

The Secretary read as follows:

SEC. 4295. The commander and crew of any merchant vessel of the United States, owned wholly or in part by a citizen thereof, may oppose and defend against any aggression, search, restraint, depredation, or seizure which shall be attempted upon such vessel, or upon any other vessel so owned, by the commander or crew of any armed vessel whatsoever, not being a public armed vessel of some nation in amity with the United States, and may subdue and capture the same; and may also retake any vessel so owned which may have been captured by the commander or crew of any such armed vessel, and send the same into any port of the United States.

Mr. BRANDEGEE. I should like the Secretary to read the first section of the bill if he has it before him; it is very short.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read as follows:

Be it enacted, etc., That the commanders and crews of all merchant vessels of the United States and bearing the registry of the United States are hereby authorized to arm and defend such vessels against unlawful attacks, and the President of the United States is hereby authorized and empowered to supply such vessels with defensive arms, fore and aft——

Mr. BRANDEGEE. The words "fore and aft" can be stricken out, as I understand the committee have agreed that they be eliminated.

The Secretary resumed the reading, as follows:

and also with the necessary ammunition and means of making use of them; and that he be, and is hereby, authorized and empowered to employ such other instrumentalities and methods as may, in his judgment and discretion, seem necessary and adequate to protect such vessels and the citizens of the United States in their lawful and peaceful pursuits on the high seas.

Mr. BRANDEGEE. I now ask that the Secretary read the first section of the House bill.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Secretary read as follows:

Be it enacted, etc., That the President of the United States be, and is hereby, authorized and empowered to supply merchant ships, the property of citizens of the United States and bearing American registry, with defensive arms, and also with the necessary ammunition and means of making use of them in defense against unlawful attack; and that he be, and is hereby, authorized and empowered to protect such ships and the citizens of the United States against unlawful attack while in their lawful and peaceful pursuits on the high seas.

Mr. HITCHCOCK. Mr. President, will the Senator from Connecticut permit me to prefer my request for unanimous consent once more?

Mr. BRANDEGEE. I will yield to the Senator for that purpose.

Mr. HITCHCOCK. I desire to say that after securing unanimous consent, if I do secure it, it is my purpose to propose that the Senate take a recess until 10 o'clock this morning. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of House bill 21052.

The PRESIDENT pro tempore. Is there objection?

Mr. NORRIS. Mr. President, will my colleague include the other suggestion in the unanimous-consent agreement?

Mr. HITCHCOCK. And I also ask unanimous consent that at not later than 12 o'clock and 40 minutes a. m. this morning the Senate take a recess until 10 o'clock Saturday morning, March 3.

The PRESIDENT pro tempore. Is there objection?

Mr. OWEN. Mr. President, this morning, from the Committee on Printing, there was reported Senate resolutions 382, 383, and 384 providing for the printing as Senate documents of certain matters relating to the initiative and referendum in which I am very much interested.

Mr. MARTIN of Virginia. I suggest to the Senator that he first allow the Senator from Nebraska to secure his proposed request for unanimous consent.

Mr. OWEN. I desire to get the consent of the Senate for the printing of these documents before that is done.

Mr. PENROSE. Mr. President, I objected to the documents being printed this morning, but since then I have had an opportunity to examine them, and I find them very commendable productions, and I join in the request to have them printed.

Mr. OWEN. I am delighted to hear the Senator from Pennsylvania say that.

I ask unanimous consent for the present consideration of Senate resolution 382.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

The resolution was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the manuscript submitted by the Senator from California [Mr. PHELAN] on February 27, 1917, entitled "Direct government in California," an account of the operation of the initiative, referendum, and recall, 1903 to 1916, by Dr. John Randolph Haynes, of Los Angeles, be printed as a Senate document (S. Doc. No. 738).

Mr. OWEN. I now ask unanimous consent for the present consideration of Senate resolution 383.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

The resolution was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the manuscript submitted by the Senator from Texas [Mr. SHEPPARD] on February 27, 1917, entitled "Withdrawing from the Federal courts the power to declare acts of Congress void," an address by Senator ROBERT L. OWEN, be printed as a Senate document (S. Doc. No. 737).

Mr. OWEN. I also ask unanimous consent for the present consideration of Senate resolution 384.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

The resolution was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the manuscript submitted by the Senator from Oklahoma [Mr. OWEN] on March 1, 1917, entitled "The present status of the State-wide initiative and referendum," by Judson King, executive secretary the National Popular Government League, be printed as a Senate document (S. Doc. No. 736).

Mr. HITCHCOCK. Now, Mr. President, I should like to have the unanimous-consent request submitted.

The PRESIDENT pro tempore. Is there objection to the request made by the Senator from Nebraska? The Chair hears none. The Secretary will report the House bill.

The SECRETARY. A bill (H. R. 21052) authorizing the President of the United States to supply merchant ships, the property of citizens of the United States and bearing American registry, with defensive arms, and for other purposes.

Mr. HITCHCOCK. The bill is now the unfinished business?

The PRESIDENT pro tempore. The bill is now the unfinished business.

Mr. BRANDEGEE. Mr. President, I will resume my remarks in the morning.

Mr. HITCHCOCK. I move that the Senate——

INTERNATIONAL HIGH COMMISSION (S. DOC. NO. 739).

Mr. FLETCHER. From the Committee on Printing, I report Senate resolution 386 and ask unanimous consent for its immediate consideration. It provides for the printing of an appendix to the report of the International High Commission.

Mr. SMOOT. We could not hear a word that was said. I do not know what the request was; and I will ask to have it repeated?

Mr. FLETCHER. I will ask the Secretary to read the resolution.

The PRESIDING OFFICER. The Secretary will read the resolution reported by the Senator from Florida.

The SECRETARY read as follows:

Resolved, That the appendix to the report of the United States section of the International High Commission on the first general meeting at Buenos Aires, April 3–12, 1916, be printed as a Senate document.

The PRESIDENT pro tempore. Is there objection to the consideration of the resolution? The Chair hears none, and the resolution is agreed to.

SAMUEL R. SMITH (S. REPT. NO. 1140).

Mr. LEA of Tennessee, from the Committee to Audit and Control the Contingent Expenses of the Senate, introduced, with an amendment, Senate resolution 167, and asked unanimous consent for its present consideration.

The Senate, by unanimous consent, proceeded to consider the resolution.

The amendment was, in line 1, after the word "be," to strike out "and is hereby placed on the rolls of the Senate of the United States at the salary he was receiving at the date of his injury, and that he be assigned by the Sergeant at Arms to such service as he may be able to perform" and insert "paid a sum equal to one year's salary at the rate of compensation at the time of his injury in full settlement of all claims arising out of said injury, and that said sum be paid out of the contingent fund of the Senate," so as to make the resolution read:

Whereas Samuel R. Smith, for many years a member of the Capitol police force and employed at the Senate end of the Capitol, received injuries while in the discharge of his duties on the 20th day of November, 1910, which have permanently disabled him so that he is unable to gain a livelihood by manual labor; and

Whereas the said Smith was dropped from the rolls on the 31st day of January, 1912, and is now out of employment: Therefore be it

Resolved, That the said Samuel R. Smith be paid a sum equal to one year's salary at the rate of compensation at the time of his injury in full settlement of all claims arising out of said injury, and that said sum be paid out of the contingent fund of the Senate.

The amendment was agreed to.

The resolution as amended was agreed to.

The preamble was agreed to.

ENOCH BROWN, JR. (S. REPT. NO. 1139).

Mr. LEA of Tennessee. From the Committee to Audit and Control the Contingent Expenses of the Senate I report back favorably with amendments Senate resolution 177, and I ask unanimous consent for its present consideration.

The Senate, by unanimous consent, proceeded to the consideration of the resolution.

The amendments were, in line 3, after the word "employ," to strike out "an additional assistant clerk at $1,200 per annum" and insert "in addition to the present clerical assistance Enoch Brown, jr., for a period of three months at a salary of $100 per month," and, in line 5, after the word "Senate," to strike out "until otherwise provided by law," so as to make the resolution read:

Resolved, That the Committee to Audit and Control the Contingent Expenses of the Senate be, and it is hereby, authorized to employ in addition to the present clerical assistance Enoch Brown, jr., for a period of three months at a salary of $100 per month," to be paid from "Miscellaneous items" of the contingent fund of the Senate until otherwise provided by law.

The amendments were agreed to.

The resolution as amended was agreed to.

N. I. STONE.

Mr. LEA of Tennessee, from the Committee to Audit and Control the Contingent Expenses of the Senate, reported the following resolution (S. Res. 385), which was considered by unanimous consent and agreed to:

Resolved, That the Committee to Audit and Control the Contingent Expenses of the Senate be, and it is hereby, authorized to pay out of the contingent fund of the Senate the sum of $325 to N. I. Stone, in payment of his services as an expert for 13 days, at $25 per day, pursuant to his employment by the Committee on Finance of the Senate of the United States and assignment to Senator ROBERT M. LA FOLLETTE, member of the Committee on Finance.

WORLD'S PURITY FEDERATION.

Mr. STONE. From the Committee on Foreign Relations I report back favorably, without amendment, the joint resolution (H. J. Res. 334) authorizing the President to appoint delegates to attend the Tenth International Congress of the World's Purity Federation, to be held in the city of Louisville, State of Kentucky, November 8 to 14, 1917, and I ask unanimous consent for its present consideration.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

The Senate, by unanimous consent, proceeded to consider the joint resolution, which was read, as follows:

Resolved, etc., That the President of the United States be, and he is hereby, authorized to appoint delegates to attend and represent the United States at the Tenth International Congress of the World's Purity Federation, to be held in the city of Louisville, State of Kentucky, November 8 to 14, 1917: *Provided*, That no appropriation shall be granted at any time for expenses of delegates or for other expenses incurred in connection with said congress.

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

PENSIONS TO SURVIVORS OF INDIAN WARS—CONFERENCE REPORT.

Mr. SMOOT (for Mr. JOHNSON of Maine) submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 655) to pension the survivors of certain Indian wars from January 1, 1859, to January, 1891, inclusive, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, and 10, and agree to the same.

The committee of conference have been unable to agree on the amendment of the Senate numbered 9.

CHARLES F. JOHNSON,
REED SMOOT,
Managers on the part of the Senate.
JOHN A. KEY,
EDWARD KEATING,
Managers on the part of the House.

The report was agreed to.

PENSIONS AND INCREASE OF PENSIONS—CONFERENCE REPORT.

Mr. HUGHES submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the House to the bill (S. 8296) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War and to certain widows and dependent relatives of such soldiers and sailors, 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 numbered 12, 17, and 20, and agree to the same.

CHARLES F. JOHNSON,
WILLIAM HUGHES,
REED SMOOT,
Managers on the part of the Senate.
JOHN A. KEY,
EDWARD KEATING,
S. R. SELLS,
Managers on the part of the House.

The report was agreed to.

Mr. HUGHES submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20496) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, 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 amendments numbered 7 and 8.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 9, 10, 11, 12, 13, 14, 15, and 16 and agree to the same.

WM. HUGHES,
REED SMOOT,
Managers on the part of the Senate.
JOHN A. KEY,
EDWARD KEATING,
S. R. SELLS,
Managers on the part of the House.

The report was agreed to.

Mr. HUGHES submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20827) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, 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 amendments numbered 1, 5, 7, 9, 11, 17, 19, and 20.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 6, 8, 10, 12, 13, 14, 15, 16, and 18, and agree to the same.

WM. HUGHES,
REED SMOOT,
Managers on the part of the Senate.
JOHN A. KEY,
EDWARD KEATING,
S. R. SELLS,
Managers on the part of the House.

The report was agreed to.

DIVERSIONS OF WATERS AT NIAGARA FALLS.

Mr. WADSWORTH. Mr. President, I realize that it is too late in the evening to make a motion which will give rise to extended debate. I am entirely cognizant of the fact that the Senate desires to adjourn. There is, however, upon the calendar an exceedingly important joint resolution, introduced by myself, in relation to the diversion of water from the Niagara River. Without the passage of that joint resolution (S. J. Res. 218), Mr. President, I am informed upon the most reliable authority that it will be impossible for the Navy Department to continue much longer in securing shells and armor for battleships, owing to the fact that the metal alloys which are used in the steel industries which turn out armor and shells are derived almost entirely from the electrochemical industries of Niagara Falls.

At this time, then, sir, I ask unanimous consent that that joint resolution be brought before the Senate for consideration.

The PRESIDENT pro tempore. Is there objection?

Mr. HUSTING. Mr. President, I object to the consideration of the joint resolution at this time.

The PRESIDENT pro tempore. Objection is made.

DEATH OF REPRESENTATIVE CONRY.

A message from the House of Representatives by D. K. Hempstead, its enrolling clerk, communicated to the Senate the intelligence of the death of Hon. Michael F. Conry, late a Representative from the State of New York, and transmitted resolutions of the House thereon.

The PRESIDENT pro tempore. The Chair lays before the Senate resolutions of the House of Representatives, which will be read.

The Secretary read the resolutions, as follows:

IN THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES,
March 2, 1917.

Resolved, That the House has heard with profound sorrow of the death of the Hon. MICHAEL F. CONRY, a Representative from the State of New York.

Resolved, That a committee of Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions, and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect this House do now stand in recess until 8 o'clock post meridian.

Mr. WADSWORTH. I offer the following resolutions, and ask for their adoption.

The resolutions were read, considered by unanimous consent, and unanimously agreed to, as follows:

Senate resolution 387.

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. MICHAEL F. CONRY, late a Representative from the State of New York.

Resolved, That a committee of five Senators be appointed by the Vice President to join a committee appointed on the part of the House of Representatives to take order for superintending the funeral of the deceased.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and to the family of the deceased.

In compliance with the foregoing resolution the Vice President appointed as the committee on the part of the Senate Mr. WADSWORTH, Mr. HUGHES, Mr. RANSDELL, Mr. HARDWICK, and Mr. O'GORMAN.

Mr. WADSWORTH. Mr. President, as a further mark of respect to the memory of the deceased, I move that the Senate do now adjourn.

The motion was unanimously agreed to; and (at 12 o'clock and 40 minutes a. m., Saturday, March 3, 1917), the Senate took a recess until 10 o'clock a. m.

HOUSE OF REPRESENTATIVES.

FRIDAY, *March 2, 1917.*

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

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Lord our God, who hast ever been a potent factor in the affairs of men, forsake us not, but uphold, sustain, and guide us in the trying ordeal through which we are passing. Quicken all the noblest impulses and finest instincts of our being, that with clear perceptions, honest motives, and patriotic endeavors we may meet the conditions as they unfold themselves, like men, ready to guard with unanimity of action the precious heritage handed down to us by our fathers. Deliver us from war and keep us in honorable peace with all the world; and we will ascribe all praise to Thee, our God and our Father. Amen.

The Journal of the proceedings of yesterday was read and approved.

EXTENSION OF REMARKS.

Mr. OAKEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an article by Myron T. Herrick, of Ohio, on rural farm banks.

The SPEAKER. The gentleman from Connecticut asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

EXTENSION OF REMARKS.

Mr. SLEMP. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

Mr. MANN. On what subject?

Mr. SLEMP. On the subject of the election of judges by the people.

The SPEAKER. The gentleman from Virginia asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

EXPLANATION OF VOTE.

Mr. DALE of Vermont. Mr. Speaker, I ask permission for one minute in order to make a personal statement.

The SPEAKER. The gentleman from Vermont asks unanimous consent for one minute in order to make a personal statement. Is there objection?

There was no objection.

Mr. DALE of Vermont. Mr. Speaker, in the final roll call under the consideration of the bill (H. R. 21052) to authorize the President to supply merchant ships, and so forth, on the motion to recommit, I am recorded as voting "nay," which is correct. On the roll call which was taken on the final passage of the bill I am recorded as 1 of 18 not voting, which is correct. I was called from the House just before that roll call was taken by the critical illness of an intimate friend. Had I been present, I would have been anxious to have voted "yea."

ACCOUNTS OF DISTRICT WITH FEDERAL GOVERNMENT.

Mr. LLOYD. Mr. Speaker, I submit the following privileged resolution from the Committee on Accounts.

The SPEAKER. The Clerk will report the resolution.

The Clerk reported House resolution 518 in full.

Mr. MANN. Mr. Speaker, I reserve a point of order on the resolution.

The SPEAKER. The gentleman from Illinois [Mr. MANN] reserves a point of order.

Mr. MANN. I hope the gentleman will postpone the consideration of it for a moment or two. The gentleman from New York [Mr. SANFORD] wants to be heard on it, and he is on the way here now.

Mr. LLOYD. All right. I will offer another resolution in the meantime. I withdraw this resolution temporarily until the gentleman from New York [Mr. SANFORD] is present.

Mr. Speaker, I offer another resolution from the Committee on Accounts.

JOSEPH S. M'COY.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 535 (H. Rept. No. 1616).

Resolved, That the Clerk of the House is hereby authorized and directed to pay to Joseph S. McCoy, out of the contingent fund of the House, the sum of $50 for services rendered the Ways and Means Committee from January 17 to February 1, 1917.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

G. D. ELLIS.

Mr. LLOYD. Mr. Speaker, I also offer the following resolution from the Committee on Accounts.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 444 (H. Rept. No. 1614).

Resolved, That there shall be paid, out of the contingent fund of the House, $1,200 to G. D. Ellis for extra and expert services rendered in the office of the Clerk of the House of Representatives during the first and second sessions of the Sixty-fourth Congress as employee detailed from the Government Printing Office.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

ACCOUNTS, OF DISTRICT WITH FEDERAL GOVERNMENT.

Mr. LLOYD. Now, Mr. Speaker, I present the resolution that I withdrew just a moment ago and which was read a moment ago.

The SPEAKER. The Clerk will report the resolution again.

The Clerk read as follows:

House resolution 518 (H. Rept. No. 1617).

Resolved, That after March 4, 1917, the members of the Committee on the District of Columbia who are Members elect of the Sixty-fifth Congress, or a subcommittee thereof appointed by the present chairman of said committee, be, and are hereby, authorized to continue the investigation directed by House resolution No. 229 of the Sixty-fourth Congress and to expend for the purpose and as provided in House resolution No. 256 of the Sixty-fourth Congress, out of the contingent fund of the House, a sum not exceeding $7,500, in addition to the unexpended balance of the amount heretofore authorized.

Mr. SANFORD. Mr. Speaker, I make the point of order.

The SPEAKER. What point of order?

Mr. SANFORD. On the ground that the House by its own resolution has no jurisdiction to continue the employment of the persons mentioned or to appropriate the money named after the session of this Congress. Let me call briefly to the Speaker's attention the fact that during the last four years something like over $40,000 has been spent by this committee—and perhaps profitably; on that question I have nothing to say—for the purpose of hiring clerks and auditors to audit the accounts of the District with the Federal Government. I want it distinctly understood that I do not in any way criticize the work. I do not know whether it is valuable or not. I have no opinion on it.

Mr. BORLAND. Will the gentleman yield?

Mr. SANFORD. Just let me make my point clear. The auditing that this committee does would seem to belong to the Auditor for the State and Other Departments. The function that it performs is an ordinary function of government. It is not anything in which the House has any peculiar or exclusive interest. It in no way pertains to the organization of the House or to the business of the House. If the House can by this resolution perpetuate the employment of these persons, then the House by its own resolution could provide for hiring additional auditors in the office of the Auditor for the State and Other Departments or additional employees in any other department of the Govern-

ment. The fundamental principle is stated in Jefferson's Manual, page 249, as follows:

Neither House can continue any portion of itself in any parliamentary function beyond the end of the session without the consent of the other two branches. When done it is by a bill constituting them commissioners for that particular purpose.

Mr. BORLAND. Mr. Speaker, will the gentleman yield now?

Mr. SANFORD. Yes; I yield.

Mr. BORLAND. I wanted to call the gentleman's attention to the fact that this work by the committee has been extremely valuable. While it may, as the gentleman from New York [Mr. SANFORD] says have cost $40,000, it has been of extreme value and is a great work for this Congress to undertake.

In the general deficiency bill, now reported to Congress, we are transferring $24,000 out of one fund and $211,000 out of another fund to the credit of the United States, money that has heretofore been erroneously credited to the District, and I find that, in all, the amount recovered and transferred to the credit of the United States has been about two and a quarter million dollars that was wrongfully credited to the District government.

Mr. SANFORD. Well, I will assume for the sake of the argument that the work that these gentlemen and their employees do is important work. If it is important or valuable, then it should be done by public officers appointed according to law. Provision can be made for the continuance of the work by joint resolution, possibly by concurrent resolution; I do not know. That seems to be a doubtful question. But in Hinds' Precedents there is a discussion of the subject of whether such a work should be done by joint resolution or concurrent resolution. There is no precedent in Hinds or anywhere else for continuing the employment of any person in the manner here provided beyond the life of a Congress. This thing, as I understand, has been done once or twice when the question has not been raised. But if the Speaker so rules as to make the precedent that the House by this House resolution can continue the employment of persons to perform functions of government after the adjournment of this Congress it will be the first time the House, when the question has been raised, has attempted to do any such thing. The matter attempted to be done here is a matter in which the Senate is just as much interested as the House, and I say if this work is important—and they say it is—then it is certainly important that it should be done according to law.

Mr. BENNET. Mr. Speaker, will the gentleman yield?

Mr. SANFORD. Yes; I yield to my colleague.

Mr. BENNET. If this resolution is proper, would it not be equally proper to provide by resolution what would be very comfortable to some of us——

The SPEAKER. The Chair would ask gentlemen to speak louder. The Chair would like to hear this discussion.

Mr. BENNET. I say if what is the purpose to be done by this resolution can legally be done, why would it not be legally possible for this House by a simple resolution to continue every one of us who go out of office on March 4 in some capacity at the salaries we are now receiving, assigning to us some more or less nominal duties, and therefore making an election to any particular Congress virtually a permanent thing? [Laughter.]

Mr. SANFORD. The point that the gentleman makes is good; but under the employment the gentleman would receive more pay than he now receives as a Member of Congress.

Mr. BENNET. Then I am interested. [Laughter.]

Mr. SANFORD. The auditor of this committee has received during at least the last year $25 a day. I believe the Sundays are excepted. Now, I do not criticize that. I do not know whether the man is worth $25 a day or not, but the point I make is that it is a dangerous thing for the House to attempt to assume authority of that kind.

Under this resolution the situation is this: The Member of Congress in whom the authority is vested because he now happens to be the chairman of the Committee on the District of Columbia—and, of course, he will not be the chairman of that committee after next Sunday, because there will be no such committee—has control of the expenditure of this $7,500, and has that authority merely because he is a Member of Congress; not because he has a peculiar interest in the work that is being done, but simply because he is a Member of Congress. It may make other Members of this House jealous. The power that is given to this one man is a power that is not given to other Members of Congress. I suppose that any Member of this House would be glad to have the power to employ a number of people with $7,500 or $10,000 a year. It is a privilege that the House should not grant. It provides for doing work in a manner in which the work should not be done.

Mr. BENNET. Mr. Chairman, will the gentleman yield again?

Mr. SANFORD. Certainly.

Mr. BENNET. Is it not a fact that when this House desired to authorize the employment of experts for both the Payne tariff committee and the Underwood tariff committee, that was done in the regular way by the act of the House and Senate? Has the gentleman any precedent for the House alone attempting to appoint an official after the House has expired by constitutional limitation?

Mr. SANFORD. There is absolutely no authority that I can find, and I feel safe in saying there is none. The usual and proper and ordinary manner of doing this thing is to provide for it in accordance with law—to provide for it by joint resolution. I think I have presented the matter as it appears to me. It seems to me clearly that the resolution is out of order.

Mr. LLOYD. Mr. Speaker, the House Members may not be aware of what this means to the House and to the country. The Committee on the District of Columbia has been authorized to make an investigation of the accounts of this District for the last six years.

The SPEAKER. How are they authorized?

Mr. LLOYD. They are authorized by House resolution in every instance. This committee has done its work in vacation before, under House resolution, and this committee has done more work and has done better work and has achieved better results than any investigation in the last six years, I do not care which one it was. It has more to show in things accomplished, measured in dollars and cents, to the United States Government and the Treasury of the United States than all the other investigating committees combined. It is the one investigation committee that has been profitable to the Government. Over $2,000,000 has been transferred to the Treasury of the United States, to the credit of the Government, by reason of these investigations that have been made by and on behalf of the District Committee.

It is not my purpose at this time to discuss the point raised by the gentleman from New York. I yield to the gentleman from Kentucky [Mr. JOHNSON], chairman of the District Committee, for such statement as he desires to make.

Mr. JOHNSON of Kentucky. Mr. Speaker, the gentleman from New York [Mr. SANFORD], in making his statement a few moments ago, admitted himself out of court. He made the statement that after the 4th of March, until the Sixty-fifth Congress assembled, there would be no Committee on the District of Columbia. In that he is correct; and, because he is correct in that, his point of order is destroyed. The rule provides that neither House——

The SPEAKER. What rule?

Mr. JOHNSON of Kentucky. On page 249 of the Manual, the rule provides that "neither House can continue any portion of itself in any parliamentary function beyond the end of the session without the consent of the other branch." Now, as there is no committee during that time and this resolution does not create one, therefore the individuals who are designated in this resolution to do the work have no parliamentary function. There is no requirement that they report to Congress. They have no parliamentary standing, but the persons who are designated in the resolution, not by name but by limitation, become a clerical force for this House. They will not work in the capacity of Members of this House but simply in clerical positions to complete work which a future House may take up when it is brought to their attention.

The members who will do this work under the proposed resolution will report their work to the Secretary of the Treasury. The Secretary of the Treasury will report it to the Comptroller of the Treasury, and if the Comptroller of the Treasury finds that their facts are sufficient, then he will make a ruling which will become equivalent to the judgment of a court. There is nothing in this resolution which says the Committee on the District of Columbia shall be continued, but it says that the present chairman of that committee, without calling him by name, and a number of the members of that committee who are reelected to the next Congress shall do this work. They are not continued at all in their capacity as a committee, but they are continued in a clerical capacity; and that being true, they can be continued just as clerks in any of the offices about here could be continued. I think the case is perfectly clear. The resolution was designedly so drawn that those who do the work should not do it in a parliamentary way, but simply as clerks. It appears that a majority of the Committee on the District of Columbia have been reelected to the Sixty-fifth Congress, but the present chairman under this resolution could select from the members of the old committee who have been reelected to the Sixty-fifth Congress those who shall do this work, not as members of a committee, but strictly as clerks.

The SPEAKER. What does the gentleman say to the point raised by the gentleman from New York that this takes a concurrent resolution?

Mr. JOHNSON of Kentucky. That is exactly what I am arguing against, that inasmuch as it provides only for a piece of clerical work to be done by this body and paid for out of the contingent fund of this body, the Senate has no voice in the matter.

Mr. MANN. Mr. Speaker, probably the essence of the situation was in the statement of the gentleman from Kentucky as he took his seat, that the expense was to be paid out of the contingent fund of this body. That is the question. This body expires with the end of the 3d of March, which we by a fiction fix at 12 o'clock noon on the 4th of March, and this body has no contingent fund beyond 12 o'clock on the 4th of March. The next House has a contingent fund after that date. Now, the law provides for the payment of certain expenses out of the contingent fund without action either by the House here or the Senate on the Senate side; but the House itself, when it orders money paid out of the contingent fund, must have control over the contingent fund out of which the money is to be paid, and I contend that this House has no control over the contingent fund of the next House, as this House expires on the 4th of March.

Now, what has been the practice, Mr. Speaker? I think it has been the invariable practice since you and I have been Members of this House that where it was proposed to make a contingent payment of money for some extra services after Congress had expired, the item had to be inserted either in one of the appropriation bills and become a part of the law or provided for by joint resolution, not a concurrent resolution. A concurrent resolution could provide for the payment of money out of the contingent funds of the House and the Senate while they exist. Of course the Senate is a continuing body, and the Senate may order money paid out of its contingent fund because it is a continuing body, but this House expires with the end of the 3d of March and has no jurisdiction over the payment of money out of the contingent fund after the 4th of March. For instance, here is a proposition, not to do any service for any committee of the House, not to do any service which relates to the House itself, but, as stated by the gentleman from Kentucky, to employ men to do some service, these men to report to the Secretary of the Treasury, who will turn their report over to the comptroller, for the comptroller to take action with which this House has nothing to do. We never have held that we could authorize even a commission to exist beyond the term of Congress to be paid out of the contingent fund; and if it shall be established by the decision of the Speaker that the old Congress may exhaust the contingent fund of the new Congress by paying all sorts of bills out of that contingent fund it will be a grave disaster, and will entirely reverse the unbroken practice and decisions in regard to the contingent fund.

Mr. JOHNSON of Kentucky. Mr. Speaker, the argument made by the gentleman from Illinois [Mr. MANN] is fallacious in this: He says that this is an attempt upon the part of this House to pay money out of the contingent fund of the next House. That is not correct. There is an attempt now to set aside $7,500 of the contingent fund of this House, to set it aside before this Congress expires, with which to pay for this clerical work. To me it is a plain proposition that this House now has the right to set aside $7,500 of its own contingent fund with which to have this work done during the vacation.

Mr. LLOYD. Mr. Speaker, there can be no question that there is a contingent fund after the 4th of March on which drafts may be made. The law provides that there shall be a temporary Committee on Accounts, and that committee shall audit such claims as may be properly presented during the vacation. This shows beyond any question that there is a contingent fund over which the House has control.

Mr. JOHNSON of Kentucky. And out of which they do pay accounts.

Mr. LLOYD. And out of which the payments of the House of Representatives are made, and any payment that this House authorizes is paid out of that fund. It is true that that committee can not legally pay any claim that has not been authorized by the House of Representatives, but what is sought here is to make an authorization so that this temporary Committee on Accounts can audit the claims and pay them, and they will be paid like any other claims that may be paid in vacation.

Mr. SANFORD. Mr. Speaker, it seems to me perhaps necessary to say just one word, to show the distinction between this resolution and the usual resolution which comes from the Committee on Accounts. The usual resolution providing for the payment of an additional clerk, for instance, comes into this House with a provision that such and such clerk shall be appointed at such and such an annual compensation until otherwise provided by law. Then, following that resolution the Appropriation Committee takes up the resolution and incorporates the provision for the item, and then it becomes existing law. But often when an appropriation bill comes before the House, if a point of order is raised to an item inserted in such a bill for a clerk, for instance, that had been authorized by a House resolution, the Speaker holds that such a clerk appointed by the House resolution is a clerk authorized by law, because the Congress has a right to spend out of the contingent fund for the expenses of the House itself. But this proposition is naked in that it provides, as the gentleman from Kentucky claims, for the appointment of clerks under his control by description and the expenditure of money by him for work that has nothing to do with the organization of or the running of the House after the constitutional dissolution of the House.

The SPEAKER. The Chair would like to ask the gentleman a question. Are the expenses of this to be paid out of the contingent fund of this House or out of the contingent fund of the next House?

Mr. SANFORD. It is to be paid out of the contingent fund which is appropriated for the fiscal year. As I understand it, there can not be charged against the contingent fund any item not authorized by law, but the House may within the period of its official life authorize expenditures therefrom. I have no doubt that the thing provided to be done by this resolution could be authorized by law, by a joint resolution providing that out of the contingent fund the money could be expended for the purpose mentioned.

The SPEAKER. The gentleman does not answer my question. Is the expense of this investigation to be paid out of the contingent fund of this House or of the next House?

Mr. SANFORD. It seems very clear by the logic of the situation that it would be out of the contingent fund of the next House, but the resolution says "out of the contingent fund." The contingent fund of this House expires with this Congress.

Mr. LLOYD. Anything paid out of the contingent fund between now and the 1st of July would be out of the contingent fund provided for this House. Anything paid out after the 30th of June would be paid out of the fund for the next current year.

The SPEAKER. When will this money be paid out?

Mr. LLOYD. It will be paid out after the services are rendered upon vouchers presented to the committee.

The SPEAKER. Before or after the 1st of July?

Mr. LLOYD. It may be before and it may be after.

Mr. MANN. Mr. Speaker, as to the question of the 1st of July, when the law was passed providing for an interim Committee on Accounts, it was decided by the comptroller that that committee was a committee of the next Congress and not a committee of the expiring Congress, although the law provided that the Speaker of the expiring Congress should name three Members of the next Congress as an interim committee. It is already decided that that was a committee of the next Congress and not of the expiring Congress.

Mr. JOHNSON of Kentucky. Mr. Speaker, the question is, Has this House of the Sixty-fourth Congress the right while the House of the Sixty-fourth Congress is still living to put aside $7,500 of the contingent fund at the disposal of this House for work to be done in the future? Unquestionably it has. If this work can be completed before the 1st of July, then the argument of the gentleman is fallacious. The money paid out before the 1st of July is not reached by their argument. But even their argument as to money paid out before the 1st of July is not good, and the Speaker is not called on to decide it. The Comptroller of the Treasury will decide that. The simple question is, Can the House of the Sixty-fourth Congress, while yet legally alive, set aside $7,500 of its own contingent fund to do work after the Congress has expired?

The question is asked, To which Congress does the contingent fund belong? The resolution says that this Congress sets aside that money payable out of the contingent fund. What is the logical answer as to what contingent fund is meant? It is the contingent fund in existence. The contingent fund for the next Congress has not yet been brought into existence. That fund could not be referred to in this resolution. It would have been a waste of words to have added "payable out of the contingent fund of the Sixty-fourth Congress." When its says "payable out of the contingent fund," that is what it means, without the addition of the surplus words. My contention is simply, to repeat it, that the House of the Sixty-fourth Congress while yet legally alive, from the balance of its contingent fund may set aside a certain amount for work to be done partly before this Congress expires and partly after it has expired.

The SPEAKER. The Chair would like to ask the gentleman from Illinois or the gentleman from New York whether or not the point that is raised does not go to the legality of the proceedings rather than to the parliamentary order of it?

Mr. MANN. No, Mr. Speaker; because this goes to the jurisdiction of the committee to report the item. It is only authorized to report measures touching the contingent fund of the House. That means the House which the Committee on Accounts is appointed by. My contention is that the committee has no jurisdiction to report as a privileged matter a resolution providing for the payment out of the contingent fund of the next House.

The SPEAKER. What does the gentleman say about the contention of the gentleman from Kentucky that this is to be paid out of the contingent fund of this House?

Mr. MANN. It is not; the gentleman does not mean that this money is payable out of the contingent fund of this House. The resolution expressly provides by its terms that it contemplates the payment of the money after the expiration of this Congress. By the very terms of the resolution the payment is after this Congress has expired.

Mr. LLOYD. The contingent fund is a continuing fund.

Mr. MANN. But the Congress is not.

Mr. LLOYD. I am aware of that. It is true the temporary committee is a committee of the next House, but it has no authority except to do that which has been previously authorized.

Mr. MANN. I understand that—they can only audit accounts authorized by law, and that is the very reason that you can not by this Congress pay money out of the contingent fund of the next Congress. They can not do it; we can not do it. We have no more jurisdiction over the contingent fund of the next Congress than the interim committee, which is the committee of the next Congress, has over the contingent fund of this Congress.

Mr. LLOYD. According to the gentleman's position, the interim committee would have no authority over the contingent fund up to the beginning of the next session, because the next Congress has no control over the contingent fund until the Congress convenes.

Mr. MANN. But the law has control over it.

Mr. LLOYD. Of course it does; the contingent fund, out of which the contingent expenses are paid. Whenever a contingent claim arises under the law it may be paid whether it is in the interim or during the session.

Mr. MANN. The contingent fund can be paid out under two conditions: First, it can be paid out by audit, where the law provides for paying it out; and, second, it can be paid out by order of the House, regardless of the law.

Mr. LLOYD. And that is what is sought to be done here.

Mr. MANN. Oh, no; you are trying to pay here out of the contingent fund of the next House and not out of this House, and it is not authorized by law. The gentleman never has had such a resolution before.

The SPEAKER. If the desires of the Chair were to rule in this matter the Speaker would overrule the point of order, because he thinks this committee has done more good than any investigating committee provided for in this House since he has been a Member of it; it has obtained more results. Still the Chair does not like to set a precedent that would be dangerous in days to come. This is not authorized by law, and the Chair therefore sustains the point of order.

CONDITIONS OF INTERSTATE AND FOREIGN COMMERCE.

Mr. ADAMSON rose.

The SPEAKER. For what purpose does the gentleman from Georgia rise?

Mr. ADAMSON. Mr. Speaker, I desire to make an announcement. There will be a vacancy upon the joint subcommittee appointed under Senate joint resolution 60, creating a joint subcommittee from the membership of the Senate Committee on Interstate Commerce and the House Committee on Interstate and Foreign Commerce to investigate the conditions relating to interstate and foreign commerce, and the necessity of further legislation relating thereto, and defining the powers and duties of such subcommittee, by the retirement from Congress of the gentleman from Indiana [Mr. CULLOP]. In accordance with the amended resolution extending that committee, I desire to announce that the gentleman from Michigan [Mr. DOREMUS] will take the place so vacated.

The SPEAKER. The chairman of the Committee on Interstate and Foreign Commerce announces that Mr. DOREMUS, of Michigan, will be appointed upon the joint subcommittee investigating the interstate railroad situation in lieu of the gentleman from Indiana [Mr. CULLOP]. As there is some doubt about who makes this appointment, whether the chairman of the committee or the Speaker, the chairman also appoints him.

JENNIE RITZHEIMER.

Mr. LLOYD. Mr. Speaker, I present a privileged resolution from the Committee on Accounts, which I send to the desk and ask to have read.

The Clerk read as follows:

House resolution 506 (H. Rept. No. 1615).

Resolved, That the Clerk of the House be, and he is hereby, directed to pay, out of the contingent fund of the House, to Jennie Ritzheimer, widow of Frank Ritzheimer, late an elevator conductor in the House Office Building, a sum equal to six months of his compensation as such elevator conductor and an additional amount, not exceeding $250, to defray the funeral expenses of said Frank Ritzheimer.

Mr. LLOYD. Mr. Speaker, this is the usual resolution.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

EXTENSION OF REMARKS.

Mr. BRITT. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon the pending bill for the retirement of Federal judges.

The SPEAKER. Is there objection?

There was no objection.

PINEY BRANCH ROAD, DISTRICT OF COLUMBIA.

Mr. TALBOTT. Mr. Speaker, I move to take from the Speaker's table the bill (S. 5525) to provide for the abandonment of Piney Branch Road between Allison Street and Buchanan Street NW., in the District of Columbia, which bill has passed the Senate unanimously and is reported unanimously from the Committee on the District of Columbia to this House.

Mr. MANN. What is it about?

Mr. TALBOTT. About the dedication of Sixteenth Street and the closing up of Piney Branch Road.

Mr. MANN. Mr. Speaker, I object.

Mr. TALBOTT. I move, Mr. Speaker——

Mr. MANN. But the gentleman can not make such a motion.

Mr. TALBOTT. Then I move to suspend the rules and pass the bill.

Mr. MANN. Mr. Speaker, I make the point of order that the gentleman's motion to take this bill from the Speaker's table is not in order. The bill is on the Union Calendar.

Mr. TALBOTT. The bill is on the Speaker's table.

Mr. MANN. That does not make any difference. It is a Union Calendar bill to vacate certain property.

Mr. TALBOTT. Yes; and the District makes $1,200 by the deal.

Mr. MANN. It proposes to close up a valuable street for private benefit.

The SPEAKER. The gentleman from Illinois makes the point of order, and the Chair sustains the point of order.

SCHOOLS IN ALASKA.

Mr. HOUSTON. Mr. Speaker, I am directed by the Committee on the Territories to call from the Speaker's table the bill (S. 8317) to authorize the Legislature of Alaska to establish and maintain schools, and for other purposes, and have it put upon its passage. The Committee on the Territories has reported an identical House bill.

The SPEAKER. The Chair lays before the House the bill S. 8317, which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That the Legislature of Alaska is hereby empowered to establish and maintain schools for white and colored children and children of mixed blood who lead a civilized life in said Territory, and to make appropriations of Territorial funds for that purpose; and all laws or parts of laws in conflict with this act are to that extent repealed.

The SPEAKER. The question is on the third reading of the Senate bill.

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

A similar House bill (H. R. 21020) was ordered to lie on the table.

RETIREMENT OF JUDGES.

The SPEAKER. The unfinished business is the bill (S. 706) to amend section 260 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, which the Clerk will report.

The Clerk reported the bill by title.

The SPEAKER. The question is on the third reading of the Senate bill.

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

The SPEAKER. The question is, Shall the bill pass?

Mr. MANN. Mr. Speaker, on that I ask the yeas and nays.

The SPEAKER. The gentleman from Illinois demands the yeas and nays; evidently a sufficient number, and the Clerk will call the roll.

The question was taken; and there were—yeas 192, nays 200, answered "present" 4, not voting 38, as follows:

YEAS—192.

Abercrombie	Dixon	Key, Ohio	Reilly
Adair	Doolittle	Kincheloe	Riordan
Adamson	Doremus	Kitchin	Rouse
Aiken	Doughton	Konop	Rubey
Alexander	Dupré	Lazaro	Rucker, Ga.
Almon	Eagan	Lee	Rucker, Mo.
Ashbrook	Eagle	Lesher	Russell, Mo.
Aswell	Edwards	Lever	Sabath
Ayres	Estopinal	Lewis	Saunders
Bailey	Evans	Lieb	Sears
Barkley	Ferris	Linthicum	Shackleford
Barnhart	Fields	Littlepage	Shallenberger
Bell	Fitzgerald	Lloyd	Sherley
Black	Flood	Lobeck	Shouse
Blackmon	Foster	London	Sims
Booher	Gandy	McAndrews	Small
Borland	Gard	McClintic	Smith, N. Y.
Buchanan, Ill.	Garner	McCorkle	Smith, Tex.
Buchanan, Tex.	Glass	McGillicuddy	Steagall
Burgess	Godwin, N. C.	McKellar	Stedman
Burke	Goodwin, Ark.	McLemore	Steele, Iowa
Burnett	Gordon	Mays	Steele, Pa.
Byrnes, S. C.	Gray, Ala.	Montague	Stephens, Miss.
Byrns, Tenn.	Gray, Ind.	Moon	Stephens, Nebr.
Caldwell	Gregg	Morgan, La.	Stephens, Tex.
Candler, Miss.	Hamlin	Morrison	Stone
Cantrill	Hardy	Murray	Sumners
Caraway	Harrison, Miss.	Neely	Taggart
Carlin	Harrison, Va.	Nicholls, S. C.	Talbott
Carter, Okla.	Hastings	Oglesby	Tavenner
Casey	Hayden	Oldfield	Taylor, Ark.
Church	Heflin	Oliver	Taylor, Colo.
Clark, Fla.	Helm	Olney	Thomas
Cline	Helvering	O'Shaunessy	Thompson
Coady	Henry	Overmyer	Tillman
Collier	Hilliard	Padgett	Van Dyke
Connelly	Holland	Page, N. C.	Venable
Cox	Hood	Park	Vinson
Crisp	Houston	Patten	Walker
Crosser	Howard	Phelan	Watkins
Cullop	Huddleston	Pou	Watson, Va.
Dale, N. Y.	Hughes	Price	Webb
Davenport	Hull, Tenn.	Quin	Whaley
Decker	Humphreys, Miss.	Ragsdale	Williams, W. E.
Dent	Igoe	Rainey	Wilson, La.
Dewalt	Jacoway	Raker	Wingo
Dickinson	Johnson, Ky.	Randall	Wise
Dies	Keating	Rayburn	Young, Tex.

NAYS—200.

Anderson	Fess	Kinkaid	Rogers
Anthony	Focht	Kreider	Rowe
Austin	Fordney	Lafean	Rowland
Bacharach	Foss	La Follette	Russell, Ohio
Beales	Frear	Langley	Sanford
Bennet	Freeman	Lehlbach	Schall
Bowers	Fuller	Lenroot	Scott, Mich.
Britt	Gallagher	Liebel	Scott, Pa.
Browne	Gallivan	Longworth	Sells
Browning	Gardner	McCulloch	Sherwood
Bruckner	Garland	McFadden	Siegel
Campbell	Gillett	McKenzie	Slayden
Cannon	Glynn	McKinley	Slemp
Capstick	Good	Madden	Sloan
Carew	Gould	Magee	Smith, Idaho
Carter, Mass.	Gray, N. J.	Maher	Smith, Mich.
Cary	Green, Iowa	Mann	Smith, Minn.
Charles	Greene, Mass.	Mapes	Snell
Chiperfield	Greene, Vt.	Martin	Snyder
Coleman	Griest	Meeker	Stafford
Cooper, Ohio	Griffin	Miller, Del.	Steenerson
Cooper, W. Va.	Hadley	Miller, Minn.	Sterling
Cooper, Wis.	Hamilton, Mich.	Miller, Pa.	Stiness
Copley	Hamilton, N. Y.	Moore, Pa.	Sulloway
Costello	Haskell	Moores, Ind.	Sutherland
Crago	Haugen	Morgan, Okla.	Sweet
Cramton	Hawley	Morin	Swift
Curry	Hayes	Moss	Switzer
Dale, Vt.	Heaton	Mott	Tague
Dallinger	Helgesen	Mudd	Temple
Danforth	Hernandez	Nelson	Tilson
Darrow	Hicks	Nichols, Mich.	Timberlake
Davis, Minn.	Hinds	Nolan	Tinkham
Dempsey	Hollingsworth	North	Towner
Denison	Hopwood	Norton	Treadway
Dillon	Howell	Oakey	Vare
Dooling	Hulbert	Paige, Mass.	Volstead
Dowell	Hull, Iowa	Parker, N. J.	Walsh
Driscoll	Humphrey, Wash.	Parker, N. Y.	Ward
Drukker	Husted	Peters	Wason
Dunn	James	Platt	Watson, Pa.
Dyer	Johnson, Wash.	Powers	Wheeler
Edmonds	Kearns	Pratt	Williams, Ohio
Ellsworth	Keister	Ramseyer	Williams, T. S.
Elston	Kelley	Rauch	Wilson, Ill.
Emerson	Kennedy, Iowa	Reavis	Winslow
Esch	Kennedy, R. I.	Ricketts	Wood, Ind.
Fairchild	Kent	Roberts, Mass.	Woods, Iowa
Farley	Kiess, Pa.	Roberts, Nev.	Woodyard
Farr	King	Rodenberg	Young, N. Dak.

ANSWERED "PRESENT"—4.

Chandler, N. Y.	Dill	Garrett	Kettner

NOT VOTING—38.

Allen	Flynn	Kahn	Mooney
Barchfeld	Graham	Lindbergh	Porter
Beakes	Guernsey	Loft	Scully
Benedict	Hamill	Loud	Sinnott
Britten	Hart	McArthur	Sisson
Brumbaugh	Hensley	McCracken	Sparkman
Butler	Hill	McDermott	Stout
Callaway	Hutchinson	McLaughlin	Wilson, Fla.
Conry	Johnson, S. Dak.	Matthews	
Davis, Tex.	Jones	Mondell	

So the House refused to pass the bill.

The Clerk announced the following pairs:

On the vote:

Mr. ALLEN (for) with Mr. DILL (against).

Mr. SINNOTT (for) with Mr. CONRY (against).

Mr. SCULLY (for) with Mr. FLYNN (against).

Until further notice:

Mr. BRUMBAUGH with Mr. BARCHFELD.

Mr. DAVIS of Texas with Mr. BRITTEN.

Mr. HAMILL with Mr. BUTLER.

Mr. HART with Mr. GUERNSEY.

Mr. JONES with Mr. HUTCHINSON.

Mr. LOFT with Mr. JOHNSON of South Dakota.

Mr. SPARKMAN with Mr. LOUD.

Mr. STOUT with Mr. MONDELL.

Mr. WILSON of Florida with Mr. MCLAUGHLIN.

Mr. CALLAWAY with Mr. GRAHAM.

Mr. SISSON with Mr. KAHN.

Mr. BEAKES with Mr. HILL.

Mr. MCDERMOTT with Mr. MCARTHUR.

Mr. HENSLEY with Mr. MOONEY.

Mr. SISSON. Mr. Speaker, I desire to vote "aye."

The SPEAKER. Was the gentleman in the Hall and listening?

Mr. SISSON. I was in the Hall, but I was not listening.

The SPEAKER. The gentleman does not bring himself within the rule.

The result of the vote was announced as above recorded.

Mr. MANN. Mr. Speaker, I move to reconsider the vote by which the bill was defeated and to lay that motion on the table.

The motion was agreed to.

DIPLOMATIC AND CONSULAR APPROPRIATIONS.

Mr. CARTER of Oklahoma and Mr. FLOOD rose.

The SPEAKER. For what purpose does the gentleman from Virginia [Mr. FLOOD] rise?

Mr. FLOOD. To call up the conference report on the Diplomatic and Consular appropriation bill.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

An act (H. R. 19300) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1918.

Mr. FLOOD. Mr. Speaker, I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Virginia asks unanimous consent that the statement be read in lieu of the report. Is there objection? [After a pause.] The Chair hears none. The Clerk will read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (NO. 1550).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19300) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1918, 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 amendments numbered 8 and 9.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 10, and 11, and agree to the same.

H. D. FLOOD,
CYRUS CLINE,
HENRY ALLEN COOPER,
Managers on the part of the House.

LEE S. OVERMAN,
LUKE LEA,
W. L. JONES,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19300) making appropriations for the Diplomatic and Consular Service for the fiscal year 1918,

submit the following written statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of the Senate amendments, namely:

On Nos. 1, 2, 3, and 4: Strikes out the provision for an envoy extraordinary and minister plenipotentiary to Morocco, at $10,000 per annum, and insert in lieu thereof an agent and consul general at Tangier, at $7,500 per annum, as proposed by the Senate.

On No 5: Strikes out the provision as proposed by the House which provides "That no secretary who as chargé d'affaires at any time during 1916 refused any privilege to any American citizen because such citizen criticized the President of the United States shall be paid any salary from this appropriation."

On No. 6: Decreases the appropriation "for emergencies arising in the Diplomatic and Consular Service" from $200,000, as proposed by the House, to $150,000, as proposed by the Senate.

On No. 7: Inserts in the bill the provision containing an appropriation of $50,000 for the Second Pan American Financial Conference, as proposed by the Senate.

On No. 8: Restores to the bill the provision making the appropriation of $40,000 for the Nineteenth Conference of the Interparliamentary Union available for the fiscal year 1918, as proposed by the House.

On No. 9: Restores to the bill the appropriation of $10,000 for the Fifteenth International Congress Against Alcoholism, as proposed by the House.

On No. 10: Inserts in the bill the provision proposed by the Senate making the appropriation for post allowances to diplomatic and consular officers available to diplomatic and consular officers in belligerent countries and countries contiguous thereto.

On No. 11: Strikes from the bill the appropriation of $80,000 for the acquisition of legation premises at Managua, Nicaragua, as proposed by the House.

H. D. FLOOD,
CYRUS CLINE,
HENRY ALLEN COOPER,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

Mr. FLOOD. Mr. Speaker, I yield 10 minutes to the gentleman from New York [Mr. BENNET].

Mr. BENNET. Mr. Speaker, when this bill passed the House it contained a provision which, in my mind, was very salutary, if we are to maintain in this country the right of free speech and the right which we have enjoyed from the beginning, of any one citizen out of office to criticize any other citizen who for the time being is in office.

Mr. MANN. Mr. Speaker, I ask for order.

The SPEAKER. The House will be in order. [After a pause.] The gentleman from New York [Mr. BENNET] will proceed.

Mr. BENNET. Mr. Speaker, as I was saying when I was interrupted by the disorder on the Democratic side, as this bill passed the House it contained a provision which was essential if we are to maintain the right of free speech in this country, at least outside of the House of Representatives.

Charles Edward Russell was and is a Socialist. Twice he has been a candidate for governor of the State of New York, and at least once a candidate for mayor of the city of New York. I have no sympathy with socialistic principles, and from the beginning of this Congress until this hour I have fought them every time I saw a chance to do so. But a Socialist who is a citizen has the same constitutional rights in this country as a man who belongs to any other party.

Mr. Russell is a newspaper man, and in connection with his duties as a newspaper man and in connection with his employment as such he was in Europe some five or six months ago. He and another man applied to the embassy at Paris for the ordinary letter of identification that is common to the most casual tourist accrediting him simply as an American citizen to the Belgian legation. Mr. Russell represented 295 newspapers. Everything seemed to be all right when he made the application, but when he came back at 4 o'clock in the afternoon Mr. Bliss, the chargé d'affaires, handed him a letter in which he said that since he had been there in the morning he, Mr. Bliss, had read the Paris edition of the New York Herald, in which Mr. Russell, as Mr. Bliss said, had criticized the President of the United States, and, therefore, because Mr. Russell had differed with the President of the United States on a question of policy, Mr. Bliss refused Mr. Russell a letter of credence to the Belgian legation.

Now, the criticism was this: The Austrian Emperor had just died and Mr. Wilson, in accordance with the custom, had sent a letter of regret to the Government of Austria upon the death of that monarch, and Mr. Russell had simply said that he depreated the adherence of the President of our Republic to this ancient custom which compelled him to send courteous messages to either one of the central powers.

Now, I will admit if that criticism had been made in either Austria or Germany there might have been some reason for Mr. Bliss objecting to it, but it was made in France, where certainly a criticism of either Austria or Germany would not be unwelcome to the people of that country. It was not involving us in any diplomatic difficulties. But Mr. Russell's right was cut off and he was deprived of his means of employment as representative of those 295 newspapers, and was compelled to return to the United States because he had indulged in a right which is common to us all, to criticize any public official.

The House put in an amendment providing that no secretary of legation who during the calendar year 1916 had deprived an American citizen of a privilege because that citizen had criticized the United States should during the fiscal year 1917 draw any salary as an official of the United States Government. I think that that was right.

The Senate struck it out, and I regret to see that the House conferees have permitted the action of the Senate to stand, having receded from the House amendment, and the only opportunity that is left to this House to express itself is on a vote, if the House be so minded, to vote down the entire conference report, and if that is done, then to insist that the conferees on the part of the House insist on a disagreement to the amendment of the Senate striking out the particular provision.

Why, Mr. Speaker, just see what this will lead to. It is in line with the action, I regret to say, of the White House in cutting off of its list the gentleman from Indiana [Mr. WOOD] because he chose to exercise his right as a Member of this House and introduced a resolution which he had the right under his constitutional prerogatives to introduce. Now we take away the right of a newspaper man because he exercised his right to criticize the President.

We are in troublous times. We are in what is called a crisis; but the way to solidify our people permanently is to insist that within our own boundaries the slightest right of the humblest citizen be maintained in connection with our domestic matters.

Mr. ROGERS. Will the gentleman yield?

Mr. BENNET. I will.

Mr. ROGERS. Assuming for the sake of argument that the American secretary did an improper act, does the gentleman think the remedy is docking him a year's pay without an opportunity of being heard in his own defense?

Mr. BENNET. The secretary has stated his case, which was read into the RECORD in the Senate by one of the Senators, in which statement he said he did this thing. There was a letter signed by him in which he gave his reason. He said it was the article from the Paris edition of the New York Herald. I say the same rule ought to be applied to appointive officers as is applied to executive officers. If the gentleman from Massachusetts [Mr. ROGERS] did something that his district thought to be un-American, what they would do would be to dock him permanently from his salary.

Mr. MILLER of Minnesota. Will the gentleman yield?

Mr. BENNET. Yes.

Mr. MILLER of Minnesota. Can the gentleman state how long the secretary, Mr. Bliss, has been in the service?

Mr. BENNET. I do not know.

Mr. SLOAN. Mr. Speaker, will the gentleman yield there?

Mr. BENNET. Yes.

Mr. SLOAN. Is Mr. Bliss still in the service, still occupying that position?

Mr. BENNET. Mr. Bliss is still in the service and still occupying that position, and the Secretary of State in a letter to the Senate stated that he commended his action in refusing this privilege to Mr. Russell. I do not claim it was a right belonging to this American citizen, because he did criticize the President of the United States, so that the line is very clear; the issue is distinct.

Now, one of the things that accounts for the growth of socialism in this country is a thing just like that. We claim to be a Republic, different from monarchies, and——

Mr. AUSTIN. Mr. Speaker, will the gentleman yield?

Mr. BENNET. Yes.

Mr. AUSTIN. I do not see the Representative of that party [Mr. LONDON] on the floor of this House. Is he in accord with you on that proposition?

Mr. BENNET. Well, I hate to speak for my colleague in his absence, but I am frank to say I do not know what the stand of the Socialist Representative is. I know what the stand of the Socialist press is. They are in favor of this proposition, because they believe, as every American ought to, in the right

of free speech. Just why my Socialist colleague [Mr. LONDON] is not here I do not know. I know he was here a few moments ago to vote some unnecessary judges on the bench in the United States. I regret he is not here to add his word to mine in behalf of his friend and fellow member of his party, Mr. Russell. I hope this House in some way or another will vindicate the American attitude, because, as I started out to say when I was interrupted by the gentleman from Tennessee [Mr. AUSTIN], one of the things that accounts for socialism in this country is just such an act as this. We boast of being a Republic and a free people, and about free speech, and things of that kind; but——

The SPEAKER. The time of the gentleman from New York has expired.

Mr. BENNET. I ask unanimous consent, Mr. Speaker, for two minutes.

Mr. FLOOD. I yield to the gentleman two minutes.

The SPEAKER. The gentleman is recognized for two minutes more.

Mr. BENNET. We contrast our country in public speeches with what we call the effete monarchies of Europe, and yet every time that we do something like this, depriving an American citizen of a right that you talk about on the Fourth of July, every Socialist in the United States says, "Oh, yes; we are a Republic, so far as 'bunc' talk on holidays is concerned, but we are just as much an oligarchy or monarchy as the monarchies across the sea when we deprive a citizen of this country of the right to criticize a citizen."

Furthermore, the right is fundamental. We can not maintain a free republic unless there is the utmost freedom amongst the citizens of that country to criticize those whom they elect to office while they are in office. A man elected to office is no different from any other citizen. He is simply, for the time being, occupying a position of trust, responsibility, and power, to which he has been set apart by the people for a limited time, and he is just as much subject to criticism while in office as when out of office. Unless we rebuke these repeated violations of a principle, the time will come when the man in public office, and particularly in an executive office, will claim as a right that which has grown up by prescription, as it were, from the time when no such thing would have been tolerated, through the days when we did tolerate it until the days we look forward to, when the man who holds the office of President or governor or mayor can send out the police or the Army to take into custody the man who presumes to differ with him in public. I hope this conference report will be voted down.

Mr. NORTON. Does the gentleman take the position that this was a privilege or courtesy that was denied to Mr. Russell that ought to have been extended to him?

Mr. BENNET. Yes; to any American citizen.

Mr. NORTON. Does the gentleman take the position that an American citizen abroad might not make such a criticism as would justly deprive him of a courtesy that would otherwise be extended?

Mr. BENNET. I said that if he had made this particular criticism either in Austria or in Germany, the representative of our foreign office would have been justified in saying, "We do not dare to extend this privilege to you because you have made yourself a persona non grata in the country. That would have applied in Germany or Austria, but certainly it did not apply in France, because Mr. Russell's criticism contained a reflection upon the Government of Austria.

Mr. ALMON. Mr. Speaker, will the gentleman yield?

Mr. BENNET. Yes.

Mr. ALMON. Is it not a fact that Mr. Bliss is a Republican, and has been in the service for a long time?

The SPEAKER. The time of the gentleman from New York has expired.

Mr. BENNET. I do not care if he is a Republican or not. I want this thing adopted, just the same.

Mr. FLOOD. Mr. Speaker, the gentleman from New York [Mr. BENNET] does not properly state Mr. Bliss's position. Mr. Bliss agrees with the gentleman from New York that criticism of the President of the United States is the right of an American citizen in this country; that if an American citizen abroad indulged in criticism of the President of the United States, that such a citizen had no right to call on American representatives abroad to grant him special privileges and through such representatives to recommend such citizen to the consideration of another Government. In this position I think Mr. Bliss was entirely right. Mr. Russell's attack upon the President was an effort to bring that high official into disrepute in a foreign country, and for this attempt he was properly denied this special courtesy. [Applause on the Democratic side.]

It has nothing in the world to do with the right of free speech or free criticisms in the press. This act bears upon our international relations. This gentleman took the simple position that Mr. Russell asked not for a right, but for a courtesy, consisting of a recommendation from the American Embassy in France to the Belgian Government, and he would not give it because that gentleman was engaged in trying to bring into disrepute and unpopularity the President of the United States and this country itself.

I do not believe that this House for one moment would undertake to inflict punishment upon this secretary for having exercised his discretion in the matter. But as the gentleman from Massachusetts [Mr. ROGERS] well said, if you are going to punish him, this is not the way to accomplish that end. To file a complaint with the proper officials and have the matter investigated, with opportunity for both sides to be heard would be much fairer.

Mr. BENNET. Mr. Speaker, will the gentleman yield?

Mr. FLOOD. Yes.

Mr. BENNET. What would be the use of filing a complaint when the Secretary of State has written a letter to the Senate saying he thoroughly approves of Mr. Bliss's action?

Mr. FLOOD. If the Secretary of State does thoroughly approve of it, it is evidence that Mr. Bliss acted correctly. [Applause on the Democratic side.]

Mr. BENNET. That is like the doctrine of monarchies, pure and simple, "The King can do no wrong."

Mr. FLOOD. I want to add that Mr. Bliss has made a fine record in the Diplomatic Service, and the amendment was not opposed when it was put in the bill in the House simply because we had not a quorum of the committee of the whole present at the time it was presented.

Mr. ROGERS. The gentleman from New York in his comment said that Mr. Russell had "deprecated" a telegram of condolence which had been sent by the President to Austria. I should like to read the first two sentences of Mr. Russell's letter, which was published in the Paris edition of the New York Herald and which served as the basis of the refusal by Mr. Bliss.

Mr. FLOOD. I shall be glad to have the gentleman read it.

Mr. ROGERS. Mr. Russell wrote:

I rejoice to see that Americans have entered their protest in your columns against President Wilson's most strange and grotesque felicitations to the Austrian Emperor.

This abominable person represents the antipodes of everything for which America is supposed to stand.

Mr. BENNET. That is, the emperor.

Mr. ROGERS. I read further—

He has not one ideal that is capable of being squared with ours.

Now, Mr. Speaker, I submit that that article, appearing in a Paris newspaper, was calculated to bring the American people, through their Chief Magistrate, into the contempt of the French, and it was calculated to do this country positive harm if it was allowed to pass unchallenged and unrebuked when the author of it sought a privilege at the hands of our representative in Paris.

Mr. FLOOD. And if our representative in the French capital gave his recommendation to the gentleman who wrote it, recommending him to another Government, it was calculated to offend the German and Austrian Governments, and to help increase the strained relations that then existed between our Government and theirs.

Now, Mr. Speaker, I would like to read the letter I received from the Secretary of State in reference to this. He quotes the action of the House in putting on this proviso, and then proceeds:

The explanation of the amendment is contained in certain correspondence—

I will not read that.

It appears that Mr. Russell wrote a letter to the Paris edition of the New York Herald, dated August 28, in which he makes certain criticisms of the President of the United States.

It also appears that on the next day, August 29, Mr. Russell called upon Mr. Bliss with a view to obtaining certain privileges from the Belgian Government, and that Mr. Bliss on the same day informed him by letter that in view of his criticism of the President as contained in the letter above referred to he did not feel justified in giving him a letter of recommendation to the Belgian legation.

While public criticism of the President of the United States by American citizens in the United States is not a matter in which this department can concern itself, the criticism of the President by Americans in the press of foreign countries bears directly upon the international relations of the United States. It is my opinion, therefore, that an American citizen who avails himself of an opportunity to discredit the standing of the President of the United States through the press of a foreign country can not expect that the diplomatic representatives of the United States shall seek to secure special privileges for him from foreign Governments, privileges which he can not ask as a matter of right, but which are wisely left to the discretion of our representatives.

I hope, Mr. Speaker, the conference report will be agreed to, and I do not believe it will be voted down on account of the House conferees yielding to the Senate conferees in striking out this provision.

Mr. MONTAGUE. Will my colleague yield?

Mr. FLOOD. I yield to my colleague from Virginia.

Mr. MONTAGUE. Your position is that this gentleman was not deprived of any American right?

Mr. FLOOD. None whatever.

Mr. MONTAGUE. But that he invokes the American Government to sanction a wrong in breach of the conventional comity of nations.

Mr. FLOOD. He asked for a privilege which it was in the discretion of the American Government to grant him or to refuse him. He asked to be recommended by the American Government to another Government, and our representative in France declined to recommend him after the improper criticisms by him of the President of the United States.

I yield two minutes to the gentleman from Massachusetts [Mr. ROGERS].

Mr. ROGERS. Mr. Speaker, I do not know that it is especially material whether the official in question in this discussion is a Republican or a Democrat. Perhaps he has no politics at all. Perhaps he has been in the foreign service of his country so long that he has ceased to regard party strife in any intimate or personal way. I should like to read from the current volume of Who's Who in America a few lines which will indicate the time of his original appointment to the foreign service, and will give the House some idea of the service which he has rendered since he has been a representative of this country abroad. His name is Robert Woods Bliss, and he served——

Mr. KING. Is that written by him?

Mr. ROGERS. I do not know. Undoubtedly the facts are accurate.

Mr. KING. I wanted to know whether it was authentic.

Mr. ROGERS. This is what I wished to read:

Robert Woods Bliss * * * served in office of secretary of Porto Rico, 1900–1901; private secretary to Governor of Porto Rico, 1901–1903; appointed consul at Venice, June 18, 1903; second secretary of the embassy, Petrograd, 1904–1907; secretary of legation, Brussels, 1907–1909; delegate to international conference to consider revision of the arms and ammunition regulations of the general act of Brussels of July 2, 1890, April 8, 1908; secretary of legation, Buenos Aires, August 4, 1909; secretary of embassy at Paris since February 1, 1912; attended and reported proceedings of the International Conference for the Consideration of the Question of the Relief of Aliens, Paris, June, 1912.

Now, Mr. Speaker, whatever criticism may or may not lie in the minds of individual Members of this House because of Mr. Bliss's act in protecting the name of the President of the United States, in the face of this record it can not be said that he was protecting a man or an administration that had been responsible for his holding these various positions of trust which he has held for the last 15 years. He first held office under President McKinley; he was promoted under Roosevelt and Taft; he was retained by President Wilson, and under him, in the trying times of the last three years, he has rendered noteworthy and valuable service to his country.

Mr. BENNET. Will the gentleman yield to me two minutes?

Mr. FLOOD. I yield two minutes to the gentleman from New York.

Mr. BENNET. As I heard the gentleman from Massachusetts [Mr. ROGERS] read this letter it gave me the impression as a hearer that Mr. Russell had criticized President Wilson as a most strange and grotesque person. That is not what Mr. Russell wrote. He wrote:

To the EDITOR OF THE HERALD:

SIR: I rejoice to see that Americans have entered their protest in your columns against President Wilson's most strange and grotesque felicitations to the Austrian Emperor.

This abominable person—

The abominable person being the Austrian Emperor, in Mr. Russell's judgment. So that the entire criticism was on the form of the felicitations by President Wilson; and almost every gentleman who went on the stump in opposition either to President Wilson or to Mr. Hughes in the recent campaign, I undertake to say, probably went further in criticism than Mr. Russell did. The question is very narrow. We can either maintain the right of an American citizen to free speech wherever he may be—and that is my stand—or we can take the ground taken by Mr. Bliss, who has not been in the United States in any capacity in 17 years, and who has imbibed a good many of the ideals of monarchy, and can deprive an American citizen of ordinary privileges extended to other Americans.

The SPEAKER. The time of the gentleman has expired.

Mr. FLOOD. I move the previous question.

Mr. MANN. Will the gentleman yield to me?

Mr. FLOOD. I yield to the gentleman from Illinois.

Mr. MANN. Mr. Speaker, I would like to ask the gentleman from New York if he thinks it is the duty of the American Government to enforce the right of free speech of an American citizen in the war territory?

Mr. BENNET. I should like about an hour and a half on that question.

Mr. MANN. It is a perfectly simple question.

Mr. BENNET. The gentleman from Illinois has not found it very simple to answer in this session of Congress.

Mr. MANN. It is very simple; it is not the duty of the American Government to enforce the right of an American citizen to free speech in the war territory. [Applause.] That would lead to war in 15 seconds.

Mr. BENNET. I can not fully agree with the gentleman as to that.

The SPEAKER. The question is on ordering the previous question.

The question was taken, and the previous question was ordered.

The SPEAKER. The question now is on agreeing to the conference report.

The conference report was agreed to.

BUREAU OF WAR-RISK INSURANCE.

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent to take up the bill H. R. 20082 and concur in the Senate amendments.

The Clerk read the title to the bill, as follows:

An act (H. R. 20082) to amend an act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department, approved September 2, 1914."

The Senate amendments were read.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, this carries an appropriation of $15,000,000 for the War-Risk Insurance Bureau. After the President's address the other day a memorandum was sent down here from the White House, which was introduced as the Flood bill, carrying an appropriation of $100,000,000, a portion of which might be turned over to the War-Risk Insurance Bureau. I was told unofficially that they might turn over as much as $50,000,000 to that bureau. Meanwhile, after the President's address—and, I think, after the memorandum was sent down, although I am not sure of that—the Senate passed this bill adding $15,000,000. Of course, I know that $15,000,000 is not very much money at this time, but if this amendment is concurred in that gives $15,000,000 to the War-Risk Insurance Bureau, and if the other bill is passed the way we passed it that gives the President $100,000,000, with a view of turning over $50,000,000 to the War-Risk Bureau. I understood the other day that if this proposition was agreed to the $100,000,000 would be reduced by $15,000,000.

Mr. ALEXANDER. The House bill H. R. 20082 extends the life of the War-Risk Insurance Bureau in the Treasury Department from September 2, 1917, to September, 1918; that is the purpose of the House bill. Now, the Senate joint resolution, which is a counterpart of the Flood resolution, provides that not exceeding $25,000,000 of the $100,000,000 carried in that joint resolution may be used for the purpose of paying war-risk losses. The Flood resolution contains no such limitation as to the part of the $100,000,000 that may be used for that purpose. We do not know in what form the joint resolution may become a law, and for that reason I assume that if we concur in the Senate amendments to this bill the conferees will have that fact in view in fixing the amount under the joint resolution that may be used to pay losses or damage by present risks of war.

Mr. MANN. I apprehend that if the House concurs in this Senate amendment probably the amount of $100,000,000 in the resolution we passed yesterday will not be changed one iota in the Senate, so that it will not be in conference. As I said, I am not disposed to cavil about appropriating the necessary money. Fifteen million dollars is considerable to lose during the next summer; $25,000,000 is still more; and $50,000,000 is greater yet; while $65,000,000 is considerable.

Mr. ALEXANDER. I agree with the gentleman, and at the same time——

Mr. MANN. We throw around $15,000,000 and $65,000,000 just as if we owned it ourselves.

Mr. ALEXANDER. I assume that we should appropriate sufficient money to pay the war risks.

Mr. MANN. Absolutely; I am quite willing; but ought we not to use some common sense and judgment about making these appropriations? It was stated to me by a prominent gentleman on that side of the House the other day when the memo-

randum for $100,000,000 came down—and I think it was direct from the White House—that it was expected that $50,000,000 would be turned over to the War-Risk Bureau. I do not know, and the President does not know, because that is a matter that will come hereafter.

Mr. ALEXANDER. When this matter first came up it was my disposition to defer the matter until we could learn what action might be taken on the joint resolution. The Secretary of the Treasury called me up and said it was a matter so uncertain what action would be taken on the joint resolution, and so important to extend the life of the War-Risk Insurance Bureau and make provision for payment of losses, that the simplest and best way out would be for us to concur in the Senate amendments to this bill, and then for the conferees on the joint resolution to adjust the matter in conference.

Mr. MANN. But unless that item is amended in the Senate it will not be in conference. With all due respect to the Secretary of the Treasury, $100,000,000 is no more to him than a 1-cent postage stamp to a newspaper boy who is throwing them away.

Mr. ALEXANDER. I think the gentleman will agree that the life of the bureau should be extended.

Mr. MANN. I do; and it ought to have the necessary money. I quite agree with the gentleman.

Mr. ALEXANDER. I do not want them to have a cent more than is necessary. It is the parliamentary situation that appeals to me.

Mr. MANN. I hope the gentleman will let it go over for a little while and see if he can not ascertain about it.

Mr. ALEXANDER. I have no desire to press the matter, but I do not want the Congress to adjourn without this bill becoming a law.

Mr. MANN. I think it ought to become a law; I think we ought to make provision for it.

Mr. SMITH of New York. Mr. Speaker, my understanding is that the Committee on Foreign Affairs reported an entirely different provision in regard to this war-risk appropriation. I do not recall exactly what it is.

Mr. MANN. I recall exactly what they reported; but then I have information which evidently the committee did not have, though it ought to have had it. Evidently the gentleman from New York did not have it.

Mr. MOORE of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. ALEXANDER. Yes.

Mr. MOORE of Pennsylvania. The amendment provides that this new sum of $15,000,000 shall be available for the payment of losses?

Mr. ALEXANDER. Yes.

Mr. MOORE of Pennsylvania. Does the gentleman know whether there have been any losses recently?

Mr. ALEXANDER. There have not. This bureau was created on September 2, 1914. The losses up to this time are about $800,000. The net profits in premiums are about $2,500,000.

Mr. MOORE of Pennsylvania. There has been a profit up to date?

Mr. ALEXANDER. Yes.

Mr. MOORE of Pennsylvania. Then this appropriation must be in anticipation of losses?

Mr. ALEXANDER. To provide against possible loss, in view of existing conditions.

Mr. MOORE of Pennsylvania. There was a loss on the *Evelyn*, which was sunk by a mine; there was a loss on the *Carib*, which was sunk by a mine; and a loss on the *Frye*, which was destroyed, I understand, in some other way. I want to ask the gentleman if, up to the present time, any war-risk insurance has been granted upon contraband?

Mr. ALEXANDER. The gentleman says contraband. He uses a very broad term. I will answer and say that no war risk has been granted on vessels carrying arms and ammunition. The bill which passed the House yesterday contained a provision which is in harmony with the policy of the bureau from the time that it was created.

Mr. MOORE of Pennsylvania. The capital of the War-Risk Bureau is $5,000,000?

Mr. ALEXANDER. Yes; under the act creating it, $5,000,000 was appropriated to pay losses.

Mr. MOORE of Pennsylvania. And $15,000,000 will be added to that by this amendment?

Mr. ALEXANDER. No; it is increased to $15,000,000.

Mr. MOORE of Pennsylvania. I desire to read a letter in connection with the gentleman's request, to which I do not intend to object. Having occasion to inquire about war-risk losses recently I asked the question of the Treasury Department and received the following reply:

TREASURY DEPARTMENT,
Washington, February 9, 1917.

Hon. J. HAMPTON MOORE,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN: In compliance with your request of the 8th instant I inclose a copy of the last report covering the operations of the War-Risk Bureau.

On the 5th instant premium rates were increased because of recent developments and increased hazard to American shipping.

As you are aware, the Bureau of War-Risk Insurance insures only American vessels and cargoes carried by them. Therefore, our Government did not have any insurance on the *Crown Point* or the *California*, which were British. As the *Housatonic* was carrying contraband of war, the bureau could not insure either the hull or cargo, as to do so would be violating the neutrality of the United States.

Yours, very truly,

A. J. PETERS,
Assistant Secretary.

That letter would indicate that up to the present time no contraband has been insured, and that if it were insured it would be regarded by the Treasury Department as a breach of neutrality on the part of the United States. Is that the gentleman's understanding of the situation?

Mr. ALEXANDER. My understanding is that no vessel carrying arms or ammunition has been insured. Of course none but American vessels have been insured by the bureau. I do not know whether the practice would include contraband as broadly understood. The belligerents have placed nearly everything on the contraband list.

Mr. MOORE of Pennsylvania. Here is the direct statement of the department.

Mr. ALEXANDER. Mr. Peters has supervision of that bureau and he speaks officially. The policy has been more conservative than I understood it to be.

Mr. FESS. Mr. Speaker, will the gentleman yield?

Mr. ALEXANDER. Yes.

Mr. FESS. The bill we passed yesterday contained a limitation upon the application of the fund that is used for insurance, so that we can not insure certain vessels carrying certain kinds of goods. Under the bill the gentleman has up, in the proposed amendment, can any of the $15,000,000 be applied to the insurance of vessels carrying munitions if the bureau desired to do so?

Mr. ALEXANDER. The original act did not make any limitation on the vessels that might be insured or the cargoes that might be insured, but it has been the policy of the bureau not to do so. The bill that was passed yesterday, H. R. 21052, provides that the President is authorized to transfer so much of that fund of $100,000,000 as he may deem necessary to the Bureau of War-Risk Insurance created by act of Congress approved September 2, 1914, for the purpose of insuring vessels, and so forth, against loss or damage by present risks of war, and the amendment inserted by the committee provides that no part of the $100,000,000 shall be used to insure vessels carrying arms or ammunition.

Mr. FESS. That is a limitation contained in the bill which passed yesterday. There is no limitation in the original law creating the War-Risk Bureau.

Mr. ALEXANDER. No.

Mr. FESS. But the policy of the Government is in consonance with the action of the House yesterday.

Mr. ALEXANDER. Yes; it seems from the letter of Mr. Peters that the department has been more conservative than is provided in the law or in the Flood joint resolution passed yesterday.

Mr. FESS. I agree with the gentleman that contraband is a very broad term; that if they do not insure any vessel that carries contraband there is not nearly so much risk as otherwise there would be.

Mr. ALEXANDER. Mr. Speaker, I hope there will not be any objection to this, because we all agree, in view of its importance, that enough money should be appropriated to pay any losses that may occur between now and the 1st of January, 1918.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on concurring in the Senate amendments.

Mr. MOORE of Pennsylvania. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. MOORE of Pennsylvania. Mr. Speaker, I desire to ask unanimous consent to insert this letter in the RECORD in connection with the matter just discussed.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania? [After a pause.] The Chair

hears none. The question is on concurring in the Senate amendments.

The question was taken.

Mr. RAGSDALE rose.

The SPEAKER. The ayes have it. For what purpose does the gentleman from South Carolina rise?

Mr. RAGSDALE. Mr. Speaker, will the gentleman permit a question?

Mr. ALEXANDER. Yes; though the bill has passed beyond that point. Ask the question, and I will answer it if I can.

Mr. RAGSDALE. As a matter of fact, the House went on record yesterday as being opposed to the idea of insuring vessels transporting arms and ammunition or of insuring arms and ammunition themselves while being transported to belligerent countries.

Mr. ALEXANDER. Yes.

Mr. RAGSDALE. Now, an increased appropriation is provided in this particular bill. Is there any limitation on that, and could not that very thing be done under this bill that was denied under the other bill?

Mr. ALEXANDER. I would say that the original law creating the War-Risk Insurance Bureau did not say just what the policy of the bureau should be, but the letter introduced by the gentleman from Pennsylvania [Mr. MOORE] says that no policy of insurance has ever yet been issued to a vessel carrying arms or ammunition, and the Secretary goes further and says contraband of war.

Mr. RAGSDALE. Nor, as a matter of fact, have any arms been put upon it?

Mr. ALEXANDER. No.

Mr. RAGSDALE. And they are abandoning the old policy as to arming vessels; now what assurance have we that they are not going to abandon the old policy of insuring arms and ammunition?

Mr. ALEXANDER. I presume they will be as conservative as before.

Mr. MANN. Mr. Speaker, will the gentleman yield me a few minutes?

Mr. ALEXANDER. Yes.

Mr. MANN. Now, Mr. Speaker, the War-Risk Insurance Bureau is absolutely a matter of business.

Mr. FITZGERALD. Mr. Speaker, I understood the question has been put.

The SPEAKER. The situation is this: The Chair thought the gentleman from South Carolina was trying to get recognition to correct the RECORD in some of these votes the other day, but he did not; but that he wanted to get in this debate, and the Chair thought he ought to have a fair chance.

Mr. ALEXANDER. I yield to the gentleman from Illinois.

Mr. MANN. Mr. Speaker, I just want a moment. The War-Risk Insurance Bureau, I was going to say, is purely and certainly a matter of business. It was provided for in order that American ships carrying cargoes abroad might obtain insurance on the theory that owners of ships and cargoes can not afford to take the whole risk of loss, precisely the same theory that runs through all insurance, and to-day you can not carry on commerce anywhere without insurance at home or abroad. Everything that is shipped in commerce is insured. If it is shipped on the railroads of the United States it is insured by the railroads, as a matter of fact. Now, while the War-Risk Insurance Bureau has not been issuing insurance policies on contraband of war or munitions of war, there is no reason on earth, in my opinion, why they should not do it, charging according to the risk. I would say——

Mr. ADAMSON. Will the gentleman yield?

Mr. MANN. No; I do not yield. I am making a statement that will enlighten the gentleman, if he will listen.

Mr. ADAMSON. I am liable to do a little enlightening if I am given the opportunity.

Mr. MANN. Not if we get it from the gentleman, for the reason he always interrupts in the middle of a sentence, neither polite nor sensible, although I will say my friend is always polite and sensible on every occasion.

Mr. ADAMSON. Less time than that would have answered my purpose.

Mr. MANN. If we want to ship a cargo of grain abroad, is it not desirable that we be permitted to do it? Do gentlemen want to say that we shall not be permitted to ship any of our products abroad as long as that is legitimate because we will not insure one product and will insure another? Now, if there is danger, if there is more danger in shipping contraband, as there is, then the risk is greater and the insurance rate should be higher, and that is the only basis. The risk may go to 50 per cent. Very well, charge it. To say we will not insure contraband or munitions is to say we ought not to establish the bureau. It is a matter of financial risk, being paid for according to the risk. To say we will not do it is to say we will absolutely abandon all right of protection. [Applause.]

Mr. ALEXANDER. Mr. Speaker, for the information of the House I will incorporate with my remarks a statement showing the operations of the War-Risk Insurance Bureau from September 2, 1914, to February 9, 1917.

TREASURY DEPARTMENT,
Washington, February 9, 1917.

Act of Sept. 2, 1914, creating the Bureau of War-Risk Insurance, appropriated for payment of losses	$5,000,000.00
Losses paid to date	833,924.60
Balance	4,166,075.40
Amendment of Aug. 11, 1916, extending the life of the bureau for one year, allowed premiums after that date to be added to fund for payment of losses. These amount to date to approximately	489,606.95
Leaving a (so-called) capital for payment of losses	4,656,682.35
The total profit of the bureau, Sept. 2, 1914, to Feb. 9, 1917	2,602,532.80
To which must be added salvage received and covered into the United States Treasury	59,055.87
Making a total of	2,661,588.67

Net amount now at risk, $40,257,631.

FEBRUARY 16, 1917.

2,016 policies issued Sept. 2, 1914, to Feb. 15, 1917.

Total amount insured	$224,161,092.00
Premiums on same	3,493,035.06
Net amount at risk	40,991,200.00
Known losses to date	833,924.60
Salvage received	59,055.87
Net losses	774,868.73
Expenses as of Feb. 1, 1917	42,007.03

Mr. RAGSDALE. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. RAGSDALE. I would like to offer an amendment, Mr. Speaker.

Mr. ALEXANDER. I believe I have the floor, Mr. Speaker.

Mr. ADAMSON. Will the gentleman yield for a minute?

Mr. ALEXANDER. I yield.

Mr. ADAMSON. Mr. Speaker, I desire to call the attention of the gentleman from Illinois and others to one matter. The gentleman from Illinois would not permit me to interrupt him, nor would he permit me or anybody else to compare with him either in politeness or information; but the bill passed yesterday requires this money to be turned over to the Insurance Bureau, and when it is turned over to the Insurance Bureau it is turned over subject to all the restrictions imposed by that bill.

Therefore the restriction on arms and ammunition goes with that fund to this bureau and settles the matter, in my judgment.

Mr. ALEXANDER. Mr. Speaker, I move the previous question on the motion.

Mr. RAGSDALE. Then I make the point of no quorum, Mr. Speaker.

The SPEAKER. The gentleman from South Carolina makes the point of no quorum. The Chair will count. [After counting.] One hundred and forty-five Members; not a quorum.

Mr. FITZGERALD. Mr. Speaker, I move a call of the House.

Mr. FOSTER. Mr. Speaker, this is on the previous question, is it not?

The SPEAKER. Yes.

Mr. FOSTER. Then it is an automatic call.

The SPEAKER. The Chair did not understand the gentleman.

Mr. FOSTER. I thought it was an automatic call if it was on the previous question.

The SPEAKER. The House was not dividing. The gentleman from New York [Mr. FITZGERALD] moves a call of the House.

The Chair wants to announce that after this the Chair is not going to recognize anybody until we get through with these two appropriation bills. It is the paramount duty of the House to send those bills to the Senate and not give that body an excuse to force an extra session.

Mr. MANN. I hope the Chair will remember when making that announcement it is just as necessary to agree to conference reports.

The SPEAKER. The conference reports will go, of course, but this is another matter.

The question is on the motion of the gentleman from New York [Mr. FITZGERALD] for a call of the House.

The motion was agreed to.

The SPEAKER. The Doorkeeper will close the doors, and the Clerk will call the roll.

The roll was called, and the following Members failed to answer to their names:

Bailey	Drukker	Kennedy, R. I.	Rowland
Beakes	Edmonds	Kent	Rucker, Ga.
Benedict	Flynn	Konop	Rucker, Mo.
Brumbaugh	Freeman	Lewis	Sabath
Butler	Gard	Lloyd	Sherley
Callaway	Goodwin	Longworth	Siegel
Cantrill	Gould	Loud	Sisson
Casey	Graham	McLaughlin	Snyder
Charles	Guernsey	Matthews	Sparkman
Church	Hamill	Meeker	Steele, Pa.
Cline	Haugen	Miller, Minn.	Stout
Conry	Hensley	Mooney	Tinkham
Copley	Hill	Morgan, La.	Venable
Danforth	Hughes	Mott	Wilson, Fla.
Davenport	Humphreys, Miss.	Nelson	
Dewalt	Johnson, S. Dak.	Nichols, Mich.	
Dickinson	Jones	Roberts, Mass.	

The SPEAKER. On this call 369 Members, a quorum, have answered to their names.

Mr. ALEXANDER. Mr. Speaker, I move to suspend further proceedings under the call.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors.

The question is on the previous question.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. RAGSDALE. Division, Mr. Speaker.

The SPEAKER. The gentleman from South Carolina [Mr. RAGSDALE] demands a division.

The House proceeded to divide.

Mr. RAGSDALE (during the count). No further count is demanded, Mr. Speaker.

The SPEAKER. The gentleman from South Carolina withdraws his demand. The question is on concurring in the amendment.

The question was taken, and the amendment was concurred in.

On motion of Mr. ALEXANDER, a motion to reconsider the vote by which the Senate amendments were concurred in was laid on the table.

GENERAL DEFICIENCY APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I insist on my motion.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 21069.

Mr. FITZGERALD. Mr. Speaker, pending that motion, I wish to know if we can agree as to proceedings under general debate.

Mr. CANNON. What does the gentleman propose?

Mr. FITZGERALD. That we do not have any general debate.

Mr. CANNON. There is a demand on this side.

Mr. FITZGERALD. For how much?

Mr. CANNON. I have a demand for an hour.

Mr. FITZGERALD. That is too much at 2 o'clock in the afternoon on the 2d of March. Suppose we have an hour all told, and you take half an hour?

Mr. CANNON. The gentleman does not want any general debate, and if I had an hour it would be only an hour altogether.

Mr. FITZGERALD. But I can not take a chance on giving the gentleman an hour and not taking anything myself. I know him too well. [Laughter.]

Mr. CANNON. I think I would agree with the gentleman that neither one of us would take the time. I want to yield my time.

Mr. FITZGERALD. I am not afraid of the gentleman from Illinois; it is some of those uncontrollable wild men on his side. [Laughter.]

I ask unanimous consent, Mr. Speaker, that the debate be limited to one hour, one-half to be controlled by the gentleman from Illinois and one-half by myself. I will give the gentleman from Illinois 10 minutes out of my 30.

Mr. CANNON. I think the gentleman had better take an hour to a side.

Mr. FITZGERALD. I will give the gentleman 40 minutes and take 20.

The SPEAKER. The gentleman from New York asks unanimous consent that the debate be limited to 1 hour, 20 minutes to be controlled by himself and 40 minutes by the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. And I to have 10 minutes of his time?

The SPEAKER. Yes. The gentleman is to have 40 minutes out of the hour. Is there objection?

There was no objection.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 21069, the general deficiency bill.

The motion was agreed to.

The SPEAKER. The gentleman from Kentucky [Mr. JOHNSON] will take the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 21069, the general deficiency bill, with Mr. JOHNSON of Kentucky in the chair.

The CHAIRMAN. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 21069) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1917, and prior fiscal years, and for other purposes.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. FITZGERALD. Mr. Chairman, I ask that the gentleman from Illinois use his time.

The CHAIRMAN. The gentleman from Illinois [Mr. CANNON] is recognized for 40 minutes.

Mr. CANNON. I yield 15 minutes of that time to the gentleman from Oklahoma [Mr. MORGAN].

The CHAIRMAN. The gentleman from Oklahoma is recognized for 15 minutes.

Mr. MORGAN of Oklahoma. Mr. Chairman, on the 10th day of February, 1917, I introduced House joint resolution No. 368. This resolution authorizes the appointment of a joint committee composed of eight United States Senators and eight Representatives in Congress. This committee is authorized and directed, during the time intervening between the adjournment of the Sixty-fourth Congress and the 1st day of January, 1918, to prepare and report to Congress a bill to provide the farmers of the United States with better credit facilities for short-time and personal loans.

The object of this bill is to promote and secure legislation along the line indicated at the earliest date possible. During the last session of Congress we passed the Federal farm-loan act. This act, however, provides only for farm-mortgage credit. The task begun by Congress a few years ago to enact such legislation as would provide the farmers of the United States with ample credit at the lowest rates of interest has only been partially performed. Congress should go forward and complete the program. We should create special institutions to provide the farmers with ample facilities for short-time personal loans. This is fully as important as it is to provide the farmers with farm-mortgage credit.

In this short session we have made no further progress in rural-credit legislation. This I sincerely regret. The appointment of this joint committee proposed by the resolution which I introduced would expedite the needed rural-credit legislation, which, in my judgment, is of the highest importance to the farmers themselves, to the development of the great industry of agriculture, and to all the people in the United States, whether residing on the farm or in our towns and cities.

Mr. Chairman, during the consideration of the vocational education bill a very honored and distinguished gentleman of this House expressed some impatience at what he termed the inclination to be charitable to the farmer, and asserted that the farmers were able to take care of themselves, and that the farmers were better off than the other two-thirds of our population.

I have made some investigation of the statistics which would throw light upon that proposition, and I shall undertake to show that the gentleman's conclusions are not correct.

I am not here to plead for sympathy for the farmer nor to ask for him charity. If the farmer desires anything at the hands of the Congress of the United States, it is something more substantial than sympathy. I am here to ask that the policies of the National Government, that the legislation of Congress, shall do justice to the farmers, give them their rights, promote the growth and prosperity of their great industry, secure to them a fair proportion of the wealth they produce, and give to them, to their families and descendants, equal opportunities in life with those who direct, control, and own our commercial, financial, and manufacturing interests.

To show that the farmer has not been able to take care of himself, that the farm has not been able to hold its own in competition with the towns and cities, and that the farmers are not better off than the other two-thirds of our population, and

that agricultural development should be promoted by the Federal Government, I shall call attention—

First. To the amount of our unproductive lands.

Second. To the concentration of population in our towns and cities.

Third. To growth in farm tenancy.

Fourth. To the increase in farm-mortgage indebtedness.

Fifth. To the concentration of wealth in our towns and cities.

Sixth. To the vast amount of wealth owned by corporations.

EXPANSION OF AGRICULTURE.

There are vast possibilities for the expansion of agriculture in this country. Continental United States contains over 3,000,000 square miles of territory. Our country comprises 1,903,000,000 acres of land. Eight hundred and seventy-eight million acres of this land are included in our 6,361,000 farms. Only 478,000,000 acres of our lands are improved. Less than one-half of our land is inclosed within our farms and scarcely one-half of our farm land is improved. Bread riots abound in our great cities, with three-fourths of our land area unimproved, untilled, waste, and unproductive. To provide an adequate food supply for our people is one of the great problems of the future. Its solution must come through the expansion of agriculture. The expansion of agriculture must come through the enlargement of the area in cultivation and in an increased yield per acre. This enlargement must keep pace with the growth of our population. But our population has been growing more rapidly than our food supply. From 1900 to 1910, our population increased 21 per cent, our farm land increased 5 per cent, the acreage devoted to cereals increased but 7.3 per cent, and the production of cereals increased but 1.7 per cent. Looking to the future, unless our people shall go hungry, we must either increase our food production at home, or purchase large additional quantities of food from abroad.

Both from a political and an economic standpoint, it is unwise to depend on other nations to feed our own people. So far as possible we should feed, and clothe, and house, and equip our own people. With this great end in view, in every appropriate way, by every legitimate means, and by every constitutional method, the National Government should promote the expansion of agriculture and the prosperity of our farmers.

DESERTION OF THE FARM.

Agriculture has not held its own in competition with our great commercial, manufacturing, industrial, and financial interests. For a hundred years people have been leaving the farm and flocking to the towns and cities. This continues down to the present time. In the last decade our urban population increased 34 per cent, our rural population increased but 11 per cent. For this there can be but one explanation. The towns and cities offer opportunities of life not found on the farm. There is only one way to remedy this evil. The opportunities of the farm must be improved. The farm must be made more profitable. It must be made more attractive. Social, educational, and religious conditions thereon must be improved. The farm must be made a better place to live and a better place to make money. We have the power, through national legislation, to do this. I am unqualifiedly in favor of such legislation. At every opportunity I shall urge it with whatever ability I may have. I shall do this, not as a matter of charity to the farmers, but as a means of doing them justice. Upon broader grounds I am for such legislation. I believe its benefits will extend to all industries, strengthen the fabric of our National Government, provide for the general welfare and contribute immeasurably to the happiness and contentment of all our people.

FARM TENANCY.

Out of our 6,361,000 farmers, 2,354,000, over one-third of the entire number, are tenants. On these farms are 2,299,000 farm laborers working out for wages. Combined, our tenant farmers and farm laborers working for wages constitute an army of 4,854,000 men. One in this vast army of men, representing a population of about 20,000,000, under present conditions has about one chance in a thousand of ever owning a farm home. Statistics show that farm tenancy is increasing more rapidly than farm ownership. In numbers, in 1910, 37.9 per cent of our farms were operated by nonowners. In acreage 25.1 per cent of our farms were operated by tenants. From 1900 to 1910 the number of farms operated by owners increased 8.1 per cent, while the number of farms operated by tenants increased 16.3 per cent. Does the fact that more than one-third of our farmers are landless and homeless indicate the farmer is able to take care of himself in a contest with the great financial, commercial, and industrial interests? Does the fact, as shown by the census reports, that farm tenancy is on the increase, that the number of farms operated by tenants is increasing more rapidly than are the farms operated by owners indicate that the farmer has been able to take care of himself? Is it wisdom, is it statesmanship, is it patriotism to go on from year to year and from decade to decade, knowing that farm tenancy is increasing, without any effort on the part of the National Government to remedy this great national evil that is hindering the progress of our greatest industry and weakening the strength of our Nation? Wherever it has been tried in all the history of the world farm tenancy has been inimical to good farming, good citizenship, and good government. We should therefore use every appropriate means to promote home ownership among our farmers.

Mr. FOCHT. Mr. Chairman, will the gentleman yield?

Mr. MORGAN of Oklahoma. Yes.

Mr. FOCHT. May I ask whether you distinguish between the landowner and the tenant farmer? You know in recent years the system of tenant farming has largely extended and developed.

Mr. MORGAN of Oklahoma. Do you mean they are not in as good condition as they were?

Mr. FOCHT. Yes.

Mr. MORGAN of Oklahoma. I think they are not in as good condition as they were.

INCREASE IN FARM MORTGAGES.

The number of mortgaged farms has increased more rapidly than the number of farms free from mortgage.

Of farms operated by owners, in 1890, 28.2 per cent were mortgaged; in 1900, 31 per cent were mortgaged; and in 1910, 33.6 per cent were mortgaged.

The increase of farms operated by owners free from mortgage from 1890 to 1900 was 11.3 per cent; during the same time the increase of mortgaged farms was 27.1 per cent.

From 1900 to 1910 the increase of farms free from mortgage was 4.4 per cent. During the same period the increase of mortgaged farms was 17.7 per cent.

From 1890 to 1910 the amount of the average farm mortgage increased from $1,224 to $1,715. In that 20 years the amount of the average farm mortgage increased 40.1 per cent.

In the 20 years from 1890 to 1910 there was a larger increase in the number of farms mortgaged than there was in the number of farms free from mortgage, there was an increase in the amount of the average mortgage, and a large increase in the total amount of farm-mortgage indebtedness.

The total farm-mortgage indebtedness is about $3,000,000,000. The personal indebtedness of the farmers amounts to something like $3,000,000,000. To this $6,000,000,000 of indebtedness should be added the farmer's share of the debts of States, counties, townships, and school districts, amounting to about $2,500,000,000, which must be paid by direct taxation, and we ascertain that the farmers owe about $8,500,000,000. This means an annual interest charge of $500,000,000.

Mr. TOWNER. Will the gentleman yield?

Mr. MORGAN of Oklahoma. I yield to the gentleman from Iowa.

Mr. TOWNER. The gentleman has referred to the difficulty of the farmers leaving the farms and going to the towns. I would like to have the gentleman advise us what he thinks might be done to cure that difficulty. As he very well knows the farmers are compelled very often to leave their farms and move to town and rent their farms because of the fact that they can not obtain farm help. In fact, in Iowa the great difficulty seems to be to obtain sufficient farm labor to operate the farms. What are we going to do in that respect?

Mr. MORGAN of Oklahoma. I recognize that the gentleman has suggested an important problem as to how these things may be adjusted, and I feel that as a rule when a man is ready to leave the farm and go to the city and place the farm in the hands of somebody else, we ought in the first place to provide every means possible to enable the tenant to buy that farm.

We have done something on that; but we need special assistance in the way of credit, in the way of time, so as to enable the tenant to buy his farm, which would help some.

WEALTH OF OUR TOWNS AND CITIES.

We had in this country in 1912, $187,739,000,000 in wealth; $146,847,000,000 was owned by the residents of our towns and cities and $40,991,000,000 belonged to the farmers. More than three-fourths of our wealth is in the towns and cities; less than one-fourth is in the country. The per capita wealth in the towns and cities is $2,661; the per capita wealth in the country is $1,114. The farmers constitute 40 per cent of our population; they possess but 22 per cent of the wealth. On an average, every person residing in our towns and cities possesses $2 for every dollar possessed by the residents of the farm. In this calculation I have assumed that all farm property belonged to farmers. This is not the case. More than one-third of our farms are operated by tenants. In the main the owners of these farms

reside in our towns and cities. These farms, operated by tenants, represent one-third the value of all farm property. If all farm property is valued at $41,000,000,000, and one-third of our farms are owned by residents of our towns and cities, the actual wealth owned by those who reside on our farms is probably not more than $30,000,000,000. If this estimate is approximately correct, the nonfarming population own five-sixths of the wealth of the Nation, and the actual farmers own but one-sixth of the wealth of the Nation.

Mr. BORLAND. Mr. Chairman, will the gentleman yield?

Mr. MORGAN of Oklahoma. I yield.

Mr. BORLAND. The gentleman realizes that there are a large number of producers in this country who are anxious to produce, and a large number of wage earners who are anxious to buy, and we have the natural resources to produce an unlimited amount of farm products. Now, the gentleman knows that a few days ago we undertook to create an investigation, to turn on the light, to find out where was the choke between the producer and the consumer.

Mr. MORGAN of Oklahoma. Yes.

Mr. BORLAND. To see whether some of this wealth could not flow from the consumer into the hands of the producer. Does the gentleman know that in another body that money was taken away and used to build a bridge in the District of Columbia? Is that going to help increase the wealth of the farmers of this country?

Mr. MORGAN of Oklahoma. I think not; and my judgment is that until the farmers learn their rights and organize to obtain them the same process will go on.

Mr. SWITZER. I would like to ask the gentleman what he thinks of the proposition which has been published in the newspapers of the Farm Loan Bureau proposing to turn over to a syndicate of banks the farm-loan bonds that bear 4½ per cent interest? What does the gentleman think of the advisability of that?

Mr. MORGAN of Oklahoma. I do not like that proposition. I can not stop now to discuss the matter fully. I presume the gentleman refers to the article in the Washington Star of March 2, 1917. The article is headed "Bankers to get half of farm-loan bonds." The first sentence of the article was as follows:

Federal Farm Loan Board officials are understood to have arranged for placing half of the entire first issue of forthcoming farm-loan bonds, amount undetermined, with a syndicate of bankers at New York and elsewhere, at a rate of 4½ per cent.

The article further says "although each bank will issue its own bonds, the board will undertake the marketing of them."

I have no disposition to criticize the members of the Federal Farm Loan Board. So far I have upheld their hands, and shall continue to do so unless I shall conclude my duty shall require a different course. I am not an expert as to the value of bonds. I do know that a Government Panama bond bearing 3 per cent interest has been selling at a premium. The rate of interest which the farm-mortgage bonds bear will determine largely the rate of interest the farmers will pay on the farm mortgages. The farmers are interested in having these bonds bear the lowest rate of interest possible. In my judgment, these farm-mortgage bonds would sell at par if they bore an interest rate of 3½ per cent per annum. Certainly it seems to me they would sell readily bearing 4 per cent interest. We have recently passed through this House a provision of law which authorizes the sale of a hundred million dollars of Government bonds. The law specifically prescribes that these bonds shall bear 3 per cent interest per annum, that they shall be sold at not less than par value, and that all citizens of the United States shall have equal opportunity to subscribe therefor. In European land-credit institutions farm-mortgage bonds have usually been regarded as good as the bonds of the Imperial Governments and have sold at as low a rate of interest. I do not understand why farm-mortgage bonds should sell at 4½ per cent when Government bonds are placed on the market bearing 3 per cent. Furthermore, I must confess that I am not favorably impressed with the arrangement of the board to place a large block of these bonds with a syndicate of bankers of New York and elsewhere without giving an equal opportunity to all the people of the United States to subscribe for said bonds.

WEALTH OF CORPORATIONS.

The home of the corporation is in the city. The wealth owned by the corporations of the Nation is so great as to be absolutely incomprehensible by the human mind. To show this I call attention to the statistics published in the 1914 report of the Commissioner of Internal Revenue. The capital stock of the corporations reporting to the Commissioner of Internal Revenue amounted to $64,071,000,000. Their bonds and other indebtedness aggregated $37,136,000,000. Combined, the stocks and bonds of these corporations amounted to $101,207,000,000. It may be said that the amount of stocks and bonds of a corporation is no indication of its wealth. This is true in particular instances. But it must be remembered that many corporations are undercapitalized; that the stock of many corporations is worth many times its par value. For instance, the surplus and undivided profits of our banks are greater than the capital of the banks. This would indicate that on an average every dollar of bank stock is worth two dollars. The fact is that the par value of the bank stock of the country does not represent one-half its value. The stock of some of our great industrial corporations has been worth several hundred times its par value. My conclusion is that the wealth of our corporations is not less than the total amount of their stocks and bonds combined, namely, $101,207,000,000. This is conclusively shown by the net income reported by our corporations for taxation purposes. According to these reports these corporations had total net incomes as follows: In 1913, $3,832,000,000; in 1914, $4,339,000,000; in 1915, $3,710,000,000; and in 1916, $5,854,000,000. This net income means the net profit of these corporations after paying all salaries, expenses, taxes, losses, and interest on bonds and other indebtedness. The net income of our corporations represents percentage upon the total amount of their capital stock as follows: In 1913, 6 per cent; in 1914, 6.7 per cent; in 1915, 5.8 per cent; and in 1916, 9 per cent. The percentages upon the total amount of stocks and bonds combined in the various years are as follows: In 1913, 3.8 per cent; in 1914, 4.3 per cent; in 1915, 3.7 per cent; and in 1916, 5.8 per cent. This was an average of 4.4 per cent for each of the four years. There is no safer way to judge of the value of any property than by its net income. The same rule applies to any business. I am, therefore, justified in concluding that the wealth of our corporations is fairly represented by the total amount of their stocks and bonds.

Mr. FOCHT. Do not those bonds and stocks represent the liabilities rather than the wealth of the corporations?

Mr. MORGAN of Oklahoma. Not at all, and I will tell you the reason. Now, during that period of four years to which I have referred, those corporations had a net profit, after paying all expenses, after making deductions for losses, after paying their taxes, after paying the interest on that $37,000,000,000 of bonded indebtedness—after all these deductions they had an average income of 4.4 per cent per year, indicating to my mind that the aggregate of their bonds and stocks indicates their wealth; because after all you determine the value of a piece of property by what it brings in, by the dividends it pays; this is the best possible test you can get.

Our public-service corporations, including railroads, measured by the amount of their stocks and bonds, in 1914 possessed wealth to the amount of $42,319,163,308, which represents $1,000,000,000 more wealth than is possessed by all our farmers.

Our industrial and manufacturing corporations, measured by the amount of their stocks and bonds, in 1914 possessed wealth to the amount of $35,238,566,264—a sum of money greater than the value of all the farm lands in the United States with the buildings and improvements thereon.

In 1915 the resources of the banks of the United States were $27,804,129,677, their loans, discounts, and investments amounted to $21,604,371,552, while all of our farm land, not including buildings and improvements, in 1910 were valued at only $28,475,674,169.

The corporations of three States, namely, New York, Pennsylvania, and Illinois, measured by the amount of their stocks and bonds, possess wealth to the amount of $43,594,000,000, which is $2,000,000,000 in excess of the value of all farm property, including land, buildings, improvements, and live stock.

Measured by the amount of their stocks and bonds the corporations of New York possess wealth to the amount of $25,425,500,513—a per capita wealth for the 9,000,000 people of that State of $2,784. This means wealth for each family in the State of $12,422. According to sworn returns to the Federal Government these corporations in 1913 had a net income, above all expenses of every kind and character, of $1,062,171,797, which would make an annual income for each family in the State of $519. This means, of course, that the corporations of New York alone have an annual net profit sufficiently large to provide the necessaries of life for all the 9,000,000 inhabitants of that State.

So, as I study these reports and as I make my investigations, anxious as I am for the prosperity, the strength, and the glory of my country in the future, I feel that it is not charity to stand for legislation that will develop this great industry of agriculture. We are now in perilous times, and we know not what may come in the future. We ought to be prepared to feed, to clothe, and equip our own people. To-day in the great struggle going on in European countries, the question after all there is the question of feeding their armies and their people. We can not be a

great country in the future unless our agriculture shall develop in a degree commensurate with our commercial, financial, and industrial development. The prosperity of the farmer and the expansion of his industry mean national growth, national strength, national security, and national greatness.

HON. SILAS R. BARTON.

Mr. MONDELL. Mr. Chairman, I yield 10 minutes to the gentleman from Nebraska [Mr. SLOAN].

Mr. SLOAN. Mr. Chairman, on election day, 1916, when the American electorate were gathered at the polling stations throughout the Republic to select their servants for another period of our history, one of the candidates for a seat in this House was called by a power higher than the electorate of his district. At the hour of 10.30 a. m., November 7, Hon. SILAS R. BARTON, Republican candidate for Congress in the fifth Nebraska district, after having conducted a successful primary campaign and a preelection campaign of vigor and promise, yielded the field of political favor and passed to a preferment fairly measured by his life's merits.

Mr. BARTON was born at New London, Iowa, May 21, 1872. He moved with his parents in 1873 to Hamilton County, Nebr., where his father, one of the early homesteaders of that State, lived and afterwards died upon the homestead originally taken by him. His beloved and venerable mother still survives him. There the young man BARTON lived, attended the country schools, afterwards graduated at the high school in the city of Aurora, later finishing his education in the Peru State Normal School. That is one of the great institutions of the West engaged in the preparation of educators for the people of this country.

That education naturally made Barton a teacher, and for a number of years he was employed in that noble profession. He filled the position and filled it well. He was so constituted that he understood the child in its development and later in life understood men.

My colleagues, if the grand roll could be called of all men who have occupied this great hall, and that one at the other end of the Capitol, and the others whom we call great who have occupied exalted positions in the service of the Republic, a great percentage would answer, "Yes, he did serve our country first in the public schools." What a rich heritage has come to the public itself, not always direct from the education of the children who attended school, but the education granted unto the teacher who stood at the desk. Because it is always true that education runs reciprocally, and education obtained by the teacher at the desk has developed many a manly man and laid the foundation for the career of many great statesmen.

Later on he took a great part in the work of that benevolent fraternity known as the Ancient Order of United Workmen, having filled many of the positions in that order in our State and some of the leading national positions in the order. His work in this field brought him into public notice, and in 1908 he was nominated by the Republicans for State auditor of public accounts. He was elected by a large majority, and his conduct of that office for four years was such that it recommended him especially to the voters of the first district of Nebraska. In 1912 he was nominated by Republicans and Progressives for Congress. In a vigorous campaign against an able former Member of this body, Hon. R. D. Sutherland, he was elected by a substantfal majority.

He came here well equipped for the duties of Congressman. While his equipment was excellent, his devotion to duty was more manifest. Of all the Members probably of the Sixty-third Congress, and I do injustice to none, he was one of the most devoted to what he conceived his duty to be. No day passed that he was not in his seat when health permitted. No roll call was had unless he was there to respond.

Neighbors in the State associated politically, I knew Mr. Barton well before either of us came to Congress. During his term's service here we were close to each other and frequently conferred upon matters affecting our districts, which adjoined, and the State generally which he had served. For a new Member he took an active and efficient part in both committee work and on the floor, where his deliverances merited and received the attention and frequent appreciation of his colleagues.

You will remember the long weary session of 1914, running from the first Monday of December, 1913, almost to election day the next year. Through all the long months of heat that protracted session tried not only the patience of Members, but tried their health, and I might, with little exaggeration, say tested their souls. He stayed here while many went to their homes intent upon reelection. Congressman BARTON stayed until within a few days of election, believing, as he saw it, that his duty was more important to observe and perform than to accomplish his own reelection.

He was the candidate of his party and a candidate against one of the ablest men of our State. There was a vigorous campaign, a clean campaign, and the electorate by a very small majority chose our present colleague, Gov. SHALLENBERGER. Two years later Mr. BARTON was again the candidate of his party and Gov. SHALLENBERGER a candidate opposing him. A vigorous campaign was waged by these two men. Appeals were made over the very large section of our State constituting the fifth district, which not only tried their mental fiber, but tried their physical being. At the close of a long campaign, standing before a mighty audience in his home town of Grand Island the night before election, he delivered one of the best speeches of his life to an admiring, loving, and devoted audience. In the cold of that evening, during the period of his effort, he stood with uncovered head, and treacherous pneumonia seized him and, reenforced by heart trouble, wrought a fatality.

At 10.30 o'clock election morning, after having cast an early ballot, unexpected by his family, probably unexpected and unforecasted by himself, a sudden attack came upon him, and our friend BARTON passed to the beyond. It seemed as if "God's finger touched him and he slept." What the result of the election might have been men can not forecast. Death in that case proved, as it has in the past and may prove in many future cases, a determining factor in fixing the events of our political world. Permit me to say of SILAS R. BARTON: He was noted for his kindly courtesy to all who knew him, whether friend or opponent. If I were to speak of his leading characteristics, I would say that it was his devotion to his friends. He did not remind them of that fact when the need was not present. When the need was present there was no occasion for reminder; he was present ministering comfort and aid to his friends, no matter what the difficulties were or who frowned upon him.

Mr. BARTON'S home life was happy and in it he was greatly blessed. His wife, the accomplished daughter of Hon. Richard Metcalfe, one of America's leading editors, had that rare combination of personal grace and charm of mind, to which were added a home-loving disposition, which made the Barton home a happy one. And when came the bright-eyed boy, now nearly 3 years old, the husband and father deemed himself truly blessed. To the views of earth it seemed that home and that husband and father belonged together. It seemed a harsh Providence which separated them. But with the Christian devotion of the subject of these remarks we bow to the wisdom which our earthly ideals render it hard for us to understand.

The loss to home, community, and country our words can not measure. We of this House must content ourselves by saying he was true to his friends, attached to his party, loyal to his district and State, and devoted to his country, with that patriotism and zeal which would inspire best service in peace and would have prompted supreme sacrifice in time of peril or battle.

Mr. FITZGERALD. Mr. Chairman, I yield 10 minutes to the gentleman from Missouri [Mr. BORLAND].

Mr. BORLAND. Mr. Chairman, the press this morning carries renewed accounts of the riots for food in New York City. We have the rather humiliating spectacle of the greatest and richest Nation in the world, whose productive capacity has never even been tested, in time of profound peace and splendid commercial prosperity, with food riots in its metropolis. If that indicates anything to the thoughtful man, it indicates a complete breakdown and failure somewhere in our economic system. There is no doubt that there is tremendous undeveloped capacity for the production of food in this country; there is no doubt there is a population engaged in agricultural pursuits anxious, willing, and able to produce food to an unlimited extent; there is no doubt there are wage earners to-day drawing what appears to be upon the books high salaries and good wages, who are anxious to buy and can not because of the high prices. When the consumer can not buy at a reasonable price and the producer can not produce and sell at a reasonable profit there is indicated a most disgraceful breakdown in our economic system. That problem must be solved. It is so vital to the industrial, social, and commercial life of this Nation that this Congress can not avoid the solution of that problem. We must find the answer. It is imperative; it is vital that we find an answer to that problem. I have no pet theories upon the subject. My only theory is that we ought to turn on the light. Somewhere between the producer and the consumer there is some choking of the channel of distribution. For a year and a half we have been fighting the battle to turn the light on the Food Trust in this country. We have been sidetracked here, and we have been shunted off there. Propositions have been made that this ought to be done and that that ought to be done, but we have kept our eye on the polestar of our principle, that

we wanted to know the real facts, we wanted the light turned on first before trying any set experiments.

There is nothing peculiar about that doctrine. After we had brought the matter up to a report of this House by the Judiciary Committee authorizing an investigation by the Federal Trade Commission, a body created for that purpose, with inquisitorial power designed for exactly that kind of an investigation, we found there might be some danger of getting such a resolution through the House because of the crowded condition of the calendar. Then at the united demand of the agricultural interests of this country the President of the United States exercised the power vested in him by the Federal Trade Commission law and ordered an investigation to be made. But still the fight was not at an end. When the estimate came in for the appropriation to carry out the President's order it was refused upon the ground, of course, of economy. Then economy was the great reason, and the appropriation must be refused. This House, after a full debate on the subject lasting six hours and a half, restored that appropriation to the bill. Then the fight was not ended. When the bill came out of the House for its final vote a separate vote and roll call was demanded upon that particular amendment, and by a majority of 89 this House, without division of party or partisan politics, insisted that the light be turned on the food situation. But the fight was not yet ended. The bill went to another great body of this Government and it went into the committee. There the appropriation here twice insisted upon, asked for by the President of the United States, was again stricken out upon the ground of economy. What became of the $400,000 that these gentlemen were so afraid to expend? What became of that money? Was it to be saved to the Treasury of the United States? Ah, no; no. Do not deceive yourselves. It is to be used to build a bridge in the District of Columbia. Four hundred thousand dollars, four-tenths of 1 per cent for every inhabitant of this great Nation, is to be taken away from any investigation of the food supply, but the same $400,000 is to be appropriated to build a bridge in the District of Columbia that this House has decided can wait indefinitely. This bridge happens to connect the District of Columbia with the great State of Virginia.

When gentlemen come to look at the head of the list of the body that struck out that appropriation, they are surprised to find that there is a connection apparent between the head of the list and this particular bridge between the State of Virginia and the District of Columbia. Four hundred thousand dollars for a bridge in the District of Columbia and not a cent to investigate the disgraceful causes of food riots in the metropolis of the richest and most productive country on the face of the globe!

Mr. MORGAN of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. BORLAND. For a brief question.

Mr. MORGAN of Oklahoma. I would like the gentleman to state to what he attributes the opposition to this investigation? He has been connected with it for a long time.

Mr. BORLAND. I think he knows exactly the cause of the opposition. I know, of course, there are lots of gentlemen who have an honest difference of opinion as to methods, and no great reform or other work among human beings is carried on until the matter has finally reached a position where men will forget their little differences about methods. There may be a division upon that. There may be some who honestly think that expenses ought to be curtailed in this connection or in that. I think I am one of the economists of this House, but the real opposition, the continuous, scientific, never-sleeping opposition, is the opposition of the Food Trust that do not want the light turned on. [Applause.]

Mr. MORGAN of Oklahoma. Will the gentleman yield?

Mr. BORLAND. Briefly.

Mr. MORGAN of Oklahoma. The term "Food Trust" is rather indefinite. I would like the gentleman to particularize and tell us what that is if he can.

Mr. BORLAND. There may be other branches of it, but the head and front of it are the five great packers of the United States. Those five packers, as the gentleman is well aware, as he sat and heard the testimony before the Committee on the Judiciary, control the slaughtering of meat animals, the packing of meat, the cold storage, the packing of fresh fruits, vegetables, apples and potatoes, butter and imitations of butter, the storage of all dairy products, poultry, butter, and eggs. They control largely the manufacture of vegetable oil, the tanning of hides, the manufacture of nitrates and fertilizers; they own the cold-storage transportation works; they own or control the stockyards, the feeding lots; they control the large banks lending money for cattle feeding; they control the grain elevators along the line of the transcontinental railroads where grain is gathered to-day; and they are beginning to control the milling interests; and they have long dominated the board of trade and the wheat pit in Chicago. They are controlling the Bread Trust of Chicago; they are controlling the retail markets throughout the country. We will find some effective remedy for this condition if this Congress will stand by its rights and let the light be turned on this disgraceful condition of the food problem. [Applause.]

Mr. MONDELL. Mr. Chairman, I yield five minutes to the gentleman from North Dakota [Mr. YOUNG].

Mr. YOUNG of North Dakota. Mr. Chairman, the Sisal Trust, which is now a world-wide trust, has been advancing prices of twine so rapidly of late that the problem to the farmers has become a very serious one. The subject is being discussed I notice in the farm newspapers, conventions, and elsewhere. Now, out in California they have a gentleman who believes he has found a substitute for the making of binder twine. All must admit that if we are ever going to get this question solved it is much better to do it by finding a suitable product in the United States than to find it anywhere else. If we can produce binder twine in large quantities in the United States the law of supply and demand will strike down the Sisal Trust. While the different departments of the Government are seeking to find some legal way to get after the Sisal Trust many believe that there is an opportunity to solve it more quickly and completely by raising the fiber in the United States.

Mr. Charles Christodora, of Point Loma, Cal., a gentleman who has devoted a lifetime to the scientific study of agriculture, says that *Phormium tenax*, known commonly as New Zealand flax, will produce an excellent quality of binder twine, and it will produce a much larger quantity to the acre, making it possible to sell it at a greatly reduced price. The former president of the agricultural college in North Dakota, John H. Worst, has also written me upon this subject, urging that Congress and the Department of Agriculture should give some attention to this subject, and to the possibility of producing commercially *Phormium tenax*, or New Zealand flax. Fortunately, it is a plant which has been tried out in the United States, although not grown for commercial purposes. It has been grown for many years in the State of California simply as an ornamental plant, and it grows very luxuriantly, with leaves something like 12 feet long. I believe it grows in the district of the gentleman from California [Mr. KETTNER], does it not?

Mr. KETTNER. Yes. While New Zealand flax is not native to the Imperial Valley, Cal., it grows there much more luxuriantly than in New Zealand. The facts as to production of the raw material are well settled. The obtaining of sufficient quantities of seed and the establishment of the industry is too great an undertaking for any individual. The benefits promise to be general, and the Government should get back of it. It will cost a comparatively small sum.

Mr. YOUNG of North Dakota. One plant will produce about 100 pounds, and an acre of it will produce 50 tons and upward——

Mr. SHALLENBERGER. Of fiber?

Mr. YOUNG of North Dakota. Of the plant which afterwards will be manufactured into fiber, of which it is estimated 10,000 pounds of fiber can be made to the acre.

Mr. FESS. Will the gentleman yield?

Mr. YOUNG of North Dakota. I will.

Mr. FESS. Upon what country do we depend for sisal?

Mr. YOUNG of North Dakota. We depend upon Mexico. As you know, it is a Government monopoly covering the entire product down there.

Mr. FESS. That is the question I wanted to ask: If the monopoly was a Government monopoly?

Mr. YOUNG of North Dakota. Yes; in Mexico. Now, in that direction I can not very well——

Mr. SLOAN. And it is confined to just about one State, that of Yucatan?

Mr. YOUNG of North Dakota. Yes. I do not desire in the five minutes to which I am limited to follow up the operations of the sisal or binder-twine trust. I want in the brief time I have to call attention to this natural method of solving the twine problem. I hope all interested in securing action will write to the Secretary of Agriculture, Washington, D. C., and pass on the word to their friends throughout the country to do the same.

Mr. FESS. Would not the gentleman extend his remarks along the whole subject? That matter has been of great interest to the people of my State.

Mr. YOUNG of North Dakota. The gentleman from Minnesota [Mr. STEENERSON], who introduced the resolutions calling for investigations respecting the sisal trust's operations, will, I understand, before Congress adjourns, discuss this question in

such a way as to answer the gentleman on that point fully. Mr. Rufus Choate, of San Diego, Cal., is at the Congress Hall Hotel this week. He has a big fund of information upon this subject. Members living at or near his hotel should talk with him.

Mr. HAUGEN. The monopoly referred to by the gentleman is a Mexican monopoly financed by American bankers?

Mr. YOUNG of North Dakota. I believe so. I have samples of New Zealand flax fiber here, which Members may examine. It has the strength needed to make a serviceable binder twine. The Government should help to develop it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. YOUNG of North Dakota. I ask unanimous consent to print in the CONGRESSIONAL RECORD certain letters and articles prepared by Charles Cristadoro and John H. Worst upon this general subject.

The CHAIRMAN. Is there objection to the request of the gentleman from North Dakota. [After a pause.] The Chair hears none.

The matter referred to is as follows:

LETTER OF CHARLES CRISTADORO.

POINT LOMA, CAL., *January 20, 1917.*

Representative GEORGE M. YOUNG,
Washington, D. C.

DEAR SIR: I have suggested the advisability of Dr. Worst acquainting you with the effort California is making to grow the raw material for binder twine in the form of New Zealand flax. The inclosed literature refers to same. Samples of this flax can be seen at the office of Mr. Jason L. Merrill, Bureau of Plant Industry.

It is safe to say that in our Imperial Valley this flax will produce 100 tons of green leaves per acre. In fact, we can grow in this valley enough of this flax to supply the world with binder twine.

Let Congress authorize the importation of several hundred tons of these flax roots and distribute same throughout the Southwest, and the sisal problem can be considered on the high road to solution in less than three years.

Yours, very truly,

CHARLES CRISTADORO.

P. S.—I have written Senators Nelson, Kellogg, and Clapp, Mr. Mann, our Kettner, and Stevens of Minnesota. I do not know any of the Kansas, Montana, and Wyoming delegations, and their farmers use binder twine like all the rest.

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NEW ZEALAND FLAX TO SUPPLANT SISAL.

[By Charles Cristadoro.]

At once I began to read up on New Zealand flax (*Phormium tenax*). It is a perennial growth, everlasting so far as I can learn, once it takes hold, and indigeneous to New Zealand, but eminently adapted to a California environment, growing here more quickly than in New Zealand, plants grown from roots maturing and yielding in our fair grounds in two years. In New Zealand it grows in swampy lands without care or cultivation, yielding easily 10 to 15 and sometimes 25 tons of leaves per acre. Much of our swamp-land areas could be profitably, and yet with an "equal-to-lemon" orchard irrigation it will grow on all but worthless soil and may turn our mesas into dividend-paying lands that no orange or lemon orchard or alfalfa field can equal. Irrigation, seemingly, more than soil is needed.

Under cultivation and irrigation leaves might grow to a length of 12 to 14 feet. It grows from seed and from roots, presumably better from the latter. It resists everything, even a moderate 26° F. frost. Note from New Zealand Agricultural Reports: "One of the easiest plants to grow. Is not in any way affected by frost nor the most severe winds."

Once planted the growth is permanent. A single plant under proper cultivation is said to yield 50 to 100 pounds of green leaves at a single cutting, and a yield of 50 tons per acre is reasonably to be expected. Grown in our Imperial Valley and southern California generally it no doubt would do far better than the above. It is said if properly irrigated it will grow on the poorest of soil.

This New Zealand flax is rated as to tensile strength at 100, whilst hemp is rated at but 70 (presumably the manila or sisal fiber) and flax (presumably the European flax) at but 50. This is where the tenax comes in—tough, 100 per cent stronger than flax when woven into cloth.

The wonderful India paper that for strength is the marvel of the paper world is made from European flax, and that accounts for its unapproachable strength. And here is *Phormium tenax* double the strength.

FLAX TO SUPPLANT SISAL.

So this was not only to prove a most suitable fiber for binder twine, supplanting sisal from Yucatan, but a field of unlimited uses are to be opened up to it. Sisal is the ordinary raw materail from which most of the binder twine is made, but at present there is an air-tight trust on sisal in Yucatan from which the International Harvester Co. suffers like all the rest. It is not in the Sisal Trust.

Rope, cordage of all kinds, thread, nets, and fishing lines, linen paper, and many other manufactured products await an abundant and cheap supply of this fiber. Automobile tires are to be made of this fabric because of its toughness. Even cotton, long staple, appears rotten alongside this tensile giant. All of these are of great importance when one can take the leaves green or dry as leather from this plant and machine them into a mass of lustrous fiber, and the yield is 50 tons of leaves at 8 to 12 feet long to the acre—longer, perhaps. A yield of fiber of 12 to 14 per cent from the green leaf.

Already *Phormium tenax* plants are growing and thriving by the thousands in California, as ornamental growths, no one paying any attention to the wonderful commercial possibilities of the plant along agricultural and manufacturing lines.

EXPERT APPROVES.

And now comes Mr. Osborn G. Austin, expert horticulturist of the Harris Seed Co., San Diego, who informs me as follows: That he has grown New Zealand flax, *Phormium tenax*, for many years; that to get immediate results divisions of the root should be planted, young crowns from the parent plant. At three years or less you should, under favorable conditions, be able to get 75 or 80 leaves from each plant, 6 to 8 feet in length, averaging 8 ounces per leaf, and from then on you could reap from 5 to 25 leaves per plant every two months, cutting the mature leaves and letting the others grow on.

It stools out in a number of crowns from the ground, increasing the size of the plant very rapidly. These can be split off from the plant and reset. A crop of 50 tons of leaves per acre is a very conservative estimate. I know of very few plants which would respond more quickly to generous treatment and repay the grower better. It will thrive in almost any soil and grow in swamps where the water is not stagnant. It needs little attention, stands both cold and heat, and will give the grower far better returns than can be had from any plant or tree grown in southern California.

The uses of the fiber are almost beyond estimation, being the strongest of any fiber known, and open a wide field for a score of manufacturing industries.

The henequin or sisal green leaf yields 3 to 3½ per cent of fiber; the manila but 1 to 2 per cent. Sisal yields about 1,000 pounds of fiber per acre, which is on an average 250 pounds more than the yield of tow-free Kentucky hemp fiber per acre grown under average eastern conditions, whilst the New Zealand flax, in its native land, produces 50 tons of leaves per acre and a yield of 12 to 14 per cent of fiber when properly processed. What this plant will produce under the forcing sun of southern California per acre no one knows. One experienced grower estimates 100 tons, but he is an enthusiast, and yet he claims he is right and says time will prove him so.

The control of the binder-twine situation would be in American hands and binder twine in connection with this general manufacturing proposition may be considered but a mere speck in fiber space, despite the fact that annually Yucatan sends us about 1,000,000 bales of sisal of 500 pounds each, worth in the New York market $50,000,000. And like the ticking of a clock sisal is advancing a cent at a move.

The northwestern wheat farmer knows too well all about this sisal and tells about an air-tight trust in Yucatan beyond the reach of the Sherman law financed from this side by American bankers; and the wheat farmer wants Congress to take a hand and run down these bankers. But this is not the kind of relief the wheat farmer really wants.

The Lord helps those who help themselves, and the only way to get from under this trust is to grow our own binder twine and under control on American soil. There is no other practical way. And once we have begun to produce New Zealand flax in appreciable quantities, say in two or three years from now, its effect upon the sisal market will be pronounced and the time will come when the New Zealand flax will have entirely supplanted the Yucatan sisal growth, so far as binder twine is concerned.

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LETTER OF DR. WORST.

AGRICULTURAL NORTHWEST,
New Rockford, N. Dak., January 8, 1917.

Hon. GEORGE M. YOUNG,
Washington, D. C.

DEAR CONGRESSMAN YOUNG: I am sending you under another cover a copy of the Daily State Center, containing a write-up of a certain phase of the fiber industry that might possibly be encouraged to advantage in California. Mr. Cristadoro, with whom I am well acquainted, seems quite sanguine that such is the case. I am heartily in favor of encouraging the growing of hemp in this State, but if the Sisal Trust is to be hit hard it will require all the fiber that can be grown in the whole country to accomplish the desired end.

* * * * * * *

If what he says of the plant in question is true, then it would seem the proper thing to do to secure the importation of these crowns and give them a try-out at all events.

If not too much bother, I should like to hear from you on this subject.

Very truly, yours, J. H. WORST.

[Article by former President John H. Worst in the State Center.]

THE BINDER-TWINE PROBLEM.

It costs the farmers of North Dakota a couple of million dollars a year for twine. The Sisal Trust will not only maintain the present high price of twine, but in all probability will increase the price to the limit that the business will stand.

The experiments made by the Government with regulating or dissolving trusts is humiliating. The trusts have fattened upon the antidotes imposed by Congress.

The national remedy for dealing a solar plexus blow to the Yucatan Fiber Trust is to produce the needed fiber in our own country and thus be free from the exactions of fiber kings. This can be done.

A movement has been started to grow hemp in the State as a profitable crop. Doubtless this can be done and its cultivation should be encouraged. Nevertheless this fiber plant can not be grown in sufficient quantity to materially injure the Fiber Trust.

There is a fiber plant known, however, as *Phormium tenax*, or New Zealand flax, that thrives wonderfully in the valleys of southern California and that for strength of fiber and yield per acre discounts by several hundred per cent any other fiber plant that has ever been introduced into the United States. While Kentucky hemp, according to Government reports, produces from 750 to 850 pounds of tow (free fiber) per acre—1,000 pounds under the most favorable conditions—this *Phormium tenax*, or New England flax, will produce from 12,000 to 14,000 pounds of fiber per acre. Moreover, it is a perennial plant, and once established will produce year after year without the trouble and expense of replanting. The fiber from this plant is tough, being 100 per cent stronger than flax woven into cloth. It is more than a substitute for sisal, from the evidence at hand.

This plant is propagated by planting its crown or roots, and every grain-growing State should insist on the Government importing these crowns in order to give the plant a try out in latitudes suitable for its cultivation. In fact, as will be seen in a write up appearing elsewhere in this paper from the pen of Charles Cristadoro, of Point Loma, Cal., that the plant will stand several degrees of frost without injury and has been growing for years in southern California as an ornamental plant.

We repeat that the way to bust the "Twine Trust" is to produce the fiber in our own country, and the Representatives in Congress from the grain-growing States should give this matter serious consideration, and at once.

We invite a careful reading of excerpts from an article appearing in the San Diego Union of January 1 by Charles Christodoro under the caption "New Zealand flax to supplant sisal."

THE INTERNATIONAL DRY-FARMING CONGRESS.

POINT LOMA, CAL., *February 6, 1917.*

MY DEAR REPRESENTATIVE YOUNG: Your good letter has a 40-degree-below crisp ring of accomplishment to it, that I know so well. Drs. Worst and Bailey, also Mr. Crocker, of Lisbon, are all very good friends of mine, and Waldron, of Dickinson.

* * * * * * *

We are in the right; we are on the way to produce a home-grown binder-twine raw material superior to and cheaper, no matter how low they go, to the Yucatan product.

The quicker we get the roots—crowns, not the seed—in the ground the quicker the results. As to what may be done in the Imperial Valley call for the Christian Herald, December 6, at the library and note the frontispiece. That is phormium cut from an oasis in the desert, under the Imperial Valley environment of soil (perhaps), irrigation, and forcing sunshine. Note the standing shock of leaves, trimmed to the limit. How many tons of such green leaves to the acre? A hundred, two hundred, maybe more. Now, when you see such things, reflect, realize that sisal is 16½ cents in New York to-day and may go to 25 cents before the binders go into the wheat fields this fall. How can the United States Department of Agriculture take the peculiar position it does?

Now to business. The farmers and the head-eating people own that department; the officials are but custodians, trustees, servants, if you will, of the people. Let me suggest. First, have a talk with Representative KETTNER, who, of course, knows the story ab initio. Then see if you can gather together the men from the wheat-growing States, and freely discuss the situation, and having arrived at a conclusion, visit the honorable Secretary and express your wishes. Insist on the University of California making an exhaustive investigation, as outlined in my letter to Mr. Merrill. This done and the report sent in, the department must act one way or the other. It certainly is of too much moment, this binder-twine problem, to our wheat growers to dismiss by a mere wave of the hand.

These men personally know me in Washington, and I refer you to them as to my integrity of purpose, etc.: Prof. Gifford Pinchot; Dr. Carleton, of the Grains Division of the United States Department of Agriculture, he will tell you of my work for durum wheat; Prof. Le Clerc, of Chemistry Bureau, United States Department of Agriculture; and Dr. E. C. Schroeder, Bethesda, Animal Bureau, a friend by correspondence. But enough.

Yours, very truly, CHARLES CRISTADORO.

Mr. BORLAND. Mr. Chairman, how much time remains?

The CHAIRMAN. Ten minutes remain to each side.

Mr. MONDELL. Mr. Chairman, I yield five minutes to the gentleman from Ohio [Mr. RICKETTS].

Mr. RICKETTS. Mr. Chairman and gentlemen of the House, during the consideration of the sundry civil appropriation bill the gentleman from Missouri [Mr. BORLAND] offered an amendment to the bill, which provided for an appropriation of $400,000 to be given to the trades union for the purpose of investigating the question of high prices for foodstuffs in America at the present time. A heated debate ensued over this amendment, and probably 20 or more speeches were made touching the question of high prices for food, but no two of those who spoke upon the subject seemed to agree. I sat here silently and listened carefully for two long hours to this discussion. It was deeply interesting, yet was not satisfactory to me.

A number of reasons were presented as to the cause of the high prices of foodstuffs. Among them these:

First. Car shortage in railroad transportation.

Second. Crop failure in the year 1916.

Third. The European war.

Fourth. The rapid increase in population in the United States.

Fifth. Monopolies and unlawful combinations having a corner on foodstuffs.

Sixth. A poorly developed system of distribution through car service and otherwise.

Seventh. A want of a general system of warehousing.

Eighth. The migration of so many people to the cities.

And some suggest one thing and some another, but no one suggested a remedy for the immediate relief of the starving Americans except the gentleman from New York [Mr. FITZGERALD], who proposed an embargo upon the exportation of foodstuffs from the United States.

It seemed to be the consensus of opinion, after the debate had ended, that the adoption of the amendment of the gentleman from Missouri [Mr. BORLAND] was necessary, and it was accordingly adopted.

I was deeply impressed with the address of the gentleman from Tennessee [Mr. AUSTIN]. He gave a most clear, vivid, and concise description of the work done in the past by commissions appointed by Congress. Among other things he said:

Now, we have, in the last eight years, had seven investigations by commissions and committees. We had the Money Trust investigation; we had the Sugar Trust investigation; we had the Steel Trust investigation; we had the industrial investigation; we had the immigration investigation; we had the Colorado coal strike and the Michigan copper investigation; and the Post Office Department was investigated in the Sixty-second Congress. We have had seven investigations and they cover over 100 volumes of testimony and hearings, costing countless thousands of dollars, and to this good day there is not a single man, to my knowledge, who has ever read a single volume of the testimony, and in the line of legislation practically nothing has been done.

In my judgment, he is exactly correct in his deductions and conclusions with reference to the benefit derived from committee and commission investigations in the past. No good has ever come of them. Appropriations made for such purposes are a reckless and profligate waste of the people's money.

Now, when do the American people want relief? Now, or in a year from now? It is conceded that the Trade Commission, at the earliest possible date, could not report to Congress inside of eight months, and it is perfectly evident that such a report will not be made until the $400,000 appropriated has been entirely exhausted, and it is not at all improbable that an additional appropriation will be asked for before such investigation shall have been concluded and a report thereon made. To my mind this remedy is the very height of folly and an exhibition of extremely poor judgment on the part of the membership of this House. What are the starving Americans going to do during the prosecution of this so-called investigation to be made by the Trade Commission, and how long after the report of that commission shall have been received will it be before relief is actually given to the people of the United States? Gentlemen of the committee, what the American people want is relief now, and in order to determine what relief should be given it is only necessary for us to exercise a little common horse sense and discover, if we can, what the real cause of the high cost of foodstuffs in America is. Is it not strange that, during all of that two hours' debate which took place last Saturday night, not one of the gentlemen who spoke said anything about the amount of foodstuffs that had been exported to foreign nations since the beginning of the European war, covering a period from August, 1914, up to the present time? If we know what the food-crop productions of the United States were for the years 1914, 1915, and 1916, and if we deduct from the amount of its crop production the amount of foodstuffs exported to warring nations, then, it seems to me, it will be easy to determine just what amount of foodstuffs remain in America upon which to feed about 103,000,000 of people.

I know that quite a large majority of the membership of this House is opposed to an embargo. But, gentlemen, why are you opposed to an embargo? What reasons do you assign? How could an embargo on foodstuffs hurt the people of the United States, in the face of the fact that every other nation on the globe at the breaking out of the European war placed an embargo on foodstuffs? What has been the result of the unanimity of action on the part of other nations? There could be but one result, which is as plain as the noonday sun, and that is that the central powers, the allies, and the neutral nations of the earth have been drawing their foodstuffs from the United States. Is it any wonder that there is a shortage of foodstuffs? There has been a constant drain, in a commercial way, on the United States for foodstuffs since the breaking out of the European war in August, 1914. Many of you claim that the warehouses of the United States are filled to the roofs with foodstuffs and articles for the table, but you are mistaken in your judgment and assumption. The cold truth is that we are on the very verge of a food famine in the United States, due to the extensive exportations to foreign countries. No one denies that prices are high, but who is able to tell what they will be in the future if we continue to export foodstuffs?

Now, so far as my judgment goes, I am frank to confess that I honestly and sincerely believe that the high price of food in the United States is due primarily to the scarcity of food within our borders, and I predicate my judgment upon the gross production of foodstuffs in the past three years and the exportation of our supply to foreign countries.

Here is a table that will give some very important information upon this vital subject:

The crop production of the United States for the years 1914, 1915, and 1916 for the crops named is as follows:

Wheat:		
1914	bushels	891,017,000
1915	do	1,025,801,000
1916	do	639,886,000
Corn:		
1914	do	2,672,804,000
1915	do	2,994,793,000
1916	do	2,583,241,000
Potatoes:		
1914	do	409,921,000
1915	do	359,721,000
1916	do	285,437,000
Beans:		
1914	do	11,585,000
1915	do	10,321,000
1916	do	8,846,000
Cabbage, in 9 northern States:		
1915	tons	671,000
1916	do	247,000
Onions, in 12 northern States:		
1915	bushels	7,664,000
1916	do	6,417,000
Sweet potatoes:		
1914	do	56,574,000
1915	do	75,639,000
1916	do	70,574,000

Meat:

1914	pounds	19,076,000,000
1915	do	10,321,000,000
1916	do	22,040,000,000

The United States exported foodstuffs in the fiscal years ending June 30, 1914, 1915, and 1916, as follows:

Wheat, for fiscal year ending June 30—		
1914	bushels	92,393,775
1915	do	259,642,533
1916	do	173,274,015
Wheat flour, for fiscal year ending June 30—		
1914	barrels	11,821,461
1915	do	16,182,765
1916	do	15,520,669
Potatoes, for fiscal year ending June 30—		
1914	bushels	1,794,073
1915	do	3,135,474
1916	do	4,017,760
Beans and dried peas, for fiscal year ending June 30—		
1914	bushels	314,655
1915	do	1,214,281
1916	do	1,760,383
Lard, for fiscal year ending June 30—		
1914	pounds	481,457,792
1915	do	475,531,908
1916	do	427,011,338
Bacon, for fiscal year ending June 30—		
1914	do	193,964,252
1915	do	346,718,227
1916	do	579,808,786
Fresh beef, for fiscal year ending June 30—		
1914	do	6,894,404
1915	do	170,440,934
1916	do	231,215,075
Corn, for fiscal year ending June 30—		
1914	bushels	9,386,855
1915	do	48,786,291
1916	do	38,217,012
Eggs, for fiscal year ending June 30—		
1914	dozen	16,148,849
1915	do	20,784,424
1916	do	26,396,206
Ham, shoulders, and cured meat, for fiscal year ending June 30—		
1914	pounds	165,881,791
1915	do	203,701,114
1916	do	282,208,611
Neutral lard, for fiscal year ending June 30—		
1914	do	29,323,786
1915	do	26,021,054
1916	do	34,426,590
Canned pork, for fiscal year ending June 30—		
1914	do	3,074,303
1915	do	4,644,418
1916	do	9,610,732
Fresh pork, for fiscal year ending June 30—		
1914	do	2,668,020
1915	do	3,908,193
1916	do	63,005,524
Cattle, for fiscal year ending June 30—		
1914	head	18,376
1915	do	5,484
1916	do	21,666
Onions, for fiscal year ending June 30—		
1914	bushels	386,220
1915	do	727,983
1916	do	563,739
Coffee, green or raw, for fiscal year ending June 30—		
1914	pounds	52,649,233
1915	do	49,177,146
1916	do	35,421,530
Coffee, roasted or prepared, for fiscal year ending June 30—		
1914	pounds	1,815,835
1915	do	2,421,664
1916	do	1,851,100
Mutton, for fiscal year ending June 30—		
1914	head	4,685,496
1915	do	3,877,413
1916	do	5,552,918
Sugar, for fiscal year ending June 30—		
1914	pounds	199,530,874
1915	do	158,462,508
1916	do	186,386,182
Hogs, for fiscal year ending June 30—		
1914	head	10,122
1915	do	7,799
1916	do	22,049
Sheep, for fiscal year ending June 30—		
1914	do	152,600
1915	do	47,213
1916	do	52,278
Coal and coke, for fiscal year ending June 30—		
1914	tons	19,664,080
1915	do	18,095,183
1916	do	22,632,867
Mules, fiscal year ending June 30—		
1914	head	4,883
1915	do	65,788
1916	do	111,915
The value of our total foreign export of meat for the fiscal year ending June 30—		
1914		$143,261,846
1915		205,785,468
1916		266,795,608
The value of our total foreign export of vegetables for fiscal year ending June 30—		
1914		6,936,400
1915		10,813,151
1916		15,952,412
The value of our total foreign export of fruits and nuts for fiscal year ending June 30—		
1914		31,030,713
1915		34,229,906
1916		36,073,051
The value of our total foreign export of fish for fiscal year ending June 30—		
1914		12,842,173
1915		12,870,790
1916		19,983,545

Not only have we in the past three years exported foodstuffs, as above recited, to the amounts above set out, but we have also exported horses to the number of 357,553 and mules to the number of 182,586, and every other article produced either by manufacture or agriculture within the United States in large quantities or amounts.

Is it any wonder that we are prosperous? We have the best market in the world—a war market. But what will happen to this country when the market is closed?

I only refer to this to show that our export trade has not been confined to the shipment of foodstuffs alone but has been a general exportation of all the products of the United States.

Mr. Chairman, it is true that a great many suggestions have been made touching the questions as to how the high prices may be reduced, some of which are meritorious and some of which are amusing.

My friend from New York, Mr. BENNET, has told us that he has introduced a resolution in this House which provides that only a certain amount of food shall be served to the patrons of the hotels and restaurants in the city of Washington. He is an elegant gentleman, whom we all love and admire for his splendid service in this House, but, in Heaven's name, what does he mean by trying to reduce the rations of the patrons of hotels and restaurants in this city? I do not think it can be done. I am sure he is mistaken in this, for how a less portion can be served than is being served is beyond my comprehension.

It is true that the proprietors of hotels and restaurants are doing their best to supply the people with good, wholesome food, but the scarcity of food has made it impossible in many instances for them to secure a proper supply.

It is the purpose, of course, of the gentleman from New York in this way to, at least in part, reduce the high cost of living. He has acted in good faith, but I doubt seriously if he can secure the support of the membership of this House for his resolution.

Mr. Chairman, I dare say there is not a Member in this House who does not know, or at least should know, that the scarcity of foodstuffs and the high prices the American people are required to pay are due absolutely to the fact that we have been exporting enormous quantities of foodstuffs to those engaged in war across the sea, and that our supply has been greatly reduced, so that there is now a shortage of all kinds of foodstuffs everywhere within the United States, and the prices have abnormally increased and will continue to rise until a great majority of the American laboring people will be unable to purchase the same.

What will happen to us if we become involved in war? The crisis of war is almost upon us, and we have not sufficient food with which to supply the needs of our people. If war should come, the young men of the farms will be assembled for military duty and the farm food productions of the future must of necessity be greatly diminished, and there is a shortage now.

During the first nine months of 1914 the United States exported breadstuffs to Europe amounting to $172,000,000; during the first nine months of 1916 the United States exported to Europe breadstuffs amounting to $337,000,000; during the first nine months of 1914 the United States exported dairy products, such as butter, cheese, condensed milk, and eggs, amounting to $5,800,000; in the first nine months of 1916 these exports amounted to over $29,000,000; in the first nine months of 1914 the United States exported meat products to the extent of $97,000,000; in the first nine months of 1916 these products amounted to $201,000,000, and yet while our exportations have so largely increased our production has decreased. In the year 1914 the production of potatoes in the United States amounted to 409,921,000 bushels; for the year 1916 the production was 285,437,000 bushels, yet in 1914 the United States exported 1,794,073 bushels, while in the year 1916, up to October 1, it exported 2,700,000 bushels. The average annual production of wheat from 1910 to 1914 was 728,000,000 bushels. In the year 1916 the production was 639,886,000 bushels, and a somewhat similar condition exists in our other crops. With an extremely heavy exportation and a considerable decrease in production it was inevitable that prices would advance. Now, what does this statement mean? Is it accurate to say that in view of these facts the European war has caused high prices? Is it our duty to feed foreign nations whereby in doing so we oppress our own people? Is it right that the consumer in Europe should be preferred to the consumer in the United States?

Mr. LANGLEY. I happen to know the gentleman has made an extensive investigation of this question. Is he going to put in the RECORD the results of his investigations as to the effect that the deposit of so much material in cold storage has had on the cost of foodstuffs?

Mr. RICKETTS. I regret to say to the gentleman, in the limited time I had I was unable to determine exactly how large a quantity of foodstuffs there is in cold storage to-day.

Mr. LANGLEY. But it has had a very material effect on it.

Mr. RICKETTS. It has had an effect on it. There is no question about that.

I am not unmindful of the fact that monopolies and unlawful combinations have some effect upon the high price of food, but the real cause is our unlimited exportation of the same. I know, of course, that the greatest, the most oppressive, cruel, and heartless food combination ever known is the firm of J. Pierpont Morgan & Co., the financial and fiscal agents of the foreign warring nations. These nations are favored in supplies above and over our own people. These agents make loans to pay for the food exported and they are paid commissions upon the loans. Foreign nations order food through them and they receive commissions upon the sales. The contracts they have with foreign nations make them, of necessity, a combination and trust, the basis of its operation being that the foodstuffs which should be ours first are finally shipped abroad. But do we need an appropriation of $400,000 of the people's money to find out these facts? It is an open secret to the world. Then why spend the people's money to find out something we already know? The farmers of the United States have been prosperous beyond measure. They have sold the products of the farm too close, and the American people will find it difficult to procure seed for the planting season this coming spring. I know some of the membership of this House say that to cut off the exportation of foodstuffs abroad would destroy in a measure the market of the farmers of America. I do not agree with that statement or conclusion. It is my opinion that the farmers of this country can find an ample market at home for their products to be used for our home consumption. The farmer, it is true, during the past three years has received an extraordinary price for the products of the farm, but the profit to him in the sale of articles he produced is not to be compared with the profits made by the agents of the foreign countries who have furnished these products to the people at war. The farmer did not get the gold, but the real gold was "copped" off by Morgan & Co. and other monopolies and syndicates who represent the foreign nations in the markets of the United States. I have no objection to sending and exporting the products of the farms of this country to the nations abroad when we have an ample supply for our own people, but I am for America first. The American people are not to be deceived. You gentlemen can offer as many fictitious reasons as you please for high prices in the United States for the foodstuffs that we must, of necessity, consume, but the American people of to-day read and they can understand that the real cause for the high cost of these articles is due to our extensive exportation which I have hereinbefore stated.

I did not intend to address the House on this subject, but the more I studied the matter the more I become convinced that it was my duty, as a Representative of the people, to give them the facts which would enable them to determine for themselves what, in truth and in fact, is the real reason for the high prices which the poor people of the United States are forced to pay for the foodstuffs which they require. In conclusion let me say, gentlemen of the House, that we should stand by the American people first, and then if we have any surplus of food we will be glad to export it to all of the nations abroad who may demand our supply.

It is true, of course, in addition to the other reasons that I have assigned for the high prices, that the young men of the country have left the farms and gone to work in the munition plants, because they can secure a much better wage; and this fact has also contributed in a measure to the high prices as a result of less production.

Gentlemen of the House, what would you do under these circumstances if the food-crop production of the United States amounted to a certain quantity and the exportation of foodstuffs to foreign nations amounted to a certain quantity, and after deducting the one from the other you find you have not a sufficient supply left to feed the 103,000,000 American people what, then, would you say as to whether or not we should continue to export foodstuffs to foreign countries?

In 1916 the country produced 400,000,000 fewer bushels of corn than in 1915; of wheat, 400,000,000 fewer bushels; of oats, 200,000,000 fewer bushels; of barley, 50,000,000 fewer bushels; of potatoes, 100,000,000 fewer bushels. In these five crops production was down 1,150,000,000 bushels, or 10 bushels per capita. These are established, telling facts. Action, not investigation, is needed.

All the reserve stocks are rapidly exported and consumed. Owing to adverse climatic conditions, lack of good seed, labor, and fertilizer, this years' crops promise to be even worse than last year's. The outlook is most alarming.

EXTENSION OF REMARKS.

Mr. KENT. Mr. Chairman, I ask unanimous consent to place in the RECORD a report from the Secretary of Agriculture on the bill H. R. 15730, which is to be presented to the House under a rule.

The CHAIRMAN. The gentleman from California [Mr. KENT] asks unanimous consent to extend his remarks in the RECORD by printing the matter named. Is there objection?

Mr. MOORE of Pennsylvania. Reserving the right to object, what is the title of the bill?

Mr. KENT. It is a bill to permit the States to sue the Government.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Following is the report referred to:

DEPARTMENT OF AGRICULTURE,
Washington, March 1, 1917.

Hon. WILLIAM KENT,
House of Representatives.

DEAR MR. KENT: Receipt is acknowledged of your letter of February 28, 1917, inclosing copy of H. R. 15730, to give the consent of the United States for the bringing of certain suits in the Supreme Court of the United States. You inquire about the effect of the bill, if enacted, upon matters which may be adjusted by special acts of Congress or by means of departmental action.

In the time at the disposal of the department it has been impossible to give thorough consideration to the subject. However, a casual examination of the bill raises a strong apprehension that it might be construed to subject the United States, with respect to public property and the administration of governmental affairs, to the same liabilities to a State which would obtain were the controversy between individuals.

The chief object, as stated in the report (No. 1444) from the Committee on the Judiciary, accompanying the bill, was to accord to States the privilege of using a forum not now open to them to enforce rights against the United States. This would doubtless be accomplished by the passage of the bill; but it is possible that the language employed would have a much more far-reaching effect.

The words of the first sentence of the bill are certainly capable of being interpreted as conferring new rights on the States, of vesting the States with a cause of action against the Federal Government in every instance in which, under like circumstances, one individual would have a cause of action against another. The words of the second sentence make the more probable the adoption of that interpretation. The defenses of the United States in suits by the States are specifically defined to be those which could be made by a defendant in suits between individuals. The recital of what the defenses may consist of would probably be held to be exclusive. If so, many defenses which the Government can now avail itself of would be wiped out of existence.

The Constitution, in Article IV, section 3, provides that—

"The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory and other property belonging to the United States."

Pursuant to this authority, there has been passed a mass of legislation governing the administration by this department of the public property committed to its care. If the bill should be construed in the way suggested above as possible, then its enactment would repeal many of these acts of Congress, so far as concerns dealings with the States. Many illutrations might be called to your attention. Four only will be cited at present.

1. There are certain pending suits involving the right to the use of lands of the United States in the national forests for hydroelectric power purposes. In these, of which the United States *v.* Utah Power & Light Co. (209 Fed., 554; 230 Fed., 328) is an example, it has been argued, in substance, that the right to control the use of the public domain for power purposes is vested in the State in which the lands are located, and that, by State legislation defining the rights of eminent domain, the authority of the State in this respect has been delegated to individuals and public-service corporations. While up to date this view has been rejected by the Federal courts, yet if the bill were passed it might be interpreted to mean that the right of the State to condemn lands of the United States for power purposes would become the same as the right of an individual under State law to condemn lands of another individual. If that should be held, then all Federal control of the use of the public domain for power or other purposes designated by State laws as public would cease, and the States at will could grant rights to individuals or corporations on lands of the United States.

2. There is a general contention in certain of the Western States in which are located national-forest lands that the State has exclusive right of control of the waters within as well as without the public domain. If the bill were construed to have the effect of placing the rights of the States against the United States upon the same basis as the rights between individual citizens, then it might well follow that thereby all Federal statutes defining water rights upon the public domain would be repealed.

3. The States assert claims to various portions of the national forests under grants from Congress of sections 16 and 36 of the public lands. Jurisdiction over controversies involving these matters is now vested in the Secretary of the Interior. The bill might have the effect of repealing all statutes defining the jurisdiction of the Secretary of the Interior in this matter and transferring that jurisdiction to the Supreme Court, thereby burdening the court with the determination of many administrative details.

4. The Department of Agriculture administers several statutes having to do with land-grant colleges and the agricultural experiment stations in the States. Under these the States may, as the proprietors

of the colleges and stations, claim causes of action against the United States, and, if so, it might be held that the bill shifts the power to settle such controversies from the executive officials of the Federal Government into the Supreme Court.

In general, it may be said that the department, on its hurried consideration of the bill, has been impressed that its effect might be to repeal a great many of the statutes of the United States; to leave the rights of the United States concerning public property to be regulated, as between the United States and the States, by the same set of rules that govern the rights of individuals, instead of by the statutes of the United States.

Very truly, yours, D. F. HOUSTON, *Secretary.*

Mr. MORIN. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD on a bill I have introduced in the House on raising Government revenues.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD by printing the matter he named. Is there objection? [After a pause.] The Chair hears none.

Mr. HAUGEN. Mr. Chairman, I ask unanimous consent to extend my remarks on the revenue bill, and more particularly the Underwood amendment.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to extend his remarks on the revenue bill. Is there objection?

There was no objection.

Mr. HICKS. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by printing an address on Lincoln by Dr. Seymour, of New York.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. OLNEY. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by printing an article in the National Service Magazine by Sidney Brooks on the subject of preparedness.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. SCHALL. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD on the referendum and also on the oleomargarine tax.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to extend his remarks on the subject named by him. Is there objection? [After a pause.] The Chair hears none.

Mr. SAUNDERS. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by printing an article on the subject of commercial banking.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent to extend his remarks in the RECORD on the subject referred to. Is there objection? [After a pause.] The Chair hears none.

Mr. LANGLEY. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD on the revenue bill.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent to extend his remarks in the RECORD on the revenue bill. Is there objection? [After a pause.] The Chair hears none.

Mr. LINTHICUM. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by printing a resolution of the Board of Trade of Baltimore and telegrams from some of our prominent citizens.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection? [After a pause.] The Chair hears none.

Mr. CALDWELL. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD on the subject of universal military training.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD on the subject of universal military training. Is there objection?

Mr. MONDELL. Mr. Chairman, I reserve the right to object to ask the gentleman from New York on what subject he intends to extend his remarks in the RECORD.

Mr. CALDWELL. On universal military training. I had consent last week and I did not use it, and I wanted a few more days so that I could get it in.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. LOBECK. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by printing a letter from the lieutenant governor of Nebraska.

The CHAIRMAN. The gentleman from Nebraska asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection? [After a pause.] The Chair hears none.

Mr. JOHNSON of Washington. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by printing a memorial of the State Legislature of Washington on the necessity of Federal water-power legislation.

The CHAIRMAN. The gentleman from Washington asks unanimous consent to extend his remarks in the RECORD by printing therein a memorial from the Legislature of Washington. Is there objection?

There was no objection.

Mr. FESS. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Ohio [Mr. FESS] asks unanimous consent to extend his remarks in the RECORD. On what subject?

Mr. FESS. On the powers of one Congress to fix the time for the meeting of another.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD on the power of one Congress to fix the time of meeting of another Congress. Is there objection? [After a pause.] The Chair hears none.

URGENT DEFICIENCY APPROPRIATION BILL.

Mr. BORLAND. Mr. Chairman, I yield five minutes to the gentleman from Nebraska [Mr. STEPHENS].

The CHAIRMAN. The gentleman from Nebraska is recognized for five minutes.

Mr. STEPHENS of Nebraska. Mr. Chairman, I was very much interested in the remarks of the gentleman from Ohio [Mr. RICKETTS] on the provision in the sundry civil bill providing for a food investigation. I was also interested in the remarks of the gentleman from Missouri [Mr. BORLAND] in answer to the objection to this investigation by the Senate committee on the ground of economy. I have had something to do with the authorization of the construction of this bridge across the Potomac River here, and this House has authorized the construction of a bridge there for $1,000,000. The War Department has concluded that it will not furnish plans for a $1,000,000 bridge, but wants $500,000 more, or such a matter. The Senate committee's rejection of this amendment for the investigation of this food situation on the alleged ground of economy merely transfers that $400,000 from the purpose that the House intended to that of a continuation appropriation for the construction of this bridge. The House committee has refused to give the War Department the $1,500,000 that it asked for, but if the Senate committee can get this provision of $400,000 through in the form of a continuing appropriation, then this bridge can cost any sum that they have a mind to make it cost. There certainly must be some other objection offered to justify the strenuous efforts that are being made to defeat this investigation of the food trust.

I was interested in the remarks of the gentleman from Ohio [Mr. RICKETTS] when he stated that no two Members of the House, or scarcely more than that, agree upon the causes of the food shortage in this country. It seems to me that that fact in itself is the greatest justification for this investigation. This $400,000 will be placed in the hands of the Trade Commission, and the Trade Commission certainly justifies the confidence of this House by the result it has obtained in investigating the print-paper situation. If the newspapers are to be relied upon at all, the situation now appears to be that the Newspaper Print Trust is about at an end, and that we will ultimately have the price of paper fixed by the Trade Commission, and fixed at a figure not far from the price that prevailed before the war.

If that be true, the Trade Commission has won the greatest victory that has been won by any department of the Government since its foundation. It will have established a record for settling a gigantic dispute in an exceedingly short period of time, thus saving the print-paper consumers of this country millions of dollars in the cost of their paper in a single year.

Mr. FESS. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Nebraska yield to the gentleman from Ohio?

Mr. STEPHENS of Nebraska. Yes.

Mr. FESS. Did we have to make a special appropriation for the investigation of print paper?

Mr. STEPHENS of Nebraska. No; because that is a very trifling matter as compared with this food investigation. This proposed food investigation is of such gigantic proportions that 100 men will be required to proceed in this investigation where 5 or 10 men only were required to proceed in the paper investigation. We want this money for the use of the Trade Commis-

sion, so that quick action can be had and the markets set free from the stranglehold of manipulators.

The CHAIRMAN. The time of the gentleman from Nebraska has expired. The gentleman from Illinois [Mr. CANNON] is recognized.

Mr. MONDELL. Mr. Chairman, I yield five minutes to the gentleman from Pennsylvania [Mr. FOCHT].

Mr. FOCHT. I would not wish to deprive the gentleman from Illinois [Mr. CANNON] of any of his time.

Mr. MONDELL. The gentleman from Illinois does not desire to use any time.

Mr. FOCHT. If he did, I would be delighted to yield to him.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. FOCHT] is recognized for five minutes.

Mr. FOCHT. Mr. Chairman, we are always glad to listen to our friend the gentleman from Oklahoma [Mr. MORGAN] when he discusses anything pertaining to the interests of the farmer, because we believe he has investigated the subject and is thoroughly honest in his conviction and in his manner of presenting the accumulation of knowledge and information which he has acquired through his diligent researches. We have had agriculture from and before the time of Abraham, and it seems that we have made but little advance. In fact——

Mr. SLOAN. Mr. Chairman, will the gentleman yield?

Mr. FOCHT. Yes.

Mr. SLOAN. Can you not go back further than that?

Mr. FOCHT. Oh, yes; you might go back further than that.

Mr. LOBECK. Is the gentleman sure that Abraham was the first farmer, or was he a farmer at all?

Mr. FOCHT. It is not intended that there shall be anything humorous in this speech of mine, but go ahead.

Mr. LOBECK. I understand Abraham was a shepherd, not a farmer.

Mr. FOCHT. Well, he was a good farmer, and the people of his time had implements well adapted to the cultivation of the soil. And also in the days of the ancient Egyptians and the early days of that civilization they had good implements for the cultivation of the soil. Therefore it does seem strange to me that with all our modern appliances and boasted advancement and development we can not produce food more cheaply and abundantly. Of course, as a matter of public economy, we well understand that, and if honestly governed by the law of supply and demand, the more the farmer produces the less he will get for it; but it seems this principle does not apply.

Now, in the State of Pennsylvania we have a great agricultural college, such as they are supposed to have in every State. The State of Pennsylvania appropriates, or did last year, and this year will probably, more than a million and a quarter dollars, and yet, my friends, although they have a splendid board of directors, with one of the most brilliant men in the country as president, I have never yet heard of their reclaiming one acre of abandoned farm land or of producing anywhere 2 bushels of anything out of the soil where only 1 bushel grew before.

Now, what is the trouble? A gentleman on this floor one day in debating the tariff question said something happened from the time the tree on the yonder mountain was cut down until it got into the cabin on the plain, and I am constrained to believe that something happens with the price of this food from the time it leaves the farm until it reaches the market or the table of the consumer.

Mr. DAVIS of Texas. Mr. Chairman, will the gentleman yield?

Mr. FOCHT. Yes.

Mr. DAVIS of Texas. It struck me that if the gentleman is telling the truth about the agricultural college in Pennsylvania, his State is very much benighted.

Mr. FOCHT. I am surprised at the gentleman's question. I do not do anything else but tell the truth, sir. [Laughter.] Or just for the levity of the situation, why should you even suspect me of telling the truth? [Applause.]

Mr. DAVIS of Texas. Amen!

Mr. FOCHT. I accept the gentleman's apology, and will proceed. [Laughter.] I am of the opinion that while Brother BORLAND objects——

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. FOCHT. I would like to have two minutes more.

The CHAIRMAN. The time has been fixed.

Mr. FOCHT. I would like to have, by unanimous consent, two minutes more.

Mr. BORLAND. I yield to the gentleman two minutes.

Mr. FOCHT. I do not agree with the gentleman from Missouri when he objects to the proposed bridge across the Potomac. We really need two of them. A bridge costing $400,000 here in the National Capital really is not excessive. Let it be one or two million dollars if that amount is required to do it right, especially since everything has become a billion-dollar proposition around here in the last few weeks. Anyway, let us have the bridge. At the same time, I am heartily in accord with my friend from Missouri [Mr. BORLAND] in his anxiety to find out what is the trouble between the field and the table. In other words, there are two great issues before the American people which transcend all others. They are, first, to honorably keep out of war; and, second, to look after the tables of the consuming public and see that these outrageous prices, somewhere fixed after leaving the farm, are reduced.

Mr. GARNER. Mr. Chairman, will the gentleman yield?

Mr. FOCHT. Yes.

Mr. GARNER. The gentleman does not think, then, that the $400,000 which Congress appropriated the other day for an investigation of this subject should be used for building a bridge in Washington?

Mr. FOCHT. I am not in favor of giving the last $400,000 we have for that; but both situations should be accommodated.

Mr. SLOAN. Is this a bridge across the Potomac or a game called "bridge"?

Mr. FOCHT. This is a real bridge. I do not play bridge nor poker, but I am told you might lose $400,000 in either game. [Laughter.]

The CHAIRMAN. The time of the gentleman from Pennsylvania has again expired.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. STEELE of Pennsylvania having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Carr, one of its clerks, announced that the Senate had agreed to the conference report on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 19119, making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1918, and for other purposes.

GENERAL DEFICIENCY APPROPRIATION BILL.

The committee resumed its session.

Mr. BORLAND. I yield five minutes to the gentleman from Ohio [Mr. EMERSON].

Mr. EMERSON. Mr. Chairman, when a person from Ohio walks through the Hall of Fame in this Capitol he sees a statue of ex-President Garfield, which is properly there. He also sees a statue of William Allen, a very good man; but when we consider the men Ohio has furnished to the Nation, one feels that alongside of Garfield should stand McKinley, and alongside of McKinley should stand his able lieutenant, M. A. Hanna. [Applause.] McKinley as President and Hanna in the Senate constituted the strongest representation Ohio has ever had at the National Capital. [Applause.] During the days of McKinley and Hanna Ohio was on the map, and the influence of Ohio was felt in the National Capital.

Mr. HICKS. Does not the gentleman think a statue of Nicholas Longworth would look well out there?

Mr. EMERSON. I will concede that outside of NICHOLAS LONGWORTH Ohio is not very prominently represented in the Capitol at present. [Laughter.] It was often a common expression in the days of McKinley and Hanna to hear people say, "The United States of Ohio." The influence of McKinley in the White House and of Hanna in the Senate will be felt for many years to come. If Ohio is properly to be represented in the Hall of Fame the statues of two such men should be there. During their official lives they were inseparable, and they should be honored together in death. [Applause.]

Mr. SLOAN. Will the gentleman yield?

Mr. EMERSON. I yield to the gentleman from Nebraska.

Mr. SLOAN. I suggest that the Hall of Fame should not be crowded too much, because we want to leave places for EMERSON, LONGWORTH, and FESS. [Applause.]

Mr. LONGWORTH. I want to say that the reports of my death have been very grossly exaggerated. [Laughter.]

Mr. EMERSON. When I see in the Hall of Fame the statues of some men of whom I never heard and of whom a great majority of the people have never heard I feel that the statues of some men should be placed there of whom not only Ohio but the whole country is justly proud. [Applause.]

Mr. LEWIS. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The Clerk read as follows:

EXECUTIVE.

For contingent expenses of the Executive Office, including stationery, record books, telegrams, telephones, books for library, furniture and carpets for offices, automobiles, expenses of garage, including labor, and miscellaneous items, to be expended in the discretion of the President, $2,500.

Mr. MOORE of Pennsylvania. Mr. Chairman, this item of $2,500 for contingent expenses of the Executive Office attracted my attention in view of the appropriations made in other bills for the Executive office. I observe that this $2,500 is to include a variety of things—furniture and carpets for offices, stationery, record books, telegrams, books for library, automobiles, expenses of garage, including labor, and miscellaneous items. All these are to be covered by $2,500. You could not buy very many automobiles for $2,500. I was wondering how this emergency had arisen, necessitating the expenditure of the small sum of $2,500 for so many purposes. Has the Executive Office fallen short of stationery? Has it fallen short of record books? Is there any dearth of money to send telegrams or to pay telephone charges? Or to buy books for the library? What is the trouble with the furniture and carpets and how many automobiles are we going to buy in addition to all these other things for $2,500? What is this emergency?

Mr. FITZGERALD. Is the gentleman asking me these questions?

Mr. MOORE of Pennsylvania. The gentleman is chairman of the committee and is an expert in automobiles. I was wondering why the Executive had overlooked all these important items and why we are called upon to appropriate $2,500 to cover them all.

Mr. FITZGERALD. The appropriation for the current year for the contingent expenses of the White House is $25,000. The very great increase in the cost of all articles of stationery and all other materials paid for out of the contingent fund necessitates this additional sum. In the legislative bill which has passed the House and Senate the appropriation for this purpose carried for next year is $30,000, an increase over the current year of $5,000, and the committee recommend this additional $2,500 because it is needed for the proper transaction of the public business in the Executive offices.

Mr. MOORE of Pennsylvania. There is no information as to automobiles in the item.

Mr. FITZGERALD. There is none, and it is not needed. The gentleman, after his long service in the House, is, of course, aware that when deficiency appropriations are made they are made in the language of the original appropriation. The original appropriation is worded like the language in this paragraph. The necessity for this additional $2,500 is due to the increased cost of the materials paid for out of the appropriation, and that is a condition found not only in the Executive offices, but in every departmental office in the Government service, as well as in the legislative branch.

Mr. MOORE of Pennsylvania. What was the original item?

Mr. FITZGERALD. Twenty-five thousand dollars.

Mr. MOORE of Pennsylvania. And automobiles, carpets, furniture, and so forth, were included in the same language that is used here?

Mr. FITZGERALD. In the same language.

Mr. MOORE of Pennsylvania. Then this $2,500 is in excess of the sum already appropriated?

Mr. FITZGERALD. Supplementary to the $25,000.

Mr. MOORE of Pennsylvania. And of course it is not the purpose to buy automobiles with the $2,500, but to augment existing funds by $2,500?

Mr. FITZGERALD. Yes.

Mr. YOUNG of North Dakota. Mr. Chairman, I desire to speak upon a subject of great importance in connection with the food-supply problem. Viewed from that standpoint I hope no one will make a point of order that my remarks are not germane to the subject before the House.

During the last Congress we enacted what was known as the grain-standards act. It was made the duty by that law for the Secretary of Agriculture to establish standard grades for the grading of grain. The farmers in various portions of the country had been complaining for years about the abuses which existed, due in part to grain grades established arbitrarily by State boards without regard to the real values of the different grains. The farmers wanted a law which would not only establish standard grades but also appoint men to carry the law into operation in the actual grading of the grain. The law passed only went part way, but it was confidently expected that the Secretary of Agriculture would establish standards, usually called "grades," which would measure the quality of grain based on scientific knowledge. The farmers are now experiencing a rude awakening.

The work in grain standardization is being done by the Office of Markets. Officials in that office adopted what they call tentative grades, with the idea of using them as a basis for consideration in establishing permanent grades. Hearings were announced in various portions of the country, one of them at the Agricultural College, Fargo, N. Dak., on February 20, 1917. This was an appropriate place to meet. There, under a State law which bears my name, experiments had been carried on for eight years to gather a fund of scientific knowledge as to the milling value of wheat and baking tests of the flour made therefrom. Into this atmosphere, where nothing was taken for granted, nothing guessed at, and where everything was reduced to a foundation of facts, came a committee from the Department of Agriculture, and they brought with them their "tentative" grades prepared at Washington with nothing to guide them excepting their eyes, their fingers, and a pair of scales. I went into this question somewhat in an address on this floor last month—January 8. I regret that I can not get time now, during these closing days of the session, to discuss this question fully.

To put it in brief form, the department officials propose to establish grades upon the physical appearance, moisture content, and weight, requiring only the use of eyes, fingers, and scales. Against this method the western farmers demand that the grades shall be established according to accurate, scientific information as to the content of the wheat, what quantity of flour it will make, and of what quality; what content of shorts, bran, screenings, and of what value. This has not been guessed at by President Ladd, of the North Dakota Agricultural College. With a complete flour mill, chemical and baking laboratories he has tabulated his findings over a period of eight yars. He speaks with knowledge; he speaks with the accuracy of a scientist. The question is whether the Secretary of Agriculture will follow his lead or that of those who believe in the old, unscientific, and grossly unjust methods by which grades have been established in the past. The final hearing of the committee is to be held at Washington on March 7. At that time it is to be hoped that the Secretary of Agriculture will be present in person. This is too great and too important a matter to leave to subordinates, however skilled. The course followed up to this time has evidently not had his personal direction. There is time yet to save the day and to do justice to the wheat producers. If no changes are made in the proposed grades, the farmers who have suffered so long and who have hoped for so much at the hands of the National Government will have had the painful experience of having jumped from the frying pan into the fire.

Mr. Chairman, the farmers of the Northwest are greatly disappointed. Expecting much, they are threatened with getting something worse than they have had under State laws. Many of them have written to me, among them Hon. J. N. Hagan, commissioner of agriculture and labor. I have received also concurrent resolution proposed by Representative F. W. Mees and adopted by the North Dakota Legislature; also, letter from J. G. Crites, general manager of the Equity Cooperative Exchange, St. Paul, Minn. For the information of those Members who are here and others who may read the RECORD to-morrow morning, I ask permission to print these letters and other pertinent matters in the CONGRESSIONAL RECORD. [Applause.]

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

The matter referred to above is as follows:

LETTERS OF HON. J. N. HAGAN, COMMISSIONER OF AGRICULTURE AND LABOR FOR NORTH DAKOTA.

STATE OF NORTH DAKOTA,
DEPARTMENT OF AGRICULTURE AND LABOR,
BISMARCK, *February 27, 1917.*

Hon. GEORGE M. YOUNG,
House of Representatives, Washington, D. C.

DEAR SIR: I am inclosing herewith a copy of letter that I have written to Hon. David F. Houston, Secretary of Agriculture, together with resolutions passed by house of representatives of our legislature. Wish to call your attention to this letter and resolutions and can assure you that the farmers of North Dakota will appreciate your efforts if you could bring this matter before the United States Congress and if you can personally appear before the Department of Agriculture when this is taken up and thrashed out on March 7, 1917.

Yours, very respectfully,

J. N. HAGAN, *Commissioner.*

BISMARCK, N. DAK., *February 26, 1917.*

Hon. DAVID F. HOUSTON,
Secretary of Agriculture, Washington, D. C.

DEAR SIR: As has been manifested repeatedly by farmers' organizations throughout the State of North Dakota that there is a general dissatisfaction with the present Minnesota grades under which our wheat is sold, and hoping to get relief and a more just system of grading from

the United States Department of Agriculture, the producers of this State were very much grieved by the proposed grades in Table 1, page 6, in Circular 19, and feel sure that the producers in this State under such a system would be penalized; also, the system could be a very material advantage to the buyers at terminal points. The percentage of so-called "inseparable foreign material" is too low, making it practically impossible at local points to market No. 1; also wheats of other classes, the percentage is too low. Your system also reduces the percentage of moisture, and, besides, you have raised the weight per bushel.

The producers present at the Fargo hearing were practically unanimous in favor of the grades proposed by Dr. E. F. Ladd, which are based on milling values instead of physical value. Under your present system it would be just as fair to force us to sell cream by the gallon or by the pound instead of by butter-fat test.

The producers of North Dakota also resented the attitude of Mr. Brand, as it is almost parallel with the attitude of our legislator of two years ago who told the farmers to go home and slop their pigs. Mr. Brand demonstrated to the satisfaction of the producers that his plan was the outgrowth of the system now so universally condemned by the farmers of the Northwest, especially by men of Dr. E. F. Ladd's caliber.

All we ask is that a fair system be established on the milling and baking values. We are coming to realize that taking the crop money out of its just course causes suffering among the producers and consumers of food, which is a great moral wrong, and believe that your department can and should assist in correcting the already existing evils.

There is, however, one point for which we feel thankful; that is the manner in which the representatives of the United States Department, as represented at Fargo, showed plainly that nothing is to be expected from them toward relief of market injustice.

I am sure any relief from the present proposed standard would be appreciated by the producers of the Northwest.

Yours, very respectfully,

J. N. HAGAN, *Commissioner.*

Concurrent resolution of Legislature of North Dakota. (Introduced by Mr. Mees.)

To the Hon. DAVID F. HOUSTON,
Secretary of Agriculture of the United States,
Washington, D. C.:

Whereas there has been manifested by the grain growers of the State of North Dakota a demand for a change in the present system of grain grading; and

Whereas the Hon. David F. Houston, Secretary of Agriculture of the United States, ordered a number of hearings to be held on said subject; and

Whereas one of such hearings was held in the city of Fargo on the 20th day of February, 1917; and

Whereas at the said hearing were present Mr. C. J. Brand, representing the United States Department of Agriculture; Hon. John N. Hagan, commissioner of agriculture and labor of the State of North Dakota; Dr. E. F. Ladd, president of the agricultural college and State chemist for North Dakota; A. C. Townley, representing 40,000 North Dakota farmers; C. J. Crites, sales manager of the Equity Cooperative Exchange; A. G. Bemmels, of the Bemmels Flour Mills, of Lisbon; O. Brown and N. Malcolm, representing the Stark County Grain Growers' Association; S. J. Nagel and O. McGrath, representing the Morton County Grain Growers' Association; C. O. Kell, representing the Burleigh County Grain Growers' Association; as well as many other individual farmers; and

Whereas at the said hearing it became apparent that the information secured by milling and baking tests at the agricultural college mill at Fargo, N. Dak., is not being considered in establishing grades of wheat by the United States Department of Agriculture; and

Whereas the proposed standards for grades of wheat to be established by the United States Department of Agriculture are eminently unreasonable, unfair, and unjust for the reason that they impose a penalty upon the producers of wheat in North Dakota; and

Whereas the percentage permitted by the proposed standards of inseparable foreign material is entirely too low to permit of a proper and just grade; and

Whereas the aforesaid representatives of the people of North Dakota emphatically protested against said standards at said hearing: Now, therefore, be it

Resolved by the House of Representatives of the State of North Dakota (the Senate concurring therein), That we emphatically protest against Table I, on page 6, of Bulletin 19, issued by the United States Department of Agriculture from the Office of Markets and Rural Organization, becoming the standard for grading wheat grown in North Dakota; and be it further

Resolved, That we earnestly request the United States Department of Agriculture that the findings of Dr. E. F. Ladd, through a series of milling and baking tests, be a basis for establishing grades applicable to wheats grown in North Dakota; and be it further

Resolved, That a copy of these resolutions be filed in the office of secretary of state of North Dakota and that the secretary of state be instructed to forward a copy to the Hon. David F. Houston, Secretary of Agriculture, Washington, D. C., and a copy be sent to each of the Senators and Representatives of the State of North Dakota in Congress assembled.

[Statement in Fargo Courier News.]

DEPARTMENT OF AGRICULTURE REPRESENTATIVES DO NOT BELIEVE IN STANDARDS PROPOSED BY DR. LADD AT INVESTIGATION HELD HERE—MILLERS AND GRAIN DEALERS EXPRESS SATISFACTION OVER SYSTEM BRAND DEFENDED—FARMERS PROTEST BUT EXPERTS SHOW NO INTEREST.

MAIN POINTS BROUGHT OUT AT HEARING.

The grades the Department of Agriculture at Washington, D. C., proposes are not based on milling tests in the sense proposed by Dr. E. F. Ladd, famous for his fight for better grades for the producers of the Northwest.

From the attitude of the Department of Agriculture men present it is indicated that the final grades will be changed little, if any, from the tentative grades already framed and explained at the hearing, which means defeat of the Ladd tests.

Dr. Ladd condemns the proposed grades and proposes a set of grades based on the eight-year milling tests at the North Dakota Agricultural College, which have aroused the farmers of four States over what they believe is rank injustice in the markets. He proposes a system of simple grades, three in number, against six proposed by the United States department and which will likely be put in effect.

C. J. Brand of the Federal department staff condemns actual milling tests in commercial grain grading. He is against it even to check inspectors when appeals are made. He claims the United States department has "the greatest staff of grain experts in the world" and that the new grades will be based on their data, "though, of course, we will consider your Mr. Ladd's tests."

The farmers of the Northwest are opposed to the proposed grades as outlined by the United States department, if expressions of some 20 or more who spoke at the hearing are an indication. On the other hand, the proposed grades find so much favor with the milling and elevator interests that those representing that interest had few suggestions to make as to changes in the proposed plan. John D. Shanahan, of the Shanahan Grain Co., of Duluth, said at the hearing, "That the proposed grades are a great personal satisfaction to me."

The matter of the fixing of these grades is so important to the people of the Northwest, affecting as it does their chief industry, that the Courier-News last evening sent Mr. Morris, who reported yesterday's meeting for this paper, to Minneapolis to report the two-day hearing there. Mr. Morris, representing the Courier-News, was the only newspaper man present at the hearing in Fargo yesterday, and the Courier-News in this issue prints the only first-hand report of the meeting made by any newspaper.

[By Oliver S. Morris.]

Two staff men of the United States Department of Agriculture, who have it in their power, under the recent grain-standards act of Congress, to fix the conditions under which the grain of the Northwest shall be marketed, paid a flying visit to Fargo yesterday. They were C. J. Brand and J. W. T. Duvel, delegates of the United States Secretary of Agriculture. They held a hearing at the little country theater of the agricultural college for the announced purpose of getting the ideas of farmers, millers, and grain dealers of North Dakota on what the new Federal grades for wheat shall be. These men will make recommendations which the Secretary of Agriculture will adopt, and the grades thus fixed will supplant the existing grading systems of the various States, so far as interstate commerce is concerned.

IMPORTANT HEARING.

Because the grading of wheat largely determines the price and other market conditions, and because farmers of the Northwest believe the grades now existing are grossly discriminating against them, the hearing was fraught with the utmost importance. In the space of the few short hours allotted them, Dr. E. F. Ladd, president of the agricultural college, and a score or more of farmers present attempted to present adequately the producers' side. The hearing began at 10 o'clock in the morning and closed at 5 in the afternoon, and the Secretary of Agriculture's delegates then hurried away to Minneapolis, where a two-day hearing will be held, to be followed by two-day hearings at Chicago and Kansas City.

It was not till the closing hours of the hearing that Dr. Ladd was given an opportunity to present the results of the famous tests he has made and which have aroused the producers of the Northwest. As fully as the brief time given would permit, he explained what eight years of experimental milling and baking have disclosed about wheat, and what he has found to be the discrimination against the producers and other abuses of grain grading and marketing.

TO CONSIDER LADD'S PLAN.

Mr. Brand, who is chief of the office of markets of the United States Department of Agriculture and who presided at the meeting, made it plain that all that he and his associate could promise was to "consider carefully" what Dr. Ladd had to say.

"We have the greatest staff of grain experts in the world," said Mr. Brand. "We have many Dr. Ladds in our department, and we must consider what they say, too. We might as well make it plain that we can not base any system of grading we may decide upon on your Dr. Ladd's findings—we must base our grades on our own data. But we can promise, and you can be assured we will consider carefully what you have presented to us to-day, and if we find your data warrants it will, of course, alter the tentative grades we have already decided upon."

The tentative Federal grades mentioned by Mr. Brand were explained by him and Mr. Duvel. They completely ignore, as was brought out by several speakers, what Dr. Ladd's tests have shown, namely, that physical appearance does not determine the milling value, and that the so-called lower grades net millers as much, and often more, than the so-called higher grades.

OPPOSE MILLING TESTS.

While the National Agricultural Department men said they were holding these hearings to get ideas for the purpose of altering their tentative rules, "if found necessary," they indicated plainly that the grades as promulgated finally will not be grades based on milling tests in the sense that Dr. Ladd means milling tests. The tentative grades explained by the department men are no better for the producer, and perhaps worse, than the present grades, the farmers present claimed. But every indication is that these tentative grades, with few, if any, alterations will be the new Federal grades.

"Milling tests for commercial grading are impossible," said Mr. Brand. "In a market, for instance, where 1,200 to 1,500 cars of grain are arriving daily, inspectors could not wait for the milling and baking of samples before grading the wheat. All that can be done is to grade by physical appearance and other methods which indicate as near as possible the value of grain for milling."

"Could not actual milling tests be provided at least in case of appeals, or where either buyer or seller are dissatisfied with the grade given by an inspector?" Mr. Brand was asked.

"NOT FAIR," SAYS BRAND.

"No; that could not be done, either. You would then be requiring inspectors to grade by one system and standard and using another system and standard on appeal, which would not work or be fair."

"But you claim," it was urged, "that your grades will be based on milling tests. How, then, would actual tests on appeal be using a different standard or system?"

"It would," said the department man. "It would be using two methods and would not be fair."

The hearing soon after it opened showed that the tentative grades already framed by the United States department, and which with few changes will be the final grades, meet favor with the millers and grain buyers and, on the other hand, are opposed by the producers. Dr. Ladd opposed the tentative grades strongly. He proposed half the number of grades on a plan he has worked out from his tests, but these did not seem to be taken seriously at first by the United States department men. Later, however, they promised to consider carefully Dr. Ladd's proposed grades.

HARD ON DURUM WHEAT.

A big point brought out at the meeting was that the new grades will attempt to force farmers to raise what the department men called "better, cleaner" wheat, especially in the case of durum. Mr. Duvel, who is in charge of the grain-standardization work of the department, was frank to say that the proposed grades on durum have been made so strict that they will bar out of durum grades 40 per cent of the durum now marketed and throw it into the mixed-grade classification, with consequent lower prices.

"We have purposely made the durum grades strict," said Mr. Duvel, "because durum in the Northwest is becoming badly mixed with other wheat, and we think stricter grades will influence farmers to use better seed and better farming methods so as to improve the durum marketed. Our tentative grades on durum provide that any grain of that kind containing more than 10 per cent of other classes of wheat can not be sold as durum, but must be sold as mixed wheat. I believe that your durum can be cleaned up to make these new grades this crop year. You should begin through publicity and through your experiment station to preach better seed and better methods. If you act soon enough your durum sown this spring and harvested this fall can make these grades. It is just a question of farming right. You will get more money for your durum when you clean it up under these grades than you are now getting for durum. I realize these grades we have drawn up for durum look difficult, but the farmers know how to grow clean durum and they can make it clean if they want to."

GRAIN MAN PLEASED.

At this point John D. Shanahan, of the Shanahan Grain Co., of Duluth, arose.

"It is a great personal satisfaction to me," he said, "to contemplate the way you men have worked out these proposed grades. The whole grain industry is to be congratulated on the help of such men as Mr. Duvel. I believe that in five years, under these grades you propose, kicking about grain grading in the Northwest will be a thing of the past. We have been mining more than farming, in my opinion."

The sweeping change in durum grades proposed by the department men caused a big protest of the farmers present. Later even Mr. Shanahan volunteered the guess that the strict grades ought to be put in effect gradually, instead of all at once, so the farmer would have a chance to adjust methods to them gradually.

J. G. CRITES PROTESTS.

"Not a carload of durum in 500 will make these strict durum grades you propose," said J. G. Crites, general manager of the Equity Cooperative Exchange, of St. Paul, who was there to represent the 3,000 farmers who own the stock in this Equity enterprise, which is the largest grain-brokerage firm owned by farmers in the world.

"We expect that will be true at first," said Mr. Duvel, in answer to Mr. Crites. "We know high mixtures get into the durum grades now, but we think it best not to allow it under the new grades."

"I agree with that," said Mr. Shanahan, of Duluth.

"Frankly," continued the department man, "I say durum at present can not make these grades. I think the grades are right, however, because I am confident that it is just a matter of seed and care, which can be remedied in one crop—starting this spring."

"In that case I do not see that any concessions at all are necessary," again interrupted Shanahan.

SOME MORE PROTEST.

F. R. Babcock of the Williston agricultural substation, speaking for the *producers*, pointed out that much of the other classes of wheat mixed in durum was not the fault of the farmer.

"We find at the station that no matter how carefully you work there is a natural crossing between durum and red spring wheat," he said, "where they are grown on the same farm close by."

"It is pretty difficult in this State," said Carl F. Rockwell, a gray-headed pioneer North Dakota farmer, "to keep other classes of grain out of durum. I know because I farm. You can get every foreign kernel out before seeding—at least you think you have every one out—but before you know it you have a mixture with your durum. This is because you use the same drills and the same thrashing machinery for durum and other wheat, and we all raise various varieties. I think your grades will work a hardship on farmers."

"We find mixtures through volunteer grain," said O. A. Brown, of Dickinson. "We find farmers who pay the best prices for the best durum seed and use great care and yet get a mixture which would not make the grades you propose. These grades are going to work a hardship on the farmer. The farmer gets various prices for his grain, but you know all these grades on which he gets different prices are all mixed before milling by the miller, and the flour price is the same and is based on No. 1 grade for wheat."

SEED ALREADY BOUGHT.

In answer to Mr. Duvel's belief that durum farming could be reformed in North Dakota this spring, Norman Malcolm, representing the Stark County Grain Growers' Association, said that 90 per cent of the seed for the 1917 crop had already been purchased by farmers. Mr. Crites, of the Equity, added that at this time there was little or no good durum in the Northwest to be had for seed. But Mr. Duvel said he thought good seed could be got for this spring all right.

"I know it can't, because we are trying to get it and there is none," said Mr. Crites.

HAGAN WANTS TO KNOW.

In the morning a clash occurred between John N. Hagan, commissioner of agriculture of North Dakota, and Mr. Brand.

"I'd like to know how many inspectors you intend to hire to enforce these grades," asked Mr. Hagan.

"We have 320 already engaged and may need more," was Brand's reply.

"You will need 640—yes, several thousand, right here in North Dakota, if you are going to get at the evils we suffer from here. I want to put a case to you."

"You are getting off the topic. Confine yourself to the topic we are discussing," said Brand, rapping for order.

"What I was saying," said Hagan, who would not be shut off, "was that I am a farmer, and I had 100 acres in bluestem last year. I sold part of it to a local elevator and got No. 2 grade and two pounds dockage. Later I sold the rest of it—the identical same kind—and got No. 1 grade and 1½ cents premium on it and only 1½ pounds dockage. How do you propose, under your Federal grades and inspectors, to reach that sort of thing?"

"Well, that's a case of misgrading," was the reply. "By fair and uniform grades we expect to avoid that."

NO INSPECTION IN STATE.

"Are you going to have men in North Dakota to see to that?" asked Hagan.

"No; that's beyond the scope of the act of Congress. We might as well set you right on that. We are to fix grades only for interstate commerce and will have nothing to do with grading when grain is sold a local elevator. We will grade at the terminals."

"What is this act for? To help the farmers?" insisted Hagan.

"Sure it is," was the reply, "but not in that way."

"That's what I was getting at," said Hagan. "Then we will need a grain department and grain inspectors in North Dakota, created by our legislature."

DR. LADD PRESENTS PLAN.

"Any method of fixing grades that does not take into consideration milling tests is unfair to the producers," said Dr. Ladd in opening his presentation of the farmers' case. "I am in sympathy with Federal grades, uniform in all States, but they should be grades based on milling tests."

Dr. Ladd then told of his eight years of experiments, familiar throughout the Northwest. He showed that under existing grades and under the grades proposed by the United States Department of Agriculture, No. 3 wheat would make more flour than No. 2, although it would bring less to the farmer in spite of bigger returns to the miller. He produced the figures that showed that under present grades, there is a spread often of 100 per cent or more between farmer and consumer on the lower grades, while the spread is only 20 to 30 per cent on the so-called higher grades.

"If mills are making a fair profit on Nos. 1 and 2 wheat, then somebody is making profits out of all proportion on the lower grades," he said.

TOWNLEY ASKS FOR DETAILS.

During Dr. Ladd's discussion of the subject, A. C. Townley, president of the Nonpartisan League, who was present during the afternoon, arose to ask Dr. Ladd in more detail about some of his investigations.

"Dr. Ladd, did the millers advertise that the 1916 crop, all of which was so-called low grade, made better flour than the 1915 crop, which graded much higher?"

"They did," said Dr. Ladd. "Notices they sent out to dealers explained that 1916 wheat, sold by farmers in many instances as feed, was making bigger and better loaves of bread than the 1915 crop."

"I would like to ask, also," said Mr. Townley, "whether or not you found commercial mills in Minnesota actually proving this by grinding flour for farmers for 15 cents a bushel and giving them the grist—whether under this custom milling plan farmers were not getting up to $2 per bushel in mill products for wheat they were offered only $1 for by the mills."

"That is true," said Dr. Ladd. "We did find that in our investigation of commercial mills in Minnesota."

In explaining his system of grading, which makes three grades where the proposed Federal grades make six, Dr. Ladd explained that Russia uses only two grades. He said that he believed that the elaborate system of grades proposed by the United States department would work a hardship on the producers. In answer to another question of President Townley, of the Nonpartisan League, he said that his system of grading, which he submitted at the hearing, was based on milling tests and would give millers the same profits they now get on Nos. 1 and 2 grades, but would not give them any more margin than that on the lower grades, whereas now they are making several times as much on the lower grades.

PROVEN IN CANADA, TOO.

"The high value of the so-called lower grades of wheat," said Dr. Ladd, "have not been shown alone by our tests. Canadian Government investigations have proved the same thing. South Dakota experiment stations have shown that for feeding purposes low-grade wheat is as good as higher. So we know it is as good for both feeding and milling. At my home we eat bread from these so-called feed grades, and we do not know the difference. Our guests can not tell the difference."

Norman Malcolm, of Stark County, created something of a stir when after Dr. Ladd had finished, he said:

"I notice, Mr. Brand, that some of your department men seemed to be unfamiliar with Dr. Ladd's tests, judging from the notes they were taking during his talk, and other indications."

Mr. Brand chose to consider this as reflecting on the members of his party and himself.

"We won't allow any of that to go into the record," he said.

"I just inquired for information," said Mr. Malcolm.

"Well, I will say that we are familiar with Dr. Ladd's tests," said Brand. "We do not agree with him in all things, of course, but we have studied his bulletins and we are going to carefully consider what is brought out here."

LEARN LOCAL SENTIMENT.

While the entire attitude and most of the remarks of the United States department men indicated that they had already decided the matter of what the grades should be and that the present hearings are a mere formality required by law, they will not leave North Dakota without knowing the sentiment in this section. S. J. Nagel, of Glen Ullen, presented resolutions of the Grain Growers' Association of Morton County, asking that the Ladd tests be made the basis for the new grades; C. B. Waldron, president of the Tristate Grain Growers' Association, presented similar resolutions of that organization; C. O. Kell, of McKenzie, handed in resolutions of the Farmers' Union of Burleigh County, asking the same thing; O. A. Brown, of Dickinson, did likewise for the Farmers' Union of that locality; Mr. Malcolm presented petitions with hundreds of names of producers from all parts of the State asking careful consideration of the Ladd proposed grades; others present did likewise for the farmers of their vicinities.

OFFER LITTLE CHANGE.

The department men used a stereopticon to flash tables on the screen showing the data on which they had based the proposed grades. These tables, with one exception, had nothing to do with milling tests. They were tables showing how grain had graded in the Minneapolis terminal and at local points over a term of years; how different grades averaged for moisture, weight per bushel, foreign matter, etc., and they gave a good idea of how much wheat will get in the various grades under the new plan. They showed there will be little change from the present conditions. The new grades proposed make six classifications, called

Nos. 1, 2, 3, 4, 5, and sample. The old grades have No. 1 hard, and then Nos. 1, 2, 3, and 4 northern and sample, so that under the new grades the old No. 1 hard would be just No. 1 and the No. 1 northern would be No. 2, and so on down the list.

The single table of milling tests shown as the basis for the department's arrangement of the proposed grades was labeled the "Howard laboratory tests." It was not explained what the Howard laboratory was, but the department men when questioned about it were quick to say they did not take the responsibility for it, but presented it for what it was worth. It is the same table, grain men present said, that millers have been exhibiting to offset the Ladd tests, with which it materially differs.

WHERE REJECTED WHEAT GOES.

During the showing of the tables J. M. Brinton, of Beach, asked what became of the rejected and sample wheat, amounting to 25 per cent of a crop on the average, which did not get into grades 1, 2, 3, and 4 under present conditions.

"It all goes into flour," said Mr. Duvel. "We all know that practically all wheat goes into flour."

"I thought so," said Mr. Brinton.

With Mr. Shanahan, from Duluth, in behalf of the grain trade, were William Grettum, a grain dealer, and W. C. Mitchell, ex-president of the Duluth Board of Trade. C. M. Bemmels, of Lisbon, a miller, was also present. Grain buyers and millers, however, with the exception of Mr. Shanahan, had little to say. They seemed to be satisfied with the grades as proposed, and the proposed grades did not need defending from the farmers, as the United States department men did all the necessary arguing for them and against what the farmers proposed.

"We have had fewer millers and grain men at this meeting than any we have held," said Mr. Brand. "But we are glad to see the farmers so well represented. It is only by hearing both sides that we can reach just conclusions."

The hearings at Minneapolis to-day and Thursday promise to bring out hundreds of millers and grain buyers.

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[Editorial from Fargo Courier News.]

WHAT NORTH DAKOTA IS LOSING.

North Dakota farmers out of last year's crop have been getting for their heat and rust shriveled wheat just about half its real value for milling purposes.

That fact has been established not alone by the careful milling tests carried on at the agricultural college test mill, but by actual commercial results in at least three small gristmills in western Minnesota.

The full meaning of this ought to be realized by the business men as well as the farmers of North Dakota. It means a loss of millions of dollars that ought to have come into the hands of the farmers of this State and through them into the hands of the merchants of the State.

It is money that ought to have helped to build the State of North Dakota, and a mighty help it would have been. It would have erected schools and equipped them with the best teachers and the finest appliances; it would have built hard-surfaced roads; it would have built new and modern homes on the farms; it would have added to bank deposits and created new industries.

This "feed-wheat" proposition is not a trivial thing. If the farmers were robbed this year of 50 cents a bushel on 20,000,000 bushels—actually an underestimate—the State has paid tribute of ten millions of dollars that it ought to have retained, money that its own citizens had earned.

This one year's loss would pay all the investment costs of a mighty group of State industries dedicated to the purpose of saving for North Dakota the profits on what it produces.

It is a project of wonderful moment to the people of the State of North Dakota, for which the farmers have been fighting for years. The vision broadens as its possibilities are seen. It is one phase of the great problem with which the whole Nation must grapple—that of cutting out the wastes in the distribution of all products, whether grown or manufactured, in order that a dollar may bring what a dollar produces and that a dollar may be received for a dollar's worth of work or product.

Not to see the greatness of this project is blindness, and those who are blinded by narrow prejudice are doubly unfortunate.

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[Editorial from Fargo Forum.]

MAKE THEM COME AND GET IT.

"If you want full justice in marketing the products of your State you must sell in your State and force the buyer to come to you for his wheat. He will do it."

So says Dr. E. F. Ladd, who is one of the best informed men in the Nation regarding grain values. Why not?

The farmers of North Dakota are the victims of custom. The present methods of marketing grain are outgrown and obsolete, a relic of the early struggling days when North Dakota was a pioneer State, its farmers few, without means, and at the mercy of the grain buyers.

That day is past and gone.

To-day this State could dictate to the grain buyers. But it blindly allows the buyers to have things all their own way. The farmers of North Dakota are raising a product which is absolutely essential to the consuming public of the world.

The amount of hard spring wheat grown in the United States is not large compared to the great bulk of the wheat crop of the Nation, but that hard wheat is of a quality second to none grown anywhere on the globe. The millers must have it to blend with the soft wheats in milling. If North Dakota did not foolishly dump its crop into the world market each fall, making hard wheat almost a drug on the market, the millers would be at our doors clamoring for that splendid hard wheat.

Will we ever learn the lesson?

The Forum believes the remedy is the establishment of terminal elevators in North Dakota. As Dr. Ladd says, force the buyer to come here for his wheat. You may be absolutely sure that he will do it.

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THE FARMER'S PRIVILEGE.

The indignation of the farmer members of the legislature against Dr. Brand and his assistants of the Federal Bureau of Markets is well directed. The conclusions of Dr. Brand and his helpers are open to question, but his attitude is plainly censurable.

He has warm sympathy for the grain dealers and the rich millers of Minneapolis. He is anxious to defend them and to explain their position, as he showed when he accepted and indorsed the explanation of the head of the Washburn-Crosby Milling Co. as to how it comes that seeds actually separated from wheat by new processes are still "inseparable." There was no interest shown in the revelation that modern machinery was doing this. The millers' explanation that "It costs too much," and "We're thinking of throwing the machines out" is readily accepted. The miller is a gentleman, but as for the farmer——

"If the farmers don't like it, they have the privilege of putting in these machines themselves," says Dr. Duvel. This from an official of the United States Government commissioned to fix just standards and conditions of marketing grain.

Well, the farmers do have that privilege, don't they? They can put in these machines. Why not take Dr. Duvel at his word? The pea extracting mechanism is a necessary part of the equipment of the big modern mill, with all its new devices for treating grain by which an enormous profit is being reaped.

Why shouldn't the farmers own them? They can't put one on every farm, of course, but they can do something else. They can have the State, which they support and whose taxes they pay, build them a big and modern mill at some advantageous point in the State of North Dakota, and they can reap some of the profits of milling low-grade and mixing wheats to produce good flour at low cost.

They can advertise and sell this product all over the world as a State product, made and sold on honor and with the guaranty of a State behind it, and made from the best milling wheat in the world.

* * * * * * *

The Federal grain-standard "experts" with their chamber of commerce grades have conferred a real favor on the farmers of the Northwest and the people of the State of North Dakota. They have come out in the open. They have shown early in the game that nothing is to be expected from the Division of Markets of the Department of Agriculture toward relief of market injustices.

The Government has handed the farmers a stone in place of bread. Hope in that quarter is ended. The power of the State is the only recourse.

The only way to a remedy is plainly indicated. North Dakota must have her own grain-grading system; she must have her own grain elevators within the State and buyers of the grain, whose milling quality is not equaled in the world, must be invited to come to this State for it.

Let the Minneapolis inspectors, clothed with the authority of the Federal Government, do as they please about grading such North Dakota wheat as gets into their hands. A market can be found for North Dakota wheat sold under an honest label that tells just what it is. The world needs the wheat. Buyers will come to this State to get it.

The farmers of this State before this have made the arrogance of brief authority a help to achieve their objects. The insolent self-sufficiency of Brand forms a parallel to the words of the legislator who told the farmers two years ago to "go home and slop the pigs." That phrase built the new revolt and Brand is but pouring fuel on fires the extent of whose future sweep blissfully he can not conceive.

The Clerk read as follows:

FEDERAL TRADE COMMISSION.

For compensation, travel expense, and per diem in lieu of subsistence at the rate of $4, of such special attorneys, special experts, special examiners, special agents, clerks, and other employees as may be necessary for the purpose of carrying on the work of said commission; no salary shall be paid hereunder exceeding the rate of $5,000 per annum; $50,000.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. Information in the newspapers indicates that another body has refused to approve the item of $400,000 passed by the House recently for the purpose of having the Federal Trade Commission make an investigation into the food supply. If that is true, then another prolonged and, as some of us believe, a rather wasteful investigation will fall by the wayside, and a large sum of money will be saved to the people. I refer to it at this time, because we are informed through the newspapers that bread riots are continuing in the city of New York.

Mr. SLOAN. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. SLOAN. Not many days since the gentleman was speaking of the newspapers as not being the best authority. Has he changed his mind on that?

Mr. MOORE of Pennsylvania. That was as to some newspapers; we can accept some statements without a grain of salt.

Mr. FESS. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. FESS. I have read recently that these bread riots were not quite as real as they were artificial. What does the gentleman know about that?

Mr. MOORE of Pennsylvania. I know one Member of the House has introduced a bill for an inquiry to ascertain whether those instigating the riots are American citizens or aliens. I have no particular interest in that inquiry, because I assume that an alien is just as anxious to have food and clothing as any other. It is as important that these men, women, and children shall be fed, irrespective of the country from which they come. I have no desire to prevent anybody who ought to have food from obtaining it. These people in New York who are daily appealing to the mayor of the city for help have my sympathy, whether they were born in Poland, Russia, or in the United States.

I would like to see something done to enable them to obtain food cheaper than they get it in New York and some other large cities to-day. There is a good deal of money being made in New York City. Large profits are being taken, and it is to be regretted that any of the people should suffer. There is a great

production in the agricultural districts of the country, and apparently no good reason why the people of the United States should not be fed at a reasonable rate, except as has been intimated in one or two speeches here, that we are sending so much food abroad that the supply for the people of the United States is limited, so that the home price necessarily rises. I have been informed that there is ample food for everybody in the United States.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, have I had a full five minutes? I ask unanimous consent to speak for five minutes.

The CHAIRMAN. Yes. The gentleman from Pennsylvania asks unanimous consent to proceed for five minutes. Is there objection?

Mr. FITZGERALD. I object.

The Clerk read as follows:

The accounting officers of the Treasury Department are authorized and directed to credit in the accounts of George Johannes, special disbursing agent, Federal Trade Commission, the sum of $94.65, representing amounts paid by him for subscriptions to periodicals and publications of the nature of books of reference disallowed by the accounting officers of the Treasury Department.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. I am satisfied, although not a lawyer, that there is ample law upon the statute books of the United States to-day to enable the Attorney General of the United States, if he cares to exercise the power Congress has given him, to proceed against those who are said to be cornering the food supply. I have contended that before, and no less a lawyer than the gentleman from Missouri [Mr. BORLAND], who has been the champion of an antibeef trust resolution, admits that the Attorney General has the power to proceed against these so-called trusts and combinations that are supposed to be controlling food prices.

It has been brought out here by gentlemen from the western part of the country that four men hold up the entire beef supply of the United States. The Attorney General has recently indicated that there are no trusts, and yet the Republican Party was defeated four years ago upon the pretense that it fostered trusts. The Democrats said if elected to power they would immediately destroy these trusts. They said they would enact laws that would have "teeth in them" which would bring relief to the plain people of the land, reduce the cost of living, and put malefactors in jail. Yet there has not been a single prosecution of consequence and none of the alleged trusts have been crushed.

Mr. SLOAN. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. SLOAN. Is it not a fact that there is a piece of legislation known as the Webb bill being pressed by the administration forces and forces within the House against trusts, the primary purpose of which is to organized trusts to do foreign business and export food out of the country?

Mr. MOORE of Pennsylvania. There was such a bill, and there has been a strong effort to pass it. It is probably not in accord with the Democratic pretense of crushing trusts. Our friends on the other side have revised and modified and lessened the influence of the reserve banking act. Professing they would destroy the interlocking directors in banking institutions the gentlemen on the other side came in with a bill to restore interlocking directorates; they had previously contended that these directorates were responsible for "the money power" in the United States. Those who were supposed to be culpable under the Clayton antitrust law were exempted from its provisions——

Mr. FESS. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. FESS. How many cases have been prosecuted under the Clayton bill?

Mr. MOORE of Pennsylvania. I do not believe a single case has been prosecuted under the Clayton antitrust law, and I have challenged time and again Members on the other side to indicate a single malefactor of great wealth that has been "brought to book." No "malefactor," so far as I know, has been put in jail. And yet the Republican Party was defeated in 1912 because it was supposed to be controlled by these influences.

Mr. HAUGEN. Does the gentleman claim that last year's production in food products was normal?

Mr. MOORE of Pennsylvania. I understand that the crop was ample to supply the normal wants of the people of the United States.

Mr. HAUGEN. The fact is it was much below the normal.

Mr. MOORE of Pennsylvania. That would indicate that when we send so much abroad prices here may rise.

The Clerk read as follows:

For additional expenses of the Eight-Hour Commission, created by the act of September 3 and 5, 1916, to complete the work of the commission and to enable it to make the report called for by the said act, $35,000, to continue available during the fiscal year 1918.

Mr. RAKER. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by inserting therein two resolutions passed by the Legislature of the State of California.

Mr. BORLAND. Upon what subject?

Mr. RAKER. One is on the California Débris Commission and the other is on the military highway.

Mr. MANN. How many times have they been inserted in the RECORD?

Mr. RAKER. They have not been inserted at all. They just came this morning by telegraph.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CURRY. Mr. Chairman, I move to strike out the last word. There is plenty of foodstuffs raised in the United States to maintain in comfort and happiness all of our own people and also for the exportation of a great deal of it abroad. In some portions of the United States food products are reasonable in price and in other places they are unreasonable. In New York City they are unreasonable, and in some of the other centers of population. I think possibly that is caused partly by local combination and not because there is not enough food in the United States to supply the people of the United States with sufficient to eat. This morning I received from Mr. Fred Shaffer, the secretary of the Yolo County, Cal., Board of Trade, a telegram in which he says that in Woodland, Yolo County, they have 15,000,000 pounds of rice in warehouses which they are ready and willing to sell for 3½ cents a pound f. o. b. Woodland. Rice is being sold in New York for 15 cents a pound. Of course, a great many reasons have been given regarding the high cost of living in certain centers of population. Some people attribute it to the plethora of gold. Where there is more gold than can be properly used prices naturally go up, and the United States has at the present about one-third of the gold in the world. Some people say that it is on account of the war in Europe. War also always increases the price of foodstuffs. Some people have said that it is on account of combinations. It is not a question of any general combination in the United States, because the high cost of living is only in certain spots.

If there is any combination, it is a local combination. The lack of proper facilities for transporting and distributing foodstuffs has also helped to increase the price. Some people say that food is exorbitantly high in cities because three-quarters of the people of the United States live in cities and towns, while one-quarter live on the farms, when 75 years ago three-quarters of the people lived on farms and one-quarter of the people lived in the cities. That is a matter that is always determined by where a man can do the best for himself. It is governed by the law of supply and demand. Seventy-five years ago the farmers had no modern machinery; they had to do their work by hand. Now most of their work is done by machinery. We had no great railroads and telegraph and telephone systems and manufacturing and mining machinery and things of that kind 75 years ago. At that time 75 per cent of the people ought to live on the farm. They were needed there, and not more than 25 per cent could find profitable employment in cities. At that time we were not a manufacturing people and we had not applied steam, electricity, and machinery to industry. To-day it takes over 50 per cent of the adult population of the people of the United States to take care of the steam and electrical industries of the country. If 75 per cent of the people were living on farms to-day and 25 per cent in the cities, we would not be a civilized people. We would produce farm products enough to feed the world, would manufacture but little, and could not man our railroads and our steam and electrical plants.

I believe that while the increase in the cost of foodstuffs should be a little more than it was before the European war—for war naturally increases the prices of food in the centers of population—that the real reason that the foods are so high and they have not enough in New York and Chicago and the great centers of population is because we have an ineffective and unsatisfactory system for the transportation and distribution of foodstuffs, and that some of it is due to local combinations and some to the misuse of cold-storage plants that were supposed to be used in the interest of the public, to equalize and make reasonable the cost of food products throughout the year, instead of which they are being used in the interest of monopoly, to increase the cost of food to the consuming public. The United States is at peace and must export large quantities of farm products that are grown on her farms in excess of the needs of her citizens. Great Britain is at war and must import much

of what her people eat. Under those conditions, something must be wrong when the food necessaries of life cost more in New York and Washington than they do in London. And something must be radically wrong when the warehouses of the West are filled with farm products seeking a market at a reasonable cost and the poor in our eastern cities hunger because they can not buy those same products but at an exorbitant price. And the excuse is made of a shortage in the supply.

The Clerk read as follows:

Not less than 5,000 feet square of the space now occupied by, and to be made vacant by the removal of, the Federal Trade Commission from the building rented for the use of the Department of Commerce is transferred to, and for the accommodation of, the Bureau of Efficiency.

Mr. FITZGERALD. Mr. Chairman, I move to amend on page 3, line 17, by striking out the words "feet square" and inserting in lieu thereof the words "square feet."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, on page 3, line 17, by striking out the words "feet square" and inserting in lieu thereof the words "square feet."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

DEPARTMENT OF STATE.

For the relief, protection, and transportation of American citizens, in connection with or growing out of the existing political disturbance in Europe, $250,000, to be expended at the discretion of the President and to be available during the fiscal year 1918: *Provided*, That American citizens to whom relief is extended or transportation is furnished hereunder shall pay to or reimburse the United States all reasonable expenses so incurred, respectively, on their account, if financially able to do so.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I would like to have a statement from the gentleman in reference to the $250,000 appropriation carried in this item and, if the gentleman has it, also a statement as to how much previous appropriations have been refunded. How much did we appropriate before?

Mr. FITZGERALD. Two million seven hundred and fifty thousand dollars in two resolutions. The first resolution carried $250,000 and the second $2,500,000.

Mr. MANN. Are there still a great many Americans abroad who need this sum to get home? We have been offering to bring them home for over two years, and if they want to stay so long why do they not come home at their own expense?

Mr. FITZGERALD. Mr. Chairman, it was believed that there were many cases and many demands that would be made upon this fund. Then, the money has been used for purposes other than the paying of expenses of American citizens abroad. For the relief of American citizens $450,000 was expended. Three hundred and seventy-eight thousand dollars was expended for services in the Department of State and the Diplomatic and Consular Service. Telegraph and cable services amounted to $542,000. Additional equipment for departments and for missions and consulates, $13,000; traveling expenses of special representatives abroad, $21,000. Then, there is about $100,000 on account of unsettled accounts with the various embassies in London, Berlin, Petrograd, Vienna, Rome, and the like.

Mr. MANN. Mr. Chairman, I remember when we made the first appropriation. Every one, I think, was favorable to it. It was designed to bring home American citizens who were abroad, with the expectation that they would reimburse the Government for the money advanced, so far as they had the means to do so. Here is a proposition to advance money to American citizens for their relief, protection, and transportation, and to have them reimburse the Government for it, but when the money is appropriated it is not used for that purpose at all.

They use it for expenses of the State Department. Why not be honest enough to say what they want the money for and let us appropriate for expenses in the State Department instead of going on the theory or under the guise that we are appropriating to transport American citizens home? I think it is perfectly proper that we should appropriate money enough so that the embassies abroad, which have extra work placed upon them, should have the means with which to handle the work, but certainly a large proportion of the extra work which was placed upon the embassies is now taken off their shoulders. We represented all over the world the German Government. We no longer are doing that. I think we represented, also, the Austrian Government. We represented in our embassies the central powers all over the world, and that was a considerable expense. Now that expense has been taken off our shoulders and we have to have somebody else represent us in connection with those powers instead of our representing those powers in connection with other Governments.

Mr. FITZGERALD. If the gentleman will permit me, the language of the original appropriation was broader than is carried in this bill.

Mr. MANN. That is very likely. I know what was stated as to what was expected to be done in reference to that work. A very large proportion of that money, and I am not criticizing that, I expect they needed the money at these embassies, and probably in the consular offices, but if they had why did not we appropriate the money for the full expenses instead of hiding it under the guise of appearing to be very generous to American citizens abroad by transporting them home?

Mr. BENNET. Mr. Chairman, I move to strike out the last three words for the purpose of asking my colleague, the chairman of the committee, whether there is not some way to supervise these expenditures? I will tell him a case. There were two Italians over in Genoa when the war broke out.

Mr. FITZGERALD. Only two?

Mr. BENNET. Lots more; but I happen to know that these two were American citizens of foreign birth. One of them had credit enough with people there to get money enough to come back to the United States, and he got back to the United States with $75 or $80, or something like that.

The other man, who did not have credit enough to get home on, had to go to the American consul, and the American consul said, "That is all right; I will send you home." And it cost him something like $300. He was a man who had money in this country, and he has had to pay back to the United States Government something like $300. He had no voice in the matter. The consul just picked up the whole proposition, and it cost that man three or four times as much as the man got back on who could raise his own money. I am sincerely asking for information as to whether or not there is any rule governing this?

Mr. FITZGERALD. Of course, it may be the consul could not have given him any other accommodations, and some American citizens when they found the Government was about to pay back their expenses got very exaggerated ideas of the character of accommodations that should be furnished.

Mr. BENNET. I do not think my colleague followed my statement. This man whose way the consul paid back had money in the United States and had to repay to the United States the money that was advanced by the consul.

Mr. FITZGERALD. The consul had to take what he could get for him, and as he was an acquaintance of the gentleman from New York, on his appearance he supposed he was accustomed to traveling in a style commensurate with the expenditure.

Mr. BENNET. He really did give me as reference. Really, ought not these consuls exercise some discrimination?

Mr. FITZGERALD. I imagine they try to do so. It seems they have. We have spent over $600,000 in this work.

Mr. BENNET. And a good deal of that has come back.

Mr. FITZGERALD. We have received back about half of it so far. We hope to get it all back. But there are times when a delay of half an hour would make it impossible to get a choice of accommodations on a steamer. My understanding is that when applications were made for relief of this character the effort was made to provide suitable accommodations, and whether the steamship companies took advantage of the Government agents I do not know. A man seeking accommodations for himself might drive a little harder bargain than a representative of the American Government could do who was acting for him. There are a number of conditions that might surround him.

Mr. BENNET. At any rate, the only thing we can do, really, is to appropriate abundantly and put our trust in Providence.

Mr. FITZGERALD. We will have to do as we do in all cases, trust to the common sense and good judgment of officials. Sometimes they make mistakes. We occasionally do that here. Therefore we have to make allowances for those who do it in other places.

Mr. BENNET. Well, I withdraw the pro forma amendment.

The CHAIRMAN. The gentleman from New York withdraws the pro forma amendment, and the Clerk will read.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. ASHBROOK having taken the chair as Speaker pro tempore, a message in writing from the President of the United States, by Mr. Sharkey, announced that the President had approved and signed bills and a joint resolution of the following titles:

On March 1, 1917:

H. R. 14777. An act to provide for the control of the floods of the Mississippi River and of the Sacramento River, Cal., and for other purposes.

On March 2, 1917:

H. R. 9533. An act to provide a civil government for Porto Rico, and for other purposes;

H. R. 18453. An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1918;

H. R. 8229. An act to establish a national park at the battle field of Guilford Courthouse;

H. R. 12195. An act to amend section 17 of the United States bankruptcy law of July 1, 1898, and amendments thereto of February 5, 1903;

H. R. 18181. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 19037. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

S. 7601. An act for the relief of Caleb T. Holland;

S. J. Res. 201. Joint resolution requesting the President of the United States to designate and appoint a day on which funds may be raised for the relief of the Ruthenians (Ukrainians);

S. 784. An act to authorize the sale of certain lands at or near Belton, Mont., for hotel purposes;

S. 5612. An act providing additional time for the payment of purchase money under homestead entries of lands within the former Fort Peck Indian Reservation, Mont.;

S. 6654. An act to validate a patent to certain lands heretofore issued to the State of Florida, to allow the said State to claim certain other lands, and for other purposes;

S. 6692. An act to amend section 6 of an act to expedite the settlement of title to lands in the State of California;

S. 8227. An act granting the consent of Congress to the city of Fort Atkinson, in Jefferson County, Wis., for the construction of a bridge across the Rock River; and

S. 8113. 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.

GENERAL DEFICIENCY APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Second Pan American Scientific Congress: The amount which may be expended for salaries from the appropriation of $42,000 for preparation and printing of the reports, proceedings, and papers of the Second Pan American Scientific Congress, contained in the general deficiency appropriation act approved September 8, 1916, is increased from $3,300 to $5,000.

Mr. WINGO. Mr. Chairman, I move to strike out the last word.

I have read this bill with great care, and I do not find any provision for what I understood would be made for an additional appropriation for the so-called Newlands subcommission.

Mr. FITZGERALD. The what?

Mr. WINGO. The Newlands subcommission, or whatever you call it—the joint commission.

Mr. FITZGERALD. Who had this understanding?

Mr. WINGO. I will try to enlighten the gentleman, as I want to get some enlightenment in return. Keeping track as best I can of the Senate, I have discovered that already an amendment has been prepared and offered and printed that is intended to be put on this bill when it gets to the Senate, appropriating $20,000, I believe it is, to be immediately available by the Newlands subcommittee. I would like to ask the chairman of the committee if that matter has been considered by his committee, and if it contemplated to carry in this bill the item when it finally becomes a law?

Mr. FITZGERALD. There has been made no suggestion of that character, and my understanding was that the Newlands Railway Commission was continued on the understanding that they could get along without any more.

Mr. WINGO. That, Mr. Chairman, was the statement made on this floor when the resolution was under consideration to extend its time. It was stated then explicitly that they did not ask for an additional appropriation. They simply asked for the continuation of the commission, and one statement was made that it was simply for the purpose of having additional time for making a report.

Mr. FITZGERALD. They will have to have a very persuasive argument to get any money in this bill.

Mr. WINGO. I have gotten the information I desired from the gentleman from New York.

Mr. SIMS. With the permission of the gentleman from New York [Mr. FITZGERALD], I wish to say that the resolution brought in first was brought in by the chairman of the Committee on Interstate and Foreign Commerce, the gentleman from Georgia [Mr. ADAMSON], and it provided for the sum of $16,000 to be added to the original $24,000, or so much of same as remained unexpended.

Mr. WINGO. The gentleman can not give me any information on that. It is a fact that it was stated, and that resolution went through this House on the positive assurance that no appropriation was asked, and the implication was that no appropriation would be asked.

Mr. SIMS. Mr. Chairman, I started to state the situation, if the gentleman will let me finish it.

Mr. WINGO. I do not want the gentleman—and I say it with all kindness—to state the situation in my time.

Mr. SIMS. I want to state the facts, and then, if I am mistaken, the gentleman can correct me; but do not anticipate my statement.

Mr. WINGO. I can not yield further. I anticipate the gentleman's statement.

Mr. SIMS. I have the floor.

Mr. WINGO. I beg the gentleman's pardon. I have the floor.

Mr. SIMS. I asked the gentleman from New York [Mr. FITZGERALD].

Mr. WINGO. He did not have the floor. I had it, and I gladly yielded to my friend. I anticipated his statement, having known him ever since I was a boy by having read of him in the CONGRESSIONAL RECORD, and I could anticipate what his statement was going to be. I stated what the facts were and the assurances that were given to this House. And I am sure the gentleman from Tennessee [Mr. SIMS] can not state any facts that are contrary to the facts stated by me.

Now I yield with pleasure to the gentleman from Tennessee.

Mr. SIMS. I will take the floor in my own right, if I can be recognized.

The CHAIRMAN. The time of the gentleman from Arkansas [Mr. WINGO] has not yet expired.

Mr. SIMS. I thought it had.

Mr. WINGO. I yield with pleasure to the gentleman from Tennessee whatever time I have.

Mr. SIMS. In order that the situation may be understood just as it was and as it is, it was estimated by the members of the joint subcommittee that it would be necessary to have $16,000 more than was left of the original $24,000, because part of the original $24,000 had been expended, and the resolution was reported to this House, adding that much to it, and also providing that Mr. CULLOP, who is a member of the committee now, and who is going out, should continue to serve.

Now, that resolution was defeated in that form, or, rather, the rule. Much of the opposition, or what seemed to be much of it, was due to the fact that Members of the House thought it was not a good practice to continue on a subcommittee of the two Houses a man who would no longer be a Member of the House. Afterwards that objection was eliminated; that is, when the rule for the resolution was modified so as to appoint another member of the committee who was reelected to the next Congress. Even after this was done, it appeared that it would still be difficult to get the resolution through, because some gentlemen were opposed to going further with this investigation provided for; so the committee brought in the resolution, so as not to increase the appropriation. But it has never been admitted by me, and it is not so admitted now, because it is not a fact, that the subcommittee can do the work that was mapped out for it to do by the original resolution in so thorough a manner as it ought to do it with the remaining unexpended part of the original appropriation.

Mr. WINGO. Mr. Chairman, will the gentleman yield?

Mr. SIMS. Yes.

Mr. WINGO. It is a fact, as was stated on the floor of this House more than once during the month of January, that they were not asking for another appropriation, is it not?

Mr. SIMS. I do not think any member of the committee stated that. Some one else may have stated it, some one not on the committee. There is no use in deceiving ourselves. If you look at the breadth and depth of that resolution you will find that the investigation provided for by it can not be made with the amount that has been appropriated.

Mr. WINGO. That is our experience with such commissions.

Mr. SIMS. We are going to do the best we can with what is left, but it is not right to leave the impression that it is the judgment of the committee—that is, of the entire committee—that the amount that has been appropriated and remains unexpended is sufficient to do the work that ought to be done.

Mr. WINGO. Mr. Chairman, will the gentleman yield for a further question?

Mr. SIMS. Certainly.

Mr. WINGO. How many days has this joint committee sat since it was organized?

Mr. SIMS. I do not remember.

Mr. WINGO. As many as 15 days?

Mr. SIMS. I do not know whether it was that much or not.

Mr. WINGO. As a matter of fact, has it been in session hardly at all?

Mr. SIMS. Compared with the time necessary to make the investigation as it should be made, and so that it will be worth anything to the House or the country after it is made, the time that has been used is but a small part of what will be necessary.

Mr. WINGO. What, in the gentleman's judgment as a member of that committee, is the amount of the additional appropriation that would be necessary, and how much will the commission ask the House to give them?

Mr. SIMS. I do not know. I do not know that we will ask for anything more. But I do not want the impression to go out that the balance of the appropriation that has already been made is sufficient to do the work as it ought to be done.

Mr. WINGO. I will say to the gentleman that I was not deceived by the statement made in January, and I am not deceived now. They can go along now and proceed and investigate almost anything named in the Constitution of the United States. The scope of the investigation is almost without limit.

Mr. ESCH. Mr. Chairman, if the gentleman will permit, I wish to state, in answer to the question of the gentleman from Arkansas [Mr. WINGO] that the joint committee sat in session for 10 days and took something like 700 pages of testimony, which is now in print.

Mr. WINGO. Can the gentleman tell me how I can get a copy of that testimony?

Mr. ESCH. I think the gentleman can get it by asking the clerk of the joint committee for a copy. We have had an edition printed large enough to supply each Member of the House and Senate with a copy.

Mr. WINGO. Does the gentleman know how much money has been spent altogether?

Mr. ESCH. I do not know, but the main expense has been paid out to reporters and other help.

Mr. SIMS. There has been a firm belief in my mind since the beginning that it will be impossible to make that investigation as it ought to be made with a little penurious appropriation.

Mr. WINGO. Then you do not think the $24,000 appropriated is even a good starter?

Mr. SIMS. I am talking about what is left of the $24,000.

Mr. MANN. Mr. Chairman, when we passed the original resolution in the former session of Congress in reference to the matter now pending before the committee it was stated that $40,000 would be enough to make the investigation and make the report on January 1 or 15, or somewhere along there. At this session of Congress the gentleman from Georgia [Mr. ADAMSON] introduced a resolution for an extension of the time in which to make the report, for some extension, I believe, of power, and for an additional appropriation. The Committee on Rules reported a rule for the consideration of that resolution, and on a vote of the House the rule was defeated.

Mr. SIMS. That is correct. I said "bill" when I meant "rule."

Mr. MANN. Subsequently the Committee on Rules reported a rule for the consideration of a new resolution, I believe, on the same subject, and it was explicitly stated on the floor of the House for the purpose of getting votes that there would be no increase of the appropriation asked for. I venture to say, while the gentleman from Arkansas [Mr. WINGO] says he was not deceived, that that is an afterthought; that the whole House was led to believe there would be no increase in the appropriation over that already provided. And to offer now a proposition for an increased appropriation is a gross breach of good faith.

Mr. ESCH. Mr. Chairman, will the gentleman yield there?

Mr. SIMS. I want to say to the gentleman from Illinois that I never made such a statement.

Mr. ESCH. Let me say that I believe I voice the sentiment of the gentleman from Tennessee [Mr. SIMS] and other members of the committee that no member of the House subcommittee initiated the suggestion of an increase or sought to increase the appropriation. The initiative, if it exists anywhere, exists in the other Chamber.

Mr. WINGO. Let me say that I made the statement that the move had started in the Senate; that a Member of the Senate had already printed a proposed amendment to this bill, to which my attention was called a moment ago, and intended to put an item on this bill for $20,000 additional.

Mr. MANN. After all, this is a joint committee, and the members of the joint committee of both Houses were in consultation concerning the action to be taken by the House.

Mr. ESCH. No conference was had with reference to this increased appropriation.

Mr. MANN. There should have been, before the statement was made on the floor of the House that there would be no increase of appropriation asked for. Of course I know perfectly well that there were conferences and conversations, or whatever you call them, between the Members, or between some of the members of the committee representing the House and the members, or some of the members, of the committee representing the Senate on that resolution, and after the House had defeated the proposition the first time there were further conversations. I do not believe that the members of the committee from the House will ask any increased appropriation—certainly not at this time—nor support it.

Mr. SIMS. Will the gentleman permit me?

Mr. MANN. In a moment. It is in this House often recognized that statements are made on the floor affecting the votes of Members and the action of the House, and it should be, and I believe is, the policy of every Member of the House end of the commission to preserve absolute good faith toward the House. When they have been defeated on a proposition carrying an appropriation and then come in with a proposition stating that there would be no increased appropriation, good faith would demand that they did not get it.

Mr. SIMS. I want to say to the gentleman from Illinois, and he will readily concede, that we never would have asked for the additional $16,000 which was asked for unless we believed that it was necessary to the proper work of the subcommittee.

Mr. MANN. The gentleman does not know any more about it now than he did when the House acted on the House resolution.

Mr. SIMS. The gentleman understands that I did not ask for an additional appropriation, but before that investigation can be made and the printing done and furnish copies to those people who ought to have them, to do justice to the subject that we have to consider——

Mr. MANN. That commission does not pay for the printing; that is out of the appropriation for the printing for the House of Representatives.

Mr. SIMS. I understood that the committee had to pay for the printing out of the increased appropriation.

Mr. MANN. If the gentleman will permit me in my time. Of course if the gentleman's commission is attempting to settle all the problems that are referred to in that resolution, the commission will be in existence after the grandson of the gentleman from Tennessee has come and departed.

Mr. SIMS. I know that the gentleman does not mean to exaggerate.

Mr. MANN. I do not.

Mr. SIMS. It is as much of an exaggeration to minimize as it is to magnify. I know it was stated on the floor of the House at the time by some Members that it would take 30 or 40 days actual work to finish the investigation. It was so estimated, and it was only a matter of judgment or guesswork.

Mr. MANN. I think it was stated that it would take 30 or 40 days to finish the one witness that was before the commission.

Mr. WINGO. Did the gentleman say days or years?

Mr. SIMS. Days. We are in this situation: It was decided by the subcommittee to take up the railroad side of this question first. The proposed legislation put forth by the railroads as being necessary in order to develop the commerce of the country by increasing the railroad facilities, and if we examine that side of the case thoroughly and then stop for lack of an appropriation to investigate the other side, we have been in effect simply a subcommittee in the interest of the railroads, in spite of ourselves. I want to say that I am not deceived; that it is impossible to give consideration to the subject that is embraced in that resolution, even a reasonable or modest consideration, and get through with it in 30 or 40 days of actual work. I do not believe we will be able to do what the committee was ordered to do. We have to consider railroad transportation, telegraph transportation, telephone transportation, and all such things as are practical, in connection with all these questions. We have a great car shortage all over the country at this time that is disturbing and absolutely preventing interstate commerce by railroads. Then, there is the question of Government ownership of these facilities, which can not be considered until the railroad side is through. The State commissions all over the country want to be heard, because there is a proposition to abolish all State regulation that in any way affects interstate service. I say, if we are

going to do nothing more than to spend the rest of the appropriation originally made and never ask for any more, we might as well not spend it at all. While I am not going to ask Congress to increase the appropriation, the failure to make an additional appropriation may force us to make an incomplete, indefinite, and one-sided report.

The CHAIRMAN. The pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

The Commissioner of Internal Revenue, subject to regulation prescribed by the Secretary of the Treasury, may make allowance for or redeem stamps, issued under authority of the act approved October 22, 1914, entitled "An act to increase the internal revenue, and for other purposes," and the joint resolution approved December 17, 1915, entitled "Joint resolution extending the provisions of the act entitled 'An act to increase the internal revenue, and for other purposes,' approved October 22, 1914, to December 31, 1916," to denote the payment of internal-revenue tax, and which have not been used, if presented prior to January 1, 1918.

Mr. BENNET. Mr. Chairman, I move to strike out the last word, for the purpose of asking the chairman whether internal revenue is a compound word or a typographical error. The gentleman will find it in lines 12 and 13, page 5. There seems to be a new method of indicating internal revenue as a compound word—I hesitate to say hyphen.

Mr. SISSON. That is a mere matter of punctuation.

Mr. BENNET. Mr. Chairman, I ask unanimous consent that the hyphen be omitted.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BENNET. Mr. Chairman, I move to strike out the last two words in connection with another matter. I want to ask the acting chairman of the committee what were the total collections under the stamp tax during the time they were in operation? There are two of them.

Mr. SISSON. I can not give the gentleman that information. The commissioner's report was sent in, but I did not investigate it, nor was the matter asked about by the committee.

Mr. BENNET. This not being the committee that considers sources of revenue, they noted the fact that the stamp tax had gone out of business and passed it by.

Mr. SISSON. The demand made on us was to increase the force necessary to carry out the duties devolving upon them by this law.

Mr. MANN. This is not one of the duties devolving upon the committee by law.

Mr. SISSON. Not upon the committee, but upon the revenue officers.

Mr. MANN. It is a pure matter of legislation which the Committee on Appropriations has butted in on. How many times have we extended the time to present revenue stamps for redemption?

Mr. SISSON. If the gentleman will examine the hearings he will find that heretofore there has been no limit placed on it.

Mr. MANN. I have not had time to examine the hearings because they have just been completed.

Mr. SISSON. Under the present law two years are allowed for the redemption of unused internal-revenue stamps. This provision was inserted here for the purpose of fixing a definite time, and making it more certain as to the date within which these stamps might be redeemed.

Mr. MANN. I can tell more about it than that. How many of these stamps remain out, in the hands of purchasers?

Mr. SISSON. I can not give the gentleman that information. I do not know. As a matter of fact it is a very difficult matter to determine just exactly the status of the outstanding stamps anyway. A great many of them may have been lost.

Mr. BENNET. Does not the gentleman think it is more or less dangerous for the committee to report a proposition as to which it has complete ignorance?

Mr. SISSON. I do not think the committee has complete ignorance. The gentleman is simply talking to one member of the committee. I am not attempting to speak for the information of the full committee.

Mr. BENNET. The gentleman is one of the hardest-working and best-informed members of the committee.

Mr. MANN. We are seeking information. I understood that the Commissioner of Internal Revenue desired a little change in the law. We have once or twice extended the time within which to redeem revenue stamps, which means in the main stamp taxes under the so-called war-revenue act. But under the law, when anyone applies for the redemption of stamps he must give the date of their purchase. Of course where large concerns are buying stamps under the war-revenue act they may buy stamps to-day and they may buy more stamps to-morrow, of different denominations, and they may buy stamps the next day, and they are absolutely unable to give the dates of the purchases of stamps. I understood that the desire was to have the time extended within which to present these stamps for cancellation, and to remove the requirement that they must give the date of purchase of the stamps. I think those stamps which can be redeemed under existing law have in the main been redeemed, but here is somebody who has a lot of these stamps. They may have been purchased on 40 different occasions. They are of all sizes and denominations, and the purchaser is not able to file a claim for redemption which would comply with the law, because of inability to give the date of purchase. I do not see how this helps that any.

Mr. SISSON. Of course it is very difficult for a bank or person buying revenue stamps to tell the date of any particular purchase.

Mr. MANN. I do not see how you remedy it by this provision.

Mr. SISSON. We fix a specific date before which these stamps must be redeemed, or they will not be redeemed after that date. It simply extends the time, so that no advantage will be taken by fixing the date too early. I understand it simply gives them until January 1, 1918.

Mr. MANN. I understand this changes the date, but does it change the law?

Mr. SISSON. It does to that extent. Heretofore the law was that you have to redeem stamps within two years from the date of sale.

Mr. MANN. We have extended the time, but we fixed a limit. That part of the law was not applicable. But, as I understand it, the law required that anyone filing an application for redemption of stamps had to state when the stamps were purchased. They are not able to do that.

Mr. SISSON. That is my understanding—that they are not able to do that thing in many cases.

Mr. MANN. How does this change that requirement? That is what I want to know.

Mr. SISSON. This gives them additional time, and fixes the date absolutely before which these stamps must be redeemed, instead of making it two years from the date of the purchase, so that it is not necessary to state the date of purchase under the committee amendment, because the stamps can be presented on or before that date.

Mr. MANN. The present date is a fixed date—December 31, 1916. We have provided heretofore that those stamps may be redeemed on or before December 31, 1916. Before that we have provided that they might be redeemed on or before an earlier date. We had a fixed date. Now you extend the time by making another fixed date. Perhaps you have overcome the difficulty. I suppose this provision may have been prepared by the Internal-Revenue Office, but I do not see how anybody can read it and tell that it overcomes the difficulty.

Mr. SISSON. It was prepared by the department, and they stated to us that this was for the purpose of curing that defect; that it is utterly impossible for a man to determine the date on which he bought the stamps. This language, fixing the absolute date before which the stamps must be presented for redemption—after which date there will be no redemption—simply gives the business world that additional notice without taking any advantage of anyone. That is the intention of the department and that is the intention of the law.

Mr. BENNET. I would like to have the gentleman from Mississippi [Mr. SISSON] study this language, because I have been studying it, and it seems to me that it means nothing. Let me read it, omitting the recital of the titles of the acts, which are not important in construing it. The language is:

The Commissioner of Internal Revenue, subject to regulation prescribed by the Secretary of the Treasury, may make allowance for or redeem stamps * * * to denote the payment of internal-revenue tax, and which have not been used, if presented prior to January 1, 1918.

It seems to me that is senseless.

Mr. ANDERSON. It is a perfect sentence.

Mr. BENNET. No.

Mr. SISSON. I see no trouble about that language.

Mr. MOORE of Pennsylvania. I should like to ask the gentleman why this matter should not have gone to the Committee on Ways and Means? It is clearly legislation.

Mr. SISSON. Yes.

Mr. MOORE of Pennsylvania. Why should it not have been referred to the Committee on Ways and Means? Why should it have gone to the Appropriations Committee at all?

Mr. SISSON. The remedy is purely a matter of administration dealing with the Treasury rather than with revenue, anyway.

Mr. MOORE of Pennsylvania. Is there any confusion in the matter of the redemption of these stamps?

Mr. SISSON. There has been this confusion, that a man would have to make an affidavit stating the date upon which he purchased the stamps, and within two years from that date he would have to present them for redemption. Now, the utter impossibility of many gentlemen making any affidavit as to the date of purchase of stamps made it necessary to fix a specific date before which stamps might be redeemed.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. SISSON. I yield to the gentleman from Wyoming.

Mr. MONDELL. This provision seems to me very simple, and I want to know of the gentleman if it means what it says. It says, stripped of all of the language denoting the particular character of stamps, that the Commissioner of Internal Revenue may make allowance or redeem stamps which have not been used and have been presented prior to January 1, 1918. That is a very simple statement.

Mr. SISSON. I think that is exactly what it means.

Mr. BENNET. It might mean that if it were not for the words "to denote the payment of internal-revenue tax."

Mr. MONDELL. That is descriptive of a certain class of stamps.

Mr. BENNET. These are canceled stamps. This opens the door for anyone who has a canceled revenue stamp to take it around to the Treasury and get the face value of it.

Mr. MONDELL. Does the gentleman think the Treasury would be guilty of that?

Mr. FORDNEY. There is a condition to-day that is existing under the law. Less than 30 days ago I looked this matter up and found that there had been stamps returned to the Treasury Department for redemption in sums ranging from 2 cents to $15,000 for each claimant, none of which had been paid, and the correspondence in respect to it has not been answered since October last.

Mr. SISSON. Mr. Chairman, I can give no information about that condition except what was represented to us. It was necessary before these stamps could be redeemed under the law that an affidavit be made as to the date of purchase, and the affidavit must affirmatively show they were presented to the Treasury for redemption within two years after the date of purchase.

Mr. DAVIS of Minnesota. Mr. Chairman, while I am a member of the Committee on Appropriations, I am not a member of the subcommittee that has this matter in charge. I wish to confirm to a certain extent what the gentleman from Michigan [Mr. FORDNEY] has said. About a month ago a constituent of mine informed me that he had about $700 of revenue stamps unredeemed, and that he had forwarded them to the department, but could get no satisfaction whatever. I therefore took the matter up with the department, and from the correspondence had with them this seems to be the condition of affairs. They informed me in substance, first, that there was no money to redeem them; and, second, the law was in such shape that there would have to be some legislation before satisfaction could be given to the purchasers of the stamps. They also informed me that that legislation would be enacted very soon. I presume that this is the attempt of the Appropriations Committee to make that legislation.

Mr. MOORE of Pennsylvania. But the gentleman observes that there is no appropriation?

Mr. DAVIS of Minnesota. There is an appropriation herein of $75,000.

Mr. MOORE of Pennsylvania. Not under this paragraph.

Mr. DAVIS of Minnesota. The preceding paragraph carries an appropriation of $75,000.

Mr. FORDNEY. Mr. Chairman, will the gentleman yield?

Mr. SISSON. Yes.

Mr. FORDNEY. I was informed by an official in the Department of the Treasury that there were stamps there now for redemption amounting to somewhere between two and five million dollars, none of which had been paid, and the correspondence in regard to which has not been answered since October last.

Mr. DAVIS of Minnesota. The department answered me very quickly, and my impression is that there are not sufficient funds on hand, and also there has to be some other legislation before they can redeem them.

Mr. FITZGERALD. Mr. Chairman, the situation is this. Under the law these stamps can be redeemed at any time within two years from their purchase.

Mr. MOORE of Pennsylvania. Why, if there are $5,000,000 worth of these stamps outstanding, do we appropriate only $75,000 in this bill? The gentleman from Michigan [Mr. FORDNEY] informs me that there are $5,000,000 worth of these stamps.

Mr. FITZGERALD. I have no information as to that. This is for the balance of this fiscal year.

Mr. SISSON. The gentleman from Michigan said from two to five million dollars.

Mr. FITZGERALD. Nobody knows about that. The situation is this. These stamps can under the law be redeemed within two years after the date of their purchase. When a person wishes to have the stamps redeemed he must furnish proof as to when they were purchased, where they were purchased, and a number of other things in order to show whether he comes within the two-year limitation. The bureau suggests that a fixed date be established by law.

Mr. DAVIS of Minnesota. Which is attempted to be done in this provision.

Mr. FITZGERALD. Within which, if the stamps are presented, they may be redeemed, and it very much simplifies it.

Mr. TILSON. That is, they will be redeemed without any questions asked?

Mr. FITZGERALD. Without any questions asked. All they do is to present the stamps, and it obviates so much trouble and red tape that everyone thought it was a very desirable thing to do.

Mr. HAUGEN. But $75,000 will not redeem $5,000,000 worth of stamps.

Mr. FITZGERALD. I do not know that there are $5,000,000 outstanding, but the $75,000 is for the balance of this fiscal year, and with what has been appropriated it is expected that it will be sufficient to meet the demands between now and the 30th of June.

Mr. TILSON. Then, stripped of all surplus language it simply says that the Secretary of the Treasury may redeem all of these stamps that may be brought in before the date mentioned?

Mr. FITZGERALD. Yes.

Mr. MOORE of Pennsylvania. They are closed out after January 1, 1918?

Mr. FITZGERALD. Yes.

Mr. BENNET. This is the language sent in by the Commissioner of Internal Revenue.

Mr. FITZGERALD. Yes.

Mr. BENNET. And if it does not do what he wants to do it is his fault.

The Clerk read as follows:

Income tax, excess profits tax, etc.: For expenses of the assessment and collection of the taxes provided by the act approved March —, 1917, entitled "An act to provide increased revenue to defray the expenses of the increased appropriations for the Army and Navy and the extensions of fortifications, and for other purposes," and by the act entitled "An act to increase the revenue, and for other purposes," approved September 8, 1916, including the employment of agents, inspectors, attorneys, deputy collectors, experts, clerks, messengers, and janitors, to be appointed by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury, and for supplies, equipment, mechanical devices, telegraph and telephone service, and rent of quarters in the District of Columbia, and the several collection districts, fiscal year 1918, $1,500,000: *Provided*, That not more than $125,000 of this sum may be used for personal services, supplies, equipment, and mechanical devices in the District of Columbia: *Provided further*, That not to exceed $10,000 (which shall be available immediately) may be used for rent of quarters in the District of Columbia for such bureaus or divisions of the Treasury Department as the Secretary may determine to move out of the Treasury Building to accommodate the Bureau of Internal Revenue.

Mr. BENNET. Mr. Chairman, I reserve a point of order on the paragraph.

Mr. MILLER of Delaware. Mr. Chairman, at the opening of the present session of Congress one of the live issues confronting us was the increase in the salaries of Government employees in the departmental and field service, a matter that has not received legislative attention for several decades.

There are seven of the annual appropriation bills which deal with the wages and salaries of the Government employees affected by the salary-increase proposition. The so-called House salary increase proposition provides for an increase of 10 per cent for those who have salaries up to $1,200 per annum and an increase of 5 per cent for those whose salaries range from $1,200 per annum to $1,800 per annum. The Senate proposition provides for an increase of 15 per cent up to salaries of $480 per annum and an increase of 10 per cent for salaries between $480 and up to $1,000 per annum. It stops at the $1,000 salary.

Of the seven appropriation bills referred to heretofore, the following ones were sent to the Senate with the original House proposition embodied: The Indian appropriation bill, the legislative, executive, and judicial appropriation bill, the Army appropriation bill, and the sundry civil appropriation bill.

The Post Office appropriation bill as reported to the House contained the House provision, but it was knocked out on a point of order, being put in later when the bill was sent to conference by the House after it had passed the Senate. The District of

Columbia appropriation bill contained no provision as first passed by the House, but when the bill was sent to conference it contained as an amendment the House provision. The Agricultural appropriation bill contained the House provision as the bill passed the House.

Without taking the time now to further outline the initial steps in the matter as the various appropriation bills passed the House I want to take up the question at the beginning of the controversies between the House and the Senate. On January 8, 1917, the House had the opportunity on a roll call for the first time to express its attitude on this matter. The Agricultural appropriation bill was before the House at the time, and by a vote of 282 to 61 this so-called House provision was inserted in the bill. On the roll call there were 133 Republicans who voted in favor of the House provision and 145 Democrats. Against the proposition there were 32 Democrats and 1 Republican. Later on, on the 12th of February, when the District of Columbia appropriation bill came back to the House to be sent to conference, the gentleman from North Carolina [Mr. PAGE], in charge of the bill, made a motion which in effect was to strike out the Senate salary proposition and insert in lieu thereof the House salary proposition. That was carried on a viva voce vote, no division being demanded. On the 15th of February the Indian appropriation bill was sent to conference, and there was afforded the first real test by a roll call upon the differences between the House and the Senate on the question of the increase of salaries of Government employees.

The gentleman from Texas [Mr. STEPHENS], as chairman of the House Committee on Indian Affairs, moved that the House recede from its disagreement to the Senate amendment No. 111 and agree to the same. If this motion had been carried, there would have been written into the Indian appropriation bill the Senate proposition. It is well to remember at this point that the Indian appropriation bill, when it passed the House on the 12th of December last, contained the original House proposition. Fortunately, the motion of the gentleman from Texas was not carried, it being defeated on a roll call by 215 to 131. On this vote 159 Republicans and 56 Democrats voted in favor of the House proposition and 128 Democrats and 3 Republicans voted against the House proposition. Immediately following this vote the gentleman from Iowa [Mr. GOOD] offered a preferential amendment, namely, to recede from the disagreement to Senate amendment No. 111 and agree to the same with an amendment, which amendment was the original House proposition of a 5 and 10 per cent increase. This was carried on a roll-call vote by 281 to 59. On this vote 119 Democrats and 162 Republicans joined in upholding the House proposition and 58 Democrats and 1 Republican voted against it. The bill therefore went back to conference with the House provision voted into it in no uncertain terms.

On February 21, when the Post Office appropriation bill was sent to conference, the House salary increase proposition was voted into the bill under the same procedure as outlined above for the Indian appropriation bill, but there was not even a roll call, not even a division, but merely a viva voce vote. I myself was rising to get recognition in order to offer the amendment, but, as was proper, the Speaker recognized a member of the committee ahead of me to do so.

On February 23 the legislative, executive, and judicial appropriation bill conference report was again before the House, and, on a test vote to concur in the Senate amendment salary increase, the motion was overwhelmingly defeated on a roll call by a vote of 282 to 61. On this vote 161 Republicans and 121 Democrats voted to uphold the House proposition and 59 Democrats and 2 Republicans voted against the House proposition.

The very next day, not 24 hours later, February 24, 1917, when the Agricultural appropriation bill conference report was before the House, the gentleman in charge of the bill on the Democratic side made the motion to adopt the conference report, which motion, had it carried, would have adopted the meagerly Senate salary-increase proposition, which the House had refused to concur in a number of times before. The remarkable circumstance in connection with the motion just referred to, and which, by the way, was defeated by a vote of 190 to 174, was that the Democratic side of the House voted almost solidly against the House increase proposition. On this vote 166 Republicans voted to uphold the House proposition, and 24 Democrats voted with them; 173 Democrats voted against it and 1 Republican. The Republican Members of the House are found voting solidly and consistently each time for the House 5 per cent and 10 per cent increase proposition throughout five roll calls, on divisions, and vive voce votes. We will remember at that time that those of us who voted against the Agricultural conference report were accused of being enemies of the farmer and unmindful of the agricultural interests in that great bill if we did not vote to sustain the conference report, yet notwithstanding we did, and the bill went through because the House conferees went to the Senate backed by that vote and made the Senate recede.

Now, let us refer to the roll calls in the Senate. The first test in the Senate was on January 23, 1917, when the amendment of the Senate was written in the legislative, executive, and judicial appropriation bill. On this vote it was carried by 33 to 29. On the 26th of February, when the Indian appropriation bill was before the Senate and the Senate was forced to back down, the House provision was carried by a vote of 33 to 22. On that roll call 15 Democrats and 18 Republicans voted to concur in the House salary-increase proposition. Twenty Democrats and two Republicans voted against it.

THE VOTE IN DETAIL.

The vote as cast was as follows:

Yeas: Democrats, ASHURST, CHAMBERLAIN, HOLLIS, HUSTING, LEA of Tennessee, MARTINE of New Jersey, MYERS, OWEN, PHELAN, PITTMAN, POMERENE, RANSDELL, SHEPPARD, THOMPSON, and WALSH—15. Republicans, BRADY, BRANDEGEE, CATRON, CLAPP, CLARK, CUMMINS, CURTIS, FALL, GRONNA, JONES, LA FOLLETTE, MCLEAN, NORRIS, PAGE, PENROSE, SMITH of Michigan, STERLING, and WARREN—19. Total, 33.

Nays: Democrats, BRYAN, FLETCHER, HITCHCOCK, HUGHES, JAMES, JOHNSON of South Dakota, LANE, MARTIN of Virginia, OVERMAN, REED, ROBINSON, SAULSBURY, SHAFROTH, SHIELDS, SIMMONS, STONE, SWANSON, THOMAS, UNDERWOOD, and VARDAMAN—20. Republicans, KENYON and WEEKS—2. Total, 22.

Last night, March 1, 1917, there was brought into the House the Post Office appropriation bill conference report, and we all know what happened. The great Post Office Department and its employees will be the only department in the Government in which this 5 and 10 per cent increase did not take place, although in fairness it should be stated there are other increases in other provisions of the bill. I desire to insert in my remarks at this point the colloquy that took place between the gentleman from Tennessee [Mr. MOON] and the gentleman from Illinois [Mr. MANN] and the gentleman from North Carolina [Mr. KITCHIN] and the gentleman from Iowa [Mr. GOOD] when this point was under discussion on the conference report, because it brings out the situation of the Post Office Department employees more clearly than I may have been able to bring it before the committee.

[From the CONGRESSIONAL RECORD, Mar. 1, 1917.]

Mr. MANN. Has the gentleman finished as to compensation of employees?

Mr. MOON. I was going to say that the House accepted the proposition of the Senate.

Mr. MANN. Will the gentleman yield for a question?

Mr. MOON. Yes.

Mr. MANN. In connection with the compensation proposed, the House has placed itself on record several times in another bill and the Senate has finally placed itself on record in the Indian bill in favor of the House proposition. Did the conferees attempt to differentiate the Post Office bill from the other appropriation bills or attempt to have the House reverse its position already taken heretofore?

Mr. MOON. The House conferees, mindful of the fact that the House had passed the Ayres amendment to the bill, insisted upon it and the Senate refused to agree to it, and would accept nothing but the proposition in the Senate bill. We felt it necessary as a matter of compromise to accept that for reasons stated.

Mr. MANN. There is no compromise about what the conferees did.

Mr. KITCHIN. If the gentleman from Tennessee will yield, my understanding is that on all the other bills the House increase will be accepted; that the conferees on the part of the House will stand for the House increase and not for the Smoot amendment. But on the Post Office bill, where the employees have the automatic promotion, that differentiates it from other employees.

Mr. MOON. I have explained all that.

Mr. MANN. All I wanted to know was whether the House conferees yielded to the Senate on the matter, because there was a difference in the case of the Post Office appropriation bill from other appropriation bills.

Mr. MOON. That was the main reason for it, because of the classified service and the automatic promotion.

Mr. GOOD. Will the gentleman yield?

Mr. MOON. Yes.

Mr. GOOD. There is one matter I do not understand. I understand the automatic promotion is for clerks under $1,200?

Mr. MOON. Yes; that is right.

Mr. GOOD. The House provision applies to all of the other employees of the service who receive compensation from $1,200 to $1,800—that they shall have an increase of 5 per cent because of the increased cost of living. It seems to me that the managers on the part of the House have overlooked that provision, because those postal clerks do not receive any automatic promotion. They receive no promotion at all. As I understand it, there are about 37,000 rural carriers and something over 20,000 city carriers. Most of these have salaries of $1,200 or thereabout. It does seem to me that some consideration, in view of the high prices, ought to have been given to this class of postal employees.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MILLER of Delaware. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Delaware asks unanimous consent for five minutes more. Is there objection? [After a pause.] The Chair hears none.

In the House, by going over these various roll calls, we see that whenever there was a roll-call vote on the proposition to

sustain the House salary-increase proposition, which is, at least, a fair proposition and is doing justice to the employees, never at any time were there more than 3 Republican votes, or 3 votes on the Republican side, cast against this House proposition, but the greatest number of Democratic votes against it was 173, and they wavered back and forth, the greatest reversal being on the vote of February 23 and 24. I think that when the Republican Party, through its representatives in the most popular branch of the National Legislature, voted consistently to uphold a proposition to give a living wage at this time, when the high cost of living is bearing on Government employees tenfold more than on any of us, I think, when the Republicans of this House have a record like that, it should be called to the attention of Congress and of those interested.

Mr. Chairman, I ask leave to extend my remarks by printing one short editorial. And I thank the committee for its consideration.

Mr. STEPHENS of Texas. Will the gentleman yield at that point?

The CHAIRMAN. The gentleman from Delaware [Mr. MILLER] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. MILLER of Delaware. Yes; I yield.

Mr. STEPHENS of Texas. Is it not a fact that the Smoot amendment was first adopted by the Senate, and that Mr. SMOOT is one of the leading Republican Senators?

Mr. MILLER of Delaware. I will say to the gentleman from Texas that the 199 Republicans of this House, the largest representative body of their party, are not accountable to any one United States Senator, no matter whether he be a Democrat or a Republican. And I further call the gentleman's attention to the fact that on his own bill last week there were 18 Republicans and 15 Democrats that voted in the Senate to sustain the House proposition, and only two Republicans voted against it, but there were 20 Democratic Senators with them.

Mr. STEPHENS of Texas. Is it not a fact that we were trying to get the two Houses together and agree upon some amendment rather than to let all these bills fail?

Mr. MILLER of Delaware. The House has gone on record by all kinds of votes, viva voce votes and roll calls, strongly in favor of their proposition. I do not stand here to cast any personal aspersion against any House conferees, for it has not been my privilege to know what it is to be a House conferee, but I can imagine their difficulties.

Mr. HAUGEN. Will the gentleman yield?

Mr. MILLER of Delaware. I will.

Mr. HAUGEN. Is it not also true that the Republican Senator referred to, Senator SMOOT, was contending for increase in salaries all along the line, and that he succeeded in getting in the amendment increasing the salaries of $480 and under 15 per cent, and 5 per cent in excess of the increase granted by the House, after he failed in his other efforts to increase the salaries above that amount?

Mr. MILLER of Delaware. The gentleman is correct, and it is a proper answer to the gentleman from Texas.

[From the Washington Star of Feb. 27, 1917.]

THE HOUSE PROMOTION SCALE WINS.

Senator LA FOLLETTE'S championship in the Senate of the principle of liberal increase in the pay of Government clerks has resulted directly in the acceptance of the more generous House provision instead of that heretofore insisted upon by the Senate, and will probably cause a following of this standard in all the pending appropriation bills. The Government is to be congratulated upon this course, and Senator LA FOLLETTE and Representative MANN, who prevented the House from surrendering on this issue, are to be thanked in the name of all the employees of the United States for their vigorous and effective work for its adoption.

Plain truths were uttered by the Wisconsin Senator in his statement yesterday in the upper House, truths that were timely to present for consideration. During recent years the legislators have voted liberal advances in pay for most of the higher officers in the Government, including themselves, in recognition of the fact that it costs more to live in these times than in the days when the salary scale of the Government was fixed. Yet until the present session no move had been made for 50 years to raise the pay of the men and women in the ranks of the service. Every suggestion of pay increase has been received coldly. Senator LA FOLLETTE stated the case with refreshing frankness, in terms that admitted of but one answer, and that answer was given by a vote of three to two.

The contest between the two Houses in this matter has been merely one of degrees. Strangely enough, the Senate has been standing for the less liberal and the House for the more liberal provision. Usually the positions are reversed. The House enactment was by no means as generous as conditions warrant, but compared with the Senate's proposition it was decidedly liberal. The Senate promotion scale would have brought relief to a very small body of the Government employees, leaving unaffected practically the entire classified service, those who do the actual clerical work of the Government. Those whom the Senate provision omitted and whom the House provision reaches are in fact the most seriously in need of promotion. They are the men with families, or women with others dependent upon them, upon whom the present cost of living bears with a crushing burden.

There should be no doubt now as to the uniform adoption of the House scale of promotion to all branches of the public service. The Government can not with decency stop to count the dollars in an account like this when conditions are compelling the Government's workers to count their pennies with painful care.

The CHAIRMAN. A point of order has been reserved.

Mr. BENNET. I would like to ask a question or two about this paragraph, and it is possible I will not make the point of order. First, I will say, as to the paragraph on page 6, lines 3 and 4:

And rent of quarters in the District of Columbia, and the several collection districts, fiscal year 1918—

that that is not a deficiency because it is an appropriation for the next fiscal year.

Mr. SISSON. I will say to the gentleman that only a portion of it is a deficiency. I will state that this $1,500,000 is in anticipation of the passage, or a portion of it is in anticipation of the passage, of the revenue act now pending in the Senate.

Mr. BENNET. I understand that.

Mr. SISSON. Of course, if that were the law now and was on the statute books now, it would be a deficiency.

Mr. BENNET. Yes. My impression is that in the part which appropriates "for rents and quarters in the District of Columbia, and the several collection districts for the fiscal year 1918," that part which relates to the fiscal year 1918 really belongs in the sundry civil bill, which has not yet passed Congress. And in connection with that I want to ask the gentleman why in a deficiency bill the words "which shall be available immediately" appear in line 9, on page 6?

Mr. SISSON. Of course, the gentleman understands that all the expenses of the Internal-Revenue Office are carried in the legislative bill and not in the sundry civil bill. And the sundry civil bill had long since passed the House and had passed the Senate, and was in conference at the time this estimate was made up as to the amount of money necessary to collect the revenue.

Mr. TILSON. The gentleman has not yet given the reason why you should insert "which shall be available immediately" in a deficiency bill, all of the items in which are supposed to be available immediately. That is the question, as I understand it.

Mr. SISSON. That is for the $1,500,000 in reference to the collection of the tax when that other bill becomes a law.

Mr. BENNET. The gentleman did not answer one of my questions.

Mr. SISSON. The gentleman asks so many questions at once——

Mr. BENNET. I will ask them seriatim.

Mr. SISSON. All right.

Mr. BENNET. Why, in a deficiency bill, are the words "shall be available immediately" inserted?

Mr. SISSON. I was just saying to the gentleman from Connecticut that if the revenue bill becomes a law and goes into effect upon its passage it will become necessary that the Internal-Revenue Office have the money to collect the tax under that bill.

Mr. BENNET. The gentleman will correct my ignorance, if I am wrong, but under a deficiency bill, which is a bill appropriating for the fiscal year in which we are, is not every single appropriation available immediately? Is not that the purpose?

Mr. SISSON. Not necessarily, even in a deficiency bill. You might put in an item in a deficiency bill that would not become immediately available. As, for example, if a law should pass entailing upon the Treasury for the fiscal year ending June 30, 1918, the next fiscal year, certain charges, and it was passed at a time when it was absolutely essential, all the other appropriation bills having been enacted, it would be necessary then that it should go into a general deficiency bill. The general deficiency bill is the dumping ground, you know, for all matters of that kind. For instance, if a new activity should begin in the fiscal year 1918, beginning July 1, 1917, and not until that date, Congress would not be in session, and you would have to anticipate the operation of that law and have to account for that in the deficiency bill.

Mr. BENNET. Then I will ask the gentleman, under his interpretation, when does the appropriation on page 4, lines 23 to 26, become available? There are no words there to define it. The item is "To enable the Secretary of the Treasury to refund money covered into the Treasury as internal-revenue collections, under the provisions of the act approved May 27, 1908, $75,000."

Mr. SISSON. That is available as soon as this bill is signed, and expires on June 30, and does not become operative after July 1.

Mr. BENNET. Then does not the gentleman really think as a matter of uniformity in legislation that the words "which shall be available immediately," on line 9, page 6, should be stricken out? It seems to me it introduces discord.

Mr. SISSON. No; because otherwise he would not have the money to collect the revenue for the year 1918.

Mr. BENNET. Yes; but what makes that immediately available is that it is a deficiency, and it becomes available the moment this bill is signed.

Mr. TILSON. If the gentleman will permit me, I think I have found the milk in the coconut. The first part of the provision in this bill is restricted to the fiscal year 1918, but the proviso is that $10,000 of it may be immediately available during the current year. The exception having been made in the first part of the item, confining it to the fiscal year 1918, it was necessary to take the $10,000 out of that exception by using the words "immediately available."

Mr. BENNET. If the gentleman's explanation is correct, he has the Treasury Department pretty well sewed up.

Mr. SISSON. I do not think the gentleman need have any uneasiness about the Treasury Department being pretty well sewed up. The only trouble is that the Treasury Department complains now we have not given them enough money. My own judgment is that the million and a half dollars carried here is not enough. That is the only way that sews them up, because this appropriation will be available for the balance of the fiscal year, and on the 1st of July the million and a half dollars will become available. The $10,000 may become immediately available. But I will state, too, that in the organization of the force necessary to begin the collection of the revenue under the new revenue bill, it has to be taken care of immediately on the passage of the bill.

Mr. BENNET. The gentleman from Connecticut is a good colonel of a National Guard regiment. [Laughter.] He says the first branch of the paragraph is available during the fiscal year 1918, and the reason why they use the words "which shall be available immediately," on line 9, of page 6, is so that they can use that $10,000. So that out of this appropriation of $1,500,000, if the gentleman from Connecticut is correct, all that can be used for the purpose of these two great revenue-collecting acts from now until the 30th of June would be $10,000. I do not think the gentleman from Connecticut is correct. The gentleman from Mississippi [Mr. SISSON], however, does not throw any light on it.

Mr. SISSON. I do not see how the gentleman from New York can be in the dark if he can read the English language.

Mr. BENNET. I can do that.

Mr. SISSON. The million and a half is available for the year 1918, and the $10,000 is immediately available.

Mr. BENNET. What is the reason?

Mr. FITZGERALD. There is a reason why.

Mr. BENNET. Now we can get it.

Mr. FITZGERALD. The reason is that under this revenue act the services of these people will not be necessary until the 1st of July. The taxes will not be due until that time, and under this Democratic administration it is not proposed to put a number of people into the Government service until their services are required.

Mr. BENNET. When my colleague comes to the rescue he always illuminates the subject and bestows on the Members of the House wisdom and knowledge. [Laughter.] Now I understand the paragraph, and I withdraw the point of order, Mr. Chairman.

The CHAIRMAN. The point of order is withdrawn. The Clerk will read.

The Clerk read as follows:

For payment to W. H. Baldwin for damages done to his automobile while it was being used by officers of the Internal-Revenue Service in raiding illicit distilleries, $500.

Mr. BENNET. Mr. Chairman, I reserve a point of order on that for an explanation.

The CHAIRMAN. The gentleman from New York reserves a point of order on the paragraph.

Mr. HOWARD. Mr. Chairman, I will make an explanation of this item for the information of the gentleman.

This is an item carried and recommended by the Treasury Department and the Internal-Revenue Bureau as a legitimate charge against the Treasury. It occurred in this way: We are doing all in our power to enforce the prohibition laws in Georgia. Immediately on the inauguration of the enforcement of the law illicit distilleries commenced to spring up all over that country, and it seems that about 45 miles from Atlanta, Ga., several desperate men who had been engaged in different sections got together, and they were located through what they call "deputy marshals in the field." This young man Baldwin was a young gentleman who had been carrying the revenue agents on these raids for several months, and at this particular place the gentlemen who went to make the arrests discovered that there were several men working at this distillery, and they had only four men with them. So they went back for about a mile and a half to where this young man's car was in waiting for the officers, and they deputized the young man to go with them to help to make that raid and arrest the men. Baldwin left his car, and when he got about a mile from where he had left it they saw a light blaze up where he had left his car, and when Baldwin got there two men ran off. They had saturated with some inflammable substance a brand-new Dodge automobile—it had been run only about 1,000 miles; this young man had bought it from his earnings—and they burned the car completely up, with the exception of the engine. Under the circumstances the Internal-Revenue Department and the Commissioner of Internal Revenue thought that this young man should be reimbursed.

Mr. BENNET. It is a claim, but in view of the lucid explanation of the gentleman from Georgia and the fact that the car was destroyed in the interest of morality and virtue I will withdraw my point of order.

Mr. HOWARD. I will say that there is a fund in the Department of Justice that has been in existence for years, and——

Mr. JOHNSON of Washington. That is in the public service?

Mr. HOWARD. Yes.

Mr. JOHNSON of Washington. Here was a man who had his automobile burned up when he was not there.

Mr. HOWARD. No; the gentleman is mistaken. He was there. This automobile was run up to the place, as near as they could get to it, off the road. It seems that the officers were out watching while these men were making this liquor, and Mr. Baldwin would have stayed by his automobile and protected it, as he had done on occasion after occasion, but the report from the marshal says they went back and deputized him and made him leave his automobile and go off with them to assist in making this arrest, and when he got away from it these men slipped in and burned his car and left him absolutely penniless by destroying his only means of support.

Mr. JOHNSON of Washington. What is the necessity for making an urgent-deficiency appropriation of this, as compared with a claim? When a revenue cutter on the Pacific coast knocks out the corner of a wharf and does a couple of thousand dollars worth of damage it takes from three to five years to get a bill through Congress to pay for it, and the same is true of other claims against the Government.

Mr. HOWARD. Let me explain to the gentleman in just a minute: In numerous cases horses have been killed by these men shooting at the officers.

Mr. JOHNSON of Washington. Certainly.

Mr. HOWARD. And the Government has a contingent fund out of which to pay for such losses, but this fund is exhausted. They have nothing with which to pay this claim. It is a perfectly legitimate claim, and they would have paid it if they had had any money in this fund, but there is no money with which to pay the claim. Now, if there is any mistake about this it has been made by two departments of the Government, one the Treasury Department and the other the Commissioner of Internal Revenue, and I do not believe they would recommend any claim that was not absolutely just and right.

Mr. JOHNSON of Washington. Does not the gentleman think this is subject to a point of order?

Mr. HOWARD. No; I do not.

Mr. JOHNSON of Washington. What becomes of all the claims here? Permit me to say that I have a claim here for damages done——

Mr. HOWARD. Heaven knows I will help the gentleman get it through if I can and it is a just claim against the Government.

Mr. JOHNSON of Washington. And it has been hung up in conference and is about to die.

Mr. HOWARD. I hope the gentleman will not raise any question about this. It is one of the most meritorious cases that has come to the attention of the committee.

Mr. JOHNSON of Washington. On the statement of the gentleman, I withdraw the point.

Mr. HOWARD. I thank the gentleman.

Mr. NORTH. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The Clerk read as follows:

For payment to John Brodie, of San Francisco, Cal., in accordance with private act No. 168, approved February 8, 1917, on account of personal injuries received by him while loading the United States Army transport *Sherman*, $1,000.

Mr. BENNET. Mr. Chairman, I move to strike out the last word, for the purpose of obtaining an explanation.

Mr. FITZGERALD. Private act 168, approved February 8, 1917, authorized the payment of $1,000 to John Brodie for personal injuries. That act did not appropriate the money for it, and, following the custom, the committee has included in this bill the appropriation to carry out the terms of that private act.

Mr. BENNET. Does my colleague mean to say that there has been only one such private act passed since the last general deficiency bill? Is not the situation this——

Mr. FITZGERALD. The comptroller held as to some of these private acts that the language was not sufficient to make the appropriation. Some of them were passed in the last session and this one in this session.

Mr. BENNET. I hate to say, "I told you so"; but when these bills were going through the House I told the Members who introduced them that if they did not put in the proper appropriating language they would have to do exactly what they are doing now—go to my colleague's committee and get the appropriations for which they were merely passing authorizations. I have no doubt that the bill was a good bill and that the claim is a just one, and I withdraw the pro forma amendment.

The Clerk read as follows:

New Haven (Conn.) post office: For completion under limit of cost established in the act approved March 4, 1913, $200,000, or so much thereof, together with the sum of $100,000 appropriated in the act approved July 1, 1916, as may be realized from the sale of the old post-office and customhouse building and the site thereof.

Mr. TILSON. Mr. Chairman, I move to strike out the last word. Inasmuch as the old post-office building and site at New Haven have been sold for $445,000 to a perfectly responsible bidder, would there be any objection to removing the latter part of the paragraph? The language referred to is—

Or so much thereof, together with the sum of $100,000 appropriated in the act approved July 1, 1916, as may be realized from the sale of the old post office and customhouse building and the site thereof.

Would there be any objection to striking that out?

Mr. FITZGERALD. There would.

Mr. TILSON. The gentleman knows that the authorization for the limit of this building was increased by $400,000, or so much thereof as this building might sell for? This appropriation added to what has gone before makes $300,000 under that authorization, which, I understand the Supervising Architect says, is sufficient to finish the building.

Mr. FITZGERALD. This item was put in the bill upon information that the gentleman from Connecticut himself said this would be sufficient.

Mr. TILSON. I filed with a member of the committee a letter from the Secretary of the Treasury stating those facts.

Mr. FITZGERALD. We do not wish to appropriate more money than they say they will need. Of course, they will spend it if they get it.

Mr. TILSON. I am not objecting at all to the appropriation, because the gentleman is giving exactly what the Treasury Department has said they need. Therefore there is no objection whatsoever to the appropriation. However, I wondered as to the language in the latter part of the paragraph, whether that is not a string tied to it, and whether it would not be necessary to go to the trouble to find out if the building had been sold for that amount. As a matter of fact, the Treasury Department has reported, through this letter, that the building has been sold for $445,000, which is $145,000 more than has been appropriated, including the present bill, and $45,000 more than the authorized limit of cost.

Mr. FITZGERALD. They had the bid, but I did not understand that the sale had been absolutely consummated.

Mr. TILSON. Yes; I filed a letter which showed that the building had been sold to the Union & New Haven Trust Co., as responsible a financial institution as there is in the country, for the sum of $445,000, and that the bid has been accepted. That is the information given me through the Treasury Department over the signature of Mr. Newton, the Assistant Secretary of the Treasury.

Mr. FITZGERALD. There will not be any trouble about it. It is all in one department of the Government.

Mr. BENNET. Mr. Chairman, I offer an amendment by way of a new paragraph.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report:

The Clerk read as follows:

Amendment offered by Mr. BENNET: At the end of page 7, insert as a new paragraph:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to contract, within the limit of cost hereinafter fixed, for the erection and completion on the site now owned by the United States at Binghamton, N. Y., of a suitable and commodious building, including fireproof vaults, heating, hoisting, and ventilating apparatus, and approaches, complete, for the use and accommodation of the post office, courts, and other governmental offices at Binghamton, N. Y., at a cost not to exceed $500,000.

"An open space of such width, including streets and alleys, as the Secretary of the Treasury may determine shall be maintained about said building for the protection thereof from fire in adjacent buildings.

"And the Secretary of the Treasury is further authorized and directed to sell, at such time and upon such terms as he may deem for the best interests of the United States, the present Federal building and the site thereof at Binghamton, N. Y., and convey the last-mentioned property to the purchaser thereof by the usual quitclaim deed, and to deposit the proceeds derived from such sale in the Treasury of the United States as a miscellaneous receipt, such sale to be made after the completion and occupancy of said new building."

Mr. FITZGERALD. Mr. Chairman, I reserve a point of order on the amendment.

Mr. BENNET. Mr. Chairman, this is another of these emergency matters, like the one for New Haven, Conn. Three years ago the post-office building at Binghamton burned. Within a short time after that—I think six months—the Government bought a new site. Every time there has been a public-building bill reported to the House since this provision has been in the bill. My colleague [Mr. FAIRCHILD] from the district is over in the Senate now to see if it can not be arranged that the bill be passed over there also. The city of Binghamton is one of the leading cities of New York, with a population of over 60,000, and actually carrying on postal facilities to-day in the partially burned building.

Mr. KELLEY. Will the gentleman yield?

Mr. BENNET. Yes.

Mr. KELLEY. Has an appropriation been made for the building?

Mr. BENNET. There has been an appropriation made for the site, but not for the building. This is an appropriation for the building.

Mr. KELLEY. I will say to the gentleman that I have a case like that, too.

Mr. BENNET. In addition to the post office the headquarters of the United States court for the northern district of New York were located in that building, and they have been unable to hold any district court in the city of Binghamton for the northern district of New York now for three years because they had no building. They have had a perambulating court anywhere there were kind neighbors to take in the United States court.

Binghamton is one of the headquarters of the cigar interests, and there has been established there an office for internal-revenue stamps. That is wiped out. The purpose of this amendment is to give the United States a building on a proper site in this large and growing city upon which can be erected a building for all of these purposes. We would not have thought of bringing the matter before the House except that this morning the Public Building Committee reported the substance of the amendment favorably in the form of a special bill because of the real emergency of the situation. I am not sure that a point of order would lie to the item, but at any rate I hope my colleague from New York, who is familiar with Binghamton as he is with other parts of the State of New York, will not make the point, and will allow this measure to go through for our State. We do not get any more out of the Treasury of the United States than we ought, considering the amount of taxes our State pays, and I hope my colleague will be as kind to Binghamton as the Committee on Public Buildings and Grounds has been on their part. I see the gentleman from Tennessee [Mr. AUSTIN] here, and he is perfectly familiar with this case and knows that a bill was reported this morning from the Committee on Public Buildings and Grounds, as it has been reported every time it has been brought to the attention of the committee.

Mr. AUSTIN. Mr. Chairman I wish to approve and indorse everything the gentleman from New York [Mr. BENNET] has said about the Binghamton item. It is one of the meritorious cases and one of the emergency cases which has been pending before the Committee on Public Buildings and Grounds for several years.

A fire occurred in the Government building at Binghamton some time ago and Congress has never appropriated the money to repair the building. They have been compelled to use public buildings in other cities in which to hold United States courts. The Government activities of that city have been housed in outside buildings not suitable for the work. This is a very large

and important city, and as I now recollect its annual postal receipts amount to $175,000. The United States court was housed in that building, the internal-revenue collector's office, the postal facilities, and several other Government activities. It is unfair to the patrons of the office, unjust to the Government officials, not to give what the Committee on Public Buildings and Grounds recommended—a modern up-to-date building large enough to care for all the Government activities in a city the size of Binghamton.

The Secretary of the Treasury and the Postmaster General have submitted to the committee the strongest possible indorsement urging immediate action in this case, perhaps stronger than any other case submitted to the Committee on Public Buildings and Grounds, and I sincerely hope the gentleman from New York [Mr. FITZGERALD] will yield in this case, for it is absolutely in the interest of the public service. The Government facilities and business require it, and I trust in this case the chairman will make an exception. The bill has been favorably reported without a dissenting vote. Not to take action at this Congress means a delay until next winter. There is another emergency case in Paris, Tex., where the Government building was recently destroyed by fire, and both of these cases and also the case at Pittsburgh, Pa., ought to have action before the adjournment of this Congress.

Mr. FITZGERALD. Mr. Chairman, as the gentleman from Tennessee and my colleague know, I have no discretion in this matter. It is not a question of being kind or generous. The unbroken practice of the House is that Members in charge of bills must protect the bill from legislation. The reasons are so well known that I will not undertake to review them. I know this is an important matter, and I know it is a pressing matter. The fact is, if a Member in charge of a bill permits matter to go in that does not belong upon it and placed upon it because of urgent pleas in the matter, he has no defense against interposing objections to other equally meritorious and important matters.

While I should be very glad to exercise my own opinion and judgment in many of these matters, to facilitate the enactment of legislation, as a representative of the committee which reports this bill, I am required under the practice of the House to invoke the rules to protect the bill from extraneous matters. For these reasons I am compelled to insist upon the point of order that this appropriation is not authorized by law.

The CHAIRMAN. The point of order is sustained.

Mr. FITZGERALD. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly, the committee rose; and the Speaker having resumed the chair, Mr. JOHNSON of Kentucky, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 21069, the general deficiency appropriation bill, and had come to no resolution thereon.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. PAGE of North Carolina. Mr. Speaker, I call up the conference report on the bill H. R. 19119, to provide for the expenses of the Government of the District of Columbia for the fiscal year ending June 30, 1918, and for other purposes, which I send to the desk and ask to have read.

The Clerk read follows:

CONFERENCE REPORT (NO. 1626).

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 19119) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1918, and for other purposes, 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 amendments numbered 16, 87, and 88.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with amendments as follows: Omit the matter inserted by said Senate amendment and, on page 9 of the bill, in line 3, strike out the following: "Index clerk and typewriter, $900;" and, on page 9 of the bill, in line 14, strike out "$180,540" and insert in lieu thereof "$179,640"; and the Senate agree to the same.

Amendment numbered 76: That the House recede from its amendment to the amendment of the Senate numbered 76, and agree to the said Senate amendment.

Amendment numbered 97: That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with amendments as follows: Amend the matter inserted by said amendment as follows: In line 1 strike out "Sec. 10" and insert in lieu thereof "Sec. 9"; and in line 56, after the word "individuals," strike out all of the remainder of the said Senate amendment down to and including the word "session" in line 65; and the Senate agree to the same.

Amendment numbered 98: That the House recede from its amendment to the amendment of the Senate numbered 98, and agree to the same with an amendment as follows: In lieu of the matter inserted by the amendment of the House to the amendment of the Senate numbered 98, and in lieu of the matter inserted by said Senate amendment insert the following:

"SEC. 10. That to provide during the fiscal year 1918 for increased compensation at the rate of 10 per cent per annum to employees who receive salaries at a rate per annum less than $1,200, and for increased compensation at the rate of 5 per cent per annum to employees who receive salaries at a rate not more than $1,800 per annum and not less than $1,200 per annum, so much as may be necessary is hereby appropriated: *Provided*, That this section shall only apply to the employees who are appropriated for in this act specifically and under lump sums or whose employment is authorized herein, and that the increased compensation of teachers of the public schools be computed on their basic salaries, and on the salaries of the employees of the police department below the grade of sergeants: *Provided further*, That detailed reports shall be submitted to Congress on the first day of the next session showing the number of persons, the grades or character of positions, the original rates of compensation, and the increased rates of compensation provided for herein."

And the Senate agree to the same.

ROBERT N. PAGE,
JAS. MCANDREWS,
C. R. DAVIS,
Managers on the part of the House.
JOHN WALTER SMITH,
JOS. T. ROBINSON,
WM. P. DILLINGHAM,
Managers on the part of the Senate.

The statement of the managers on the part of the House is as follows:

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 19119) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1918, and for other purposes, submit the following written statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report as to each of the said amendments, namely:

On No. 8: Strikes out the appropriation of $2,400, inserted by the Senate, for two inspectors to enforce the "child-labor law" in lieu of two privates of the police force now detailed to that duty.

On No. 16: Strikes out the appropriation of $3,820, proposed by the Senate, for payment to Thomas W. and Alice N. Keller.

On No. 76: Appropriates $150,000, as proposed by the Senate, for the Gallinger municipal hospital, to be located on Reservation No. 13, in the District of Columbia.

On Nos. 87 and 88: Strikes out the appropriations of $87,000 and $2,000, proposed by the Senate, respectively, for the acquisition of a park in Klingle Valley, and for plans for a bridge across Klingle Valley on Connecticut Avenue.

On No. 97: Inserts the section relating to the tax on intangible personal property proposed by the Senate, modified so as to eliminate the provision for a joint committee of Congress to study the tax laws of the District of Columbia.

On No. 98: Provides for increased compensation to the employees who are appropriated for in the bill at the rate of 5 per cent per annum for employees receiving compensation at rates from $1,200 to $1,800 per annum, inclusive, and 10 per cent per annum to employees receiving less than $1,200 per annum, and provides that the increased compensation of school-teachers shall be computed on their basic salaries and increased compensation of employees of the police department on salaries below the grade of sergeant.

ROBERT N. PAGE,
JAS. MCANDREWS,
C. R. DAVIS,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

Mr. AUSTIN. Mr. Speaker, may I ask the gentleman a question?

Mr. PAGE of North Carolina. I yield to the gentleman.

Mr. AUSTIN. I did not hear the statement read. Does it carry the original House provision for an increase in compensation of the clerks?

Mr. PAGE of North Carolina. It carries the provision in this bill that was put on on the floor of the House.

Mr. AUSTIN. Not the Smoot amendment?

Mr. PAGE of North Carolina. No; the House provision.

Mr. MONTAGUE. Mr. Speaker, will the gentleman yield?

Mr. PAGE of North Carolina. Yes.

Mr. MONTAGUE. Do I understand correctly that the House recedes on amendment No. 76, relative to the municipal hospital?

Mr. PAGE of North Carolina. The House receded and accepted the Senate amendment.

Mr. MONTAGUE. I congratulate the gentleman upon his salutary and wise recession and concurrence.

Mr. AUSTIN. Mr. Speaker, will the gentleman yield to me for two minutes?

Mr. PAGE of North Carolina. I yield to the gentleman for two minutes.

Mr. AUSTIN. Mr. Speaker, I wish to add my commendation, also, to the splendid work of the gentleman from North Carolina [Mr. PAGE] in respect to this legislation. I think the Government clerks who are benefited by the increase in compensation owe him a debt of gratitude for not only originating the proposition but for pressing it and carrying it to a successful termination. [Applause:] We will all miss the gentleman from North Carolina in the House very much, and the Government employees in the District of Columbia will suffer a loss as well as the citizens generally of Washington. They owe him many, many thanks for his long and valued service in behalf of the Capital City and its citizens. He has my kindest and best wishes for a long and successful career, and may he return to this city a Senator from the State of North Carolina. [Applause.]

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

GENERAL DEFICIENCY APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 21069, the general deficiency appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the general deficiency appropriation bill.

Mr. VAN DYKE. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

At the end of page 7 insert as a new paragraph the following:

"That the so-called Army building and the site thereof, at the corner of Robert and Second Streets, in St. Paul, Minn., are hereby transferred to the custody and control of the Treasury Department.

"That the Secretary of the Treasury is hereby authorized and directed to remodel, enlarge, rearrange, repair, and improve said property as may be necessary for the accommodation and convenience of the business of the United States, at a cost not exceeding $50,000; and the Secretary of the Treasury shall assign space in said building to such offices of the War Department and other branches of the public service as he deems requisite for the proper transaction of the public business."

Mr. FITZGERALD. Mr. Chairman, on that I reserve the point of order.

Mr. VAN DYKE. Mr. Chairman, may I ask the gentleman if he intends to press the point of order? I do not intend to take up the time of the House in discussing the proposition if he does.

Mr. FITZGERALD. I am compelled to make the point of order. I shall reserve it if the gentleman desires to make a statement. I have no discretion in these matters.

Mr. VAN DYKE. Mr. Chairman, the only statement I desire to make, which I would like to have in the RECORD, is the fact that this is a meritorious proposition. This Army building at the present time is not being used, and the different Federal buildings in the city of St. Paul are in a very congested state. It is necessary that we have at least 50,000 more square feet for the Post Office Department alone, besides 10,000 to 15,000 square feet for other Federal offices in the city of St. Paul. This measure has the recommendation of the Treasury Department and the War Department. The land on which the building is located primarily was granted to the War Department by the city of St. Paul so long as the War Department should use the building. They moved their headquarters from the city of St. Paul to Chicago and have left the building vacant. By this amendment we would transfer the title from the War Department to the Treasury Department, and the utilization of the building would grant us ample space for the Post Office Department and for other Federal offices in the city of St. Paul.

Mr. FITZGERALD. Mr. Chairman, I must insist upon the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. MONTAGUE. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

At the end of page 7 insert as a new paragraph the following:

"For rearrangement of the present Federal building in the city of Richmond, Va., and connecting therewith buildings upon the present site recently acquired by the Government, $35,000."

Mr. FITZGERALD. On that I reserve the point of order.

Mr. MONTAGUE. Mr. Chairman, I will not detain the committee long. I wish to say that the item contained in this amendment is recommended by the Secretary of the Treasury. The adoption of this amendment would make for the efficiency and economy of the Postal Service in the city of Richmond. We are spending about $3,000 a year for rent. We have two buildings upon additional land recently acquired by the Government, which should be connected with the present Federal building, thereby giving ample room for the Parcel Post Service and other offices which are now rented for the Government. It is for economy, efficiency, and sound business reasons that I offer the amendment.

Mr. FITZGERALD. Mr. Chairman, I am compelled to make the point of order. I have no discretion in the matter.

The CHAIRMAN. The point of order is sustained.

Mr. MONTAGUE. May I inquire why the gentleman had no discretion in the matter?

Mr. FITZGERALD. Because I am compelled to protect the bill from all these amendments. I am acting as the agent of the committee; I am not acting in a personal capacity.

Mr. MONTAGUE. I understand that the gentleman is acting as the agent of the committee.

The Clerk read as follows:

ENGRAVING AND PRINTING.

The limitation in the sundry civil appropriation act for the fiscal year 1917 as to the number of delivered sheets of United States currency to be executed is increased from 90,000,000 to 98,000,000 and of internal-revenue stamps from 84,909,166 to 88,909,166.

Mr. MANN. Mr. Speaker, I move to strike out the last word. Was this increase in the printed sheets of United States currency all that was requested by the department?

Mr. FITZGERALD. That is all estimated by the department. We have given for this purpose all that the Bureau of Engraving and Printing has requested, and later on appropriations for the materials and compensation of employees and plate printers are carried in this bill, and they are now delivering them at a rate much in excess of what was anticipated by the bureau recently.

Mr. MANN. There has been, it is said, a shortage.

Mr. FITZGERALD. It was claimed there was a great shortage in the one and two dollar bills, and this is to permit them to furnish them.

The Clerk read as follows:

Hereafter the cost of fumigation and disinfection shall be charged vessels from foreign ports at rates to be fixed by the Secretary of the Treasury.

Mr. HARRISON of Mississippi. Mr. Chairman, I wish to offer an amendment, in line 8, on page 10, by striking out "$15,000" and making it "$20,000."

The CHAIRMAN. The paragraph can not be returned to except by unanimous consent.

Mr. HARRISON of Mississippi. Then, I ask unanimous consent.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent to return to the paragraph indicated.

Mr. FITZGERALD. Mr. Chairman, I can not consent to an increased appropriation.

Mr. HARRISON of Mississippi. I was trying to follow the Clerk as much as I possibly could sitting here watching for the item, but the Clerk was reading rather rapidly, showing he is a very efficient clerk, and this is just over the line here, and I ask unanimous consent to return to it.

Mr. FITZGERALD. In view of the fact we have been very liberal with this service, I can not consent to going back in order to increase an item.

Mr. HARRISON of Mississippi. Well, I submit to the Chair that I got the floor just as quickly as I possibly could, and the Clerk had not gone two lines over the paragraph to which I desire to submit my amendment.

The CHAIRMAN. The Chair takes issue with the gentleman's statement that the Clerk had just gone two lines over, because the Clerk was in the middle of the item for mints and assay offices.

Mr. FITZGERALD. Mr. Chairman, I will not object if the gentleman desires to return.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. HARRISON of Mississippi. Mr. Chairman, I move to strike out, in line 18, page 10, the amount "$15,000" and insert "$20,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 10, line 18, strike out "$15,000" and insert "$20,000."

Mr. FITZGERALD. Mr. Chairman, I hope the amendment will not be adopted.

Mr. HARRISON of Mississippi. Mr. Chairman, I would like to say a word, if the gentleman expresses that hope. I notice that the Public Health Service representatives appeared before the committee and they asked for $25,853 for this item, and they showed that the money is needed. It is due to the fact that gasoline has increased to an amount that it would cost $5,000 more this year than last year; that the price of sulphuric acid and cyanide elements that go into disinfectants has increased so as to make the cost about $4,000 more than last year. There was a storm on the coast that destroyed the fumigating machinery there, and the quarantine station in my own city has no disinfecting machinery. I have not asked for an increase to the full amount of $10,853 more than provided for in this bill, as requested in the estimate, but only $5,000 additional. It seems to me that the amount is necessary. Surely, I do not want to see the quarantine station at my place, where a storm has swept away the disinfecting machinery and damaged a launch there, suffer. These facts and the increased price of gasoline and the other reasons assigned by the Public Health Service make it necessary, it seems to me, to grant this increase. I submit to the gentleman that the amendment I have offered is reasonable and should be conceded and adopted.

Mr. FITZGERALD. If we gave everything that was asked in this bill we could not issue enough bonds to pay the money. The truth is, there are two appropriations, one of $125,000 and the other of $170,000, available for quarantine repair purposes. The committee, after listening to the statements of the quarantine service, reached the conclusion that $15,000 additional would cover the needs of the service. The gentleman need not be alarmed about the service being hampered in any way, because the committee has been, if anything, unduly liberal in providing for this service. The Public Health Service has been treated more liberally than any other service carried in the sundry civil appropriation bill, and I am sure, from my knowledge of the situation, that the $15,000 provided is ample, in addition to the other money that is available.

Mr. HARRISON of Mississippi. Well, the gentleman would not like to see the Gulf port station, for instance, with the disinfecting machinery wiped out so there will be nothing there. It is the only station we have——

Mr. FITZGERALD. The gentleman must remember that all of this money has been available ever since last July.

Mr. HARRISON of Mississippi. Well, they have been asking the committee to provide this money for them.

Mr. FITZGERALD. We have provided amply and $5,000 additional would not be of much benefit to them at all.

Mr. HARRISON of Mississippi. Would the gentleman prefer me to make it $10,853 additional?

Mr. FITZGERALD. The gentleman labors under the misapprehension that simply because the service recommends something it is needed.

Mr. HARRISON of Mississippi. I do not.

Mr. FITZGERALD. And the committee proceeds upon the theory that if the service needs money it will show it.

Mr. HARRISON of Mississippi. If they have not shown it in this hearing, then it is impossible for them to ever show they need an appropriation.

Mr. FITZGERALD. They have not shown it in this hearing.

Mr. HARRISON of Mississippi. Let me ask the gentleman for what purpose the $15,000 will be expended?

Mr. FITZGERALD. I can not tell you what they will expend it for, but I can tell you what they can not expend it for. My experience with officials who have the spending of money is such that I would not underwrite the way they have in view of spending the money, inasmuch as I have had so many examples pressed on me continuously of money expended in a manner in which it was never calculated to be expended.

Mr. HARRISON of Mississippi. I want to say that the hearings here disclose that gasoline has increased from 14 to 23 cents a gallon, and the estimate shows they will need $5,000 increase on that one item; that sulphuric acid and other chemicals that go into disinfecting machinery there is a $5,000 increase, and I think the increased cost applies to all the quarantine stations throughout the country.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. HARRISON of Mississippi. I yield.

Mr. JOHNSON of Washington. Is this appropriated by the deficiency bill?

Mr. HARRISON of Mississippi. This is a deficiency bill, and this appropriation is supposed to be incorporated in the deficiency bill.

Mr. JOHNSON of Washington. For future expenditures for gasoline?

Mr. HARRISON of Mississippi. No. It is to meet the increased cost of the appropriation for the balance of the fiscal year.

Mr. FITZGERALD. This request was made last December, and upon investigation it is apparent that they do not need more than $15,000.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

Mr. JOHNSON of Washington. Mr. Chairman, I move to strike out the last word.

I notice in the hearings on this particular deficiency item for the quarantine service reference is made to the loss of numerous boats. Among others, the report states that damage was done to the quarantine launch *Argonaut* at San Francisco, which was damaged to the extent of $1,100. It says:

We have referred that to the Attorney General, and believe the Government will recover damages, but in the event it is recovered it will revert to the Treasury and not to the quarantine service. We had just before that time spent $2,000 in annual repairs on the *Argonaut*.

I quote this to again call attention to the fact that the damage done to private property on the Pacific Ocean by the *Goldsborough* has to come up in the form of a claims bill, after which it may be anywhere from two to four years, or even longer, in getting through the committees of Congress and reaching a point where, after passing both Senate and House, go into conference, and become liable to defeat for lack of time in the session's wind-up. That is what is happening. The same thing was done in the last Congress with a claim for damages done to a wharf by a revenue cutter. It does seem that when damage is done by vessels of the United States to wharves or other property the private owners should be entitled to collect just the same as in the case of the quarantine service—that is through a deficiency appropriation bill.

I withdraw the pro forma amendment.

The Clerk read as follows:

Public Utilities Commission: For incidental and all other general necessary expenses authorized by law, including the employment of expert services where necessary, $10,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word. What is the necessity for the incidental expenses for expert services for the Public Utilities Commission in the District of Columbia?

Mr. FITZGERALD. It is stated that proceedings will be brought in the court before the end of the fiscal year by the public utility companies in the District assailing the valuation, and this is primarily to pay the experts required on behalf of the commission in the litigation that is anticipated.

Mr. MANN. In order to increase the appropriation for the work which they were really authorized to do before? Of course, they have to defend a suit.

Mr. FITZGERALD. The work is finished, and when the commissioners were before the committee they stated that the valuation is expected to be announced in a very short time, and that it is expected the companies would immediately start litigation to offset the valuations fixed.

Mr. MANN. Then this is not for the payment of any past service?

Mr. FITZGERALD. No. This is to pay experts that may be required in the future litigation. The District bill carries money for this purpose in the belief that it will be required in the next fiscal year, but the commissioners were of the opinion that the litigation would have progressed to such an extent that it would be necessary to have this service before the next fiscal year.

The Clerk read as follows:

For purchase of enamel metal or other metal identification number tags for horse-drawn vehicles used for business purposes and motor vehicles in the District of Columbia, $775.

Mr. MANN. Mr. Chairman, I move to strike out the last word, just for the purpose of getting some information. Maybe

it is easier to get it this way than by any other, if anybody happens to know. What do we provide in the District bill just agreed to about automobile licenses?

Mr. FITZGERALD. It is dependent on the horsepower. The rates were fixed at $2, $3, $5, and $10.

Mr. MANN. That is, annually?

Mr. FITZGERALD. Annually; yes.

Mr. MANN. When will they have to be taken out?

Mr. FITZGERALD. I do not recall the details of that provision in the bill.

Mr. MANN. It is strange. Here is a body of 435 men——

Mr. FITZGERALD. Why did not the gentleman ask the gentleman from North Carolina [Mr. PAGE] when he had the conference report up? He has been keeping track of it. I have not.

Mr. MANN. I am not criticizing the gentleman from New York. That same criticism would apply to myself. I did know.

Mr. FITZGERALD. It does not apply to me. I am not interested in automobile tags. I do not have to get any.

Mr. MANN. If you have to take out new licenses before the end of the fiscal year, I think this appropriation should be increased.

Mr. CRAMTON. I may be wrong, but I think it is postponed for a little time.

Mr. FITZGERALD. I am informed that it goes into effect the 1st of January, 1918, and then the license must be renewed.

Mr. MANN. There will be no new licenses until next January?

Mr. FITZGERALD. Not until next January.

Mr. MANN. There will not be appropriations sufficient to provide metal tags by that time.

Mr. FITZGERALD. This is for tags for which there is demand now.

Mr. MANN. I understand. But they will have to provide metal tags in advance of January 1. Of course, if we are in special session here all summer, I suppose we could take care of it.

Mr. FITZGERALD. I will sympathize with the automobilists if they can not get the tags.

The CHAIRMAN. The pro forma amendment will be withdrawn. The Clerk will read.

The Clerk read as follows:

Court fines: The sum of $24,300.76, representing fines in United States cases collected on judgments of the criminal division of the Supreme Court of the District of Columbia, during the period from July 1, 1878, to September 30, 1908, inclusive, and deposited in the Treasury of the United States to the credit of the District of Columbia, shall be transferred from the credit of the District of Columbia to the United States.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph.

The CHAIRMAN. The gentleman from Illinois reserves a point of order on the paragraph.

Mr. MANN. Of course, if the gentleman prefers, I will make the point of order.

Mr. FITZGERALD. This is the result of a report made by William W. Spalding, acting for the House Committee on the District of Columbia, under a resolution of the House of Representatives, on the accounts between the United States and the District of Columbia relating to fines imposed and collected in the District of Columbia for violation of the laws of the United States. It is a very elaborate report, in which he shows that fines aggregating $235,750.88 were credited to the District of Columbia which, it is asserted, should have been credited to the United States.

Mr. MANN. Why should they be credited to the United States?

Mr. FITZGERALD. Well, it is a long proceeding to explain. I will ask the gentleman if he will object to passing this over for the present, and I will be glad to send for the gentleman from Kentucky [Mr. JOHNSON], the chairman of the Committee on the District of Columbia, who I shall be glad to have explain the matter to the membership of the House.

Mr. MONDELL. These are United States cases, are they not?

Mr. FITZGERALD. They are fines.

Mr. MONDELL. I mean fines collected in United States cases?

Mr. FITZGERALD. They are fines imposed in the Supreme Court of the District of Columbia for violations of the laws of the United States. The question was whether these fines inured to the District or inured to the benefit of the United States.

There have been a number of decisions by the various comptrollers, and this accountant reaches the conclusion that the United States should have received the benefit of these fines.

Mr. MONDELL. Is that in harmony with the decisions of the courts, or is it contrary to the decisions of the courts?

Mr. FITZGERALD. Well, there are conflicting views expressed by the comptrollers. The belief was expressed in one instance that the comptroller decided something really beyond what he intended. But this accountant, who made a very exhaustive investigation, believes that the fines should be credited to the United States. This matter was called to the attention of the District Commissioners. My letter was dated December 14, 1916, and this reply is dated February 23, 1917. I read:

EXECUTIVE OFFICE,
COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, February 23, 1917.

Hon. JOHN J. FITZGERALD,
Chairman Committee on Appropriations,
House of Representatives,
Washington, D. C.

SIR: The Commissioners of the District of Columbia have the honor to make the following reply to your letter of December 14, 1916, concerning the report of Mr. William W. Spalding, acting for the Committee on the District of Columbia of the House of Representatives.

This report purports to show an indebtedness on the part of the District of Columbia to the United States of $235,750.88, made up of two total items, as follows:

1. Fines in United States cases, collected on judgments of the criminal branch of the Supreme Court of the District of Columbia, $24,300.76; and

2. Fines collected in United States cases in the police court of the District of Columbia, $211,450.12.

The finding that the item of $24,300.76 is due the United States from the District of Columbia grows out of the decision of the Comptroller of the Treasury of September 30, 1908, referred to in Mr. Spalding's report. Since the date of this decision moneys of this class have been deposited in the Treasury to the credit of the United States.

During the period between 1879 and 1908 these moneys were covered into the Treasury to the credit of the District of Columbia. It is the amount which the District received during this period that it is proposed by Mr. Spalding's report to charge back against the District of Columbia with the corresponding credit to the United States.

Whether the District of Columbia should be required to reimburse the United States for the amount of this item, namely, $24,300.76, is in the judgment of the commissioners a question which must rest with Congress for determination. The comptroller's decision clearly established the United States' title to funds of this kind, but whether on the basis of this decision it is now the equitable thing to do to go back through a period of 30 years and charge the District with these moneys which were credited to it in good faith and under an interpretation of the law which continued unquestioned during all that time the commissioners are not prepared to admit. And in this connection the fact should not be overlooked that the act in crediting these moneys to the District was the act of the United States itself and not the act of the District of Columbia.

Regarding the item of $211,450.12 the commissioners have not been able since the receipt of your letter to give to this matter the thorough and careful consideration that its importance deserves. But a cursory investigation leads them to the opinion that the District of Columbia is not indebted to the United States for the amount of this claim either on legal or equitable grounds.

The commissioners believe that the right and title of the District of Columbia to fines collected in United States cases in the police court is fixed by law and controlling decision. It is admitted that the act of Congress approved March 3, 1901 (31 Stats., 1199) clearly proves the District's ownership to the fines in question for the period subsequent to January 1, 1902. The controversy relates to the antecedent period for each year back to and including 1879. The claim for reimbursement to the United States, as set up in Mr. Spalding's report, is grounded on the assumption that the District, although it actually received credit for fines collected in United States cases in the police court, was not legally entitled to such credit.

The commissioners submit that this entire question was settled and determined by the first Comptroller of the Treasury, Judge Lawrence, in a decision rendered by him in 1882. The laws relied upon to support the contention of the District's liability in the premises were then upon the statute books, and it fairly must be assumed that Judge Lawrence gave to those laws the weight they were severally and collectively entitled to in their relation and application to the question before him.

Judge Lawrence, in this decision, held that fines imposed by the police court belonged to the District of Columbia, and this ruling was controlling upon the accounting officers of the United States and of the District of Columbia until superseded by law or overruled by subsequent decision.

In view of the conflict of opinion regarding the legal liability of the District of Columbia to the United States for the fines collected in United States cases in the police court between 1879 and 1902, the commissioners recommend that the entire question be referred to the Attorney General of the United States for an opinion.

Very respectfully,

THE BOARD OF COMMISSIONERS
OF THE DISTRICT OF COLUMBIA,
By OLIVER P. NEWMAN, *President.*

I conferred with the gentleman from Kentucky as to that suggestion. He informed me, I assume after some inquiry, that the Attorney General would not or could not take the matter under advisement, as this accountant has been engaged under authority of the House to make these investigations and has ascertained these facts, which seemed to indicate that the District had been credited with $235,000 which should have been credited to the United States, and as the result of that credit, the United States had appropriated, matching on the half-and-half principle that $235,000, it was only equitable that the District should pay at least the amount the accountant had ascertained it had unlawfully received and been credited with.

Mr. MANN. Now, may I ask the gentleman, is the claim made that these fines and judgments belong wholly to the Government of the United States?

Mr. FITZGERALD. Wholly to the Government.

Mr. MANN. That they were credited wholly to the District of Columbia?

Mr. FITZGERALD. Credited wholly to the District of Columbia.

Mr. MANN. Then why does the bill provide that the Government of the United States shall pay half the expense, transferring them from the credit of the District to the credit of the Government, if it does so provide?

Mr. FITZGERALD. I think the correct interpretation of the bill does not do that. This is not an appropriation. It is a transfer of a District credit to the United States.

Mr. MANN. It is not a deficiency appropriation?

Mr. FITZGERALD. It is not an appropriation at all. It is a mere transfer of a credit from the District to the United States.

Mr. MANN. Of course I do not pretend to determine——

Mr. FITZGERALD. I suggest that we ask the gentleman from Kentucky [Mr. JOHNSON], who is more familiar with this matter than anybody else, to make a statement in regard to it.

Mr. MANN. I am always glad to hear from the gentleman from Kentucky.

Mr. JOHNSON of Kentucky. Mr. Chairman, in the District of Columbia the same court tries all offenses, whether those offenses be committed against the laws of the District of Columbia or against the laws of the United States in force in the District of Columbia.

The supreme court has six judges, paid on the half-and-half plan. Only one of these judges presides over the criminal division in which all these cases are tried. For a long while all fines, irrespective of whether they were imposed for breaches of District laws or of Federal laws, were paid to the District of Columbia. Finally the question as to the correctness to do so arose and was taken to Comptroller Tracewell for decision. He decided that the fines then in question were fines for a violation of Federal laws in force in the District of Columbia, and that they should be paid to the United States, and not to the District of Columbia. His decision was asked then only as to certain fines, and he made the ruling to which I have just referred. Then the Committee on the District of Columbia, investigating the matter, went into all the fines. Of the fines assessed in the court to which I have just referred, about two-thirds are for violations of District of Columbia laws and about one-third for violations of the Federal laws. The present comptroller has adhered to the decision of Comptroller Tracewell, and has rendered an opinion along the same lines, and has decided that these fines for violations of the Federal laws belong to the United States, and that the fines for violations of the laws of the District of Columbia belong to the District of Columbia. The District of Columbia has received all these fines, and has treated them as revenue against which the United States Government has put up on the half-and-half principle. Therefore, if the United States Government recovers the $235,000 provided for in this bill, it will be in the attitude of only having returned to it the amount which it has put up on the half-and-half plan against the fines illegally collected, to say nothing of accrued interest.

Something has been said about referring the question to the Attorney General. I feel that I can speak advisedly and say that the Attorney General will not hear the matter if it is sent to him, for upon a somewhat similar case last year the Attorney General declined positively to hear it, because it involved money, saying that the opinion of the Comptroller of the Treasury between the two departments was final, and that his opinion would not be superior to that of the Comptroller of the Treasury.

Mr. MANN. What is the character of these police court cases in which the United States is prosecutor?

Mr. JOHNSON of Kentucky. These fines come almost exclusively from the criminal division of the Supreme Court of the District of Columbia.

Mr. MANN. That is not what the bill says.

Mr. JOHNSON of Kentucky. I am talking about the two amounts put together.

Mr. MANN. But the bill gives $24,000 for judgments of the criminal division of the Supreme Court of the District of Columbia and $211,000 for judgments of the police court. I should say that the most of it under that was for fines collected in the police court. What is the character of the cases in which the United States is the prosecutor in the police court?

Mr. JOHNSON of Kentucky. I can only say to the gentleman from Illinois that I did not go to the court files, as the accountants did. I did not see these hundreds and perhaps thousands of cases, and I am not able to advise the gentleman.

Mr. MANN. I think, as far as the equity is concerned, it might be well to know whether these cases are of a character that usually would be purely local police court cases or whether where we provide one law for the District of Columbia and then provide another law under which the United States may be the prosecutor we are really trying police court cases in the name of the United States.

Mr. JOHNSON of Kentucky. I can say to the gentleman that the committee accountant went to the Municipal Building to see the auditor of the District of Columbia relative to it, and one of the assistant auditors, Mr. Roach, was assigned by the auditor to work with our accountant, and that they agreed upon these measures and separated them to their mutual satisfaction as to which were District fines and which were United States court fines.

Mr. MANN. I suppose that is not a difficult matter. Wherever the United States was named as the prosecutor they called it a United States case. In other words, for instance, they enforce the pure-food laws in the District of Columbia. A case may be prosecuted by the health officer of the District of Columbia or it may be prosecuted in the name of the United States, the facts being one and the same.

I will say to the gentleman from Kentucky that I have no intention of even forming a definite opinion on this; but I do not think it would hurt any to let it go over, in order that everybody may become better informed in reference to the matter. It is for fines and judgments collected, I believe, prior to 1902 and 1908—ever since 1878. I do not think it will hurt to let it go over. Therefore I make the point of order.

Mr. JOHNSON of Kentucky. Mr. Chairman, this matter is not subject to a point of order. I think I can show that to the Chair conclusively, and perhaps to the gentleman from Illinois [Mr. MANN] also.

Mr. MANN. The gentleman from New York [Mr. FITZGERALD] has already declared that this is not an appropriation, and anything in this bill that is not an appropriation is subject to a point of order.

Mr. JOHNSON of Kentucky. Mr. Chairman, when interrupted I was about to say that I have gone into the subject carefully, and I have reached a conviction that it is not subject to a point of order, as I think I can clearly demonstrate to the Chair, or to anybody else.

My argument against the point of order is this: By an act of Congress approved June 20, 1874, the District of Columbia was created a municipal corporation, with the right to sue and be sued, to contract and be contracted with, and so forth, just as a person would be. By the act of June 11, 1878, that creation of the District of Columbia into a municipal corporation was reaffirmed and is now the law. Therefore the District of Columbia can sue and be sued. It can make contracts and be contracted with, and it can incur legal obligations. If it can incur an obligation, it can be compelled to comply with the terms of the obligation.

Now, as between these two departments there is but one court. I wish the Chair to impress the distinction that I am making as between these two parties, as compared to either of them and a private citizen or an outside concern. Between these two departments there is but one tribunal—the Comptroller of the Treasury—and his ruling is final between them. Wherever a proposition has been submitted to the Comptroller of the Treasury by the proper authorities—and this has been submitted to him by the Secretary of the Treasury—his opinion is as binding as is a final judgment of a court upon a question of property rights between two individuals. There is no appeal from that judgment by either of these departments. When a similar question was properly submitted to Comptroller Tracewell he decided that the money did not belong to the District of Columbia.

Now, we have in this case an opinion written by the present comptroller only a few days ago, saying that this money does not belong to the District of Columbia but to the United States. He went further and said that it was within the power of Congress to have it paid. That is the law of the case, and such is the authority for it. The District of Columbia, according to this final opinion rendered by the Comptroller of the Treasury a few days ago, is not entitled to the money, but that the United States Government is; and, to repeat, Congress has the power to have it paid from one account to the other.

As this municipal corporation—the District of Columbia—can incur obligations or debts there is an ever-existing law that it must pay those debts. Nobody will dispute that when the District of Columbia is an unsuccessful defendant in a suit for damages or other cause which may lie against it that that judgment of the court is binding against the District of Columbia, and

that the point of order does not lie in this body in an appropriation bill. It has been finally and judicially settled that the District of Columbia owes this money to the United States. It is an obligation, a judicial obligation, upon the part of the District of Columbia to pay its debt, and it comes to this House in this appropriation bill just as though it were a judgment of a court and no more subject to a point of order than it would be to a judgment of court when it came in in any other appropriation bill.

Now, to resume, this is a corporation and it owes this money. Its indebtedness has been judicially ascertained by a court, the Comptroller of the Treasury of the United States, from which there is no appeal.

Now, suppose that a contract concerning the purchase of hose for the fire department, or any supplies for the District of Columbia, were to go into a court of competent jurisdiction and get judgment against the District of Columbia for these supplies, does anybody mean to tell me that that would not properly belong on an appropriation bill and that it would be subject to a point of order?

When the municipal corporation of the District of Columbia was created by the two acts which I have cited, it was expressly stated in those acts that this corporation had the right to contract and be contracted with, and so forth. Without any provision to compel them to pay? Of course not. That is the question before the Chairman of the committee in this case.

Mr. MANN. Mr. Chairman, this bill is a privileged bill before the House from the Committee on Appropriations. The only jurisdiction it has is to report a bill making appropriations for deficiencies. Any other item in the bill is subject to a point of order, because the only jurisdiction of the committee to report a privileged bill is to carry items for deficiencies under the rules of the House.

As was explained by the gentleman from New York in charge of the bill, this is not an appropriation at all, and therefore it is subject to a point of order. The question of what the rights of the Government may be have nothing to do with the question. If the District of Columbia owes the Government, it is perfectly proper by legislation to provide that the credit may be made and the amount may be required to be paid, but this does not pretend to make an appropriation of any sum at all.

Mr. JOHNSON of Kentucky. Mr. Chairman, I would be glad to have the attention of the Chair for one minute more. The gentleman from Illinois has just stated that the gentleman from New York has said that this was not an appropriation. This money is in the Treasury of the United States. Does anybody know how money can be taken from the Treasury of the United States without an appropriation? There is only one other way, and that is to blast open the doors and take it out. It matters not who says it is not an appropriation, it must of necessity be an appropriation, no matter what the language, and long ago it was established that any appropriation bill could carry a District of Columbia appropriation. I hope I have made my position clear that this item is authorized by law.

Mr. MANN. Mr. Chairman, the funny thing about this is that if, according to the contention of the gentleman from Kentucky, this is an appropriation, only one-half of it would be returned to the United States, for on page 19, line 31, is this provision:

One-half of the foregoing amounts to meet deficiencies in the appropriations on account of the District of Columbia shall be paid from the revenues of the District of Columbia and one-half from any money in the Treasury not otherwise appropriated.

So, if this is an appropriation instead of a credit, they would only be crediting one-half, and that shows that it is not an appropriation. It does not purport to be an appropriation.

Mr. JOHNSON of Kentucky. Mr. Chairman, there are paragraphs under this caption to which the half-and-half does refer, but the language of this is such that the half-and-half does not relate.

Mr. MANN. But the clause refers to appropriations for deficiencies. It says so.

Mr. JOHNSON of Kentucky. Let us not lose sight of the fact that this is a judgment of the tribunal having exclusive jurisdiction of the matter, and here before us now is the opinion of that tribunal, which says that it is a debt the District of Columbia owed to the United States, and this provision has been put in the bill to pay this judgment in favor of the United States. To me nothing can be plainer.

Mr. BORLAND. Mr. Chairman, if the position taken by the gentleman from Kentucky [Mr. JOHNSON] is not sound and complete, it would be very difficult for the best parliamentarian in this House to point out how and where Congress could exercise its undoubted power to correct these accounts. The point of order made against this item is not that it is not authorized by law, for that point of order would not be good. The item is in strict accordance with the law and the account has been stated in accordance with the law, and this amount found due from the District of Columbia to the United States. So that no point could possibly lie against it that it was not authorized by law. The only point that is made is the somewhat narrow point that it does not belong in this particular bill, because this bill provides for deficiency appropriations.

Mr. JOHNSON of Kentucky. And they never made any estimate to pay this deficiency with.

Mr. BORLAND. It has been the custom and is the custom, and the proper custom, to carry appropriations for the payment of judgments against either the District of Columbia or the United States which must be paid, in the deficiency appropriation bill. This, as the gentleman from Kentucky points out, is virtually a judgment, and in contemplation of Congress it amounts to a judgment. The accounts of the two departments, the Treasury of the United States and the District of Columbia, have been kept separate and separate charges made against each account and the expenses for which that account should be burdened. If it were true that the District of Columbia had an account with an outsider, a running account extending over a number of years, and under a proper legal procedure an account was stated so that it was found that the District of Columbia had failed to pay over to the third person the amount owing to that third person, that decision, however rendered, would amount to a judgment against the District of Columbia which must be paid or satisfied by the necessary appropriation in this bill. It is not possible to enforce that judgment as other judgments would be enforced, but it must be enforced by an appropriation, so that this transfer of the account charging the account of the District of Columbia with $24,300 for these fines collected and crediting the same to the Treasury of the United States is the only payment or collection of that particular judgment which is possible. It amounts to an appropriation, because there is no way of taking that money out of the account of the District of Columbia, which is virtually an agency of the United States, except by an appropriation. Therefore, this is an appropriation not subject to the half-and-half provision carried later in the bill, but in accordance with the half-and-half provision as established by existing law, and the point of order should be overruled.

The CHAIRMAN (Mr. SHACKLEFORD). With a good deal of reluctance, the Chair will overrule the point of order.

The Clerk read as follows:

The sum of $211,450.12, representing fines in United States cases collected on judgments of the police court of the District of Columbia, during the period from July 1, 1878, to January 1, 1902, inclusive, and deposited in the Treasury of the United States to the credit of the District of Columbia, shall be transferred from the credit of the District of Columbia to the United States.

Mr. MANN. Mr. Chairman, I make the same point of order against that item.

Mr. JOHNSON of Kentucky. Mr. Chairman, this provision is exactly like the other. There is not a particle of difference between the two except that one amount is larger than the other.

The CHAIRMAN. Is the same point involved?

Mr. MANN. The same point is involved. I had hoped the Chair would follow the rules of the House in making the decision upon the point of order, but, of course, if personal feeling is going to govern in place of the rules, I have nothing further to say.

The CHAIRMAN. If the gentleman desires to be heard, the Chair will hear him.

Mr. MANN. I was heard, and it was so plainly subject to the point of order——

Mr. JOHNSON of Kentucky. I think I made it so plain, Mr. Chairman, that it was not subject to the point of order that there was no getting away from it.

Mr. MANN. The gentleman did not argue the point of order.

The CHAIRMAN. The point of order is overruled.

The Clerk read as follows:

Home for Aged and Infirm: For provisions, fuel, forage, harness and vehicles, and repairs to same, ice, shoes, clothing, dry goods, tailoring, drugs and medical supplies, furniture and bedding, kitchen utensils, and other necessary items, including maintenance of motor truck, $2,000.

Mr. WALSH. Mr. Chairman, I move to strike out the last word. I ask unanimous consent to extend my remarks in the RECORD upon the Postal Service.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

The Clerk read as follows:

Small parks: For the condemnation of small park areas at the intersection of streets outside the limits of the original city of Washington, fiscal year 1914, $8.60.

Mr. BENNET. Mr. Chairman, I move to strike out the last word, although I do not do so for the purpose of asking about this particular item. Do these items along here have any reference at all to the municipal hospital carried in the District appropriation bill? Will that be affected in any way by this bill?

Mr. FITZGERALD. Oh, no; that item has been agreed to; but it will take considerable time to construct that hospital, and the belief is that there is necessity for those additional facilities in addition to the facilities now provided either by the municipality or by private institutions.

Mr. BENNET. So that nothing in this bill would affect the municipal hospital?

Mr. FITZGERALD. These items are for the balance of this fiscal year.

Mr. BENNET. All of them?

Mr. FITZGERALD. Yes.

Mr. BENNET. I withdraw the pro forma amendment.

The Clerk read as follows:

Judgments: For payment of judgments, including costs, against the District of Columbia, set forth in House Document No. 2029 of this session, except the judgments with interest and costs in favor of Samuel T. Kalbfus and Edward S. Wood, $6,877.95, together with a further sum to pay the interest at not exceeding 4 per cent on said judgments, as provided by law, from the date the same became due until the date of payment.

Mr. MONDELL. Mr. Chairman, I would like to ask the chairman in regard to an item at the top of the page. This is a deficiency in the appropriation for the condemnation of small park areas, and so forth. Up on the corner of Sixteenth Street and Park Road there is a small triangle that for quite a number of years was occupied by a one-story structure. For a time it was the business house of a tailor with the very proper name of M. Y. Needle. Later it became the place of business for a seller of light-weight automobiles, and that was its use until recently. Alas, it is no more. I passed this triangle a few days ago, looking for the small and familiar building that used to house my friend, M. Y. Needle, and the dispenser of small and uncertain automobiles, and I found that it had been razed to the ground, nothing left of it, and a placard, a signboard, planted on the leveled foundation of this former place of business, bearing the legend, "United States reservation." Now, it has occurred to me frequently in passing there that that was not a very valuable piece of property, not in an advantageous location for a business house, and not just the sort of place where one would want to build a home. I can readily understand that the owner of that property might be looking for some one on whom he might unload it, and I wondered if, under this appropriation for the purchase of small parks, somebody had unloaded that piece of property at a properly lucrative figure on our friend, Uncle Sam?

Mr. BORLAND. Will the gentleman yield?

Mr. MONDELL. I will.

Mr. BORLAND. I was going to ask the gentleman if it had occurred to him, perhaps the owner had gotten tired of paying taxes on an unprofitable piece of property and decided——

Mr. MONDELL. To give it to the Government?

Mr. BORLAND. Decided that the Government ought to buy it as a great public enterprise.

Mr. MONDELL. I wondered if the gentleman had any information in regard to the modus operandi whereby such a piece of property passed from private to public ownership.

Mr. FITZGERALD. I have no information. I have neither desirable nor undesirable property in the District of Columbia, so I have never ascertained how to rid myself of either kind of property here.

Mr. MONDELL. Well, the transfer seems to have occurred.

The Clerk read as follows:

One-half of the foregoing amounts to meet deficiencies in the appropriations on account of the District of Columbia shall be paid from the revenues of the District of Columbia and one-half from any money in the Treasury not otherwise appropriated.

Mr. MANN. Mr. Chairman, I move to strike out the last word. Of course the gentleman who was in the Chair a moment ago held that those District items were appropriations and hence in order. Well, I apprehend that even with the decision of the learned gentleman from Missouri [Mr. SHACKLEFORD] who was in the Chair, who has great learning about the rules of the House, the comptroller will not follow his opinion and pay one-half of these out of the revenues of the United States, though that is what it says. The item was not in order unless it was an appropriation, a deficiency. This item here says that it shall be paid one-half out of the revenues of the United States. We have a decision one way one minute and the other way the next minute.

Mr. FITZGERALD. This is not an appropriation.

Mr. MANN. Oh, but I noticed when we were arguing the point of order the gentleman from New York, who knew it was not an appropriation, was conveniently absent from the Chamber, or I should have asked him if it was subject to the point of order, and, being an honorable and honest man, he would have been required to say it was subject to the point of order.

Mr. FITZGERALD. Well, I was required to go out of the Chamber on important matters——

Mr. MANN. I understand the gentleman was required to go out.

Mr. FITZGERALD. I did not assert it was an appropriation.

Mr. MANN. No; I know the gentleman denied it was an appropriation, but the Chair ruled that it was.

Mr. FITZGERALD. I am responsible for many things, but I am not responsible for everything that every Chairman does.

Mr. MONDELL. Mr. Chairman, I move to strike out the last two words. My understanding is that these items were sustained on the ground that they were appropriations. Am I correct in that, I ask the gentleman from Illinois?

Mr. MANN. There is no other ground they could be sustained on. The only thing this bill can carry is a deficiency appropriation. I do not know what the grounds are; the grounds were not stated by the Chair properly, and I think the Chair was wise not to state them.

Mr. MONDELL. The Chairman undoubtedly had some reason for his decision. Then, that being the only ground on which he decided, this is the situation in which we find ourselves: It is claimed that the District of Columbia has acquired certain sums which belong to the Federal Government. We have items here which must be appropriation items, and if they are appropriation items, then the Federal Government must pay half of these sums. That, I think, is the logical conclusion; we are trying to recover certain sums back from the District of Columbia and we have put them on this bill as appropriations, so, as a matter of fact, the Federal Treasury will have to pay half of this sum that is to be taken from the District of Columbia and credited to the United States. Therefore, as a matter of fact, we have only moved, assuming that the point of order was properly sustained on the ground that these are appropriations, we have only moved halfway in the direction of having these sums turned over to the Federal Treasury.

The Clerk read as follows:

For extinguishing adverse private claims of title in and to squares 612 and 613, so called, in the city of Washington, D. C., $6,060, one-half to be paid out of the revenues of the District of Columbia and one-half out of the United States Treasury: *Provided*, That the amount paid for any one lot shall not exceed the proportion of the whole amount that the area of said lot bears to the whole area of said squares: *Provided further*, That the lands acquired hereunder shall become a part of the park system of the District of Columbia and be under the control of the Chief of Engineers of the United States Army.

Mr. MANN. Mr. Chairman, I move to strike out the last word. Where are squares 612 and 613?

Mr. FITZGERALD. They are along the Anacostia River. The Government is bringing suits to eject.

Mr. MANN. Is this the case that was decided recently by the Supreme Court?

Mr. FITZGERALD. No.

Mr. MANN. There was a case decided recently, certified to us by the Supreme Court, where the Government had a suit of some sort that it was to pay for the value of certain improvements.

Mr. FITZGERALD. That was the case of Littlefield, Alvord & Co., C. Heurich, and the Cranford Paving Co.

Mr. MANN. Is that provided for in this bill?

Mr. FITZGERALD. No; we did not put that in. This matter is as follows: The Government has a suit to eject the occupants of land along the Anacostia River up to the navy yard. The Government claims title to a portion of both of these squares. The persons asserting an adverse claim to the Government have title to the remaining portions of the squares, and they have offered to relinquish all their rights, not only in the portion contested but in the portion to which the Government admits they have complete title, for $6,060. And the Attorney General has very strongly urged that that ought to be accepted, in the belief that it is an advantageous proposition for the Government.

Mr. MANN. Then we are buying more land for the park that is to run along the Anacostia River—to get down to brass tacks?

Mr. FITZGERALD. Yes; it amounts to that.

Mr. MANN. I hardly ever kick at buying land for a park, so I will not kick about this.

Mr. FITZGERALD. As long as there is any vacant land that somebody does not want.

The Clerk read as follows:

RIVER AND HARBOR WORK.

To pay the claims adjusted and settled under section 4 of the river and harbor appropriation act approved June 25, 1910, and certified to Congress in House Document No. 2040 at the present session, $363.70.

Mr. FITZGERALD. Mr. Speaker, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. JOHNSON of Kentucky, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 21069 making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1917, and prior fiscal years, and for other purposes, and had come to no resolution thereon.

MESSAGE FROM THE PRESIDENT—ALASKAN ENGINEERING COMMISSION—(S. DOC. NO. 741).

The SPEAKER laid before the House the following message from the President of the United States, which was referred to the Committee on the Territories and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith for the information of the Congress the Annual Report of the Alaskan Engineering Commission for the year ending December 31, 1916.

WOODROW WILSON.

THE WHITE HOUSE, *March 2, 1917.*

QUESTION OF PRIVILEGE—THE RECORD.

Mr. DIXON. Mr. Speaker, I want to file a privileged report on House resolution 473 from a special committee heretofore appointed, and ask that the same may be printed in the RECORD and be called up later.

Mr. MANN. Why not dispose of it?

Mr. DIXON. I suppose the Members wanted to read the report in the RECORD.

Mr. MANN. Let it be read. It will not take more than five minutes, will it?

The SPEAKER. What is the request of the gentleman from Indiana [Mr. DIXON]?

Mr. DIXON. We ask that the report be printed in the RECORD.

Mr. MANN. Reserving the right to object, possibly, then, it will never come up again.

Mr. DIXON. The members of the committee talked about that and suggested this method.

Mr. MANN. It seems to me that that report, involving the question of printing in the CONGRESSIONAL RECORD, ought to be disposed of during this session of Congress.

Mr. DIXON. If I get an opportunity——

Mr. MANN. If we let it go over, it will never come up again. I do not know what the report is.

Mr. DIXON. It is a unanimous report.

Mr. MONDELL. As a member of the committee, I said I had no objection to its being printed in the RECORD.

Mr. FITZGERALD. Will the gentleman withdraw his request?

Mr. DIXON. I will withdraw it. I told the gentleman from New York that I would simply have the matter printed.

The SPEAKER. The gentleman withdraws the report and the gentleman from New York [Mr. FITZGERALD] is recognized.

LATE REPRESENTATIVE MICHAEL F. CONRY.

Mr. FITZGERALD. Mr. Speaker, it becomes my sad duty to announce the death of Hon. MICHAEL F. CONRY, a Representative from the State of New York. Because of the unusual condition of the public business at this time it is impossible to ask the House to adjourn out of respect to his memory. But it is proposed that recess be taken for a brief time as a mark of our esteem.

Mr. CONRY was just finishing his eighth year of service in this House. He had won the respect and the admiration of all the Members for his diligence, his industry, and for the manly qualities that characterized him. Taken ill but a few days ago, much to the sorrow of his many friends, he rapidly grew worse, and died but a brief while ago.

It will not be possible, Mr. Speaker, to ask that a time be set aside during this session of Congress to afford Members an opportunity to pay tribute to his memory. So that Members may have an opportunity to pay suitable tribute to his public services I ask unanimous consent that all who desire may extend remarks in the RECORD to the memory of the deceased for 15 calendar days.

The SPEAKER. The gentleman from New York asks unanimous consent that all Members have the privilege of printing remarks on the life, character, and public services of Mr. CONRY in the RECORD for 15 calendar days. Is there objection? [After a pause.] The Chair hears none.

Mr. FITZGERALD. Mr. Speaker, Mr. CONRY's loss is keenly felt by his colleagues from the State of New York and by many other Members who were closely associated with him in the House. Laboring, as he did, under severe physical disability, everyone admired the courage with which he attended so faithfully to his duties. All, I am sure, entertain the deepest sympathy for his widow and children, who have lost so devoted and faithful a husband and father. Our country has lost a devoted and faithful servant; we have lost a loyal friend.

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. FITZGERALD. Certainly.

Mr. MANN. As it is not likely, as the gentleman has stated, that there will be any opportunity for Members, except by printing in the RECORD, to express their opinion respecting Mr. CONRY and his public services, I desire to say now that Mr. CONRY had earned and had received the respect and the affectionate regard of all the Republicans in the House. Of course it goes without saying that he had the same in reference to the Democratic Members of the House.

I think there were few men in the House for whom the Members entertained a higher personal regard than for this man, who, overcoming physical disabilities, always had a smiling way about him which endeared him to everybody who met him.

Mr. BENNET. Mr. Speaker, will my colleague yield to me for just a sentence?

Mr. FITZGERALD. Yes.

Mr. BENNET. What has been said by my colleague [Mr. FITZGERALD] and by the gentleman from Illinois [Mr. MANN] expresses so fittingly the feelings on both sides of the aisle that I have no desire or intention of attempting to add anything to it, except to say that it voices the feelings of the entire delegation from the State and county from which our colleague came.

Mr. FITZGERALD. Mr. Speaker, I offer the following resolutions.

The SPEAKER. The Clerk will report the resolutions.

The Clerk read as follows:

House resolution 549.

Resolved, That the House has heard with profound sorrow of the death of the Hon. MICHAEL F. CONRY, a Representative from the State of New York.

Resolved, That a committee of Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions, and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Mr. FITZGERALD. Mr. Speaker, I ask for a vote on the resolutions.

The SPEAKER. The question is on agreeing to the resolutions.

The resolutions were unanimously agreed to.

RECESS.

The SPEAKER. The Clerk will report the next resolution.

The Clerk read as follows:

Resolved, That as a further mark of respect, this House do now stand in recess until 8 o'clock p. m.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was unanimously agreed to; accordingly (at 7 o'clock and 7 minutes p. m.) the House stood in recess until 8 o'clock p. m.

AFTER RECESS.

The recess having expired, the House (at 8 o'clock p. m.) resumed its session.

MESSAGE FROM THE SENATE.

A message from the Senate announced that it had insisted upon its amendments to the bill (H. R. 20632) making appropriations for the naval service for the fiscal year ending June 30, 1918, and for other purposes, had asked a conference with the House of Representatives on said bill and amendments thereto, and had appointed Mr. TILLMAN, Mr. SWANSON, Mr. BRYAN, Mr. PENROSE, and Mr. LODGE as the conferees on the part of the Senate.

NATIONAL PROHIBITION.

Mr. MAYS. Mr. Speaker, I ask leave to extend my remarks in the RECORD on the subject of national prohibition.

The SPEAKER. The gentleman from Utah asks unanimous consent to extend his remarks in the RECORD on national prohibition. Is there objection?

There was no objection.

ORDER OF BUSINESS.

Mr. SISSON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the general deficiency bill, H. R. 21069.

Mr. WINGO. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WINGO. As I understand it, the Speaker has announced that he prefers not to recognize Members for bridge bills and other uncontested matters until after the appropriation bills are disposed of?

The SPEAKER. Appropriation bills and conference reports.

Mr. WINGO. I am exceedingly anxious to get one bridge bill passed.

The SPEAKER. The Chair will state that at any time when there is opportunity, between the consideration of appropriation bills and conference reports, he will recognize gentlemen for these other bills. The gentleman from Mississippi [Mr. SISSON] moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the general deficiency bill.

Mr. FLOOD. Will the gentleman withhold that motion for a few moments? I want to get a conference report acted upon. That was the understanding I had with the chairman of the Committee on Appropriations.

Mr. SISSON. Mr. Chairman, I have no objection to that, if it is for the purpose of getting a conference report considered.

The SPEAKER. Does the gentleman withhold his motion?

Mr. SISSON. I do.

DANISH WEST INDIES.

Mr. FLOOD. Mr. Speaker, I call up the conference report on the bill (H. R. 20755) to provide a temporary government for the Danish West Indian Islands, and I ask unanimous consent that the statement be read in lieu of the report.

Mr. MANN. The report is not very long. As it presents an entirely new substitute I think it should be read.

The SPEAKER. The gentleman from Illinois objects. The Clerk will read the conference report.

The Clerk read as follows:

CONFERENCE REPORT (NO. 1556).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20755) "to provide a temporary government for the West Indian 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," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows:

In lieu of the matter proposed by the Senate insert the following:

"That, except as hereinafter provided, all military, civil, and judicial powers necessary to govern the West Indian Islands acquired from Denmark shall be vested in a governor and in such person or persons as the President may appoint and shall be exercised in such manner as the President shall direct until Congress shall provide for the government of said islands: *Provided*, That the President may assign an officer of the Army or Navy to serve as such governor and perform the duties appertaining to said office: *And provided further*, That the governor of the said islands shall be appointed by and with the advice and consent of the Senate: *And provided further*, That the compensation of all persons appointed under this act shall be fixed by the President.

"SEC. 2. That until Congress shall otherwise provide, in so far as compatible with the changed sovereignty and not in conflict with the provisions of this act, the laws regulating elections and the electoral franchise as set forth in the code of laws published at Amalienborg the 6th day of April, 1906, and the other local laws, in force and effect in said islands on the 17th day of January, 1917, shall remain in force and effect in said islands, and the same shall be administered by the civil officials and through the local judicial tribunals established in said islands, respectively; and the orders, judgments, and decrees of said judicial tribunals shall be duly enforced. With the approval of the President, or under such rules and regulations as the President may prescribe, any of said laws may be repealed, altered, or amended by the colonial council having jurisdiction. The jurisdiction of the judicial tribunals of said islands shall extend to all judicial proceedings and controversies in said islands to which the United States or any citizen thereof may be a party. In all cases arising in the said West Indian Islands and now reviewable by the courts of Denmark, writs of error and appeals shall be to the circuit court of appeals for the third circuit, and, except as provided in sections 239 and 240 of the Judicial Code, the judgments, orders, and decrees of such court shall be final in all such cases.

"SEC. 3. That on and after the passage of this act there shall be levied, collected, and paid upon all articles coming into the United States or its possessions, from the West Indian Islands ceded to the United States by Denmark, the rates of duty and internal revenue taxes which are required to be levied, collected, and paid upon like articles imported from foreign countries: *Provided*, That all articles, the growth or product of, or manufactured in such islands from materials the growth or product of such islands or of the United States, or of both, or which do not contain foreign materials to the value of more than 20 per cent of their total value, upon which no drawback of customs duties has been allowed therein, coming into the United States from such islands shall hereafter be admitted free of duty.

"SEC. 4. That until Congress shall otherwise provide all laws now imposing taxes in the said West Indian Islands, including the customs laws and regulations, shall, in so far as compatible with the changed sovereignty and not otherwise herein provided, continue in force and effect, except that articles the growth, product, or manufacture of the United States shall be admitted there free of duty: *Provided*, That upon exportation of sugar to any foreign country, or the shipment thereof to the United States or any of its possessions, there shall be levied, collected, and paid thereon an export duty of $8 per ton of 2,000 pounds irrespective of polariscope test, in lieu of any export tax now required by law.

"SEC. 5. That the duties and taxes collected in pursuance of this act shall not be covered into the general fund of the Treasury of the United States, but shall be used and expended for the government and benefit of said islands under such rules and regulations as the President may prescribe.

"SEC. 6. That for the purpose of taking over and occupying said islands and of carrying this act into effect and to meet any deficit in the revenues of the said islands resulting from the provisions of this act the sum of $100,000 is hereby appropriated, to be paid out of any moneys in the Treasury not otherwise appropriated, and to be applied under the direction of the President of the United States.

"SEC. 7. That the sum of $25,000,000 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to be paid in the city of Washington to the diplomatic representative or other agent of His Majesty the King of Denmark duly authorized to receive said money, in full consideration of the cession of the Danish West Indian Islands to the United States made by the convention between the United States of America and His Majesty the King of Denmark entered into August 4, 1916, and ratified by the Senate of the United States on the 7th day of September, 1916.

"SEC. 8. That this act, with the exception of section 7, shall be in force and effect and become operative immediately upon the payment by the United States of said sum of $25,000,000. The fact and date of such payment shall thereupon be made public by a proclamation issued by the President and published in the said Danish West Indian Islands and in the United States. Section 7 shall become immediately effective and the appropriation thereby provided for shall be immediately available."

And the Senate agree to the same.

H. D. FLOOD,
PAT HARRISON,
HENRY ALLEN COOPER,
Managers on the part of the House.

WM. J. STONE,
G. M. HITCHCOCK,
H. C. LODGE,
Managers on the part of the Senate.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

PRIVILEGES OF THE HOUSE—NAVAL APPROPRIATION BILL.

Mr. KITCHIN. Mr. Speaker, I send to the Clerk's desk a resolution and ask for its immediate consideration.

The SPEAKER. The gentleman from North Carolina sends to the desk a privileged resolution and asks for its present consideration. The Clerk will report it.

The Clerk read as follows:

House resolution 550.

Resolved, That the amendments providing for the issuance of bonds added by the Senate to the House bill (H. R. 20632) in the opinion of this House contravene the first clause of the seventh section of the first article of the Constitution of the United States and are an infringement of the privileges of this House, and that the said bill with the amendments be respectfully returned to the Senate with a message communicating this resolution.

Mr. BUTLER. Mr. Speaker, has the bill been sent over?

Mr. KITCHIN. It has been returned to the House.

Mr. BUTLER. I have nothing at all to say. I hope what is done may be done expeditiously.

Mr. KITCHIN. Mr. Speaker, this amendment to the naval appropriation bill provides for $150,000,000 of bonds. As I contend, the Senate has no original jurisdiction in matters relating to the revenues of the Government. The jurisdiction to issue bonds has always been regarded as exclusively in the House of Representatives, and whenever heretofore by an amendment to an appropriation bill the Senate has initiated any provision for revenue or for the issuing of bonds the House has taken this step.

Mr. MOORE of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. KITCHIN. I do.

Mr. MOORE of Pennsylvania. The purpose of this resolution is simply to assert the prerogatives of the House?

Mr. KITCHIN. To assert the prerogatives of the House. That is correct.

Mr. MOORE of Pennsylvania. As they have been observed from the beginning of this Federal Government?

Mr. KITCHIN. Yes. This is a prerogative guaranteed to us by the Constitution, and I trust that the House will agree to the resolution unanimously. [Applause.]

The gentleman from New York [Mr. FITZGERALD] asks for three minutes, which I yield to him.

Mr. FITZGERALD. Mr. Speaker, ever since the beginning of the Republic the House has asserted its prerogative under the Constitution to originate revenue bills. In my experience in the House, upon several occasions the Senate has attempted to incorporate into various bills items providing for the raising of revenue either by taxation or by the issuance of bonds. The one great prerogative of the House of Representatives is the right to originate revenue bills, and however lowly this House has ever descended it has never yet yielded a single iota of that privilege. [Applause.] I hope in this instance the vote will be unanimous. It ought to be unanimous, Mr. Speaker, because this action has not been taken by the Senate without warning. Notice was given to those in charge of this bill to-day that this proposed amendment was an infringement of the prerogatives of the House, that it should not be incorporated in the bill, that if incorporated it should be eliminated, and that if it were incorporated in the bill the House would assert its prerogative and return the bill with such a message as is now proposed. In spite of that warning, and regardless of the constitutional provision, the Senate has sent this bill here in defiance of the warning given, and in derogation of the rights of the House. There is nothing for us to do except to insist upon our constitutional prerogative and to follow the unbroken precedents of the Republic by sending this bill back to the Senate, so that they may eliminate the provision which infringes upon our privileges.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken.

The SPEAKER. The ayes have it. The vote is unanimous.

Accordingly the resolution was unanimously agreed to.

[The announcement of the result was received with applause.]

GENERAL DEFICIENCY APPROPRIATIONS.

On motion of Mr. FITZGERALD the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 21069) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1917, and prior fiscal years, and for other purposes, with Mr. JOHNSON of Kentucky in the chair.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. SMITH of New York having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 20632) making appropriations for the naval service for the fiscal year ending June 30, 1918, and for other purposes, had asked a conference with the House of Representatives on said bill and amendments thereto, and had appointed Mr. TILLMAN, Mr. SWANSON, Mr. BRYAN, Mr. PENROSE, and Mr. LODGE as the conferees on the part of the Senate.

GENERAL DEFICIENCY APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

MILITARY ESTABLISHMENT.

QUARTERMASTER CORPS.

For pay of the Army, including the same objects, except mileage, specified under this head in the Army appropriation act for the fiscal year 1917, $647,833.33.

Mr. SHALLENBERGER. Mr. Chairman, I move to strike out the last word in order to ask the chairman a question. The military deficiency item amounts to something over $38,000,000. I would like to ask the chairman what is the cause of such a large deficiency.

Mr. FITZGERALD. This is principally all due to the retention of the National Guard on the border after the 1st of January, 1917. The appropriation provided in the Army bill did not make provision for the National Guard on the border beyond that date.

Mr. SHALLENBERGER. The hearings show that if the guard had not been on the border the appropriation in the Army bill would have been sufficient.

Mr. FITZGERALD. It would have been ample for the Military Establishment.

Mr. SHALLENBERGER. The largest item is for the Quartermaster's Department, and I observe on page 157 there is an item for almost a million pair of shoes. How could there be that number of shoes as a deficiency?

Mr. FITZGERALD. It was stated before the committee that the Army shoe is quite light, and the service on the border is so very severe that in many instances a pair of shoes did not last over five days. The result was that a very large number of shoes had to be issued.

Mr. SHALLENBERGER. Does the gentleman understand that a million pairs of shoes were used on the border?

Mr. FITZGERALD. Yes; the necessity of additional shoes was due to the severe character of the country on the border. The country is very rough and the shoes are light. Our men object to heavy shoes and the shoes did not last any length of time. There is another thing that added to it and that was that there were no facilities for repairing shoes. If there had been they might have been sewed and shoes would have lasted a considerable length of time. The inability to repair made it necessary to condemn the large number of shoes.

Mr. SHALLENBERGER. I observe that the cost of the shoes figured up something like $4 a pair. Does that show economy and efficiency in the purchase of shoes? Can not an American shoemaker make a shoe for $4 that will last more than five days?

Mr. FITZGERALD. Gen. Sharpe stated that he had been trying to have adopted a heavier type of shoe, one that would better withstand the service. It was stated that the uppers were perfectly good, but the soles had worn out so rapidly, on account of the rough character of the country and the inability to repair them, that it was necessary to condemn them.

Mr. SHALLENBERGER. Does not the testimony indicate that the hard service on the shoes was by the men that went into Mexico and not the men on the border so much?

Mr. FITZGERALD. The men on the border had an equally hard service. The most of them were compelled as a part of their training to take marches of various lengths which meant heavy wear upon the footgear.

Mr. SHALLENBERGER. Does the Chairman think that the service which was received from these shoes was adequate service for shoes of that sort?

Mr. FITZGERALD. My opinion would be that for that kind of service a shoe of a different type, a heavier shoe, should more properly be adopted. But these were the shoes that the Army had. They were issued, and did not last any length of time. And the necessity of the issuance of the shoes in quantity had not been anticipated.

Mr. SHALLENBERGER. There is another item which shows 4,000,000 tent pegs. Has the chairman any knowledge of what kind of tent pegs those were?

Mr. FITZGERALD. No; I have not.

Mr. SHALLENBERGER. In the hearings before the Military Committee the testimony of the Army officers who were sent to Mexico to get information—the testimony was that our troops were furnished an aluminum tent peg which proved to be worthless. In dry weather they bent, and in wet weather they would not hold. They said that a 60-penny nail was of more value as a tent peg than one of these aluminum pegs. I wanted to get the information from the gentleman whether

these tent pegs were of that character. The hearings show that $86,000 was paid for them.

Mr. FITZGERALD. No; we asked the department to furnish detailed information so that the information might be available for future investigation. The fact is that this money was necessary for the remainder of the fiscal year because of conditions that existed. If the committee could, it hoped to do so, and obtain information that could be utilized hereafter in determining the advisability of certain character of supplies.

Mr. SHALLENBERGER. The gentleman does not know whether these tent pegs were the useless ones I have referred to or not?

Mr. FITZGERALD. I do not know.

Mr. SHALLENBERGER. Does not the gentleman think that somebody connected with the department might have driven one of these pegs into the ground and learned whether it was valuable before we purchased 4,000,000 of them to send to the border, costing $87,000?

Mr. FITZGERALD. Yes; before a tent peg different from what the Army was using was adopted I should suppose some practical test would be made to demonstrate its usefulness.

Mr. SHALLENBERGER. The practical test of it was in Mexico, but the information I wanted was whether these particular pegs were aluminum tent pegs.

Mr. CARTER of Oklahoma. I would like to inquire of the gentleman what there is about that part of the country that makes it harder on leather?

Mr. FITZGERALD. Well, the gentleman ought to know, it is about as bad as it is in Oklahoma.

Mr. CARTER of Oklahoma. I do know that it is a dry climate, but I do not see why it should be hard on leather.

Mr. FITZGERALD. It is dry and hard and somewhat rocky.

Mr. SLAYDEN. Not all of it.

Mr. FITZGERALD. Not all of it. It seems that some of it is fertile, but our troops have been spending time upon the barren and worthless part.

Mr. SLAYDEN. Not all of the dry part is rocky. They have given no good reason there except the absence of cobblers to repair the shoes, because leather keeps longer and better there than in any other part of the country. I have been so told by Quartermaster officers.

Mr. FITZGERALD. I have no information other than what is stated, that the surface was of such character that the shoes did not last any length of time—five days on an average—and in the absence of people to make repairs.

Mr. COOPER of Ohio. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. COOPER of Ohio. I would like to bear out the statement the gentleman has made. One of my sons was down on the border last summer, and he wrote me letter after letter telling me that it was a hard thing to keep shoes on their feet for some reason or other because of the sand or the cactus that destroyed the leather in the shoes very quickly.

Mr. SLAYDEN. I want to say that all soldiers learn in half a day to avoid cactus. If they do not, they get punished. There is a great deal of that border along the Rio Grande that I have been over, from the mouth up into Colorado. Part of it is rocky and stony and it will cut shoes; but there are vast stretches of it where some of these troops were that are not so, and I know that leather does not mold there, and I think they must have purchased a very inferior shoe at an extravagant price. The people who live there and who walk about in that country do not have that trouble at all.

Mr. SHALLENBERGER. The quartermaster testified that they practically had no shoes at all when they took them to the border, and so they took any shoes they could get. I simply wanted to call the attention of the committee to the fact that we have spent this enormous sum of money for these shoes which, on the testimony of the War Department itself, in actual service last about five days, and $86,000 for tent pegs which, upon the testimony of the Army officers, are worthless. These are illustrations of the fact that while we have the most expensive Army in the world in time of peace, when we put them into service they are about the poorest served so far as accouterment and equipment is concerned.

Mr. SLAYDEN. Which is probably due to the fact that a blunder was made. I read recently where harness and paraphernalia for horse-drawn gun carriages was sent to Hawaii, and when they got there they found it was intended for batteries and things to be drawn by motor power, and it had to be brought back to San Francisco.

Mr. SHALLENBERGER. I want to say further that Congress has furnished the money, and it is not the fault of Congress that equipment of the character I mention has been furnished to the Army.

The Clerk read as follows:

Water and sewers at military posts: For water and sewers at military posts, including the same objects specified under this head in the Army appropriation act for the fiscal year 1917, $107,000.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word in order to challenge the attention of the committee for a moment to the items that we have just read, totaling, as I run them over, somewhere about $18,000,000 for military expenditures in addition to the regular expenditures—money expended in our pursuit of one Pancho Villa in Mexico. My understanding that the total expenditure in the pursuit of this cheerful bandit up to this time has been in the neighborhood of $150,000,000. He seems to be still living and well. When last heard of he sent an official invitation, as I recall it, to our military commanders to kindly give him an audience. I think it is the first case in history where a man against whom an organized expedition was sent not only, like Davy Crockett's coon, gave notice that he would come down but asked to be invited into a parley to discuss the question of whether or not be should be taken into camp. I think whatever we may have said heretofore with regard to the character of this amiable bushwhacker, we must admit that at least he has a sense of humor, and as much can not be said for some of the people who started the pursuit of Villa. However, all things have their compensations. A lot of our boys have had an expedition down upon the border and have had an opportunity to enjoy the delightful and salubrious climate of Texas and parts of Mexico.

Mr. SLAYDEN. That in itself is an education.

Mr. MONDELL. All of which my friend from Texas says is an education, and I have no doubt that is true. Our boys have gotten some good training down there, and some of them still linger there. The troops from my State are still down upon the Mexican border, and up to date they have made no complaint of being retained there other than that they are not allowed to make the acquaintance of Villa and his men upon this pursuit. The only suggestions I have had from them have been along the line of hopes of some time or other they may be given the opportunity of actually getting action upon the alleged object of their search and adventure. We are a great, a rich, and a powerful people. I suppose $150,000,000 more or less does not make much difference to us, and we can afford to indulge in these little expenditures of the people's money in pursuit of people who annoy us. In the meanwhile the situation in Mexico remains as it has been—chaos, anarchy, Government broken down, no law, American rights defied, American citizens driven from that territory, and this great area, this fair and fertile territory to the south of us, given over, temporarily at least, to a reign of barbarism. God grant that before we spend another $150,000,000 down there that condition may be somewhat remedied.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. SLAYDEN. Mr. Chairman, I move to strike out the necessary words to get recognition. I would like to ask my friend from Wyoming [Mr. MONDELL] if he did not see in the afternoon papers the encouraging statement that his friend Pancho Villa's health is very bad at this time due to an old wound, and it is hoped that he will be put out of commission permanently and give an opportunity for the reestablishment of order in that country.

Mr. MONDELL. Well, I should not be so hard-hearted as to cherish that hope, and my good friend from Texas is too chivalrous a gentleman to harbor that hope himself, because, after all, with all of his bad qualities, Pancho has proven himself a foeman so thoroughly worthy of our steel that he should not find it in his heart to wish that he should die miserably in the desert from his wounds.

Mr. SLAYDEN. Mr. Chairman, I shall not disturb myself long by selecting the mode of his demise if he will accommodate us by doing it. Perhaps when he goes, as they say he is now shortly to do because of his wounds, we may be able to establish peace and protect the Americans in Mexico.

Mr. KENT. Are not all of these questions relative and does the gentleman from Texas believe that our friend Pancho is better or worse than the gentleman who is reforming the divorce laws of Mexico while the country is being overrun?

Mr. SLAYDEN. Mr. Chairman, I decline to express an opinion on the relative demerits of these various patriots of varying shades of patriotism. I think this much may be said for Pancho Villa. He has been occasionally, momentarily, exceedingly courteous. He has advised us of his campaign in advance and, curiously enough, he has conducted his campaign as he said he would.

Mr. MONDELL. Is this also true, if the gentleman will yield, that on one occasion Pancho Villa informed the military authorities that he proposed a raid on our territory and the

military authorities sent that information to the War College for consideration and study and they were still considering it and studying it when Pancho struck at Columbus?

Mr. SLAYDEN. Mr. Chairman, I can not answer that question from personal knowledge. The gentleman from California [Mr. KAHN], who unfortunately is not present, has qualified himself to testify as an expert in those matters. That has been alleged, and the gentleman saw, as I saw, the communication inserted in the RECORD the other day by Mr. KAHN, who made that charge.

Mr. WATSON of Pennsylvania. Mr. Chairman, I move to strike out the necessary words for recognition. I want to ask the chairman of the committee, if he will give me his attention, how many military posts are there? Upon what facts does he establish one in order to arrive at the $107,000 necessary for sewers?

Mr. FITZGERALD. Mr. Chairman, I am unable to state how many military posts there are, but this matter is intended for a specific purpose. It is expected to station at Fort Bliss, Tex., just outside of El Paso, just adjacent to Fort Bliss, for an indefinite period, about 6,000 troops. Fort Bliss has sewer and water facilities. Where these 6,000 troops are to be stationed the ground is somewhat lower than the location of the present fort, and so for sanitary reasons it is desired to install a sewer system and a water system for the accommodation of these 6,000 additional men.

Mr. WATSON of Pennsylvania. Then I understand this $107,000 is for these 6,000 men for this one particular post?

Mr. FITZGERALD. For one particular post, because the condition on the border is such it is believed desirable or essential to keep them assembled at the locality of Fort Bliss.

The Clerk read as follows:

For the support of dependent families of enlisted men, including the same objects and under the same limitations specified in the appropriation for this purpose in the Army appropriation act for the fiscal year 1917 as amended by section 901 of the act entitled "An act to increase the revenue, and for other purposes," approved September 8, 1916, $2,000,000: *Provided*, That the provision in the act of August 29, 1916, as amended by section 901 of the act of September 8, 1916, for the Federal support of families of enlisted men shall, with respect to enlisted men belonging to organizations of the Organized Militia or National Guard which entered the service of the United States under the calls of the President of May 9, 1916, and June 18, 1916, and enlisted men of the Regular Army who by the provisions of acts above cited are beneficiaries thereof only during the time the Organized Militia or National Guard continue in the service of the United States under said calls, apply only to applications stated in the form prescribed by the Secretary of War which are received in the office of the Depot Quartermaster, Washington, District of Columbia, on or before June 30, 1917.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph. This provision in a different form was in the Army bill and I struck it out on a point of order. I am not sure but this may be perfectly satisfactory as it stands, but I would like to have a statement about it.

Mr. FITZGERALD. This provision was drafted to meet the objection of the gentleman from Illinois to the provision in the Army bill. As I recollect, the gentleman from Illinois objected to the provision in the Army bill for the reason that if the National Guard were called out again by the President the provision of the family-dependent act would not be operative after the 30th of June. This provision is so drafted that it limits the time within which claims may be filed to the members of the National Guard called out under the two calls issued by the President because of the Mexican situation and the enlisted men of the Army serving there at the same time.

Mr. MANN. Now, when they refer to claims being filed, some of the National Guard are still on the border and may be there after the 30th of June. A claim filed before the 30th of June under such circumstances, would that carry the payment of money after the 30th of June for the men remaining in the service?

Mr. FITZGERALD. Yes. The Quartermaster General stated that the expectation is that all of the guard will not only be brought back from the border, but will be mustered out of the service of the United States by the middle of April.

Mr. MANN. Well, the Quartermaster General may make a correct guess, but I think that last year when they went down there I heard gentlemen guess they would be back right away. But they are not back yet.

Mr. FITZGERALD. But orders have been issued for the return of them all.

Mr. MANN. If they have been issued, why do they not return?

Mr. FITZGERALD. They are coming back now.

Mr. MANN. They have been coming back for a long time. Do you have to issue an order several months ahead before it goes into effect? However, I am not going to quibble about that.

Mr. FITZGERALD. After the gentleman had called attention to the reason for objecting to the provision in the Army bill the committee took that matter up, and to obviate that objection had this provision drafted, the belief being that the purpose intended by the department was a good one and that we should not foreclose the members of the guard if they were called into the service hereafter. And if anything should occur to retain the guard on the border any length of time I have no doubt Congress will be given an opportunity to correct the situation.

Mr. MANN. Mr. Chairman, I withdraw the point of order and move to strike out the last word.

Regardless of the merits of the proposition, which I am not intending to discuss, it looks to me like a reasonable one. I regret very much that a great committee like the Committee on Appropriations, when they want to use the language "shall apply" put the "shall" on line 5 and the word "apply" on line 14, with a lot of language inserted in between. That is abominable grammar, I will say to the gentleman from New York.

Mr. FITZGERALD. It was drawn by an officer of the Army, and you can not expect anything better.

Mr. MANN. I do not know. They are educated at the expense of the Government. Besides, it passed the critical eye of the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. If I attempted to reconstruct all these provisions, I would be kept too busy. When I draw them myself they escape even the critical eye of the gentleman from Illinois.

Mr. MANN. I had the impression that the gentleman from New York, with a blue pencil, usually reconstructed all the provisions that were sent down from the department.

Mr. FITZGERALD. The gentleman can set it down as a fact that when any provision is free from criticism I drafted it; if it is subject to criticism I did not. [Laughter.]

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

To provide for the compensation of competent help for the care of matériel, animals, and equipment thereof, under such regulations as the Secretary of War may prescribe: *Provided*, That the men to be compensated, not to exceed five for each battery, troop, or company, shall be duly enlisted therein and shall be detailed by the battery, troop, or company commander under such regulations as the Secretary of War may prescribe, and shall be paid by the United States disbursing officer in each State, Territory, and the District of Columbia, $306,790.

Mr. BENNET. Mr. Chairman, I move to strike out the last word in order to ask my colleague, the chairman of the committee, a question, if I can. This apparently is something in the nature of extra-duty pay.

Mr. FITZGERALD. No; it is not.

Mr. BENNET. It seems so. It says, "That the men to be compensated," and above it says, "To provide for the compensation of competent help for the care of matériel, animals, and equipment thereof under such regulations as the Secretary of War may prescribe."

Mr. FITZGERALD. Under the law the United States furnishes to the National Guard certain animals and equipment and pays for the care of the animals and equipment. Now, that the guard is returning from the border and is stationed at home in the armories, it requires an additional number of men to take care of the animals and equipment, and this is to enable the department to pay for the additional men.

Mr. BENNET. Let us see if I get that right. First, these animals come back, and this matériel, and so forth. The animals are stabled, and the matériel is stored, and these men that are called competent help are, in the one case, the stablemen for the horses and, in the other case, guards over the matériel? Is that it?

Mr. FITZGERALD. Why, the men who take care of the horses, and matériel in the nature of field guns and equipment of that character, are provided by the War Department and paid for out of the Federal Treasury, and when the guard is mustered out of the United States service and retains the status of the National Guard, the United States furnishes this assistance to them.

Mr. BENNET. Are these men enlisted men of the National Guard?

Mr. FITZGERALD. I understand they are not. They are caretakers; men employed. My understanding is they are not enlisted men.

Mr. BENNET. It says "that the men be compensated, not to exceed five for each battery, troop, or company, shall be duly enlisted therein."

Mr. FITZGERALD. They are enlisted men and paid special compensation for this work. I was mistaken.

Mr. BENNET. Is this sort of passed around among a number of men in the battery? For instance, in my district I have

an Artillery battalion, a very good one. Evidently the men who take care of the United States matériel in the armory of that battalion are enlisted men of that battalion. Are they the same men right along, or is this in the nature of extra compensation that is rather divided around amongst the battery?

Mr. FITZGERALD. Well, I do not know. It is under a regulation prescribed by the Secretary of War. I am uncertain whether they detail the same men or whether they rotate.

Mr. BENNET. I would like to ask my colleague a rather disconnected question concerning this paragraph. I understand in the last three years there have been over 1,000,000 horses from this country exported abroad. Does he know whether or not this has made the supply of horses in this country short for the Regular Army or National Guard?

Mr. FITZGERALD. I am unable to answer.

Mr. SHALLENBERGER. The hearing shows that they have 65,000 more horses and mules than they know what to do with, and they are going to pasture them down in Texas next spring if they can get good grass for them.

Mr. FITZGERALD. The explanation of that is that at one time there was a belief that we might be engaged in active service in Mexico. And in anticipation of such a possibility the War Department purchased a large number of animals for which there was no immediate use, but which, if we were engaged in hostilities with Mexico, would be very essential to any movement that might be undertaken. The change in the situation on the border resulted in a large number of animals being left in the possession of the War Department in excess of its requirements, so that we now, as the gentleman from Nebraska states, have about 25,000 animals for which we have no immediate use.

Mr. BENNET. I understood the gentleman to say we had 65,000.

Mr. SHALLENBERGER. Sixty-five thousand we bought, and 25,000 remain.

Mr. BENNET. As I understand, under the statute—and the gentleman from Nebraska will correct me if I am wrong—we have no way of selling those horses unless they are unfit?

Mr. SHALLENBERGER. Yes. The Secretary of War applied for authority to sell those.

Mr. BENNET. That was good business judgment. Mr. Chairman, I withdraw my pro forma amendment.

The CHAIRMAN. The gentleman withdraws his pro forma amendment. The Clerk will read.

The Clerk read as follows:

For travel of inspector instructors in making visits of instruction to armories, $20,000: *Provided*, That said inspector instructors traveling shall not receive more than their actual expenses out of these appropriations.

Mr. BENNET. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from New York moves to strike out the last word.

Mr. BENNET. I do so for the purpose of asking what is the total appropriation this year for this item and the two preceding items?

Mr. FITZGERALD. What is the gentleman's question?

Mr. BENNET. On the item between lines 14 and 17, on page 26, I asked my colleague what the total appropriation was this year for this item and the two preceding items for this fiscal year—of course, including the Army appropriation and this appropriation and any special appropriation that may have been made?

Mr. FITZGERALD. Seventy-five hundred dollars. This service is a new service under the national-defense act.

Mr. BENNET. My colleague certainly does not mean that the annual appropriation was $7,500 and the deficiency $20,000?

Mr. FITZGERALD. Yes; the Army bill, as it passed the House, carried $15,000.

Mr. BENNET. That would be for next year.

Mr. FITZGERALD. Maybe I have the wrong item.

Mr. BENNET. I think so, because the deficiency certainly would not be three times as much as the appropriation.

Mr. FITZGERALD. Thirty thousand dollars for the current year, and for the next year the Army bill as it passed the House carried $130,000. That also was for service provided, as I recall, and greatly enlarged in the national-defense act.

Mr. BENNET. What is "an inspector instructor"?

Mr. FITZGERALD. He is an officer of the Army who visits the armories and inspects them, and instructs the officers of the National Guard in the numerous duties they have to perform.

Mr. SHALLENBERGER. If the gentleman will permit, an inspector instructor is a man who instructs the National Guard in addition to the ordinary inspector.

Mr. BENNET. As I recall the national-defense act, the Organized Militia of the various States, known as the National Guard, must be organized up to a standard before they can get certain appropriations.

Mr. SHALLENBERGER. They must be up to certain enlistments.

Mr. BENNET. Yes. Do the inspectors have anything to do with the certifying as to the National Guard of the United States?

Mr. SHALLENBERGER. The inspector instructor's duty is to instruct the men in the duties of a soldier. It is an additional instructor or inspector provided for in the national-defense act to increase the efficiency of the National Guard.

Mr. BENNET. The gentleman from Nebraska is very scholarly on this subject. Would it embarrass him if I were to ask him if he thought that was a wise provision, and if these are useful officers?

Mr. SHALLENBERGER. I think it is a wise provision, essential to the improvement of the National Guard.

Mr. BENNET. And it will tend rather to put the Regular Army and the National Guard on an equality of training?

Mr. SHALLENBERGER. Yes; and it also produces an efficiency that we secure with very little additional expense. These inspector instructors do not draw additional pay from the Government, and the only expense we are subject to on their account is for their transportation and allowances while they are with the National Guard. Furthermore, it has been determined that where Regular Army officers are associated directly with the National Guard it brings about a friendship and a feeling of comradeship that are beneficial to both divisions of the service.

Mr. BENNET. And when Regular Army officers are taken away from their Regular troops, where their duties have become somewhat perfunctory, they may get new light on their duties from handling different material from a new angle?

Mr. SHALLENBERGER. Yes. Reports have been made as to the efficiency of the troops on the border; and from the Regular Army officers with the troops of the National Guard the reports were favorable to the troops of the National Guard, whereas some of the officers not assigned with the National Guard made reports unfavorable to the National Guard.

Mr. BENNET. Did the gentleman read the interesting speech made by the gentleman from Massachusetts [Mr. GARDNER] on his trip to the border and his interviews with the interested men?

Mr. SHALLENBERGER. Yes; I heard that.

Mr. BENNET. That rather brought out the same idea from a little different angle?

Mr. SHALLENBERGER. Yes. That was the testimony received from officials of the department.

Mr. BENNET. Mr. Chairman, I ask unanimous consent to extend my remarks by inserting a letter from the Secretary of Commerce in relation to the supply of horses and mules under date of January 17.

The CHAIRMAN. Is there objection?

There was no objection.

The matter inserted is as follows:

DEPARTMENT OF COMMERCE,
OFFICE OF THE SECRETARY
Washington, February 24, 1917.

MY DEAR CONGRESSMAN: I have your letter of February 19, inclosing a letter from the Horse Aid Society of New York, with various clippings relating to the exportations of horses to Europe since the beginning of the European war, and claiming a resultant shortage of horses in the United States on account of such exportations. According to the records of the Bureau of Foreign and Domestic Commerce of this department the exportations of horses and mules from the United States have been as follows during the 29 months from August 1, 1914, to December 31, 1916, inclusive:

To—	Number.	Dollars.
France	425,368	100,757,087
United Kingdom	342,580	71,526,766
Canada	131,801	18,644,553
Italy	93,279	20,193,302
Other countries	78,450	15,031,924
Total	1,071,478	226,153,632

I inclose a report issued by the United States Department of Agriculture on January 16, 1917, containing an estimate of the number of animales on farms and ranges of the United States on January 1, 1917, and on the same date of previous years. According to this report the number of horses on farms on January 1 of this year was only 33,000 less than a year ago, while the number of mules increased by 46,000. It does not appear therefore that our exportations have seriously depleted our supply of horses and mules.

Regarding the statement in the clipping that the fire departments of several cities are unable to obtain an adequate supply of horses suitable for fire-department purposes, it is a matter of common knowledge that motor apparatus is largely taking the place of horses for this purpose. The same is true regarding the use of horses and mules for transport purposes of the Army.

Regarding the statement that Canada has placed an embargo on the exportation of horses to Europe for war purposes, this prohibition does not apply to exportations to Great Britain or her allies. The official published statistics of Canada show only 26,811 head of horses exported from Canada during the 12 months ended March 31, 1916. This, however, does not include all exportations to Great Britain or her allies, for the reason that war supplies purchased in Canada by Government agents when shipped to Europe are taken on board Government transports, which are not required to furnish export entries to customs officials, and such supplies do not therefore enter into the Canadian statistics of exports. Neither do war supplies bought by the British Government enter into the import statistics of Great Britain. It is not possible, therefore, to ascertain how many horses and mules have in fact been furnished by Canada for war purposes.

The letter from the Horse Aid Society, with the clippings, is returned to you as requested.

Very truly, yours,

WILLIAM C. REDFIELD,
Secretary.

Hon. WILLIAM S. BENNET,
House of Representatives.

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF CROP ESTIMATES,
Washington, D. C., January 16, 1917.

The Crop Reporting Board of the Bureau of Crop Estimates of the United States Department of Agriculture, from reports of its correspondents and agents, makes the following estimates of live stock on farm and ranges of the United States (1916 figures revised):

Farm animals.	Number.		Values.	
	Per cent of preceding year.	Total number.	Per head.	Aggregate.
HORSES.				
Jan. 1, 1917	99.8	21,126,000	$102.94	$2,174,629,000
Jan. 1, 1916	99.8	21,159,000	101.60	2,149,786,000
Jan. 1, 1915	101.1	21,195,000	103.33	2,190,102,000
Jan. 1, 1914	101.9	20,962,000	109.32	2,291,638,000
Jan. 1, 1913	100.3	20,567,000	110.77	2,278,222,000
Jan. 1, 1912	101.1	20,509,000	105.94	2,172,694,000
Jan. 1, 1911	102.2	20,277,000	111.46	2,259,981,000
Jan. 1, 1910	.....	[1] 19,833,000	108.03	2,142,524,000
MULES.				
Jan. 1, 1917	101.0	4,639,000	118.32	548,864,000
Jan. 1, 1916	102.5	4,593,000	113.83	522,834,000
Jan. 1, 1915	100.7	4,479,000	112.36	503,271,000
Jan. 1, 1914	101.4	4,449,000	123.85	551,017,000
Jan. 1, 1913	100.6	4,386,000	124.31	545,245,000
Jan. 1, 1912	100.9	4,362,000	120.51	525,657,000
Jan. 1, 1911	102.7	4,323,000	125.92	544,359,000
1910	.....	[1] 4,210,000	120.20	506,049,000
MILCH COWS.				
Jan. 1, 1917	103.0	22,768,000	59.66	1,358,435,000
Jan. 1, 1916	104.0	22,108,000	53.92	1,191,955,000
Jan. 1, 1915	102.5	21,262,000	55.33	1,176,338,000
Jan. 1, 1914	101.2	20,737,000	53.94	1,118,487,000
Jan. 1, 1913	99.0	20,497,000	45.02	922,783,000
Jan. 1, 1912	99.4	20,699,000	39.39	815,414,000
Jan. 1, 1911	100.9	20,823,000	39.97	832,209,000
Jan. 1, 1910	.....	[1] 20,625,000	35.29	727,802,000
OTHER CATTLE.				
Jan. 1, 1917	102.6	40,849,000	35.88	1,465,786,000
Jan. 1, 1916	107.4	39,812,000	33.53	1,334,928,000
Jan. 1, 1915	103.4	37,067,000	33.38	1,237,376,000
Jan. 1, 1914	99.5	35,855,000	31.13	1,116,333,000
Jan. 1, 1913	96.7	36,030,000	26.36	949,645,000
Jan. 1, 1912	93.9	37,260,000	21.20	790,064,000
Jan. 1, 1911	96.4	39,679,000	20.54	815,184,000
Jan. 1, 1910	.....	[1] 41,178,000	19.07	785,261,000
SHEEP.				
Jan. 1, 1917	99.7	48,483,000	7.14	346,064,000
Jan. 1, 1916	97.3	48,625,000	5.17	251,594,000
Jan. 1, 1915	100.5	49,956,000	4.50	224,687,000
Jan. 1, 1914	96.6	49,719,000	4.02	200,045,000
Jan. 1, 1913	98.3	51,482,000	3.94	202,779,000
Jan. 1, 1912	97.6	52,362,000	3.46	181,170,000
Jan. 1, 1911	102.3	53,633,000	3.91	209,535,000
Jan. 1, 1910	.....	[1] 52,448,000	4.12	216,030,000
SWINE.				
Jan. 1, 1917	99.5	67,453,000	11.73	791,242,000
Jan. 1, 1916	104.9	67,766,000	8.40	569,573,000
Jan. 1, 1915	109.6	64,618,000	9.87	637,479,000
Jan. 1, 1914	96.3	58,933,000	10.40	612,951,000
Jan. 1, 1913	93.5	61,178,000	9.86	603,109,000
Jan. 1, 1912	99.7	65,410,000	8.00	523,328,000
Jan. 1, 1911	112.8	65,620,000	9.37	615,170,000
Jan. 1, 1910	.....	[1] 58,186,000	9.17	533,309,000

[1] Census report of numbers Apr. 15, 1910.

N. B. The number not on farms, i. e., in cities and villages, is not estimated yearly, but their number in 1910 as reported by the census was: Horses, 3,183,000; mules, 270,000; cattle, 1,879,000; sheep, 391,000; swine, 1,288,000. The census of 1910 also reported 106,000 asses and burros on farms and 17,000 not on farms; 2,915,000 goats on farms and 115,000 not on farms.

Following changes in farm animals compared with January 1, 1916, are indicated:

In numbers, horses have decreased 33,000; mules increased 46,000; milch cows increased 660,000; other cattle increased 1,037,000; sheep decreased 142,000; swine decreased 313,000.

In average value per head, horses increased $1.34; mules increased $4.49; milch cows increased $5.74; other cattle increased $2.35; sheep increased $1.97; swine increased $3.33.

In total value, horses increased $24,843,000; mules increased $26,030,000; milch cows increased $166,480,000; other cattle increased $130,858,000; sheep increased $94,470,000; and swine increased $221,669,000.

The total value on January 1, 1917, of all animals enumerated above was $6,685,020,000, as compared with $6,020,670,000 on January 1, 1916, an increase of $664,350,000, or 11 per cent.

LEON M. ESTABROOK,
Chief of Bureau, Chairman.
NAT C. MURRAY,
S. A. JONES,
FRANK ANDREWS,
G. K. HOLMES,
V. H. OLMSTED,
Crop Reporting Board.

Approved:

CARL VROOMAN,
Acting Secretary.

Mr. BENNET. Mr. Chairman, I withdraw the pro forma amendment.

The CHAIRMAN. The gentleman from New York withdraws the pro forma amendment. The Clerk will read.

The Clerk read as follows:

For transportation of supplies (including transportation of animals bought for the use of Cavalry, Field Artillery, Signal companies, Engineer companies, ambulance companies, and other mounted units) of the National Guard, $50,000.

Mr. BORLAND. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Missouri moves to strike out the last word.

Mr. BORLAND. Mr. Chairman, the deficiency here provided for is for transportation. I have called the attention of the House several times to a proposition which, it seems to me, can very well be taken up by the Committee on Military Affairs. It can not be embodied very well in these deficiency bills, but it is a problem of economy and efficiency that I think this House should give serious attention to.

This Government some years ago subsidized a number of land-grant railroads, and by the charters by which those land-grant railroads were created they are bound to give the Federal Government a transportation rate not exceeding 50 per cent of the rate now given on commercial shipments. In other words, we are in a position to get back from the land-grant railroads part of the $400,000,000 we gave them in the way of a saving of freight on shipments of supplies. It has always seemed to me that in the transportation of supplies for the Army we ought to make the most liberal use of that provision.

The United States is the only shipper that can demand a special rate under the insterstate-commerce act, and in order that the United States may demand a special rate under the interstate-commerce act in the shipment of supplies it must own the supplies at the time of shipment.

No contractor who is selling supplies to the Government is entitled to demand any such rate. Therefore it is necessary that the supplies be delivered to the Government, inspected, and accepted by it before they are offered for shipment. It has always seemed to me that inasmuch as we have at many of the terminals of these land-grant railroads, in the larger cities of the West, Government inspectors and depot quartermasters, it would be a very simple matter to provide, in all or most of the great contracts for supplies, particularly oats, hay, and bulky supplies of that kind, that they be delivered at the nearest point on a land-grant railroad from which they can be shipped at Government rates to the point of consumption.

Mr. KAHN. Mr. Chairman, will the gentleman yield?

Mr. BORLAND. Yes.

Mr. KAHN. I believe that is the practice in the War Department now.

Mr. BORLAND. I want to say to my friend from California that I have brought this matter up several times, once particularly, a year ago, and thereafter the quartermaster general issued a statement in the press stating that he was doing this thing, and claiming some credit for it. Whether he did it incidentally in a few cases or not, I am not aware; but I do know that it is not the general practice. I do know that the practice is and has been to compel the contractor to ship the goods to the point of consumption, which has this

effect, as I want to explain to my friend from California: Suppose the supplies are to be used at Fort Huachuca, Ariz. The contractor is compelled to ship down there a large amount of oats to fill a Government contract according to certain specifications. When the oats get down there, possibly they are condemned. The contractor did not own the oats at the time he accepted the contract. He goes out and buys the oats, taking them as he needs them to fill his contract. Perhaps the conditions are such that he does not get exactly the oats that the Government asks for. He gets the oats down there and they are rejected. There is no market for a large quantity of oats there. Consequently they are almost a dead loss to him. If those oats were tendered to the Government at Chicago, St. Louis, Omaha, or Kansas City, where there are large markets, if not accepted by the Government, they are worth their cash market value instantly in the commercial trade. As a matter of business economy it works both ways. The Government contractor will give a closer figure to the Government if he is entitled to send his oats at a central market where he can dispose of rejected supplies, and the Government will gain, on the other hand, by owning the oats and transporting them at land-grant rates. As a matter of fact the contractor usually buys his oats at some central market and ships them at commercial rates to the point where he must tender them to the Government.

Mr. FITZGERALD. Will the gentleman yield?

Mr. BORLAND. I yield to the gentleman from New York.

Mr. FITZGERALD. In the last two or three years the Navy Department has been doing just what the gentleman states, and has made a very great saving.

Mr. BORLAND. I understand so. I understand that the Navy Department buys such things as packed meats and supplies of that kind, accepting them at the point where the contract is made, and shipping them as its own goods.

Mr. NORTON. What is the practice now in the Army?

Mr. BORLAND. The practice now in the Army, except in isolated cases, is to take a contract to deliver a certain quantity of oats at a given point, say at Fort Huachuca or Camp Douglas, or wherever they are to be delivered, and the contractor ships the oats there under the specifications. If they do not comply with the specifications and are rejected, of course he has no recourse.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BORLAND. I ask unanimous consent to proceed for two minutes.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent for two minutes. Is there objection?

There was no objection.

Mr. BORLAND. The contractor must either ship the oats back or sell them at whatever he can get for them at that place.

Mr. NORTON. Does not that indicate a deplorable lack of efficiency on the part of Army officers?

Mr. MANN. No.

Mr. BORLAND. No; not a deplorable lack of efficiency. It indicates a lack of business system which, it seems to me, would present itself readily to the mind of a business man. At nearly all the large points where heavy supplies are bought, especially forage and foodstuffs, there are now depot quartermasters, and these depot quartermasters could inspect all classes of supplies and receipt for them at those points. As I say, that would give wider competition and a closer price from the contractor, because business conditions would permit him to give a closer price, and it would give the Government the power then to ship at land-grant rates. In most cases now the Government does not enjoy those land-grant rates, because it pays the contractor on the basis of the commercial rate that he must pay to put the goods down at the point of consumption.

I yield to the gentleman from California [Mr. KAHN].

Mr. KAHN. The invariable practice has been for many years to call for the delivery of goods at some central point in the West, so that the goods can be carried over the land-grant railroads at the land-grant rates. In that way men who otherwise would be precluded from bidding on Government contracts altogether are enabled to get contracts. The price of the contractor plus the land-grant rate is lower than the price of contractors in other parts of the country.

Mr. BORLAND. Unquestionably the gentleman's ideas are all right, but they do not conform to the usual practice.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. KAHN. Mr. Chairman, the gentleman from Missouri [Mr. BORLAND] is altogether in error in his contention. I have had this question of the land-grant railroads up with the department time and again. The people in the West are anxious to bid on Government contracts. By reason of the higher cost of labor in the West they would ordinarily be excluded from getting any of the Government contracts. But as a matter of fact they bid on delivery in the West—delivery at San Francisco, for instance. Then the Government adds to the price of the bidder the land-grant rate to other sections of the country where these commodities are to be used. If the bid of the contractor plus the land-grant rate is lower than the bids offered by other bidders the western bidder gets the contract. I have had that matter up with the department many times, and it has been my experience that they have invariably followed that custom.

Mr. BORLAND. Let me say to my friend from California that no doubt when he has called it to their attention they have in that case done so, because I have had exactly the same experience. Originally the hay shipped to the Philippine Islands was all bought on the Pacific coast, in Washington or Oregon or California. It was impossible for us to sell Missouri or Kansas upland prairie hay to the Government for use in the Philippines. Although our hay was cheaper and, we thought, better, the rates made it prohibitive.

Mr. JOHNSON of Washington. How cheap was it?

Mr. BORLAND. It varied. It is pretty high now.

Mr. JOHNSON of Washington. How cheap was it at that time?

Mr. BORLAND. At that time it was about $8. We finally got the Government to provide an alternative specification for a bid either on the Missouri River or on the Pacific coast. Then the bids could be compared; those on the Missouri River plus the land-grant rates cost could be compared with those on the coast. Our hay was cheaper on the Missouri River; with the land grants added, it made it cheaper than that of the Pacific coast hay. Under that, I think, two-thirds of the hay going to the Philippine Islands for about four years has been Kansas or Missouri hay. In 1915 there was a drought, which cut off the supply of Mississippi Valley hay, and then the hay went from Washington and Oregon; but this was only one year—1915.

Mr. NORTON. Will the gentleman yield?

Mr. BORLAND. Yes.

Mr. NORTON. If the Quartermaster Department does take into consideration the cost of transportation over the land-grant railroads in accepting bids, is not that all that should have been done as a business proposition?

Mr. BORLAND. The gentleman did not get the basis of my contention. The basis of my contention is that they must accept the goods at the initial point, so that the Government can command the land-grant rates.

Mr. NORTON. So that if you could buy hay in San Francisco for $20 a ton and the rate from Kansas City over the land-grant road to San Francisco is $8 a ton, you can afford to pay $12 a ton for hay in Kansas City.

Mr. BORLAND. And if you could buy it for $10, you could save money.

Mr. KAHN. But the gentleman is in error. It is not only in the matter of hay; it is in the matter of clothing and supplies of that kind. Now, the contracts for Army gloves used to be given to eastern bidders. They were made in Gloversville, a great glove-manufacturing point in this country. But in recent years glove factories have been established in the West, and the bids, when opened, show that the western bidders have been able to quote such a low price on San Francisco delivery that when the land-grant railroad rate is added to the price submitted by the western bidder it makes the price for the commodity so low that the West has invariably secured all the contracts for that line of goods.

Mr. BORLAND. Then why is it not well to provide by general law that that shall be done?

Mr. KAHN. My information is—and I have had it up with the department time and time again—that they always do it.

Mr. BORLAND. Yes; they always do it when you call their attention to it, but they do not do it in cases that are not insisted upon.

Mr. MONDELL. Will the gentleman yield?

Mr. BORLAND. Yes.

Mr. MONDELL. I have understood that in the War Department there was a small corps of men whose duty it was in this matter of contract of buying supplies to figure out the manner of purchasing supplies under which the Government would get the largest benefit from the land-grant roads.

Mr. KAHN. Yes; they do that.

Mr. MONDELL. I do not pretend to know much about it or how far they go into these matters, but my understanding has

been that there has been a small corps of men whose duties are along that line.

Mr. BORLAND. I called the attention of the War Department last summer to a shipment made from San Antonio to Fort Huachuca, and there was a difference of several thousand dollars if the goods had gone from San Antonio over the land-grant roads at the time.

Mr. KAHN. If the prices of the western bidder were added to the commercial rate of the railroad, the West would never get any Government contracts. It is only through the application of the reduced rates over the land-grant roads that we have been able to get any Government business.

Mr. FOSTER. I will say to the gentleman from California—I do not know this in all cases, but in most of the cases of shipments of fuel by the War Department they have been buying it delivered at the post. So they have not been able to utilize the land-grant railroads in buying these supplies for the Army.

Mr. MONDELL. I would suggest to the gentleman that there is a difference in the shipment of fuel. It would be more difficult to receive it at some central point than would be the case in other classes of supplies.

Mr. FOSTER. That may be true, but in many cases they can do it as easy as not.

Mr. MONDELL. It might be very difficult for the receiving of coal as it passes through Chicago, but it would not be so difficult in the case of other supplies; and this discussion brings up in that connection a question of propriety of storehouses and depots at these points, where you can assemble the supplies and take advantage of the land-grant rates.

Mr. FOSTER. Yes; but the War Department does not do that.

Mr. KAHN. The War Department has difficulty in getting appropriations for warehouses.

Mr. BENNET. Mr. Chairman, I rise in opposition to the pro forma amendment, to make a remark or two on the Christian spirit that is shown in relation to the land-grant roads. I do not know much about the roads, but as a citizen of the United States I realize that if it had not been for them we would not have developed the great West as we did. As I understand it, the few instances in which we guaranteed the bonds, they paid at least the face of the bonds and some of the interest.

Mr. MONDELL. Nearly all of the interest.

Mr. BENNET. In connection with the rates, here is what we are now proposing to do without one word of defense on the part of anybody: Nobody asks whether this is fair to the land-grant railways. Here are these roads, crowded and jammed with freight at good, lucrative prices, making money, and the gentleman from Missouri [Mr. BORLAND] and other gentlemen say that regardless of all that, regardless of the convenience of the people alongside the roads, regardless of the conditions of prosperity throughout the country, we ought to so route all of our freight that even if it went a few hundred miles out of the way it could go over these land-grant roads so that we could get the advantage of the rates.

Mr. FOSTER. Does the gentleman realize how much the Government has given these railroads?

Mr. BENNET. In what?

Mr. FOSTER. Money and land—over $400,000,000.

Mr. BENNET. Why, when the Government gave them that land, if it had not been for the construction of the railroad the land would not have been worth 15 cents a square State.

Mr. MANN. And wherever they gave an acre of land they doubled the price of the acre they did not give.

Mr. BENNET. Of course they did, and I do not suppose there is a year that every State through which a land-grant railroad runs does not get back on account of increased valuation a sum greater than the total value of the land to the railroad at the time the land was given to the railroad.

Mr. KAHN. I think that is true.

Mr. BENNET. And yet here is this bountiful idea of ours that because we can get a reduction we should discommode all of our own people and route our freight over these roads, just to get the reduction.

Mr. KAHN. The railroads do not object to carrying Government supplies whenever they are offered. There is no difficulty about that. Of course the Government has not freight to offer every day in the week over the land-grant railroads.

Mr. BENNET. That is what the gentleman from Missouri [Mr. BORLAND] is complaining about. He thinks they ought to have some every day and on Sunday, because of the kind-heartedness and generosity of the Government—for it is not an individual matter on the part of the gentleman from Missouri, but that is the way we look at these things.

Mr. BORLAND. The gentleman would not urge us to pay commercial rates when we have the right to demand land-grant rates?

Mr. BENNET. No; I admit that, as business men, when we have a contract, when it comes to the ordinary course of trade, we ought to take advantage of it; but the idea of going out and seeing to it that freight that does not legitimately belong upon those roads should nevertheless be routed over those roads does not strike me as an evidence of the highest character of civilization.

Mr. KAHN. I think the gentleman from Missouri stated that the Government was entitled to a 50 per cent reduction. My understanding is that they get about one-third reduction.

Mr. BENNET. I think the rates differ on each of the roads.

Mr. KAHN. It is an average of one-third on all of them.

Mr. BENNET. On some of them it is as little as 20 per cent. The whole situation reminds me of a story that John F. Lacey, whom many of us remember, used to tell about the man who sold the horse. He said to his brother, "I have sold that gray horse." "What," said the brother, "that old wind-broken, spavined scarecrow of a gray horse?" "Yes, I have sold that horse." "What did you get for it?" "I got $75." "Who was fool enough to give you $75 for that horse? Who did you sell it to?" "Oh, I sold it to mother." [Laughter.] I think that is the same kindly Christian spirit of toleration and good fellowship and generosity that we are exhibiting toward these land-grant railroads. Crowd it onto them, no matter whether they can handle more profitable freight, no matter whether the people along the roads have a prior right really than that of the Government, no matter whose rights are infringed.

Mr. BORLAND. It might surprise the gentleman to know that some of the land-grant railroads carry the freight anyway, and the only question is whether the Government is to get the advantage of the land-grant rates or pay the commercial rights.

Mr. BENNET. Oh, I am with the gentleman on that.

The Clerk read as follows:

Arms, uniforms, equipment, etc., National Guard: To procure by purchase or manufacture and issue from time to time to the National Guard upon requisition of the governors of the several States and Territories, or the commanding general, National Guard of the District of Columbia, such number of United States service arms with all accessories, Field Artillery and Coast Artillery material, engineer, signal, and sanitary material, accouterments, field uniforms, clothing, equipage, publications, and military stores of all kinds, including public animals, as are necessary to arm, uniform, and equip for field service the National Guard in the several States, Territories, and the District of Columbia, $1,000,000.

Mr. BENNET. Mr. Chairman, I move to strike out the last word for the purpose of asking my colleague what kind of publications are purchased out of this million dollars for the National Guard?

Mr. FITZGERALD. The manual of arms, drill manuals, gun manuals—all sorts of military manuals necessary for the proper instruction of a properly informed and educated military organization.

Mr. MONDELL. Will the gentleman from New York inform me whether such a military journal, for instance, as the War Cry would be purchased under this appropriation?

Mr. FITZGERALD. It may be. If that comes within the description of the publications that I have already given, I have no doubt it might be, but I am inclined to think, however, it would be excluded upon the ground, perhaps, that it is too martial a publication.

Mr. BENNET. I am glad, indeed, that the National Guard in its various arms that are mentioned in this paragraph are better treated than the immigrants. When the sundry civil appropriation bill was before the House the other day my colleague, Mr. SIEGEL, a member of the Committee on Immigration, suggested a trivial appropriation of $250 to subscribe for newspapers for the detained aliens at San Francisco, Philadelphia, New Orleans, Galveston, and New York—only about $50 per year per port.

And I regret to say that the Committee on Appropriations refused to permit the expenditure of that small sum. I never could understand why. I understand that in another body last night, in the consideration of the naval appropriation bill, they added one item of $39,000,000 without debate and they added another item of a new navy yard at a place where there is already an existing navy yard also without debate. Now, the immigrant has not only built up this country but out of the head tax—raised from 50 cents in the first instance until now it is $4 and after the 1st of May will be $8—he has contributed to this country at the ports of entry somewhere between $9,000,000 and $10,000,000 more than the cost of maintaining the entire immigrant service, including the Chinese exclusion law and the building of all the buildings for all the immigrant sta-

tions at all the ports of the United States. Now, there are these poor people detained at these stations by the exigencies of war, confined on Ellis Island, more or less imprisoned, and this great, munificent Government of the United States, that spends somewhere like $2,000,000,000 a year in various ways, will not spend $250 out of their own money to pay for just a few newspapers to each of the five principal ports of the United States where most of the immigrants are. I am glad we treat our soldiers better. I do not know whether we treat our National Guard as well as we ought—I do not know much about it—but I do know that the little, trifling item of $250 ought not to have been denied to those poor people.

Mr. MANN. Will the gentleman yield for a question?

Mr. BENNET. Certainly.

Mr. MANN. If newspapers were furnished over at Ellis Island, I suppose it would be natural to purchase some of the New York papers?

Mr. BENNET. Oh, not necessarily.

Mr. MANN. Does the gentleman seriously contend anybody is really deprived of anything by not being permitted to read the New York papers? [Laughter.]

Mr. BENNET. Well, as an answer to that I am very frank to say that, to relieve the privation and deprivation of these poor people on Ellis Island, I would be perfectly willing that they should read even the Chicago papers.

Mr. MILLER of Delaware. Will the gentleman yield?

Mr. BENNET. I will.

Mr. MILLER of Delaware. Does the insignificant sum of $250 take into account what it might cost for translators to be supplied to the people who read the newspapers? I would like to hear what the gentleman has to say on that point.

Mr. BENNET. I am frank to say you can subscribe in New York City for papers published——

The CHAIRMAN. The time of the gentleman has expired.

Mr. BENNET. Two minutes, in order to enable me to answer this question.

The CHAIRMAN. Is there objection to the gentleman continuing for two minutes? [After a pause.] The Chair hears none.

Mr. BENNET. You may subscribe for newspapers published in every language you can read or play on the flute, or even that resembles a written language. I think the foreign-language newspapers in New York City are published in something like 54 different languages, so that there will not be any difficulty in supplying them to any kind of immigrant who comes in.

Mr. FITZGERALD. Why do they not send copies of their papers there?

Mr. BENNET. I will yield to my colleague.

Mr. GALLIVAN. Do I understand the gentleman reads 35 or 40 different languages?

Mr. BENNET. No; but I can recognize the language when I see it in print.

Mr. MADDEN. I judge the gentleman thoroughly understands all languages, from his handwriting.

Mr. MANN. The gentleman ought to be able to read hieroglyphics in any kind of language.

Mr. GALLIVAN. He surely talks them.

Mr. BENNET. The compliments of these gentlemen overwhelm me and rather divert me from the question of my colleague; but I see he is busy with something else, so possibly it is no loss. I withdraw the pro forma amendment.

The Clerk read as follows:

NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS.

Central Branch, Dayton, Ohio: For subsistence, including the same objects specified under this head in the sundry civil appropriation act for the fiscal year 1917, $40,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word. Mr. Chairman, there are a number of items here for different branches of the soldiers' home providing deficiency appropriations for subsistence at those homes. I do not now recall the number of inmates of the Central Branch or the Northern Branch, or the Southern Branch, or the Danville Branch, but I suppose they are somewhere near the same, although I may be incorrect. I notice that the additional subsistence at Dayton, Ohio, is $45,000, while that at Milwaukee is only to cost $8,000 more; and that the subsistence at Hampton has gone up in price so that we are asked to provide $35,000, while at Danville, Ill., it only requires $5,000. Now, that shows the desirability of locating these branches of the home in a country where they raise good crops. Here is Danville, Ill., in the very center—the garden spot of America—there the increase of subsistence has not been very great. But down here in Virginia, with a small soldiers' home, they have run it up seven hundred fold over Danville. At Dayton it is eight hundred fold over Danville. Anybody can see the moral of that.

Mr. FITZGERALD. The moral of that is that no soldier goes to Danville if he can go any place else, and therefore there has not been the same demand for additional appropriations.

Mr. MANN. The moral of that is that there at Danville they have good management and the prices have not gone up to such an extent. What is the reason? The gentleman does not give any yet.

Mr. FITZGERALD. There are two reasons, namely, the increased numbers and the increased cost. The estimate for subsistence at these homes, of course, is always problematical. There is no way of determining how many persons will be at a home, and the soldiers seem to fluctuate in their choice. One season they seem to prefer one home and another season they seem to have some special reason for desiring to go to another, and it keeps the board of managers somewhat busy to outguess those entitled to admission, in order to determine just how much will be required at any particular home.

Mr. MANN. Well, I am afraid that is not a very valid explanation.

Mr. FITZGERALD. Well, it is the best I can do.

Mr. MANN. Here is a soldiers' home, the Mountain Branch, at Johnson City, Tenn., where naturally people would gravitate in the winter time. They only want $4,000 for increase of subsistence there. Or, if they wanted to go farther north, here is the Battle Mountain Sanitarium at Hot Springs, S. Dak., which is a regular health resort, and there is only $4,000 additional for subsistence there, while right down here at Hampton, Va., close by, it is $35,000. It is not caused by any increase in subsistence.

Mr. GARD. I think the Central Branch has the greater number of members and the Hampton Home the second.

Mr. MANN. Which is the first?

Mr. GARD. The Central Branch at Dayton.

Mr. MANN. Which is the third, then?

Mr. GARD. I do not know.

Mr. MANN. I do not think the gentleman is correct.

Mr. FITZGERALD. Mr. Chairman, I decline to furnish information if these gentlemen do not know, because it will only prolong the discussion.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn and the Clerk will read.

The Clerk read as follows:

For household, including the same objects specified under this head for the Central Branch in the sundry civil appropriation act for the fiscal year 1917, $4,000.

Mr. BENNET. Mr. Chairman, just one brief observation. It may be the subsistence for the Danville Branch is a small item, but I would like to call the attention of the committee to the fact that when it came to overhead—that is, household—that Danville got $4,000 as against the Central Branch $2,000. When it came to looking after the men that had the jobs Danville was on the job to the extent of 200 per cent as compared with Central.

The Clerk read as follows:

BUREAU OF YARDS AND DOCKS.

The limitations specified in the legislative, executive, and judicial appropriation acts for the fiscal years 1917 and 1918 on expenditures for skilled draftsmen and other technical services from appropriations and allotments under the Bureau of Yards and Docks are increased by the sums of $70,000 and $75,000, respectively.

Mr. FITZGERALD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman offers an amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment, on page 31, after line 20, insert as a new paragraph the following:

"CLAIMS FOR DAMAGES.

"For payment of the claim adjusted and settled in accordance with the Navy appropriation act approved June 24, 1910 (36 Stat., p. 607), and certified to Congress at the present session in House Document No. 2104, $128.18."

The CHAIRMAN. The question is on the adoption of the amendment.

The question was taken, and the amendment was agreed to.

Mr. ELSTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ELSTON: Page 31, line 20, after the word "respectively," insert the following paragraph:

"Commissions on additional navy yards and stations: For the expenses of the commission on additional navy yards and stations, and including the same objects specified under this head in the naval appropriation act for the fiscal year 1917, to be available until June 30, 1918, $50,000."

Mr. FITZGERALD. Mr. Chairman, I make a point of order on that amendment.

The CHAIRMAN. The point of order is sustained.

Mr. ELSTON. Mr. Chairman, I would like to be heard on the point of order.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. ELSTON. Mr. Chairman, this is in the nature of a deficiency appropriation. This Commission on Navy Yards and Naval Stations is a commission created by law and an appropriation of $10,000 was made for its work. That appropriation has been exhausted and $28,000 additional has been expended from special funds in the hands of the Bureau of Yards and Docks. This amendment is intended to make up that deficiency of $28,000 and to supply an extra amount of $22,000 to continue the uncompleted work of the commission. This appropriation is for continuation of existing work and existing objects now in progress, and is strictly within the rule as laid down by subdivision 2 of Rule XXI. It is similar to many deficiency appropriations in the present bill.

The CHAIRMAN. If the gentleman will make a point of order against any paragraph in the bill containing legislation, the Chair will sustain it. The amendment which he offered contains legislation making an appropriation available at some other time.

Mr. ELSTON. I am willing to eliminate the time clause and make the appropriation available immediately.

The CHAIRMAN. The point of order is sustained.

Mr. ELSTON. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. Making it available immediately makes it subject to a point of order.

Mr. ELSTON. This is to follow the other amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from California.

The Clerk read as follows:

Amendment by Mr. ELSTON: Page 31, line 20, after the word "respectively," insert the following:

"Commission on Additional Navy Yards and Stations: For expenses of the Commission on Additional Navy Yards and Stations, including the same objects specified under this head in the naval appropriation act for the fiscal year 1917, $50,000."

Mr. FITZGERALD. Mr. Chairman, I make the point of order against the amendment. In the first place, we have passed the point to which the gentleman is offering his amendment by just adopting a paragraph.

The CHAIRMAN. The Chair just suggested that if the gentleman insisted on offering his amendment at this particular place it could be prepared.

Mr. ELSTON. I directed that the amendment follow the paragraph which has just been added to the bill on motion of the chairman of the Appropriations Committee.

The CHAIRMAN. The Chair suggested to the gentleman to make a change, and the gentleman did not make the change.

Mr. ELSTON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ELSTON. Can the chairman advise what would be the proper place to offer this amendment, and what the exact parliamentary objection is to the amendment which I have just offered?

The CHAIRMAN. The Chair will say to the gentleman that it is not in order at this place.

Mr. ELSTON. Another parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. ELSTON. Will this amendment be in order at the end of the next paragraph?

The CHAIRMAN. The Chair will not rule on that until the exigency arises. The point of order is sustained, and the Clerk will read.

The Clerk read as follows:

BUREAU OF ORDNANCE.

For ordnance and ordnance stores, including the same objects specified under this head in the naval appropriation act for the fiscal year 1917, $315,000; and the limitation specified in said act on expenditures from the appropriation "Ordnance and ordnance stores" for pay of chemists, clerical, drafting, inspection, watchmen, and messenger service in navy yards, naval stations, and naval magazines is increased by the sum of $25,000.

Mr. FITZGERALD. Mr. Chairman, that ought to be "$25,000." It is a clerical error. A cipher dropped out.

The CHAIRMAN. Without objection, the Clerk will be authorized to make it read "$25,000."

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

BUREAU OF YARDS AND DOCKS.

Maintenance: For general maintenance of yards and docks, including the same objects specified under this head in the naval appropriation act for the fiscal year 1917, $432,000.

Mr. ELSTON. Mr. Chairman, at the end of line 20, page 32, I offer the following amendment.

The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ELSTON: At the end of line 20, page 32, insert the following as a new paragraph:

"Commission on Additional Navy Yards and Stations: For the expenses of the Commission on Additional Navy Yards and Stations, including the same objects specified under this head in the naval appropriation act for the fiscal year 1917, $50,000."

Mr. FITZGERALD. Mr. Chairman, I make the point of order that under the law that commission had to report by this session of Congress, and it did report.

Mr. ELSTON. Mr. Chairman, this commission reported that its work was not completed, and that its investigations, so far as the money allowed it, were in progress, and that it absolutely needed this extra $50,000 to reimburse the Bureau of Yards and Docks the $28,000 advanced and to supply the extra $22,000 required to complete its work.

Mr. Chairman, it is against the interests of economy and efficiency for the chairman of the committee to raise this point of order. Here is a commission appointed by Congress to make investigation of the most important nature. If this item of $50,000 is appropriated, it may save the Government from $1,000,000 to $2,000,000, depending on the eventual site selected. If this commission is not permitted to pursue its work, it may be forced to select one of the four tentative sites on San Francisco Bay at a cost of nearly $2,000,000. If it is permitted to make the test borings and other investigations recommended in its preliminary report, it might result in the selection of one of three other available sites, where the whole or a large portion of the land will be deeded to the Government by way of gift, thus saving a very large sum of money to the Government.

The CHAIRMAN. The question is on the point of order. What has the gentleman from California to say in regard to the statement of the gentleman from New York [Mr. FITZGERALD] that the time in which the commission had to report has expired?

Mr. ELSTON. The present session of Congress is not ended, and the law creating the commission does not direct that the commission shall expire at the end of this session of Congress, Mr. Chairman.

The CHAIRMAN. The Chair would like to be enlightened upon the question of the point of order, not on the merits of the amendment.

Mr. MONDELL. Mr. Chairman, I shall not vote for this amendment, and I hope it will not be adopted, but the amendment is not subject to a point of order.

The CHAIRMAN. The point of order is made.

Mr. MONDELL. I want to argue the point of order, if the Chair will permit.

The CHAIRMAN. The Chair is anxious to hear from the gentleman on the point of order, but not on the merits.

Mr. MONDELL. It is rather important to the Committee on Appropriations that points of order shall not be sustained against deficiencies that are clearly in order on the bill. This commission was provided for. They have spent their appropriation. They are asking for more money. It is clearly a deficiency. It is in this bill at the point at which it occurs in the tentative draft of this bill, and if it is not in order, then none of the items are in order. It is estimated for regularly.

The CHAIRMAN. It is incumbent upon the proponent of the amendment to show the authorization for it.

Mr. ELSTON. Mr. Chairman, I refer to the clause in the naval appropriation bill of the last session which creates this commission and directs it to make certain investigations.

The CHAIRMAN. Is it made permanent law, or is it carried just for one year? Has the time expired?

Mr. ELSTON. It has not expired. The chairman of the Committee on Appropriations has indicated that he has a very definite knowledge as to the exact contents of the clause creating the commission. I would like to have the chairman of the committee inform me as to the particular part of law which sustains his point. I contend that there is no such provision. The commission is in existence now. It has not gone out of existence, and it has not completed its work.

Mr. STAFFORD. Mr. Chairman, I do not know whether the chairman has the naval appropriation act of last year before him. If he has, I direct his attention to page 287 of the compilation of appropriation acts, containing that act in which this commission is created and the authority for it is found. I direct the attention of the Chair to the wording of that act:

The President is hereby authorized to appoint a commission of five officers of the Navy, not below the rank of commander, to investigate and report at the beginning of the next regular sesssion if practicable, and if not, as soon thereafter as practicable, as to the necessity, desirability, and advisability of establishing additional navy yards or naval stations on the Pacific coast of the United States.

The CHAIRMAN. The Chair is ready to rule. The Chair overrules the point of order. The question is on the adoption of the amendment.

Mr. ELSTON. Mr. Chairman, this commission was authorized, in the last naval act, to perform a very important work. Contrary to the habit of most commissions, it went at its work very expeditiously. It has within a few months prepared a report comprising over 200 pages. It has made an elaborate and detailed report. It has selected four tentative sites on San Francisco Bay for the final location of a naval base and navy yard. The commission states that the naval facilities on the Pacific coast are grossly inadequate, and should be trebled at once. It presents the very gravest considerations for speedy action on the part of Congress to supply this menacing deficiency.

Last night the Senate passed an appropriation of $1,500,000 for the purchase of a site for the location of a new naval station on San Francisco Bay. Here we are in the situation of having appropriated, in one branch of Congress, $1,500,000 to locate a new navy yard and naval base on San Francisco Bay, and of having created the machinery to make the selection of a site in a scientific manner; and now, when that commission is about to complete its work and needs only $22,000 to complete its work in the way of necessary tests of tentative sites which may be purchased for next to nothing, as against an alternative of being compelled to select a particular site for upward of $2,000,000, gentlemen here desire to deprive the commission the small sum which is the necessary means for this possible saving. I say it is bad policy; it is waste; it is not good economy to block this appropriation at this time. This commission is headed by Admiral Helm, one of the ablest men in the naval service, and his fellow members are notable experts in their particular specialties. They have done an enormous amount of careful and thorough work in a very short space of time. What is proposed here is to waste $38,000 worth of work of a highly technical and scientific character and throw the choice of a site into the hands of a Congress that knows nothing about it. That will be the result if you block this proposed legislation. I have heard the chairman of the Appropriations Committee repeatedly condemn such a policy. Now he is trying to block the very thing he has repeatedly expressed himself as being in favor of—the performance of a technical work by men who are properly trained to do it.

Mr. BUTLER. Will the gentleman yield for a question?

Mr. ELSTON. I will.

Mr. BUTLER. Do I understand the gentleman to say that this commission recommended any particular place at San Francisco?

Mr. ELSTON. They recommended four tentative sites for further investigation, with the idea of making a final selection after thorough tests, which have not yet been completed.

Mr. BUTLER. Will the gentleman yield again?

Mr. ELSTON. I will.

Mr. BUTLER. Did I understand the gentleman to say Congress had made an appropriation of $1,500,000——

Mr. ELSTON. Not Congress. I said the branch of Congress at the other end of the Capitol.

Mr. BUTLER. Let me suggest to the gentleman that that proposition has to go through conference.

Mr. ELSTON. I understand that, and I am not trying at this time to commit the House to any action on that matter. I may urge it later.

Mr. BUTLER. I hope the gentleman will not.

Mr. FITZGERALD. The gentleman from California [Mr. ELSTON] states that this commission needs $12,000. His amendment asks an appropriation of $50,000. It is difficult to understand the mental operations of anybody who thinks $12,000 is necessary to complete a work but desires $50,000 in order to permit it to be done. The truth is that this commission has expended about $28,000 in violation of the law. Congress appropriated $10,000 for them. They made an investigation and selected a site for a navy yard in San Francisco Bay. The Revised Statutes provide that money appropriated for a specific purpose shall be utilized for that purpose, and for none other. After expending the $10,000 appropriated for this commission they then diverted from the contingent fund of the Bureau of Yards and Docks $28,000 additional, which action was prohibited under the law. I believe the Congress does not desire to spend upward of $100,000 in an attempt to establish additional navy yards. In the last 10 or 12 years Congress has been informed that there are in existence in the United States a number of useless navy yards that ought to be abolished. Before we start to establish additional yards which are not required we ought to take some action to discontinue some that are not now needed. So far as the gentleman's interest in this matter is concerned, the board has made a report upon the necessity of the yard on the Pacific coast, and as to its location. That is all the gentleman should be concerned in. So far as I am concerned, I am not willing to give these gentlemen a roving commission and $50,000 to go where they will in attempting to establish numerous yards when the Government is already burdened with those it has, and I hope the amendment will not be agreed to.

Mr. ELSTON. Will the gentleman yield just a moment?

Mr. FITZGERALD. I yield to the gentleman.

Mr. ELSTON. But if the gentleman has read the testimony of Admiral Harris before his committee he will see that they have spent the original appropriation of $10,000 and an additional $28,000, making a total of $38,000. He says that the work has not yet been completed, and recommends this deficiency appropriation of $50,000.

Mr. FITZGERALD. And never will be, if the commission has its way.

Mr. ELSTON. I will ask the gentleman whether it is not good, sound sense to expend $22,000 to make a possible saving of perhaps a million dollars or more, in case the eventual selection is made of a site the whole or a large part of which may be obtained by gift?

Mr. FITZGERALD. No; I think the most unfortunate thing is to put a Government establishment on land that is given to the Government. It is usually more for the interest of the parties making the gift than it is needed by the Government.

Mr. ELSTON. The gentleman does not mean to say that every deficiency appropriation approved by his committee covers expenditures that have been made under authority of law. I imagine that many of the appropriations made in this bill apply to outlays made without precedent or lawful authority.

I understand that the Secretary of the Navy has approved this proposed appropriation of $50,000. I am informed that the chairman of the Committee on Naval Affairs in the Senate is favorable to it. It is favored by the chairman of the Naval Affairs Committee of the House. So far as expert opinion is concerned, it is all in favor of this proposition. It is good policy and good business to continue the work of the commission at this small expense of $22,000.

Mr. FITZGERALD. Does the gentleman from California say that the most of the items in this deficiency bill were unauthorized?

Mr. ELSTON. I said a good many of the items are made by officers, commissions, or officials who have spent the money contrary to law.

Mr. FITZGERALD. Well, the gentleman may be well informed on some matters, but as for this matter he is grossly ignorant. His impression is without any justification whatever. These deficiencies are not made to supply deficiencies in appropriations where officers or commissions have expended money without the authority of law. That is one occasion when a commission or an officer does not get the money in a deficiency bill reported from the Committee on Appropriations. If they violate the law in expending money, they are never given relief in these bills.

The CHAIRMAN. The question is on the adoption of the amendment.

The question was taken, and on a division (demanded by Mr. ELSTON) there were 57 ayes and 59 noes.

Mr. NOLAN. Mr. Chairman, I ask for tellers.

Tellers were ordered, and the Chair appointed as tellers the gentleman from New York, Mr. FITZGERALD, and the gentleman from California, Mr. ELSTON.

The committee again divided, and tellers reported that there were 64 ayes and 77 noes.

So the amendment was lost.

The Clerk read as follows:

Freight, Bureau of Supplies and Accounts: For freight, including the same objects specified under this head in the naval appropriation act for the fiscal year 1916, $264,908.37.

Mr. WATSON of Pennsylvania. Mr. Chairman, I move to strike out the last word in order to ask the chairman of the committee a question, whether they have special rates for transportation of freight?

Mr. FITZGERALD. Only on the land-grant railroads.

Mr. WATSON of Pennsylvania. Are those rates on the land-grant roads filed with the Interstate Commerce Commission?

Mr. FITZGERALD. The law provides that on the land-grant roads the Government gets 50 per cent of the regular rate.

Mr. WATSON of Pennsylvania. But not on the other roads?

Mr. FITZGERALD. On the other roads we pay the regular rates.

Mr. WATSON of Pennsylvania. As filed with the Interstate Commerce Commission?

Mr. FITZGERALD. Yes; as filed with the Interstate Commerce Commission.

The pro forma amendment was withdrawn.

The Clerk read as follows:

Contingent expenses of land offices: For clerk hire, rent, and other incidental expenses of the district land offices, including the same objects specified under this head in the sundry civil appropriation act for the fiscal year 1917, $25,000.

Mr. MONDELL. Mr. Chairman, I offer the following amendment to come in after the paragraph just read.

The Clerk read as follows:

On page 41, after line 12, insert a new paragraph, as follows:
"For an amount supplemental and additional to the amount heretofore appropriated to pay the certified claims on account of labor, supplies, and material furnished and used in the construction of the Corbett tunnel and spillway, $3,556.96."

Mr. FITZGERALD. Is this the sum necessary to pay the claims certified?

Mr. MONDELL. It is.

Mr. FITZGERALD. I have no objection to it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wyoming.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

TERRITORY OF ALASKA.

Not to exceed 50 per cent of the moneys received from the sale of lots or tracts within any town site or town sites heretofore or hereafter sold pursuant to the provisions of the act of March 12, 1914, entitled "An act to authorize the President of the United States to locate, construct, and operate railroads in the Territory of Alaska, and for other purposes," may, in the discretion of the Secretary of the Interior, be set apart and expended within the respective town sites in which such lots or tracts are sold, for the purpose of preparing the land for occupancy, the construction, installation, and maintenance of public utilities and improvements, and the construction of public school buildings, under such terms and conditions as the Secretary of the Interior may prescribe, and the moneys so set apart and designated are appropriated for the purpose of carrying these provisions into effect: *Provided*, That such moneys as may have been heretofore or may hereafter be expended for such purposes under and by authority of the Alaskan Engineering Commission from the funds at its disposal shall be reimbursed from the amount designated for the purposes herein provided: *Provided further*, That a report of the expenditures hereunder shall be made to Congress at the beginning of each regular session.

Mr. ANDERSON. Mr. Chairman, on that paragraph I reserve the point of order.

Mr. FITZGERALD. Mr. Chairman, this is to enable the Secretary of the Interior to utilize one-half of the proceeds from the sale of town sites in Alaska to provide municipal improvements. The gentleman is aware that town sites have been laid out along the line of the Alaska Railroad. Under the peculiar conditions that exist in Alaska it is impossible to obtain money to provide the necessary improvements at once. The town of Anchorage, for instance, has a population of over 5,000 people at the present time. When they moved up there with their expedition to start the work there was no town, there was no community there. It is necessary for the Alaska Railroad Commission to take some of the funds appropriated for the construction of the railroad to provide some of the facilities absolutely essential in the community. Then the commission, instead of selling the lots outright, has sold them on time. That has been done to prevent the incorporation of the town, so that the commission might regulate conditions in the community.

Mr. ANDERSON. Mr. Chairman, I have no objection to the provision so far as it applies to sales that have already been made or if it is only for the fiscal year, but I do not think it ought to be made permanent legislation.

Mr. FITZGERALD. If the gentleman desires, I have no objection to inserting at the beginning of the paragraph the words "that until June 30, 1918." That would give an opportunity to have any needed legislation passed.

Mr. ANDERSON. That is satisfactory to me. I withdraw the point of order.

The CHAIRMAN. The point of order is withdrawn.

Mr. FITZGERALD. Mr. Chairman, I move to amend by inserting, on page 41, in line 14, before the word "not," the words "that until June 30, 1918."

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 41, line 14, before the word "not," insert the words "that until June 30, 1918."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Authority is granted for the payment of the sum of $33 from the appropriation for the investigation of pension cases, Pension Office, fiscal year 1917, to Isaac R. Hitt, a United States commissioner in the District of Columbia, for services rendered by him in taking a deposition for use in a pension case in a proceeding under section 184 of the Revised Statutes of the United States.

Mr. MANN. Mr. Chairman, I make the point of order against the paragraph.

Mr. FITZGERALD. Mr. Chairman, it is subject to the point of order.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

For postmarking, rating, money-order stamps, and electrotype plates and repairs to same, metal, rubber, and combination type, dates and figures, type holders, ink, and pads for canceling and stamping purposes, $20,000.

Mr. AUSTIN. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Insert, on page 50, at the end of line 5, the following:
"That there is hereby appropriated a sufficient sum to pay postal employees the same increase in compensation as is provided for the employees carried in section 7 of the bill making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1918."

Mr. FITZGERALD. Mr. Chairman, I make the point of order. It is not authorized by law.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read, as follows:

Ellis Island, New York, Immigration Station: For completion of repairs to the immigration station at Ellis Island, rendered necessary by explosions on July 30, 1916, to continue available during the fiscal year 1918, $246,995.

Mr. BENNET. Mr. Chairman, I move to strike out the last word for the purpose of getting some information. Has the new immigration act made necessary any additional expenditures, or is this merely a usual form of words?

Mr. FITZGERALD. This is $400,000 on account of the act passed here a few days ago.

Mr. BENNET. Would it not have been necessary if the act had not been passed?

Mr. FITZGERALD. No; it would not. That act provides for double inspection and interpreters, for positions and a number of matters for which provision has not been made.

Mr. BENNET. I am rather surprised that it costs so much in addition.

Mr. SABATH. That is only a portion of what it will cost.

Mr. FITZGERALD. That is true.

Mr. SABATH. I would like to inquire, in respect to the item of $246,000 appropriated for the completion of repairs to the immigration station rendered necessary by an explosion, Is the Government to lose this entire amount, in view of the fact that it was due to recklessness?

Mr. FITZGERALD. I do not know. The damage done to the immigration station at Ellis Island was so extensive that it will cost about $400,000 to repair it. The buildings there are worth about $10,000,000.

Mr. SABATH. Is there any evidence tending to show who was responsible for this explosion?

Mr. FITZGERALD. No; we did not inquire into that phase of it at all. That phase of the question was not material.

Mr. SABATH. And the repairs are required and necessary.

Mr. FITZGERALD. The buildings at Ellis Island were the buildings nearest to the explosion, and I personally visited the station, and the extent of the damage was very extraordinary. This is the money that will be actually required to make the repairs which are absolutely essential.

Mr. SABATH. Will any effort be made to try to recover from those who may have been responsible for this explosion?

Mr. FITZGERALD. I do not know. I do not know that we will ever ascertain who was responsible.

The Clerk read as follows:

CHILDREN'S BUREAU.

Child labor division: To enable the Secretary of Labor to carry into effect the provisions of the act of September 1, 1916, entitled "An act to prevent interstate commerce in the products of child labor, and for other purposes," in the District of Columbia and elsewhere, including a preliminary survey, for which purpose the sum of $50,000 shall be made immediately available, traveling expenses, per diem in lieu of subsistence at not exceeding $4, telegraph and telephone service, express and freight charges, contingent and miscellaneous expenses, and personal services in the District of Columbia and elsewhere, fiscal year 1918, $150,000: *Provided*, That no salary shall be paid hereunder at a rate exceeding $3,000 per annum.

Mr. KEATING. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 53, line 14, after the word "salary," insert a comma and the words "except that of the chief of the child labor division," so that the line as amended will read:
"*Provided*, That no salary, except that of the chief of the child labor division, shall be paid hereunder at a rate exceeding $3,000 per annum."

Mr. KEATING. Mr. Chairman, this is the first appropriation made by Congress to enforce the Federal child-labor law, which

was signed by the President on the 1st of September, 1916, and which becomes effective on September 1, 1917. I want to call the attention of the committee to the method in which this law will be enforced. The bill provides that the Secretary of Labor, the Secretary of Commerce, and the Attorney General shall draft rules and regulations for the enforcement of the law. Secretary Wilson, of the Department of Labor, in his testimony before the committee which reported this bill, made this statement:

Secretary WILSON. What we have in mind is the preparation of a tentative plan of rules and regulations, and then after we have prepared the tentative plan to secure a conference, if possible, with the State officials having the administration of the child-labor laws, because the law requires that we shall accept the certificates provided by State law when the conditions under which those certificates are issued are satisfactory to us. That requires a consultation with the State officials. My own belief is that we can do that more effectively by having a general consultation with the State officials at one time and at one place, by which we can get not only a knowledge of the difficulties that each State has to meet with in the administration of its laws under its laws, but also get the benefit of the experience of each State and the effect on the other States in the general draft of the ultimate rules and regulations that are to be adopted. Then there must be an opportunity given to the business interests of the country that will be affected by the regulation of this law to express, either by communication or by consultation, their viewpoint relative to the regulations that are proposed. That, in a general way, is what we have in mind, which means the gathering of a great deal of information in the meantime before the law goes into effect. We are anxious, when these regulations do go into effect, that they will be as nearly perfect as possible and obstruct interstate commerce as little as may be and still enforce the law.

In other words, it is the policy of the department to enforce this law through the cooperation of the Federal officials, the State officials, and the others interested with just as little friction as possible, and I am sure that Congress wants to sustain the Secretary of Labor in his very laudable desire to so enforce the law. After a number of consultations between the officials of the Labor Department and other Government officials who have had to do with the enforcement of similar laws, a plan was decided upon and submitted to the Committee on Appropriations. It was the belief of the Secretary of Labor that $200,000 would be required to carry out that plan, but the committee has seen fit to cut that amount to $150,000. I wish the committee had not made that reduction. When the bill was before this House it had no more ardent champion than the chairman of this committee, and I had hoped he and his colleagues would give the department the money it requested. In addition to asking for this appropriation the Secretary laid great emphasis upon the fact that he must have at the head of the division a person of unusual capacity, and he pointed out that it was exceedingly difficult to secure such a man or such a woman for the salary of $3,000, and he urged that he should be permitted to pay the chief of the division $4,500. The committee has placed a limitation in this bill which will prevent the Secretary from paying the chief of the division more than $3,000 a year. Now, I want to submit to the committee that it is very important at this time that the right kind of a man or woman should be chosen to direct this work, and in these days marked by the high cost of living $3,000 is a small salary.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KEATING. Mr. Chairman, I would ask for three minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado? [After a pause.] The Chair hears none.

Mr. KEATING. Miss Lathrop, under whose jurisdiction the Child Labor Division has been placed, stated in the hearings that the Children's Bureau was losing some of its most efficient employees because of the small salaries paid by the bureau. After going over the situation thoroughly, she stated that it would be out of the question for her to secure the kind of chief she wanted at $3,000 a year, and I ask the committee to adopt the amendment and, in so far as the chief of division is concerned, to waive the limitation of $3,000 a year, which was placed in the bill by the Committee on Appropriations.

Mr. FITZGERALD. Mr. Chairman, the committee put a limitation of $3,000 upon any salary that may be paid in this division. This is a division in the Children's Bureau. The Chief of the Children's Bureau receives a compensation of $5,000 a year. The assistant chief of the bureau receives $2,400 a year. It appears in the testimony that it was proposed to pay to the chief of this division $4,500 a year. The Chief of the Customs Division of the Treasury Department, who handles an appropriation of $10,000,000 and has charge of the collection of $300,000,000 in revenue, receives only $4,500 a year. The Chief of the Division of Bookkeeping and Warrants receives only $4,500 a year.

The committee felt that $3,000 was a liberal salary to pay to the head of this division, which was to expend $150,000 a year. I hope the amendment will not be agreed to.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

House Office Building: For maintenance, including miscellaneous items, and for all necessary services, $3,000.

Mr. FESS. Mr. Chairman, I move to strike out the last word in order to ask the chairman of the committee what protection the House Office Building has against peddlers and canvassers and book agents?

Mr. FITZGERALD. It has its police officers over there, and the regulations are very stringent against permitting any such persons going into the building.

Mr. FESS. They get in.

Mr. FITZGERALD. That is a mattter to take up with the Sergeant at Arms, who has control of the police.

Mr. MADDEN. Will the gentleman from New York, who is a member of the House Office Commission, be kind enough to say whether any protection is taken against stealing the things that are left in the rooms by Members of the House? I say this because nearly every time I go away nearly half of the things of value that I leave are gone when I come back.

Mr. FESS. That has occurred.

Mr. MANN. The gentleman must understand he can not leave things around unprotected, where mail carriers can go in and scrub women can go in. There is no way of running the House Office Building so that they can not get master keys to go into rooms any more than there is in a hotel.

Mr. MADDEN. Even when you lock things up, they get them.

Mr. MANN. We have been very careful about the people who had master keys. We recently determined to give somebody in connection with the House post office a master key, although it had not been done before, so that the mail—and I suppose it is being done now, for we gave the authority—might be left in the rooms instead of outside of the door, or carried back; and in order to do that they have a master key. Now it was understood that the master key was not to be passed around, but somebody has to have a master key. There is one for all the rooms. At one time a man over there lost a master key. We had to have the locks changed. Every care is taken consonant with any sort of service.

Mr. MADDEN. Everything is taken, too.

Mr. KEATING. Will the gentleman yield for a moment? I think under the circumstances that those of us who have perhaps been careful and who during four years have not lost as much as a match should testify to the fact that some of the employees are very honest. I have not even lost a match.

Mr. MADDEN. All I know is that every time I leave anything there it is gone when I come back.

Mr. BARNHART. Will the gentleman yield to me?

Mr. FESS. I will.

Mr. BARNHART. I have had a different experience from the gentleman from Illinois. I had an office in the building for six or seven years, and when I first went there I was advised I would have to be very careful with everything. But the longer I stayed the more I found people were honest, and I do not recall that I ever lost a thing. One time I left some postage stamps on the top part of a roll-top desk when I went away in the spring, and in the fall when I opened up the desk I found the postage stamps lying there. My experience is entirely different from that of the gentleman from Illinois, because I do not recall that I ever lost anything out of my office. It may be that custodians take things out when we go away. I have had Members of Congress tell me their offices were stripped of everything, even to stationery. I never missed anything myself.

Mr. MADDEN. Maybe the gentleman did not have anything to lose in his office when he went away.

Mr. BARNHART. Well, I left inkstands and things of that sort.

Mr. MADDEN. I am not talking about personal effects.

Mr. FESS. I was not referring so much to taking of things, although that has occurred in my own room. I had been told it was wise to close the door every time I left the office, unless there was some one in the office. And I have followed that rule. But I have been invaded at different times by canvassers, people who wanted to sell things, and I think there ought to be some protection to the Members, so that they will not be compelled to order people out of their offices, because it is not a pleasant thing to have to do. And it seems to me that there ought to be some very rigid regulation about who goes in there to take up the time of people in selling articles.

Mr. MANN. Will the gentleman yield for a question?

Mr. FESS. I will.

Mr. MANN. If the House Commission should make a request that if a stranger walks into the House Office Building to see the gentleman from Ohio [Mr. FESS], he is to be stopped at the door and asked if he is a peddler or a canvasser, or that sort of thing, would not the gentleman take umbrage at that at once? I would.

Mr. FESS. I do not think I would.

Mr. MANN. Well, the gentleman who went in would take umbrage. Suppose every time a man came into the Capitol Building a police officer down here would say to him, "Stop here. Are you a canvasser, a peddler, or what is your business, anyhow?" He would stay a police officer about 15 minutes.

Mr. FESS. I admit the gentleman from Illinois could dismiss a person from his office easier than some of the rest of us.

Mr. MANN. All the gentleman has to do is to telephone to the officers in the building, and they will put him out.

Mr. FESS. There is a regulation there that if anyone gets too forward they will be cared for.

Mr. MANN. There is a regulation up there all the time against peddlers or canvassers in the building.

Mr. STAFFORD. I would suggest to the gentleman that he move up on the fifth floor, where we are free from peddlers and mendicants of all kinds.

The Clerk read as follows:

The unexpended balance of the appropriation for the Capitol power plant for the fiscal year 1916 is reappropriated and made available during the fiscal year 1917.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 54, after line 16, insert: "To pay the widow of Michael F. Conry, late a Representative from the State of New York, $7,500."

The CHAIRMAN. The question is on agreeing to the agreement.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

C. William Beales, $1,055.07.

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Pennsylvania.

The Clerk read as follows:

Amendment offered by Mr. MOORE of Pennsylvania: Page 55, line 1, after the word "Beales," strike out the figures "$1,055.07" and insert the figures "$2,000."

Mr. FITZGERALD. Mr. Chairman, I make the point of order on the amendment.

Mr. MOORE of Pennsylvania. I would like the gentleman to state his point of order.

Mr. FITZGERALD. I will reserve it.

Mr. MOORE of Pennsylvania. I am not sure it is subject to a point of order. I would like to know what the gentleman says.

Mr. FITZGERALD. It is subject to a point of order because under the law not more than $2,000 is allowed in any contested-election case, and the only sum that can be allowed is the sum certified by the Committee on Elections after vouchers have been filed with the committee.

Mr. MOORE of Pennsylvania. Mr. Chairman, I have here the law in relation to contested-election expenses, and while it provides in part as stated by the gentleman from New York, he has not stated the whole situation. Election expenses may be allowed under the law to the amount of $2,000, and they may be allowed according to vouchers filed with the Committee on Elections. In this instance vouchers were filed for an amount in excess of the amount that was allowed. They are not only filed but they were sworn to in due form, so that the point made by the gentleman from New York is not well taken.

I would like to read for the benefit of the Chair. I hope I have the attention of the Chair, because I do not think this point of order is well taken. The Chair understands that the gentleman from New York contends that the point of order is well taken because election expenses are not to be allowed beyond $2,000.

The CHAIRMAN (Mr. FOSTER). The Chair understands that the gentleman from New York contends that it is not in order.

Mr. MOORE of Pennsylvania. I admit that that is the law, but the law reads, further: That—

He shall file with the clerk of the Committee on Elections—

That is, the contestee—

a full and detailed account of his expenses, accompanied by the vouchers and receipts for each item, which account and vouchers shall be sworn to by the party presenting the same, and no charges for witness fees shall be allowed in said accounts unless made in strict conformity to section 128, Revised Statutes of the United States.

That has been done, Mr. Chairman, by the contestee. He has filed vouchers showing that his expenses were in excess of $2,000 and that his vouchers were in proper form.

Now, as an allowance less than $2,000 is made in this bill and more than $2,000 was expended and accounted for, I contend that the Committee of the Whole has the right to vote on the question whether the amount shall be raised to $2,000, the maximum amount fixed by law.

Mr. FITZGERALD. Let me say, Mr. Chairman, that the certificate filed with the Committee on Appropriations shows that there was presented to the committee duly verified vouchers showing "an expenditure of $1,055.07 by the said C. William Beales, the contestee, in the contested-election case of Andrew R. Brodbeck against C. William Beales in the twentieth district of Pennsylvania, and said expenditure is reasonable and necessary."

That is the only certificate necessary. That is the certificate as to what is on file before the Committee on Elections.

Mr. MOORE of Pennsylvania. I have been informed, Mr. Chairman——

Mr. FITZGERALD. I can not help what the gentleman has been informed.

Mr. MOORE of Pennsylvania. I have been informed by a gentleman in this House that he duly presented himself before the Committee on Elections; that he filed his statement as to what his expenses were; that he swore to that statement, and that the statement shows that his expenses were in excess of $2,000. Now every other contestee here, with one exception, has been allowed the $2,000 which the law allows, and this one Representative, Mr. BEALES, of the twentieth Pennsylvania district, has been cut down to $1,055.07. His expenses, as he presents them to me, were——

Mr. OGLESBY. Mr. Chairman, will the gentleman yield for a question?

Mr. MOORE of Pennsylvania. Yes.

Mr. OGLESBY. Does the gentleman know that this contest was withdrawn?

Mr. MOORE of Pennsylvania. Yes; I know that this contest was withdrawn.

Mr. OGLESBY. I want to say this to the gentleman: That the committee allowed every cent of expenses that he asked for, except that he employed four or five different firms of attorneys. One firm was the best firm of attorneys in his district, and he paid them $600, and the committee considered that was enough and that the other firms of attorneys were unnecessary.

Mr. MOORE of Pennsylvania. Did not Mr. Beales inform the committee that he had employed other attorneys?

Mr. OGLESBY. He brought some bills there.

Mr. MOORE of Pennsylvania. Was not his word considered good?

Mr. OGLESBY. The committee decided that he could employ one good attorney, and that one was enough.

Mr. MOORE of Pennsylvania. The gentleman took advice, and the best piece of advice a man can get is to employ the best attorney he can get, and this was done.

Mr. BEALES. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I yield to my colleague.

Mr. BEALES. I should like to ask if other contestants have ever been allowed to employ more than one attorney?

Mr. OGLESBY. Two years ago, when the seat of the gentleman from New York [Mr. LOFT] was contested, and the contest was withdrawn, the attorneys came down here and made their arguments and filed their briefs just the same, and the total allowances, expenses and all, which they gave to that contestee were $500, to cover all expenses. He put in bills for $1,500, which he claimed had been paid, but the committee only allowed him $500 to cover attorney fees and everything else.

Mr. BEALES. Have you held all your contestants and contestees down to only one attorney each?

Mr. OGLESBY. Where the contests have been withdrawn I do not know of anything in excess of $1,000 having been allowed, and I think that was a great deal too much.

Mr. MOORE of Pennsylvania. I should like to ask the gentleman from New York [Mr. OGLESBY] if he will be good enough to state, before the Chair rules on this point of order, whether or not it is the fact that every one of the 10 claimants except two have been allowed the full $2,000? One is a perpetual claimant, who has been before the committee so often that I do not wonder they have cut him down. But leaving him out, I want to ask if it is not a fact that every other one of the 9 claimants was allowed the full $2,000, with the single exception of the gentleman from Pennsylvania [Mr. BEALES]?

Mr. OGLESBY. Only three of these cases came before my committee.

Mr. MOORE of Pennsylvania. Will the gentleman answer that question?

Mr. OGLESBY. I can not say.

Mr. MOORE of Pennsylvania. The printed items in the general deficiency bill itself show that all the others were allowed the full $2,000 each.

Mr. OGLESBY. They did not come before our committee.

Mr. MOORE of Pennsylvania. Is it not true that Mr. Beales did come before your committee, did present his claim, and did state that he had spent the money?

Mr. OGLESBY. And he got the largest allowance of any contestee that I have ever known of, in a case where the contest was withdrawn.

Mr. MOORE of Pennsylvania. Did the committee allow him what he claimed?

Mr. OGLESBY. The contest did not actually come before the committee. All that happened was that Mr. Beales came down there and brought some bills.

Mr. MOORE of Pennsylvania. Mr. Beales, the contestee in this instance, and the claimant for whom I am presenting this amendment, who was allowed less than every other one of the claimants, spent for attorneys' fees, as follows: To Hon. Jere S. Black, grandson of the famous Jeremiah S. Black, formerly Attorney General of the United States, $600; to J. D. Swope, $400; to Hon. D. P. McPherson, $250; to Lewis & Ryder, $350; for mileage, subpœnas, hotel, traveling, and clerical expenses, and notary and stenographic services, which ran up his actual expenses to $2,021. As to these four attorneys, there were different towns to be visited and hearings were actually held in two cities, one in the city of York and the other in the city of Gettysburg.

Mr. Jeremiah S. Black was a prominent Democratic lawyer in the city of New York, and Mr. Beales employed him, believing he had gone to the best talent he could get, and Mr. Black would not take the case unless he got $600. That was specified by him, and that amount was paid by Mr. Beales. These other attorneys represented Mr. Beales in other sections. The district is a large one, and covers different towns, and the hearings were held at different places. From my knowledge of these contests, and the difficulties that confront the sitting Member in order to hold his place and perform his duties here while the contestant is running about the country dragging him hither and yon, is that a contestee must get the best attorneys he can get, and get them as quickly as possible; and where the law fixes the limit at $2,000, and he has expended more than that amount, it seems to me only fair not only that the Chair should overrule this point of order but that the committee should grant this allowance up to the maximum amount allowed by the law.

Mr. AUSTIN. Will the gentleman from Pennsylvania yield?

Mr. MOORE of Pennsylvania. I yield to the gentleman from Tennessee.

Mr. AUSTIN. Is it not true that this indebtedness was incurred prior to the time of the withdrawal of the contest?

Mr. MOORE of Pennsylvania. It was incurred prior to the time of the abatement of the contest, while the contestant was doing the best he could to unseat the contestee.

The CHAIRMAN (Mr. FOSTER). The gentleman from Pennsylvania calls the Chair's attention to the statute fixing the amount that can be paid to a contestee at $2,000, and that it further provides that he must make an itemized account, swearing to the items in his bill of expenses. The Chair finds on examination that there was placed in the sundry civil act in the Forty-fifth Congress, third session, a provision limiting the amount that can be paid a contestee in the House of Representatives. In this case there appears as evidence of the amount expended by the contestee [Mr. Beales] a certified account from the Committee on Elections No. 2 for $1,055.70. The Chair is not advised by the committee that there has been a greater amount expended than this, which could legitimately be allowed; and having the certificate of the chairman of the Committee on Elections, which is the auditor in these cases, before which this contest came, he feels constrained to sustain the point of order.

Mr. MOORE of Pennsylvania. Mr. Chairman, this is such a vital matter to every Member of the House, and affects his rights to such an extent, that I respectfully appeal from the decision of the Chair.

The CHAIRMAN. The gentleman from Pennsylvania appeals from the decision of the Chair. The question is, Shall the decision of the Chair stand as the judgment of the committee? Those who are in favor of the decision of the Chair standing as the judgment of the committee will rise and stand until they are counted. [The affirmative vote was taken.] Those opposed will rise and stand until they are counted. The Chair will ask the gentleman from Indiana [Mr. MORRISON] to take the chair and make the count.

The CHAIRMAN (Mr. MORRISON). On this vote the ayes are 64 and the noes 24; and the decision of the Chair stands as the judgment of the committee.

The Clerk read as follows:

Richard S. Whaley, $536.

Mr. MOORE of Pennsylvania. I would like to know from some member of the committee whether an account was presented or a certificate was presented on which this appropriation of $536 was based in favor of Mr. Whaley, of South Carolina?

Mr. FITZGERALD. Every one of these allowances for election contests is based upon a certificate from the elections committee having charge of the case, certifying the account and vouchers sworn to by the claimant having been filed, and that the allowance is reasonable and approved by the committee.

Mr. MOORE of Pennsylvania. Was there any allowance in that instance for attorney fees?

Mr. FITZGERALD. I did not examine the accounts, and I do not know. It is the amount certified by the Election Committee. The law requires that, and that is all the Committee on Appropriations inquired into. The certificate from the committee shows that the account was filed in accordance with law, and it was found that the amount recommended by the committee is reasonable and proper. On that certificate the Committee on Appropriations, following the unbroken practice of the committee, has put this amount in the bill.

Mr. MOORE of Pennsylvania. Does the gentleman recollect anything in the law as read that indicates that there may be some discretion in this matter up to $2,000?

Mr. FITZGERALD. There is no discretion whatever unless the committee exercises discretion in disallowing items of expense which the claimant desires to have allowed and which the Committee on Elections does not think proper.

Mr. SWIFT. If the gentleman from Pennsylvania will allow me——

Mr. MOORE of Pennsylvania. I yield to the gentleman.

Mr. SWIFT. I will state that this contestant filed vouchers showing that $36 was paid for printing and $500 for attorney fees.

Mr. MOORE of Pennsylvania. There you have it. A member of the committee states that in this expense Mr. Whaley—and I am not questioning the allowance here—there was $36 for printing and one lump sum of $500 for attorney's fees. In the case of Mr. Beales there were 40 days of hearings, four different sets of lawyers, and a disallowance of that claim was ordered by the committee, in spite of the fact that in the case of Mr. Whaley the committee allowed $500, a case in which the only expense, with no stenographic expense, no hearings, was for printing. I want to say this, and every Member who has ever experienced a contest will bear it in mind, and those who have not had a contest will also bear it in mind, that a candidate may file a contest against anyone of you who obtains a certificate of election, and can harass you from the beginning to the end of your term and force you to spend money out of your pocket until you have used up your salary, and plague the sitting Member to the end of his term. Such contestant can employ lawyers to assist him, and then come here and be allowed reimbursement to the extent of $2,000.

In this case of Mr. Beales these tactics were pursued until the contest abated, and up to that time the contestee was given as much fight as he gave, and as good lawyers as he employed were employed against him; and they were paid because they had to be paid. Gentlemen who may have contests in the future have—unwittingly, I believe—discredited a man who fought for his rights to sit in the House, when he should not have been called upon to do so at all in view of the fact that contestant actually conceded the contestee's right to the seat by allowing the case to abate.

The Committee on Appropriations feels bound by the certificate of the election committee, but it is admitted that the claimant appeared and presented his claim in excess of $2,000 and showed where he spent that amount of money.

In my judgment, the committee should have accepted Mr. Beales's presentation of the facts, supported by the vouchers, and I think the committee would have been justified in allowing him the maximum sum permitted by law. In allowing but $1,000 the committee, without intending to do so, perhaps, impeached the statement of a Member of this House, thereby doing him an injustice. Like treatment may be the experience of any of us, and I venture to say that any man in this or a

subsequent House would consider that he had a just claim under like circumstances.

Mr. MANN. Mr. Chairman, I served 12 years on one of the election committees of the House—I think likely that is longer than any other member of the committee has ever served on an election committee from the beginning of the Government to the present time. Six years of that time I was chairman of an election committee.

The gentleman from Pennsylvania ought to have made his argument before the Election Committee. The law explicitly provides that the allowance for contested-election expenses shall not exceed $2,000 in any one case. That law was passed many years ago, for prior to that time it rested in the discretion of the House as to how much expense should be paid, and in some cases ten, fifteen, twenty thousand dollars was paid, and it was believed that contests were brought solely for the purpose of getting contested-election expenses allowed. That is true in some cases now, even with the limit of $2,000. However, the law expressly provides that the vouchers and affidavits in regard to their payment and the necessary papers shall be presented to the Election Committee, and makes the Election Committee the absolute auditing committee. The Election Committee transfers its certificate to the Committee on Appropriations. The Committee on Appropriations has no jurisdiction to add to the amount. Of course, it can refuse to insert the item, but if it adds anything to the amount certified by the Election Committee it is contrary to law and subject to a point of order.

Whether the Election Committee erred or not I do not know, but the Committee on Appropriations can not do anything additional to what the committee did do.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. The gentleman from Illinois says the gentleman from Pennsylvania should have made his argument before the Election Committee. The gentleman from Pennsylvania [Mr. BEALES] did make his argument before the Election Committee. He appeared and presented his vouchers properly sworn to. Now, if he had employed a lawyer, then he would have had another bill to pay. It is a transaction between the Election Committee and the Member of Congress; and a Member of Congress before the Election Committee ought to have his word in such matters accepted without question.

Here was a Member who is not a lawyer who did the best he could under the law, who followed it literally and obediently up to the point when the contest was withdrawn, and then he took the next step by appearing before the Elections Committee; and, bear in mind, nine other Members of Congress did the same thing, and every one of those nine Members of Congress apparently claimed up to $2,000, and every one was allowed his claim, but for some reason or other the Elections Committee, either desiring that an attorney be employed, as suggested by the gentleman from Illinois [Mr. MANN], or that some other Member of Congress should go in and vouch for the gentleman from Pennsylvania [Mr. BEALES], insisted that Mr. Beales's statements and vouchers were either excessive or incorrect, and therefore they ought as to every one of the other nine Members allow $2,000 each, but as to Mr. Beales they ought to cut him down. I repeat, notwithstanding the fine distinctions and technicalities raised by some gentlemen that we can not go behind the committee's certificate, that this is not altogether the kind of treatment that should be accorded a fellow Member or that we should like to receive were any one of us in the unfortunate position of being a contestee.

Mr. FITZGERALD. Mr. Chairman, that most indefensible remark of the gentleman from Pennsylvania [Mr. MOORE] should not be permitted to pass unnoticed. There are three committees on elections in this House. They all had some of these contests. Knowing the members of the committees, I know that they are just as honorable men, men with just as sound integrity, and just as earnest Members of Congress as is the gentleman from Pennsylvania. I am not prepared to permit to go unchallenged the statement of the gentleman from Pennsylvania that members of this committee disregarded their obligations and certified allowances for nine Members of Congress or nine contestants, regardless of the facts, merely to please them, and that they singled out one Member of Congress and deprived him of something to which he was entitled. My opinion is based on the information given to me from the cursory examination I have made, that in every one of these cases the committees have been justified in their action.

Mr. GARLAND. Mr. Chairman, as I look at this matter it is this.

Mr. FITZGERALD. What does the gentleman know about it?

Mr. GARLAND. I know this, that here is a gentleman who comes here and attempts to get his due——

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. GARLAND. Yes.

Mr. MOORE of Pennsylvania. The gentleman from New York just admitted to me that he knew nothing about it, and that his information comes from the Elections Committee.

Mr. GARLAND. Then I know as much as he does about it, and I presume that settles it. I look at the matter in this way: Here is a gentleman who comes here to contest an election. He has not got any too much money to contest with, and as a consequence he comes here and goes the limit out of the necessities of the case. He puts in his own money, and this man has expended $2,000 for the purpose of getting fair treatment before this House, and now, then, just because he does not happen to be in the paragraph or in the place where he should be preferred, he is not permitted the same funds as others in return for his expenditures. What hope is there for a poor man to get into Congress under the circumstances? If you do not pay this money back to him that he has expended, then no man can afford to contest or appeal for fair treatment before Congress. You can contest every election and defeat people because they can not afford to spend the money to get in, and never can get the money back again.

Mr. FOCHT. Mr. Chairman, I happen to reside very near the district where this contest took place. I know that this man was trailed up there by a millionaire, who had abundant funds to prosecute this contest. When he got along and found there was nothing in it he dropped it. Now, I would like to know, in the presence of this controversy between the gentleman from Pennsylvania [Mr MOORE] and the committee, what the fact is? The gentleman from Pennsylvania has said that it is not a square deal. It does not look like one to me, if they give it to all of the others and not to Mr. Beales as against his millionaire contestant. I would like to have some gentleman on the other side, in order to satisfy everybody about it, say why they will not give it to him.

Mr. OGLESBY. Mr. Chairman, I will say, in answer to the gentleman's question, that the committee took this matter up. The committee wanted to be entirely fair to this gentleman, as it did to all of the others. He appeared before the committee. It appeared that there was a contest started. There was some testimony taken. The gentleman appeared there and presented a bill showing traveling expenses, hotel bills, commissioner's fees, stenographers' fees, and every cent of that was allowed to him, although as to some of it we doubted whether we ought to allow it. The lawyer's fees that he had put in we went over very carefully.

Mr. FOCHT. Pardon me, but you do not deny that he paid all of that?

Mr. OGLESBY. Oh——

Mr. FOCHT. Why did not you allow it to him under the law? You allowed it to the others.

Mr. OGLESBY. Suppose a reasonable fee for the work done was $100, do you think the members of the committee should say that notwithstanding he did not spend $2,000 he ought to be allowed that much? We allowed him what we thought was reasonable and fair. If he used bad judgment in paying out more than ought to be paid out for those services, there is no reason why we should rob the United States Treasury to reimburse him.

Mr. FOCHT. Does the gentleman for a minute expect a man to employ a cheap-skate lawyer to defend himself against a millionaire?

Mr. OGLESBY. He said he hired the best firm of lawyers in his district and paid $600.

Mr. FOCHT. That is not a large fee in a contest against a millionaire.

Mr. OGLESBY. We agreed it was reasonable.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FOCHT. We do not think so.

The Clerk read as follows:

William R. Gaylor, $2,000.

Mr. BENNET. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 55, line 10, between lines 10 and 11 insert: "Aaron P. Prioleau, $1,000 (Contested Election case, 62d Cong.)."

Mr. FITZGERALD. I make the point of order against the amendment.

Mr. BENNET. Mr. Chairman, I send to the desk a copy of the certificate.

Mr. FITZGERALD. There is no certificate before the Committee on Appropriations, Mr. Chairman.

Mr. BENNET. If I am not mistaken—and if I am mistaken the Clerk can correct me—I have seen the original certificate. This was in the Sixty-second Congress.

Mr. FITZGERALD. Yes; the Sixty-second Congress, and this is the Sixty-fourth Congress.

Mr. BENNET. I know; but this is a bill for the fiscal year ending June 30, 1917, and "prior" fiscal years.

Mr. BYRNES of South Carolina. When Prioleau filed his contest, was that the time that he was serving a term in the penitentiary?

Mr. BENNET. I do not know. I will ask to have the certificate read.

The CHAIRMAN. The Clerk will read the certificate in the time of the gentleman.

The Clerk read as follows:

Aaron P. Prioleau, contestant, *v.* George S. Legare, contestee. First congressional district of the State of South Carolina.

EXPENDITURES OF AARON P. PRIOLEAU.

I certify that duly verified vouchers have been presented to the committee showing the expenditure of $1,000 by Aaron P. Prioleau, the contestant, in the contested-election case of Aaron P. Prioleau *v.* George S. Legare, from the first congressional district of the State of South Carolina, and proof that such expenditures were reasonable and necessary.

I further certify that the conclusion that Aaron P. Prioleau has spent such an amount of money was determined at a meeting of the Committee on Elections No. 2, held Thursday morning, January 30, 1913.

JAMES A. HAMILL,
Chairman Committee on Elections No. 2,
House of Representatives.

The CHAIRMAN. Does the gentleman from New York desire to be heard on the point of order?

Mr. FITZGERALD. Mr. Chairman, I have no knowledge who was chairman of the Committee on Elections No. 2 in the Sixty-second Congress. This is a copy, I understand, and not the original certificate.

Mr. BENNET. Well, does my colleague deny there was such a certificate?

Mr. FITZGERALD. I do not know anything about it. The gentleman has not the certificate.

Mr. BENNET. I could not have the certificate because that would be in the room of the Committee on Appropriations.

Mr. HULBERT. Will the gentleman yield?

Mr. BENNET. I will.

Mr. HULBERT. I can say, for the information of the gentleman, I was informed by the gentleman from New Jersey [Mr. HAMILL] that the certificate was issued and I have in my possession a copy of the certificate which, as near as I recall, is in the language of that read, and I was told by the gentleman from New Jersey that the copy I had was a true copy of the certificate issued by his committee.

Mr. FITZGERALD. That does not help out anything. Go and get the original certificate.

Mr. BENNET. The original certificate, if it exists, and I assume it does, is in the room of my colleague, the chairman of the committee, and I have not any access to his private papers.

Mr. FITZGERALD. Mr. Chairman, this is a claim to pay election-contest expenses of the Sixty-second Congress, a prior Congress, which Congress refused to pay. And now it becomes a claim which requires legislation to authorize it to be in order upon a deficiency bill.

Mr. BENNET. Mr. Chairman, in answer to that, the title of the bill is "Making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1917, and prior fiscal years."

Mr. FITZGERALD. But that Congress rejected that claim.

Mr. BENNET. There is no proof of it.

Mr. FITZGERALD. I will furnish it.

Mr. BENNET. It seems to me my colleague is taking diametrically opposite positions. First he says there is no such certificate——

Mr. FITZGERALD. I did not say there was no such certificate; I did not admit there was such a certificate.

Mr. BENNET. He says he did not admit there is such a certificate and yet he said a prior Congress rejected the claim.

Mr. FITZGERALD. It did.

Mr. BENNET. And a moment ago he said the only way to get a claim like this before Congress is on the certificate. Therefore, there was a certificate, according to his reasoning.

Mr. SMITH of New York. Will the gentleman yield?

Mr. BENNET. If my colleague will unlock his committee room door and consult the records of the Sixty-second Congress, he will produce the certificate.

Mr. FITZGERALD. The door is open; it is always open; and the gentleman can go in there and get anything he likes.

The CHAIRMAN. The burden is on the gentleman from New York to establish the existence of the certificate and to establish everything concerning it. Now, there is a way to establish the fact, which is to produce the original of which this purports to be a copy.

Mr. BENNET. I can not get into my colleague's desk.

Mr. FITZGERALD. It is not in my desk; I do not keep proof of a rotten claim against the Government locked up in my desk, I will say to the gentleman.

Mr. BENNET. Well, I can not go into my colleague's file case.

The CHAIRMAN. Does the gentleman from New York [Mr. BENNET] admit his inability to establish the existence of the original of which this purports to be a copy?

Mr. BENNET. No. I assert my ability, and I request my colleague——

The CHAIRMAN. The Chair will not only assert his ability, but produce the papers.

Mr. BENNET. I ask my colleague to produce the original certificate.

Mr. FITZGERALD. I decline——

Mr. BENNET. I offer this as secondary evidence.

Mr. FITZGERALD (continuing). Because I have not got it.

Mr. BENNET. Yes; it is in the room.

Mr. FITZGERALD. The gentleman does not know that.

Mr. BENNET. I submit that I have made proper and diligent search, and I offer the document I send to the Clerk's desk as secondary evidence under the rule.

The CHAIRMAN. The Chair is still of the opinion that the burden is on the gentleman from New York [Mr. BENNET].

Mr. BENNET. If the Chair will bear with me for a moment, and just see what a position this ruling of the Chair would leave any contestant in. Here is the chairman of the Committee on Appropriations, to which committee under the statute those certificates go.

Mr. FITZGERALD. The gentleman has not any proof that I have any certificates. Prove that before you pin it on me.

Mr. BENNET. To which every certificate goes.

Mr. FITZGERALD. How do you know whether there was any certificate in this case?

Mr. BENNET. My colleague admitted the claim was rejected in the Sixty-second Congress.

Mr. SWITZER. Will the gentleman yield?

Mr. BENNET. I yield.

Mr. SWITZER. I believe I was a member of the Election Committee. I can only state my recollection, and my recollection is that there was such a certificate issued, for $1,000. I do not think I am mistaken.

Mr. BENNET. Was the gentleman on the committee in the Sixty-second Congress?

Mr. SWITZER. The gentleman from Minnesota [Mr. ANDERSON] was also on it.

Mr. BENNET. Here are two gentlemen that were on the Committee on Elections No. 2 in the Sixty-second Congress, and who certify from their recollection that there was such a contest and such a certificate.

The CHAIRMAN. If that is true, the Chair calls on the gentleman to produce it.

Mr. BENNET. It might have been destroyed, or anything of that kind.

Mr. HULBERT. Will my colleague yield?

Mr. BENNET. Yes.

Mr. HULBERT. I suggest that my colleague ask the gentleman from New York [Mr. FITZGERALD] to state who the chairman of the Committee on Appropriations was in the Sixty-second Congress.

Mr. FITZGERALD. I will admit that. [Laughter.]

Mr. BENNET. I would not have to be required to prove who was the chairman of the Committee on Appropriations in the Sixty-second Congress.

The CHAIRMAN. The Chair does not feel entirely certain of his position, but is inclined to the belief that the point of order should be sustained, and therefore sustains it.

Mr. BENNET. I think the Chair is wrong.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Contingent expenses: For miscellaneous items and expenses of special and select committees, exclusive of salaries and labor, unless specifically ordered by the House of Representatives, $75,000.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 56, after line 6, insert as a new paragraph the following:

"For wrapping paper, pasteboard, paste, twine, newspaper wrappers, and other necessary materials for folding, for use of Members, the Clerk's office, and folding room, not including envelopes, writing paper, and other paper and materials to be printed and furnished by the Public Printer, upon requisitions from the Clerk of the House, under provisions of the act approved January 12, 1895, $1,000."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken and the amendment was agreed to.

The Clerk read as follows:

For Indian schools, support, $1,234.86.

Mr. CARTER of Oklahoma. Mr. Chairman, I make a point of order against that. I want to get the attention of the chairman of the committee. I wanted to ask the chairman if he could cite me to the law authorizing the insertion of this amount in the bill, on line 12, page 64. That is an audited claim of the Interior Department.

Mr. FITZGERALD. It is an audited claim, and an audited claim is authorized by Congress. The act of June 14, 1878, provides as follows:

That so much of section 5 of the act approved June 20, 1874, as directs the Secretary of the Treasury at the beginning of each session to report to Congress with his annual estimates any balances of appropriations for specific objects affected by said section that may need to be reappropriated, be, and hereby is, repealed.

That is the covering-in act.

And it shall be the duty of the several accounting officers of the Treasury to continue to receive, examine, and consider the justice and validity of all claims under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of said section that may be brought before them within a period of five years. And the Secretary of the Treasury shall report the amount due each claimant, at the commencement of each session, to the Speaker of the House of Representatives, who shall lay the same before Congress for consideration.

Mr. CARTER of Oklahoma. Mr. Chairman, every year, as the committee knows, we have presented to us estimates, and then the Indian Bureau comes before the House Committee on Indian Affairs to justify the amount carried in those estimates. There was estimated for this year particularly here $1,550,000, and that amount was appropriated by Congress. This fall, when the Assistant Commissioner of Indian Affairs came before the committee he reported to us at that time a balance of $63,298 unspent. Now we have here an audited claim of $1,234.86.

Mr. FITZGERALD. That does not necessarily mean for last year.

Mr. CARTER of Oklahoma. I will say, Mr. Chairman, that the same thing applies to the item for school and agency buildings on lines 14 and 15, and the item for purchase and transportation of Indian supplies on line 17. It seems to me this is a very loose way to provide appropriations.

Mr. FITZGERALD. As to the Indian schools, one of them is for the fiscal year 1911, $1,254.46. Then there is one for the fiscal year 1914 of 40 cents. Those appropriations have been covered into the Treasury under the covering-in act. These claims are presented later, and the auditor audits them and certifies them to Congress because the money is no longer available.

Most of these are cases where the claim is not presented within the two years within which the appropriation is available. Under the covering-in act a balance of appropriation unexpended two years from the expiration of the fiscal year for which made is covered into the general fund of the Treasury.

Now, in the adjustment of accounts a number of these items do not come in for payment at all after the money is covered in. Then frequently there is another class of claims covered in where a department is authorized to perform the service, regardless of the amount of the appropriation. If the appropriation is exhausted the auditor audits and certifies the claim. These claims, the two I have examined, are claims in which the money was covered in under the covering-in act.

Of course the committee does not examine each specific item in these claims. Very frequently they are very small amounts. They are certified by the auditor after careful investigation, and Congress always accepts the certificate.

Mr. CARTER of Oklahoma. There is appropriated under this item something like $170,000. What I want to know is, is there any Member of Congress or committee that goes into these claims and finds out whether the money has been expended judiciously or not?

Mr. FITZGERALD. No; because this is the report of the official who is charged with the duty of auditing the claims. It is a claim for an authorized expenditure, and either represents the balance of an insufficient appropriation for the service performed, regardless of the amount of the appropriation, or supplies the deficiency where the appropriation was sufficient and the available balance was covered into the Treasury before this claim was presented.

Mr. CARTER of Oklahoma. Then, it is an authorization which no committee specifically authorizes, and which no committee specifically passes upon? They are forced, in the nature of things to take the word of the auditor for it, and he, in turn, takes the word of the Indian Bureau?

Mr. FITZGERALD. No; he does not take the word of the Indian Bureau. When the claim comes before him he examines the law under which the proposed expenditure is made. If it is an expenditure for which there must be an appropriation, they ascertain the status of the account and ascertain if there was an available balance which had been covered into the Treasury, which, if the claim had been presented in time, would have been paid. Then it is certified. No committee of Congress checks up the auditor to see if his audit is correct. That is not a legislative function.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. CARTER of Oklahoma. Mr. Chairman, I reserve a point of order. I understand it is a legal matter. We are forced by this method to place in an appropriation bill a matter upon which no committee of Congress passes judgment.

Mr. FITZGERALD. Yóu have passed judgment upon it in advance.

Mr. CARTER of Oklahoma. Judgment has been passed upon it in advance by giving general authority to spend the money?

Mr. FITZGERALD. The gentleman does not realize that here is a service that is performed during a fiscal year. If the voucher is presented within two years after the expiration of the fiscal year it is audited and paid. If it is not presented, after the two years it is audited, but must be certified to Congress for an appropriation in order to be paid.

Mr. CARTER of Oklahoma. Maybe I can get what I want to find out by stating a specific case. For Indian schools, for example, we appropriate $1,550,000 for a year. Now, does this sum come out of the $1,550,000 or is it in excess of that?

Mr. FITZGERALD. If this service was performed and there was a balance sufficient to pay this claim, if it had been presented within the two years, but because of the lapse of two years it has been covered into the Treasury, then it is sent down here if it is audited. But if this service was in excess of the appropriation it is not audited and certified.

Mr. CARTER of Oklahoma. Then it is a deficiency.

Mr. MANN. Mr. Chairman, I ask for the regular order. This conversation has been going on for 20 minutes.

The CHAIRMAN. Does the gentleman from Oklahoma make the point of order?

Mr. CARTER of Oklahoma. No; I move to strike out the last word.

The CHAIRMAN. The point of order is withdrawn. The gentleman moves to strike out the last word.

Mr. CARTER of Oklahoma. Now, does the same thing apply to other items in the bill?

Mr. FITZGERALD. It does all through the Government. If these items do not come in on time, and under the law the money is not available to meet these claims in the two years after the expiration of the fiscal year, if the available balance is sufficient to cover the claim, the claim is audited and certified to Congress. If the claim was in excess of the appropriation, it could not be audited and would not be certified.

Mr. CARTER of Oklahoma. Then some committee did pass upon the appropriation of the specific amount to begin with?

Mr. FITZGERALD. Yes; your Committee on Indian Affairs passed upon it.

Mr. CARTER of Oklahoma. That is what I wanted to get at.

The CHAIRMAN. The pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

For support of Sioux of diffrent tribes, subsistence and civilization, South Dakota, $3,981.91.

The CHAIRMAN. Without objection, the spelling of the word "different," in line 17, page 65, will be corrected by the insertion of the letter "e."

There was no objection.

Mr. KEATING. Mr. Chairman, I move to strike out the last word. I make this motion for the purpose of calling the attention of the chairman of the committee to the fact that appropriations are made in this bill for the Ordnance Department of the War Department and for supplies for the Navy Department, but the provision concerning the "stop-watch" and bonus and premium systems have been omitted from the bill. I want to get the opinion of the chairman as to whether the "stop-watch" provisions in the naval bill and the military bill would govern the expenditures made under this bill?

Mr. TILSON. Will the gentleman yield?

Mr. KEATING. Yes.

Mr, TILSON. Does not the gentleman realize that simply because there is a small appropriation in a deficiency bill which does not contain that limitation, that fact can not affect the whole plan at all?

Mr. KEATING. I will say to the gentleman that under ordinary circumstances that consideration would govern; but in the Sixty-third Congress we attached a "stop-watch" limitation to the naval bill and the military bill, and then Gen. Crozier in some way secured funds from the fortifications bill, which did not carry that limitation, to defray the expense of the "stop-watch" and bonus and premium systems in the workshops of the War Department. What I am anxious to do is to prevent Gen. Crozier—who seems determined, despite the action of Congress, to enforce the "stop-watch" system—evading the law.

Mr. TILSON. This appropriation is not susceptible of being separated in its expenditures——

Mr. KEATING. Probably it would not be capable of being separated by any man in the world except Gen. Crozier. I want to know if the limitations in the Army and Navy bills will prevent Gen. Crozier violating the clear intent of the Congress of the United States.

Mr. FITZGERALD. Mr. Chairman, I believe they will. I have do doubt they will, although I would not underwrite anybody in an executive department of the Government. I have all I can do to guarantee my own conduct, and I am not always even certain about that. [Laughter.] But I am of the opinion that this will be binding upon the department, because these appropriations are only available for work during the balance of this fiscal year, and it would hardly be practicable to establish a different system for the comparatively small appropriations carried in this bill, considering the volume carried in the other bills. I think there will not be any trouble, and I will communicate to the Ordnance Department the statement that the opinion of the House was that these appropriations should be controlled by the same limitations.

Mr. KEATING. That statement by the chairman of the committee is satisfactory to me.

Mr. SNYDER. The gentleman from Colorado has just said that he wanted to put restrictions upon Gen. Crozier to such an extent that he could not use the stop watch. I have had some experience in manufacturing in my day, and I know that the men of this country who work in factories where time watches are used want them continued to be used, and I think the last thing that ought to be done is to take away from Gen. Crozier the right to continue the system that he is now operating under.

Mr. KEATING. But Congress has taken away that right.

Mr. SNYDER. I appreciate that, and they made a great mistake, in my judgment, in doing it.

Mr. KEATING. But the gentleman will agree with me that Gen. Crozier ought to obey the law.

The Clerk, completing the reading of the bill, read as follows:

For miscellaneous items, first and second class post offices, services and purchases, $61.16.

Mr. LLOYD. Mr. Chairman, I offer the following amendment as a new paragraph.

The CHAIRMAN. The gentleman from Missouri offers an amendment, which the Clerk will report.

The Clerk read as follows:

At the end of the bill insert as a new paragraph the following:

That after March 4, 1917, the members of the Committee on the District of Columbia who are members-elect of the Sixty-fifth Congress, or a subcommittee thereof appointed by the present chairman of said committee, be and are hereby authorized to continue the investigation directed by House resolution No. 229 of the Sixty-fourth Congress, and to expend for that purpose, and as provided in House resolution No. 256 of the Sixty-fourth Congress, out of the contingent fund of the House, a sum not exceeding $7,500 in addition to the unexpended balance of the amount heretofore authorized.

Mr. MANN. I reserve a point of order upon the amendment. Certainly the gentleman does not want it to come in at the end of the bill.

Mr. LLOYD. I do not care where it comes in.

Mr. FITZGERALD. If there be no objection to the amendment, I shall ask that it be inserted in the proper place.

Mr. MANN. Then let the gentleman ask unanimous consent to recur to page 56.

Mr. FITZGERALD. I ask unanimous consent to recur to page 56 for the purpose of enabling the gentleman from Missouri to offer the amendment.

Mr. MILLER of Delaware. Reserving the right to object, Mr. Chairman, will the gentleman permit a return to the fourth paragraph on page 56?

Mr. FITZGERALD. What for?

Mr. MILLER of Delaware. To offer as an amendment to that paragraph House resolution 490, reported by the Committee on Accounts, and which is of the same nature as the provision in this paragraph here.

Mr. FITZGERALD. No; it is in a different position.

Mr. MILLER of Delaware. Why so?

Mr. FITZGERALD. The gentleman from Kentucky [Mr. JOHNSON] has a report from the Committee on Rules that will be presented to make this other amendment in order.

Mr. MANN. The Committee on Rules is not here, and neither is any quorum here, so this is all done by unanimous consent.

Mr. MILLER of Delaware. This could have been offered when the paragraph was reached. That paragraph is also subject to a point of order.

Mr. FITZGERALD. Then the gentleman should have exercised his right.

Mr. MILLER of Delaware. Will not the gentleman permit it now?

Mr. FITZGERALD. No; I can not. I would be delighted to do so, but I can not.

Mr. MILLER of Delaware. Mr. Speaker, I will not object, because I do not want to endanger the amendment that has been offered.

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] asks unanimous consent to return to page 56, so that the gentleman from Missouri may offer his amendment.

Mr. MANN. It ought to come in on page 56, after line 17.

The CHAIRMAN. Is there objection to returning to page 56, line 17?

There was no objection.

The CHAIRMAN. The question is on the adoption of the amendment of the gentleman from Missouri, which has been read, to come in after line 17, page 56.

The amendment was agreed to.

Mr. FITZGERALD. I move that the committee do now rise and report the bill to the House with the amendments, with the recommendation that the amendments 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. JOHNSON of Kentucky, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 21069) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1917, and prior fiscal years, and for other purposes, and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to, and that the bill as amended do pass.

Mr. FITZGERALD. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The motion was agreed to.

The SPEAKER. Is there a separate vote demanded on any amendment?

There was no demand for a separate vote.

The amendments were agreed to.

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

On motion of Mr. FITZGERALD a motion to reconsider the vote by which the bill was passed was laid on the table.

COMMITTEE TO ATTEND FUNERAL OF THE LATE REPRESENTATIVE CONRY.

The SPEAKER. The Chair announces the following committee to attend the funeral of the late Representative CONRY.

The Clerk read as follows:

Mr. FITZGERALD, Mr. CALDWELL, Mr. FLYNN, Mr. EAGAN, Mr. DALE of New York, Mr. MAHER, Mr. GRIFFIN, Mr. RIORDAN, Mr. LOFT, Mr. FARLEY, Mr. DOOLING, Mr. CAREW, Mr. PATTEN, Mr. HULBERT, Mr. BRUCKNER, Mr. OGLESBY, Mr. SMITH of New York, Mr. DRISCOLL, Mr. GALLIVAN, Mr. TAGUE, Mr. GALLAGHER, Mr. TAGGART, Mr. O'SHAUGHNESSY, Mr. LONDON, Mr. HICKS, Mr. ROWE, Mr. SWIFT, Mr. HASKELL, Mr. CHANDLER of New York, Mr. SIEGEL, Mr. BENNET, Mr. FAIRCHILD, Mr. DUNN, Mr. TREADWAY, Mr. DANFORTH, Mr. MOTT, Mr. PARK, Mr. PLATT, Mr. SANFORD, and Mr. HUSTED.

THE NAVAL APPROPRIATION BILL.

Mr. PADGETT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the naval appropriation bill (H. R. 20632), with Senate amendments, disagree to all of the Senate amendments, and agree to the conference asked for by the Senate.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to take from the Speaker's table the naval appropriation bill, with Senate amendments, disagree to all of the Senate amendments, and agree to the conference asked for. Is there objection?

Mr. FITZGERALD. Reserving the right to object, I desire to ask the gentleman from Tennessee if he knows what action the Senate took relative to the message sent to it by the House about the bond amendment?

Mr. PADGETT. The Senate reconsidered the bill, struck it out, and repassed the bill.

Mr. KEATING. Mr. Speaker, reserving the right to object, I want to ask the gentleman if the House conferees are prepared to accept the amendment put on by the Senate in relation to the increase of salary at the rate of 5 and 10 per cent?

Mr. PADGETT. Speaking for myself, I am friendly to it.

Mr. KEATING. I have no desire, Mr. Speaker, to cause any delay.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

Mr. MANN. Mr. Speaker, on that subject of compensation I did suggest to the gentleman from Tennessee that the House might properly concur in the Senate amendment on the compensation question, so that it would be absolutely settled.

Mr. FITZGERALD. Let us concur in it.

Mr. MANN. But the gentleman from Tennessee stated that there might be some question in reference to the increase where we had just materially increased a salary in the bill itself. There might be a question of whether there ought to be a further increase. I think it is a proper matter for consideration as long as the principle laid down by the House is adhered to.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Chair appointed as conferees on the part of the House Mr. PADGETT, Mr. TALBOTT, Mr. ESTOPINAL, Mr. BUTLER, and Mr. ROBERTS of Massachusetts.

MEDAWAKANTON AND WAHPAKOOTA (SANTEE) SIOUX.

Mr. CARTER of Oklahoma. Mr. Speaker, I call up conference report on the bill (S. 135) for the restoration of annuities to the Medawakanton and Wahpakoota (Santee) Sioux Indians, declared forfeited by the act of February 16, 1863, and I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent that the statement be read instead of the report. Is there objection?

There was no objection.

The Clerk read the statement.

The conference report and statement follow:

CONFERENCE REPORT (NO. 1593).

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 135) for the restoration of annuities to the Medawakanton and Wahpakoota (Santee) Sioux Indians declared forfeited by the act of February 16, 1863, 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 amendment of the House to the bill S. 135, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"That jurisdiction be, and hereby is, conferred upon the Court of Claims to hear, determine, and render final judgment for any balance that may be found due the Medawakanton and Wahpakoota Bands of Sioux Indians, otherwise known as Santee Sioux Indians, with right of appeal as in other cases, for any annuities that may be ascertained to be due to the said bands of Indians under and by virtue of the treaties between said bands and the United States, dated September 29, 1837 (7 Stat. L., 538), and August 5, 1851 (10 Stat. L. 954), as if the forfeiture of the annuities of said bands approved February 16, 1863, had not been passed: *Provided*, That the court in rendering judgment shall ascertain and include therein the amount of accrued annuities under the treaty of September 29, 1837, up to the date of rendition of judgment, and shall determine and include the present value of the same, not including interest, and the capital sum of said annuity, which shall be in lieu of said perpetual annuity granted in said treaty; and to ascertain and set off against any amount found due under said treaties all moneys paid to said Indians or expended on their account by the Government of the United States since the treaties were abrogated by the act of February 16, 1863: *Provided*, That the treaty of April 28, 1868, shall not be a bar to recovery, but all equities and benefits received thereunder by the Santee Sioux Indians shall be taken into consideration in the determination of the amount of recovery. Upon the rendition of such judgment and in conformity therewith the Secretary of the Interior is hereby directed to ascertain and determine which of said Indians now living took part in said outbreak and to prepare a roll of the persons entitled to share in said judgment by placing thereon the names of all living members of said bands residing in the United States at the time of the passage of this act, excluding therefrom only the names of those found to have personally participated in the outbreak; and he is directed to distribute the proceeds of such judgment, except as hereinafter provided, per capita, to the persons borne on the said roll.

Proceedings shall be commenced by petition verified by or under authority of one of the attorneys who have been heretofore employed by said bands of Indians to prosecute their claims under a contract which has been heretofore approved by the Commissioner of Indian Affairs and the Secretary of the Interior as provided by law, upon information and belief as to the existence of the facts stated in said petition, and no other verification shall be necessary. Upon final determination of the cause the Court of Claims shall decree such fees as the court shall find to be reasonable upon a quantum meruit for services performed or to be performed, to be paid to the attorney or attorneys so employed by the said band of Indians and their associates, and the same shall be paid by the Secretary of the Treasury out of the proceeds of the fund arising from said judgment in favor of said bands of Indians when an appropriation therefor shall have been made by Congress: *Provided*, That in no case shall the fees decreed by the court amount in the aggregate to more than 10 per cent of the amount of the judgment recovered, and in no event shall the aggregate amount exceed $50,000.

And the House agree to the same.

C. D. CARTER,
CARL HAYDEN,
P. D. NORTON,
Managers on the part of the House.
HENRY F. ASHURST,
H. L. MYERS,
MOSES E. CLAPP,
Managers on the part of the Senate.

STATEMENT.

The effect of the action of the conferees on the bill S. 135 is to reinstate and perfect the language of the bill as it passed the House and to amend the limit of fees of the attorneys employed in the case to not exceeding in the aggregate more than 10 per cent of the amount of the judgment recovered, and in no event to exceed the sum of $50,000.

C. D. CARTER,
CARL HAYDEN,
P. D. NORTON,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. CARTER of Oklahoma. Mr. Speaker, it is necessary to pass Senate concurrent resolution 34 in order to correct the bill, as there were two words left out.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Concurrent resolution 34.

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the bill the Secretary of the Senate be, and he is hereby, authorized and directed to insert the words "act of" after the word "the" where it first occurs in line 12 of the matter inserted by the committee of conference of the two Houses on the bill S. 135, entitled "An act for the restoration of the annuities of the Medawakanton and Wahpakoota (Santee) Sioux Indians, declared forfeited by the act of February 16, 1863."

The SPEAKER. Is there objection?

Mr. SHERLEY. Mr. Speaker, what is the effect of that?

Mr. CARTER of Oklahoma. The words "act of" were left out by the Clerk in preparing the conference report.

Mr. SHERLEY. It does not make any change in substance?

Mr. CARTER of Oklahoma. No.

The SPEAKER. The question is on the concurrent resolution.

The concurrent resolution was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 655) to pension the survivors of certain Indian wars from January 1, 1859, to January, 1891, inclusive, and for other purposes.

The message also announced that the Senate had further insisted upon its amendments to the bill (H. R. 19359) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1918, disagreed to by the House of Representatives, had agreed to the further conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. SMITH of South Carolina, Mr. SMITH of

Georgia, and Mr. WARREN as the conferees on the part of the Senate.

SURVIVORS OF CERTAIN INDIAN WARS.

Mr. KEATING. Mr. Speaker, I call up the conference report on the bill (H. R. 655) to pension the survivors of certain Indian wars from January 1, 1859, to January, 1891, inclusive, and for other purposes.

The SPEAKER. The Clerk will read the conference report.

The Clerk read the conference report, as follows:

CONFERENCE REPORT (NO. 1627).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 655) to pension the survivors of certain Indian wars from January 1, 1859, to January, 1891, inclusive, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 10, and agree to the same.

The committee of conference have been unable to agree on the amendment of the Senate numbered 9.

JOHN A. KEY,
EDWARD KEATING,
Managers on the part of the House.
CHARLES F. JOHNSON,
REED SMOOT,
Managers on the part of the Senate.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. KEATING. Mr. Speaker, there is one item in dispute in this bill between the Senate and the House, and that is Senate amendment No. 9. I move that the House do further insist upon its disagreement to Senate amendment No. 9.

Mr. MAYS. Mr. Speaker, I have a preferential motion that I desire to make, that the House recede and concur in Senate amendment No. 9.

The SPEAKER. The gentleman from Colorado moves that the House insist upon its disagreement to Senate amendment No. 9, and the gentleman from Utah makes a preferential motion that the House recede and concur. The Clerk will report Senate amendment No. 9.

The Clerk read as follows:

Page 4, line 12, after the word "service," insert:
"*Provided*, That when there is no record of service or payment for same in the War Department or Treasury Department, the applicant may establish the service by satisfactory evidence from the muster rolls on file in the several State or Territorial archives: *And provided further*, That the want of a certificate of discharge shall not deprive any applicant of the benefits of this act."

The SPEAKER. The question is on the motion of the gentleman from Utah that the House recede and concur.

Mr. SHERLEY. Mr. Speaker, I think the House is entitled to know something about this. The gentleman in charge of the bill should make a statement.

Mr. KEATING. Mr. Speaker, this bill passed——

Mr. JAMES. Mr. Speaker, I wish to say this: That I am going to make the point of no quorum if this is insisted upon.

Mr. KEATING. Under the circumstances, Mr. Speaker, the reason that I did not want to make any statement at this time was because the gentleman from Alabama [Mr. DENT] is withholding his motion for the consideration of the Military Academy appropriation bill for a few minutes, and if the gentleman from Michigan is going to make the point of no quorum, I shall ask to withdraw the matter.

Mr. NORTON. This is a matter of several million dollars.

Mr. KEATING. Mr. Speaker, I ask unanimous consent that this matter go over until after the reading of the Journal to-morrow morning.

The SPEAKER. The gentleman from Colorado asks unanimous consent that this matter go over until after the reading of the Journal to-morrow morning. Is there objection?

There was no objection.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. DENT. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 20872) making appropriations for the Military Academy, and, pending that motion, I ask unanimous consent that general debate be limited to 25 minutes, 20 minutes to be controlled by the gentleman from California [Mr. KAHN] and 5 minutes by myself.

The SPEAKER. The gentleman from Alabama moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 20872, the Military Academy appropriation bill, and, pending that, asks unanimous consent that the general debate be limited to 25 minutes; that the gentleman from California [Mr. KAHN] control 20 minutes of that time and the gentleman from Alabama 5 minutes. Is there objection?

Mr. SABATH. Mr. Speaker, reserving the right to object, I will ask the gentleman whether he will not yield a moment to give the gentleman from Delaware [Mr. MILLER] an opportunity to report a privileged resolution? It will take only a minute.

Mr. DENT. If I had any assurance that it would take only a minute, I would yield.

Mr. SABATH. Mr. Speaker, I feel that there will be no opposition, and if there should be it will be withdrawn.

The SPEAKER. Does the gentleman from Alabama yield?

Mr. DENT. Mr. Speaker, I shall withhold the motion, with the understanding that if any opposition develops it will be withdrawn.

TELEPHONE OPERATORS.

Mr. MILLER of Delaware. Mr. Speaker, I present a privileged resolution from the Committee on Accounts, which I send to the desk and ask to have read:

The Clerk read as follows:

House resolution 490 (H. Rept. No. 1623).

Resolved, That the three telephone operators now authorized to be employed from December 1, 1916, to March 31, 1917, continue to be employed during the period between March 31 and December 31, 1917, and be paid out of the contingent fund of the House, at the rate of $75 per month.

With the following committee amendment:

"Line 5, strike out the words 'December thirty-one' and insert in lieu thereof the words 'November thirtieth.'"

Mr. SISSON. Now, Mr. Speaker, I do not want to delay the proceedings, but that resolution ought not to pass.

The SPEAKER. Now, if there is going to be any controversy about it, the Chair will recognize the gentleman from Alabama to move to go into the Committee of the Whole House on the state of the Union.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. DENT. Mr. Speaker, I insist on my motion that the House resolve itself into the Committee of the Whole House on the state of the Union.

Mr. MANN. What becomes of this?

The SPEAKER. This goes back where it came from. It was let in under condition.

Mr. GALLAGHER. There was no objection.

Mr. MILLER of Delaware. I will temporarily withhold the resolution, Mr. Speaker.

The SPEAKER. The gentleman from Alabama asks unanimous consent that general debate be limited to 25 minutes——

Mr. SABATH. Mr. Speaker, I object.

The SPEAKER. The question is on the motion of the gentleman from Alabama to go into the Committee of the Whole House on the state of the Union.

The motion was agreed to; accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 20872, the Military Academy appropriation bill, with Mr. PAGE of North Carolina in the chair.

The CHAIRMAN. The House is in the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 20872, the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 20872) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1918, and for other purposes.

Mr. DENT. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that the first reading of the bill be dispensed with. Is there objection? [After a pause.] The Chair hears none.

Mr. DENT. Mr. Chairman, this bill is for the support of the Military Academy for the next fiscal year and appropriates the sum of $1,348,496.18, which is a reduction of $710,000, in round numbers, from the estimates, and an increase of $123,452.61 above the appropriations for the last fiscal year. There was a proposition submitted to the committee for new construction at the academy. There was such a diversity of opinion upon that subject among officers of the Army, including quartermasters who have been in office at West Point, that the committee found itself unable to agree upon the different opinions expressed upon this subject, and recommend that a commission be appointed, without compensation, to be composed of three members of the Senate Military Committee, three members of

the House Military Committee, and three Army officers, to report to the next Congress as to what is advisable on this matter. Now, Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. PAGE of North Carolina, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 20872, and had come to no resolution thereon.

Mr. DENT. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 20872, and I again ask unanimous consent that general debate be limited to 25 minutes, 20 of which to be controlled by the gentleman from California [Mr. KAHN] and 5 minutes by myself.

The SPEAKER. The gentleman from Alabama moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 20872, and pending that asks unanimous consent that general debate be limited to 25 minutes, 20 of it to be controlled by the gentleman from California [Mr. KAHN] and 5 minutes by himself. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, when the Military Academy bill is out of the way, does anyone know whether there is any conference report likely to come in then, and what we are likely to do at that time after this bill is out of the way?

Mr. DENT. I can not answer the gentleman.

Mr. FOSTER. I will say to my colleague we have a little Senate bill——

Mr. MANN. There are a lot of those.

Mr. FOSTER (continuing). Which we are anxious to get through.

Mr. MANN. Anything of that sort goes through by unanimous consent if it goes through at all. Is there any business liable to come up, does anyone know? Very well, I shall not object.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on the motion of the gentleman.

The motion was agreed to; accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 20872) with Mr. PAGE of North Carolina, in the Chair.

The CHAIRMAN. The House is in the Committee of the Whole House on the state of the Union for the further consideration of the bill the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 20872) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1918, and for other purposes.

Mr. DENT. I would ask the gentleman from California to use some time.

Mr. KAHN. Mr. Chairman, the hour is exceedingly late and I do not desire to detain the committee unnecessarily, so I shall be as brief as possible. The United States Military Academy is considered to be the best institution of its character in the world. And yet, in my opinion, the time has come when the course of study in the academy should be materially changed. At the present time four years are expended in the education of a cadet. The superintendent of the academy appeared before the committee about a month ago and testified that 50 of the students had been dropped this year on account of deficiency in the academic studies.

None of them were dropped on account of deficiency in military tactics or science.

Mr. FIELDS. Will the gentleman yield?

Mr. KAHN. Certainly.

Mr. FIELDS. Was not 49 the number that failed in the academic course and 1 in military tactics?

Mr. KAHN. The superintendent so stated before our committee, but he subsequently changed his testimony, and the printed hearings disclosed the fact that the entire 50 were dropped for deficiency in academic studies.

It costs, according to various authorities, from $2,200 to $3,000 a year for the education of each cadet. Col. Biddle testified that the cost per year is $2,206, exclusive of an allowance for interest on the plant, which is valued at many millions of dollars. Therefore these 50 cadets who were dropped for deficiency in the academic studies cost the people of the United States between $110,000 and $150,000, for which the Government gets practically no return. To my mind the time has come when the young men appointed to the academy should have acquired their academic education without cost to the Government.

At the time West Point was founded there were about 25 colleges or universities in this country. West Point, as you know, was established in 1803. At that time most of the universities then in existence educated the young men in the classical courses. They taught Greek and Latin and those studies which were intended to prepare a man to take his station as a gentleman in society. The higher mathematics, the exact sciences, were not taught. At the present time there are, according to the report of the Bureau of Education for 1915, nearly 600 universities, colleges, and technical schools in this country. A great many young men, ambitious, energetic, capable, and desirous of improving their condition in life, work their way through those institutions of learning. There is no reason why the Government of the United States, under present-day conditions for getting an education, should pay for the academic education of the students at West Point. The cadets ought to acquire their academic education before they are admitted to West Point. The course of study at West Point should be given over largely to the study of military tactics and science. A two-year course would be ample if that plan were followed. That would double the number of graduates, and we would save the country considerable expense.

Mr. SMITH of New York. Let me ask you there, would not that system tend to restrict the number of boys in poor circumstances?

Mr. KAHN. Not at all. As I said a moment ago, an ambitious boy, a boy desiring to improve his condition in life will work his way through the university. All over this country thousands of poor young men are doing that very thing. They can be appointed to the academy just as poor boys are appointed now.

Mr. PHELAN. Would you raise the entrance requirements?

Mr. KAHN. Yes; very materially. The young man would have to secure his academic education. Therefore I would also raise the age limit for admission to the academy. At the present time the law requires that the candidate must be at least 17 years of age to enter. He is ineligible for admission after he attains the age of 22. That probably would have to be raised so that he could enter at 19 and be ineligible at, probably, 24.

Mr. GALLAGHER. Will the gentleman yield?

Mr. KAHN. Yes.

Mr. GALLAGHER. Can you give us any particular reason why such a large number fail?

Mr. KAHN. They are deficient in the academic studies. In mathematics principally, and in history, in grammar, in English, and all those studies which they ought to learn thoroughly before they enter the academy.

Mr. GALLAGHER. What I want to know is the cause of it.

Mr. KAHN. Well, probably they have not had the proper foundation in the academic studies at the time they go into the academy.

Mr. GALLAGHER. And there could not be any blame put upon the instructors?

Mr. KAHN. Oh, no; I do not think so. Of course, the instruction there is quite difficult, but I think a young man who has the proper foundation ought to be able to get through.

Mr. GALLAGHER. There might be such a thing as the failure of the instructors, too.

Mr. KAHN. Well, that may have something to do with it.

Mr. GALLAGHER. We had the same condition at Annapolis.

Mr. FIELDS. As I understand my colleague, you would raise the maximum age limit two years?

Mr. KAHN. Yes; at least two years.

Mr. FIELDS. Would you not work a hardship upon the young men by raising that only two years, and then expect him to work his way through college and get in two years what the academy gives him in the same length of time?

Mr. KAHN. A young man could undoubtedly work his way through the university and attain a standard that the academy would require by the time he was 24 years of age. I would fix the age limit at that or possibly 25.

Mr. CARTER of Oklahoma. Will the gentleman yield to me?

Mr. KAHN. Yes.

Mr. CARTER of Oklahoma. The plan of the gentleman, as I understand it, would restrict the applicants to enter this West Point Academy to university graduates?

Mr. KAHN. Not necessarily.

Mr. CARTER of Oklahoma. Or college graduates?

Mr. KAHN. Not necessarily graduates, but men who shall have acquired a certain standard in the academic course.

Mr. DOWELL. Will the gentleman yield?

Mr. KAHN. I should like to finish this statement.

Mr. DOWELL. I would like to know what understanding the gentleman has as to the length of time that would be required to secure instruction in military tactics?

Mr. KAHN. Two years at the outside.

Mr. DOWELL. That is under the system of fitting them as college graduates?

Mr. KAHN. Yes. Or that shall have fitted them to pass an entrance examination such as would be equivalent to the education in the academic course now a part of the curriculum at the academy.

Mr. OVERMYER. Will the gentleman yield?

Mr. KAHN. Yes.

Mr. OVERMYER. At the last session I introduced a bill for the creation of a united service, first-year school somewhere in the Central West, and it was referred to the Committee on Military Affairs. Has any consideration been given to that?

Mr. KAHN. I do not recall that any action was taken. Now, I must go on. I have only a few minutes left.

Up to the present time about one-third of the officers of the United States Army, during the period from 1803 to 1915, have been graduates from West Point. The other two-thirds came from the ranks or from the civilian population of the country. All history shows that it is not absolutely necessary to have an academic education to become a successful soldier. Napoleon Bonaparte only attended the French military school, in Paris, for 10 months. Of the 26 marshals of the Empire under him only 3—Davout, Marmont, and St. Cyr—were graduates of military schools. The great cavalry leader of the Confederacy, Forrest, was notoriously deficient in academic education. It is said of him that he once remarked in effect that the victory would be "his'n" who made the assault against the enemy "firstest" with the "mostest" men.

To my mind, the best results could be attained and the academy would be fulfilling its true mission if military science and tactics, with possibly the instruction of advanced mathematics, should constitute the course of instruction at West Point. The academic studies should be acquired by the cadet at his own expense and before he enters the academy. [Applause.]

Mr. DYER. Mr. Chairman, will the gentleman yield?

Mr. KAHN. Yes.

Mr. DYER. The gentleman has not told us yet how his plan or suggestion can be carried into effect. Will the gentleman tell us that?

Mr. KAHN. By changing the law.

Mr. DYER. Can it be done in this bill or this year?

Mr. KAHN. No. I have just thrown out the suggestion as a possible plan to be worked out in the future, and I believe it can be worked out with advantage to the country and to the academy. [Applause.]

Mr. DENT. I was going to state to the gentleman from California that I have five minutes that I can yield to him.

Mr. KAHN. No; I thank the gentleman. Mr. Chairman, I desire to have printed as a part of my remarks a very able and instructive article on this very subject by Maj. Gen. J. P. Sanger, as follows:

THE WEST POINT MILITARY ACADEMY—SHALL ITS CURRICULUM BE CHANGED AS A NECESSARY PREPARATION FOR WAR?

(By Maj. Gen. J. P. Sanger.)

The Military Academy was established by an act of Congress dated March 16, 1802. Its origin and history are stated in the "Centennial of the Academy," published by the Government Printer, Washington, D. C., in 1904, and can be found, probably, in all public and many private libraries throughout the country, and so is accessible to anyone interested in the subject. It is sufficient to state that the necessity of instructing our officers in their military duties, more especially of Engineers and Artillery, became apparent to Washington and others long before the establishment of the academy, and various plans were tried, culminating in a separate military school.

West Point, as the headquarters of the Corps of Artillerists and Engineers, was the place chosen for the school, and the instruction, which was mainly practical, was given by the officers of the corps.

From this simple beginning the Military Academy has gradually become a scientific civil and military college in which mathematics and other exact sciences are given a higher academic rating, and count for more among the cadets in their estimate of each other's capacity than the studies and exercises in the department of tactics. This might be considered an anomaly detrimental to the objects of the academy as a military school.

At the outset there was ample reason for some special instruction in mathematics and the other sciences, as the schools and colleges of that period were few, and the instruction given was mostly limited to Latin, Greek, and the subjects of what was called a classical education. In a few there was instruction in grammar, writing, and arithmetic to and including the rule of three, for which a special teacher was usually employed. Hence, young men entering the Army were not prepared to take up the study of civil and military engineering and the science of artillery.

Toward the end of the century academies made their appearance. They were the predecessors of the high schools, and gave a more extended course of instruction in elementary mathematics. At Exeter Academy, which was probably as good as any, the course in 1774 included Latin, Greek, geography, arithmetic, algebra, geometry, and trigonometry. As the grammar schools were the feeders of the colleges, their instruction was naturally based on college requirements, and these, as before stated, were chiefly Latin and Greek. Between the year 1800 and the Civil War five new subjects were added to the list of requirements, viz, geography in 1807, English grammar in 1814, algebra in 1820, geometry in 1844, and ancient history in 1847. It is said that these additions were first made by Harvard and afterwards by other institutions.

With the establishment of new settlements the need of exploration and surveys, and the expansion of the commercial interests of the country, some instruction was given in bookkeeping, navigation, and surveying, but the higher branches of mathematics and the natural sciences were not taught. "They smacked of commercialism and were not considered necessary or appropriate to the education of gentlemen." Up to the year 1800 the number of colleges was 25. Between 1800 and 1850, 123 colleges were established, of which 102 were for males, and from that date to 1915, 470 more, of which 561 are graded by the Bureau of Education as universities, colleges, and technological schools, exclusive of the Military and Naval Academies. The number of males attending these institutions was 150,758. In addition to the foregoing, there were 11,674 public high schools and 2,248 private high schools, with a total male registration of 674,449. Of this number 561,573 of the public high schools were in the four years' course. (Report of Bureau of Education for 1915.) The high schools are the feeders of the colleges, as the grammar schools once were, but many boys enter college who have not attended such schools.

On account of our limited educational facilities during the first half of its existence, conditions for entrance to the Military Academy (1802 to 1866) were confined to the physical examination, reading, writing, spelling, and arithmetic. In 1866 English grammar, geography, and history were added, and in 1901 the list was further extended to include algebra through quadratic equations, geometry, English composition and literature, which are the present requirements.

Until the year 1870 the examinations were oral and conducted at West Point. Since then they have been in writing, and are now conducted at convenient points throughout the country by Army boards, thus saving candidates who fail to pass the physical examination from the expense of a fruitless journey to West Point. In 1901 "certificates of examination" were authorized by the Secretary of War in lieu of the written examinations, and are of two kinds:

First, the properly attested examination papers of a candidate who receives his appointment through a public competitive written examination covering the range of subjects prescribed for admission.

Second, the properly attested "certificate of graduation" from a public high school, or a State normal school in which the course of study, together with the requirements for entrance, shall cover the subjects necessary for admission to the academy. This was a radical and sensible change from the critical oral and written examinations which prevailed for so many years and under which so many candidates were rejected. Comment on the value of examinations in general and those for admission to the academy in particular might be introduced here did time and space permit.

For the information of those not connected with the Army it may be said that young men appointed to the academy are officially known as "candidates" until after they are admitted, when they become "cadets." The conditions under which they enter will be found in a circular of the War Department published in 1914 and in the register of the academy for 1915. It is sufficient to say here that candidates must be between 17 and 22 years of age, of good moral character, and able to pass the required physical and mental examinations. For each vacancy, three candidates are appointed, to wit, the principal, and the first and second alternates who are substituted for the principal in the event of failure. The number of cadets is prescribed by law and they are apportioned as follows: To each congressional district and Territory and to Porto Rico, 1; to each State and the District of Columbia, 2; to the United States at large, 40. The appointments from congressional districts are made on the recommendation of the Representatives in Congress; those from Territories on the recommendation of the Delegates in Congress; those from a State on the recommendation of the Senators; those from the District of Columbia on the recommendation of the District Commissioners; those from the United States at large are selected by the President; and the candidates from Porto Rico on the recommendation of the Resident Commissioner. The Secretary of War is authorized to permit not to exceed four Filipinos, to be designated by the Philippine Commission, provided that on graduation they are eligible to appointment to the Philippine Scouts only. All graduates now agree to serve eight years. All appointments to the academy are made by the President one year in advance of the date of admission, except appointments to fill casual vacancies, which are made in time for the next examination.

Except in matters of detail, the academy has been conducted practically as it now is for many years. There has been a growing tendency toward the concentration of greater authority in the academic board, a greater increase in the number of cadets, and greater liberality in their management; a large increase in the number of officers there on duty, and in the expenditures for maintenance. It is organized as follows:

A superintendent, who is the commandant of the academy and post of West Point, with an academic and military staff numbering at present 120 officers, a battalion of cadets (the number of cadets authorized for the present year is 834, which number will be increased by 166 each year for the next three years. The cost of maintenance will be increased as a consequence), and several detachments from the Army for guard duty and for use in the course of practical instruction.

The academic staff: This is composed of the professors, assistant professors, and instructors, who regulate and teach the curriculum as assigned to the various departments of instruction, as follows:

The department of tactics, at the head of which is the "commandant of cadets," and in which is given instruction in drill regulations of Infantry, Cavalry, and Artillery, target practice with rifles, revolvers, and field guns, field work, seacoast artillery, and the submarine defenses at fortifications, minor tactics, practice marches, and practical field work; writing orders and solving problems involving the disposition of small forces; gymnastics, including boxing, wrestling, riding, dancing, swimming, fencing, and hippology. There is also an annual encampment of about 10 weeks for all cadets, and usually a practice march of one week.

The department of civil and military engineering, first class: In addition to the subjects naturally embraced in this department, it comprises the study of the organization of armies, grand tactics, strategy, and military campaigns.

The department of natural and experimental philosophy, second class: This course embraces analytical mechanics and astronomy.

The department of mathematics for third and fourth classes: This course completes algebra, plane, solid and descriptive geometry, and differential and integral calculus. Descriptive geometry includes, in

addition to the usual projections of lines, planes, surfaces, etc., shades shadows, perspective, isometric, and spherical projections.

The department of chemistry, mineralogy, and geology, for second class.

The department of drawing for second and third classes embraces free-hand and mechanical drawing and topographical sketching.

The department of modern languages, for first, second, and third classes includes French and Spanish.

The department of law for first class: Elements of constitutional and international law.

The department of practical military engineering, for first, third, and fourth classes: This course embraces surveying, military field engineering, military reconnoissance, map making, building bridges and their demolition, locating, tracing, and profiling fieldworks, military signaling, telegraphy, etc.

The department of ordnance and gunnery, for first class: This embraces the action of explosives, ballistics, the theory of gun and carriage construction, projectiles, etc.

The department of military hygiene, for third class, covers all the essentials in the care of troops, clothing, and equipment, water supply, food and their preparation, disposal of waste and sanitation of camps, marches, battle field, etc.

The department of English and history, for fourth class.

The relative academic values of the several departments of instruction is as follows, the maximum being 300:

Department of engineering, 300.
Department of mathematics, 175.
Department of natural philosophy, 300.
Department of drawing, 75.
Department of languages: French, third class 175; Spanish, first class 90, second class 60.
Department of chemistry, mineralogy, and geology, 125.
Department of law, 150.
Department of ordnance and gunnery, 150.
Department of practical military engineering, signaling, and telegraphy, 10.
Department of English and history, 75.
Department of tactics, Infantry, Cavalry, and Artillery: Drill regulations, first class 15, second class 40, third class 20, fourth class 25. Conduct determined by demerit.

The time devoted to the various recitations and the hours of attendance will also be found in the register before referred to. This curriculum is carried on according to the regulations of the academy and the cadets are under strict supervision and control at all times. Infractions of the regulations and misconduct of any kind are adequately dealt with by court-martial, demerits, etc., and any cadet receiving more than a fixed number of demerits in one term is liable to dismissal. (For full particulars concerning the course of instruction the reader is referred to the Annual Register of the Academy for 1915, that for 1916 not being available.)

The military staff is chiefly engaged in the service of the post of West Point, as distinguished from the Military Academy.

With this brief outline of the academy, let us look at the output.

As the cadets registers from 1802 to 1838 were destroyed by a fire which occurred at West Point, the statistics concerning candidates prior to that year can not be given. But from 1838 to 1915 there were appointed 17,949, of whom 8,352 were admitted and 4,536 were graduated; a period of 77 years with an average of 233 appointed annually, 108 admitted, and 58 graduated. The average of annual vacancies in the grade of second lieutenant from 1838 to 1901 was, approximately, 106. Since the reorganization of the Army in that year they have averaged 154, so as a rule the academy has not been able to fill existing vacancies. When this has happened, appointments have been made from among the enlisted men of the Army or from candidates in civil life. (The appointment of enlisted men and civilians is prescribed in War Department General Orders No. 26, of 1916.)

The records show that from the establishment of the academy to 1915 there have been 5,476 graduates, an average of 48.5 officers per annum, and that, including grounds and buildings, the academy has cost up to date approximately $115,000,000.

For the same period there have been 27,500 officers in the Regular Army, of whom, as before stated, 5,476 were graduates of the academy, or a little over 0.199 per cent. In the wars we have waged we have the following proportion of graduates to the total number of officers in service, regular and volunteer:

Wars.	Regular.	Volunteers.	Graduates.	Per cent.
Mexican	1,400	3,126	590	0.13
Civil War	2,400	120,000	750	.006
Spanish	2,260	10,600	1,390	.108
	6,060	133,726	2,730	.0195

The total number of general officers, regular and volunteer, since 1802, exclusive of those promoted for retirement, is 920; of these, 320 were graduates, or a little over one-third, which will no doubt occasion some surprise. (By the national-defense act of June 3, 1916, the number of general officers has been increased.)

From these statistics it is apparent that for many years the academy has furnished less than one-third of our regular officers.

It is not the purpose to discuss these figures beyond pointing out the great disparity between the number of candidates appointed, the number admitted, and the number of cadets graduated. For this failure to realize the full capabilities of the academy in graduates two causes have been conspicuous, viz, the method of appointing candidates and the failures in the academic department.

Under the system of appointment now observed the academy may be likened to a close corporation, membership in which depends on the favor of certain officials. This adds nothing to the qualifications of the candidates or the usefulness and popularity of the academy, and should be changed for something not only more democratic but entirely free from every kind of influence except the morals, manners, and mental and physical traits of the candidates who may present themselves.

In pursuance of this idea let the academy be open to all young men who wish to adopt the military profession and can satisfy the prescribed examination, and have no ulterior object in entering the academy. This will not only result in a higher grade of candidates, but will make the academy a national school in fact, which it is not now, and will remedy the most glaring defect of the present system under which so many young men are appointed to the academy, who either can not or will not enter. (Under the plan proposed, the candidates would be proportioned to States and Territories according to the male population. The annual entrance examinations would be competitive, the candidates ranking highest in order of merit filling the vacancies. The appointments would no longer be made on the recommendation of Senators, Representatives, and other officials.)

During the period under consideration, 159 candidates declined their appointments and 2,316 failed to report, from which it may be fairly inferred that they cared very little about the academy or the Army and should never have been appointed.

Of the 3,816 candidates admitted who did not graduate, about 3,000 failed in the academic department and approximately 600 more were turned back, the records showing but comparatively few failures in the department of tactics, in which the cadets receive nearly all their military training. Two years of this training as carried on at the academy will prepare a young man of intelligence, a good general education, and military aptitude for the duties of second lieutenant, and even those of a higher grade, without respect to the academic department.

It will not qualify him for appointment as colonel or brigadier general, as is erroneously believed by many persons, any more than will the present four-year course, as something more than mere schooling is necessary for that, but it will give him the necessary elementary training and teach him how to organize and command soldiers and to investigate military questions intelligently, or, in other words, will lay the foundation on which, if he has ability, perseverance, aptitude, experience, and good luck, he may eventually reach those grades and fill them meritoriously, which is as much as should be expected. If, in addition, he has military genius he may even become justly renowned, like Grant and other graduates; but if he does it will not be due to his schooling alone but to certain God-given qualities which are vouchsafed to but few men and which schools alone can never give. In truth, there have been many soldiers, from Joshua to Joffre, as history shows, who with but little if any schooling, civil or military, have rendered inestimable services and have achieved greatness.

But to return to the academic department. Who can conscientiously claim that its maintenance is necessary to the success of the academy as a military school? On the other hand, as it is and has always been, autocratic and inflexible in its demands on cadets, rejecting those who fail in the academic course, no matter how proficient in the department of tactics, it has been a positive drawback to the academy, even in time of war. Nor is there the slightest excuse for its continuance, no matter how perfect the system of instruction may be.

The curriculum of our universities, colleges, and technical schools covers all subjects considered necessary to prepare young men for professional or commercial life, and the high standing of our scientists, engineers, lawyers, financiers, and literary men, of whom there are thousands, sufficiently proves that it is ample for the general education of Army officers, those of the Artillery and Engineers not excepted.

It may be said that there are hundreds of young men with this kind of education scattered throughout the country who would be glad to enter the academy, provided it were a professional and not a mixed school and they were not dependent for admittance on any outside influence whatever. The experience of our summer camps gives some indication of what may be expected once the academy is thrown open to the whole country and young men can enter for the sole purpose of receiving instruction in military science and tactics.

In this connection it may be said that it is not the education in the civil branches given at the academy which makes its graduates valuable as a military asset, but their military training. Without that they would be no more entitled to the public confidence, as military men, than the graduates in good standing of any other respectable scientific school or college in the country, and it is time this fact was recognized by the academic authorities and the academy devoted exclusively to military purposes.

To accomplish this we have only to change its curriculum by abolishing as much of the academic course as pertains to the exact sciences, languages, history, English, etc., transferring the department of civil and military engineering to the Engineer School at Washington, D. C., and the Department of Ordnance and Gunnery to the Coast Artillery School at Fort Monroe, where they properly belong and where such scientific studies can be pursued to any extent considered necessary without interfering with the general military training at the academy. The course of instruction would then embrace the department of tactics, the department of field fortifications and the art of war, the department of law, the department of hygiene, and the department of military engineering, signaling, and telegraphy, to which could be added a more extended account of all appliances in the hands of troops pertaining to modern warfare, their practical and expert manipulation, and the principles involved in their use.

The course of instruction would then provide only the general military training needed by all second lieutenants of the Army without respect to arm or corps, leaving to army colleges and service schools such further special instruction as may be considered necessary.

These colleges and schools are:

1. The War College course, 1 year.
2. The Staff College course, 10 months.
3. The School of the Line course, 1 year.
4. The Coast Artillery School, 1 year.
5. Mounted Service School, 2 years.
6. Engineer School, 1 year.
7. Army Signal School, 1 year.

The course and duration of instruction of these schools is regulated by the War Department.

These changes would reduce the four-year course at the academy to two years, ample for the purpose, and the number of graduates thus doubled (enough for an army of 300,000), without adding another cadet to the number now authorized or increasing the cost of maintenance of the academy. In fact, by this rearrangement of the academic department the cost should be largely reduced, as many of the officers now assigned to the academic department would be relieved for duty elsewhere.

Having changed the curriculum as well as the method of appointing candidates, let the proper authorities determine the general education necessary for entrance to the academy or to the Army when the course at the academy is impracticable.

If all the subjects now taught at the academy are considered absolutely essential for all second lieutenants, let them be included in the examinations, bearing in mind, however, that all cadets do not now take the full course at the academy and that there is nothing in the whole domain of military science and tactics, outside the technicalities

of the Artillery and Engineers, if properly taught, beyond the comprehension of any young man of intelligence and good general education, and let the latter be determined, as at present, by a written examination or by a certificate of proficiency properly authenticated. The accuracy of such certification can be easily determined during the course of military instruction, which can be conducted so as to test a cadet's educational proficiency as well as his fitness for the different arms of service on graduation. (The great mortality among young officers in modern wars should modify to some extent the scope and severity of their civil examinations. In other words, while food for gunpowder should be of good quality, it should also be plentiful, easily digested, and not too costly.)

It would be a mistake, however, in doing this to reject a cadet of unusual military aptitude and promise because he may not come up to the high standard of examinations maintained at the academy, where the cadets are fresh from their studies, more especially if he can show that he has at any time received proper instruction or passed a creditable examination in the subjects required.

Boys are sent to school to discipline their minds and teach them how to study, and this can be done in many different ways. What they actually learn and remember, even for a short time, is comparatively of but little consequence. When they take up professional studies, however, their proficiency becomes of very great importance, and they should be critically examined, not only as a safeguard to society in general, but to the reputation and honor of their chosen professions, and this is the rule.

There need be no fear that the academy will fail of its purpose should its curriculum be changed as proposed, or that its graduates would have less military efficiency than heretofore. As a matter of fact, they should have more. Entering the academy from choice, prepared to take up professional study, and freed from the demands of the academic department, which are so absorbing and consume so much time, the cadets will give their undivided attention to the course of military science and tactics rendered more comprehensive than is now practicable and will make professional excellence in those subjects the goal of their ambition rather than high class standing in the other civil departments of instruction. (Whether the rigidity of body, the mental strain and the constant surveillance imposed on cadets during the four-year course reacts on the mind, restraining its natural expansion, are questions which have been much discussed. One thing, however, is certain, that putting military and civil instruction in the same course and expecting all the cadets to do full credit to both has resulted in many failures, chiefly in the academic department, as already explained, and deprived the Army of many excellent officers, as the writer has good reason to know.)

To the academy as thus administered should be sent in time of peace all candidates for a commission to the Regular Army, no matter what their origin or influence may be. Those from other military schools, from the National Guard, and from the ranks, if found proficient in any part of the course, should be advanced, and in this way their time at the academy shortened. This would not only increase the number of graduates each year but would act as an incentive to all other young men who contemplate entering the Army, inciting them to greater effort in the way of preparation.

Compare this with our absurd and haphazard way of providing second lieutenants for the Regular Army even in time of peace. About one-third from the academy and two-thirds from anywhere, as a last resort, after the yearly graduates have been taken care of.

As already stated, War Department General Orders, 26, of 1915, prescribe the rules under which such candidates are to be appointed, but as these rules are not sanctioned by law candidates may be commissioned even if they fail in their examinations, and without, as far as known, a single necessary qualification for the military service. Fortunately such instances are rare, and all candidates usually stand their examinations. Among them are many college graduates and other well educated men who, in this respect, compare favorably with the graduates of the academy after a few years in service. Of course, as a rule, they lack proper military training, and the proposition is therefore to send them all to the Military Academy where they will be thoroughly disciplined and instructed and their proficiency tested before they are commissioned, thus doing away with the absurd practice of appointing second lieutenants to the Army and then trying to educate them. (In this connection it may be said that the military profession is the only one in this country to which young men are admitted without previous and suitable preparation, and yet the demands of the military profession are greater than any other, as the existence of a nation may depend absolutely on the professional excellence of its army.)

Apart from the great benefit which would result to them from this change, there will be established what our Regular Army has never had yet, a common professional standard for all second lieutenants, and in a few years as a result a homogeneous corps of officers, with practically the same esprit de corps, the same professional acquirements, and with equal chances at the outset for professional usefulness and distinction, a matter of vast importance in any army, and especially in our own, where there should be no discrimination between officers not due to the officers themselves.

Hence, the practice by the Government of educating and training one-third of our second lieutenants and starting them on their course in the Army prepared for their profession while starting the other two-thirds without such preparation should be discontinued as an archaic and absurd illustration of defective military administration.

It is frequently stated that it is not considered necessary to send all candidates for appointment in the Army to the academy, but the writer has never been able to fathom the reason for this, unless it be that a certain number of vacancies are reserved for patronage. Certainly many vacancies have been filled, apparently, in this way, to the great injury of the service.

The Army should not be used for such purposes. All second lieutenants entering the Regular Army in time of peace, as before remarked, should receive the same military training and should undergo the same tests. They have practically the same responsibilities and are exposed to the same risks, and should be prepared accordingly. Of course these remarks are intended to apply to the Regular Army only to which officers are appointed for life, and which, as the nucleus of the larger mobile war Army, should always be maintained in the highest state of efficiency.

Of all the military needs of the country, the most imperative, in view of our small national Army, is a sufficient number of trained officers to command and instruct the raw levies of which our war armies are mostly composed. The militia will continue to be officered as heretofore, by the governors of the States, on the vote of its various units, a most unmilitary and demoralizing practice, and subversive of military discipline but over which the Government has no lawful control, but no regiment should be taken into the service of the United States unless the field officers and captains at least are sufficiently well trained, as should be also the commanders of batteries, brigades, divisions, and Army Corps, and this should be carefully ascertained by the War Department in every case.

To risk the success of military operations, no matter how insignificant, and to entrust the lives of the troops to green officers, as has been done repeatedly heretofore, should be regarded as a disgrace to the country and a crime against our soldiers, without extenuation, because wholly unnecessary if our military resources be used generously and with good judgment.

Among them the Military Academy has been preeminent for years, although rarely, if ever, equal to the need of the Army in second lieutenants. That it can be made so there is no reason to doubt, provided it is converted into a national school composed of officers and cadets pursuing a single course, and actuated by a single motive, viz, an expert practical knowledge of the military profession. If to this be added a sympathetic and helpful attitude by the academy toward all other institutions in which military science and tactics are taught, correlating and conserving the whole by precept and example, the academy will enter upon a career of military usefulness heretofore unknown in its history.

Whatever impressions these reflections may make on the lay reader is, of course, problematical. By many graduates of the academy, however, they will no doubt receive emphatic disapproval, at least as far as concerns the suggested change in the academic department, as it will seem like a blow to the prestige of the academy, protected for so many years from any suggestions of change not originating within its sacred walls. When, however, the great benefit to the Army and to the military efficiency of the country becomes known, a broader and more generous method of selecting the candidates, a more extended course of military instruction, and a sufficient number of graduates to fill all vacancies in the grade of second lieutenant, in time of peace, this impression, it is believed would give way to a feeling that the academy is more useful, and stands higher in public estimation than ever before.

Such at least is the hope of the writer who for more than 50 years has fully appreciated the value of its military training while deeply regretting its limited application.

The CHAIRMAN. The gentleman from Ohio [Mr. FESS] is recognized for 10 minutes.

Mr. FESS. Mr. Chairman, I am not going to speak on the Military Academy bill now before us, but I would like to say, before entering upon the item that I want to consume the time in discussing, that I think I agree with the plan of the gentleman from California [Mr. KAHN] for extending into the curriculum or rather extending the time for the pure military science in the academy, and allowing much of the work that is done there now to be done in the schools throughout the country that are not military. I do not know how that can be worked out, but I think that that would be a splendid thing to do, and I hope careful consideration will be given to it in the near future.

Mr. Chairman, it is now within 36 hours of the adjournment of the Sixty-fourth Congress. In a short time the last of the 15 supply bills will have passed the House. But not half of them are yet considered by the Senate. A few days ago I was looking over these appropriation bills that would have to be finished by noon of the 4th of this March, and it looked to me as if we might not be able to get through by that time. These bills include the national-defense appropriations, and they must be completed within the constitutional limit to avoid embarrassment. My thought was intensified by the President coming to the Congress and speaking on a very important and, to me, sensitive constitutional question, of delegating considerable authority, which I thought was a blanket authority, to him for the interim when this Congress ceases and the next one comes together. My views of the dangers to come from the surprising tendency of the times to relegate unlimited authority to the Executive are well known, as I have frequently addressed the House on this tendency.

I introduced within a few hours after he left this Chamber a resolution to the effect that this, the Sixty-fourth Congress, fix the first meeting of the Sixty-fifth Congress on the first Monday of April, in order that this next Congress might share with the President the responsibility of maintaining the rights of our country at this critical juncture of our Nation.

Many Members have spoken to me personally, stating that we could not do that, and I asked the privilege of time in order to discuss the constitutionality of that resolution.

The meeting of Congress is fixed by the Constitution. Section 4 of Article I says that—

> The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

In this section we have a specific time fixed by the Constitution, which will stand as the meeting time if not modified by law.

So that the power of the Sixty-fourth Congress to fix the first meeting of the Sixty-fifth Congress at a different day than the first Monday in December, 1917, is not an inference; it is a direction. It is not implied; it is expressed in the Constitution itself.

The constitutional time of meeting specified is the first Monday in December, and Congress would meet at least once a year

on this date if it did not meet by direction of the Congress at a different time. In addition to that provision there is another, section 3 of Article II, that is familiar to every Member, as follows:

The President * * * may, on extraordinary occasions, convene both Houses, or either of them, and in case of disagreement between them with respect to the time of adjournment he may adjourn them until such time as he shall think proper.

So that our first meetings of Congress are either fixed by the Constitution itself or by the Congress by law or by the President in calling special sessions.

Mr. PHELAN. Mr. Chairman, will the gentleman permit an interruption there?

Mr. FESS. Yes; I yield.

Mr. PHELAN. From the language there the gentleman says one Congress can determine when the next Congress shall meet. Does it not mean that one Congress can determine when that Congress shall meet? For example, if the Sixty-fifth Congress came in in December, they might determine when they would meet again.

Mr. FESS. No; I will say to the gentleman from Massachusetts that the last statement he made, that the one Congress could determine when the same Congress should meet again is true, but that is not all the truth. Its power is not limited to that. It can extend to fixing the meeting of the succeeding Congress. That is, the long session can fix the time of meeting of the short session. The short session, or last session, can also fix the time of meeting of the first session of the next Congress.

To be specific, this present session of the Sixty-fourth Congress can fix the time of the meeting of the Sixty-fifth Congress other than the constitutional date, first Monday of December, 1917. That has been done many times. The first three or four Congresses were fixed by law instead of by the Constitution.

Mr. HASTINGS. Mr. Chairman, will the gentleman yield?

Mr. FESS. Yes.

Mr. HASTINGS. Has that ever been questioned by anyone? Has it ever been questioned that Congress could not by law fix a different day for the convening of Congress?

Mr. FESS. It has been questioned by many Members within the last few days.

Mr. SLOAN. Mr. Chairman, will the gentleman yield?

Mr. FESS. Yes.

Mr. SLOAN. Has not the question been as to the practicability of working it out at this very late date, assuming that the Executive himself would not sign the bill if passed, or allow it to lapse with the passage of time rather than deny the constitutionality of your proposition?

Mr. FESS. I will say to my friend from Nebraska that I am not entering the speculative field. I am speaking of the constitutionality of this Sixty-fourth Congress fixing the time of the meeting of the Sixty-fifth Congress. As I said, most of the early Congresses met in accordance with preceding legislative action rather than by the Constitution itself, and when the first session would set the first meeting of the second session the day of meeting would frequently be set before the constitutional time, the first Monday in December. I have gone over the precedents quite carefully, and in order to clear up the minds of Members upon the question of the constitutionality of our right to fix the date of meeting of the Congress to succeed this one, I will indicate here what has been done in the exercise of this power. In these precedents we note one session fixing the day of meeting of a succeeding session. We find cases where one Congress fixed the time of meeting of a succeeding Congress.

The First Congress met on March 4, 1789, in accordance with the terms of a resolution of the Continental Congress. This session continued until September 29, 1789. Before adjourning the following law was enacted, being approved September 29, 1789:

That after the adjournment of the present session the next meeting of Congress shall be on the first Monday in January next.

At the last session of the First Congress the following law was enacted, being approved March 2, 1791:

That after the third day of March next the first annual meeting of Congress shall be on the fourth Monday of October next.

At the first session of the Second Congress this law was enacted, being approved May 5, 1792:

That after the adjournment of the present session the next annual meeting of Congress shall be on the first Monday in November next.

The second sessions of both the Tenth and Eleventh Congresses were convened by law; but in neither of these laws nor in any of the previous laws convening Congress was the hour of meeting specified in the law.

On May 22, 1809, the day appointed by law for the meeting of the session, the first session of the Eleventh Congress convened and remained in session until June 28, 1809. At this session the following law was passed:

That after the adjournment of the present session the next meeting of Congress shall be on the fourth Monday of November next.

These are instances wherein Congress has been convened by proclamation or by law.

At the second session of the Seventh Congress, by the act approved March 3, 1803, it was provided:

That after the adjournment of the present session the next meeting of Congress shall be on the first Monday of November next.

The first session of the Thirteenth Congress met, in accordance with law, on May 24, 1813, and ended August 2, 1813. At this session the following law was passed, being approveed on July 27, 1813:

That after the adjournment of the present session the next meeting of Congress shall be on the first Monday of December next.

In some cases the date fixed by Congress coincided with that fixed by the Constitution. When it was fixed on that exact date the RECORD has shown in certain instances that the Congress met on the first Monday in December by the authority of law rather than by the authority of the Constitution.

But, fellow Members, the most historic occasion in all our history was in 1867. The students of American history will recall that there was a very bitter contest between the executive department and the legislative department during the régime of Andrew Johnson. Mr. Johnson had had a part in carrying out Mr. Lincoln's reconstruction policy, having been the military governor of Tennessee; and when Mr. Johnson came into the Presidency as the successor of Mr. Lincoln, having been a participant in Lincoln's methods of reconstruction, he proceeded to reconstruct the States on the plan of Mr. Lincoln.

Members here will recall that Thaddeus Stevens had fought Mr. Lincoln's plan of reconstruction, as far back as 1862, when it was first announced, and when the Congress met in regular session and the roll of the States was begun by the Clerk, when the State of Alabama was called Mr. Stevens arose and declared that the State of Alabama was not represented in the Congress, because it had not been reconstructed; but it had been reconstructed on Mr. Lincoln's plan, carried out by Mr. Johnson. As I recall, nine States were so reconstructed by Johnson while Congress was not in session. Mr. Stevens fathered a motion to appoint a committee of investigation, and the Members from the States in dispute withdrew until that committee made its report. The truth is, they never came back into that Congress, for the committee did not make its report for two years. Then began the historic struggle between Congress and the Executive. Andrew Johnson having vetoed many bills and the Congress having passed over his veto at least 21 important bills, the fight continued into the succeeding Congress, which, recognizing that the Congress would adjourn on the 4th of March, 1867, and could not come into session for at least nine months after March 4 unless the President would call them, passed a law on the 22d of January, 1867, fixing the time for the meeting of the Fortieth Congress. That is, the Thirty-ninth Congress fixed the time for the meeting of the Fortieth Congress.

The Fortieth, Forty-first, and Forty-second Congresses were convened in accordance with the terms of the following law, approved January 22, 1867:

"That in addition to the present regular times of meeting of Congress, there shall be a meeting of the Fortieth Congress of the United States, and of each succeeding Congress thereafter, at 12 o'clock meridian, on the 4th day of March, the day on which the term begins for which the Congress is elected, except that when the 4th day of March occurs on Sunday, then the meeting shall take place at the same hour on the next succeeding day."

It will be noted here that the Thirty-ninth Congress fixed the time of the meeting of the Fortieth Congress as the 4th of March. The Fortieth Congress was in session from the 4th of March to the 30th of March, and then recessed to July 1, when it was in session until July 20, and then recessed until September. In pursuance of the same law the Forty-first Congress met on the 4th of March and remained in session until the 27th of July, and then recessed three times afterwards, but adjourned immediately after the recess meeting, having done nothing after July 27. After that the law became inoperative. Since that time the meeting has been on the constitutional day, the first Monday in December, and has so continued up to the present time, except when called in special session by the President.

Mr. FIELDS. Did the President approve that law passed by the Thirty-ninth Congress for the meeting of the Fortieth Congress on the 4th of March?

Mr. FESS. Yes; that law was approved by President Johnson. I want simply to say that the resolution I have introduced, while it will not be reported, is strictly constitutional. I introduced it in good faith, at a critical moment, when I felt convinced that we ought to provide for our presence in the Capital to perform our duties in case of an emergency of international consequence, rather than to delegate doubtful power to the President to be used in case the emergency arises.

To abrogate our prerogatives over war matters on behalf of the President in order that we may go to our homes will be a cowardly act in my opinion. That is the source of my resolution.

The CHAIRMAN. The gentleman from Alabama [Mr. DENT] has four minutes remaining.

Mr. DENT. I do not care to utilize that time.

Mr. SMITH of New York. I want to ask what the amount recommended by the War Department that was cut out by the committee was to be used for? Was that $700,000 for construction work, or was it to provide for an additional number of cadets?

Mr. DENT. It was for construction work.

Mr. SMITH of New York. It would not have provided for additional cadets?

Mr. DENT. No; there was no provision for additional cadets, other than the law passed last year.

Mr. CHAIRMAN. I ask that the Clerk read the bill under the five-minute rule.

The Clerk, proceeding with the reading of the bill, read as follows:

For extra pay of eight laborers (artillerymen), employed in keeping clean the equipment used by cadets, at 35 cents each per day, $876.40.

Mr. BENNET. Mr. Chairman, I move to strike out the last word, for the purpose of asking the chairman of the committee a question. It seems to me that this item relating to eight laborers is a good place to ask the chairman of the committee, for the benefit of my successor, how a man goes about it to get a private bill out of the Committee on Military Affairs?

Mr. DENT. I do not understand why that has anything to do with this item.

Mr. BENNET. I knew it was too much for one man to get a private bill out of the Military Affairs Committee, but I thought in connection with eight laborers a man might get some information. I will admit that my question is not strictly relevant to the paragraph just read.

Mr. DENT. I do not know how I can answer the gentleman, unless he will ask a relevant question.

Mr. BENNET. I had such hard luck with the Committee on Military Affairs in connection with private bills that I thought perhaps I might get some light on it for the benefit of my district to hand down to my successor.

Mr. FIELDS. I want to say to the gentleman that he has not been alone. We have all had hard luck.

Mr. MEEKER. Could not the chairman of the committee write a letter about it?

Mr. BENNET. He could.

Mr. DENT. I will say to the gentleman from New York that, so far as the chairman of the committee is concerned, he would be very glad to attend to any private bill that the gentleman or any other Member has, and I believe the gentleman knows that.

Mr. BENNET. I asked the chairman of the committee to get out one bill for a man 95 years old, and I have not got it out yet. I have one bill for a man in his ninety-fifth year, and I thought that ought to have a little more attention.

Mr. FIELDS. What is the nature of that case?

Mr. BENNET. That man performed an act of distinguished gallantry at the battle of Chapultepec 71 years ago, prior to the time when they had medals of honor. It was a very daring act that he performed in a very notable battle. Now they have medals of honor, and I introduced a bill to give this old man, for that distinguished service, the right to be put on the medal-of-honor roll. I think he ought to have had it, and I am sincerely disappointed that that bill has not been reported by the gentleman's committee.

Mr. DENT. I will state to the gentleman that I am sure the bill he introduced was a meritorious one, and I am only sorry that the committee have been so busy with appropriation matters and considering the national-defense act which we passed last year that we have not had time to give proper attention at this short session to private bills.

Mr. BENNET. That is a good answer. I withdraw the pro forma amendment.

The Clerk read, as follows:

For two civilian instructors in Spanish, at $2,000 per year each, to be employed under rules prescribed by the Secretary of War, $4,000.

Mr. PLATT. I move to strike out the last word, for the purpose of asking the chairman of the committee a question. I understand there is an instructor of Spanish who has been in the Military Academy for a long time without any increase of salary. Was any attention given to that man's case by the committee? I understand he has been there some time without an increase in pay—quite a number of years.

Mr. DENT. Yes; I think that is true.

Mr. BENNET. It seems to me that they pay much smaller salaries at the Military Academy to the civilian instructors than is paid for the same grade of men in colleges.

Mr. DENT. I will state to the gentleman that so far as the committee have been able to ascertain they have had no trouble in getting instructors at the academy.

Mr. PLATT. Of course, after you have had a man a certain length of time it is difficult for him to leave, but I think there have been men that have left West Point and gone to other places at better salaries.

Mr. DENT. The committee considered that, but if they start in with one there will be no end to it.

Mr. PLATT. I want to ask the gentleman if there is not a mistake in the bill on page 9, line 13, where it says "one clerk and stenographer at $5,500." Last year's bill shows that it was $1,200.

Mr. MANN. One clerk and stenographer at $1,200. $1,200 is left out.

Mr. DENT. Mr. Chairman, I move to amend.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, on page 9, line 13, by inserting after the word "at" the amount "$1,200."

The amendment was agreed to.

Mr. DENT. Now, Mr. Chairman, I move to amend by striking out the total.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 9, line 13, strike out the total of $5,500.

The amendment was agreed to.

Mr. FESS. Mr. Chairman, I move to strike out the last word. Is there anything else in the way of perquisites for this salary, or is this salary a clear money salary?

Mr. DENT. A clear money salary with no perquisites.

Mr. FESS. No room or board?

Mr. DENT. No.

The Clerk read as follows:

For pay of one chief engineer of power plant, whose duties will include those of engineer of heating and ventilating apparatus, $2,400.

Mr. PLATT. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 10, line 20, after the word "plant," strike out all of the paragraph to and including the word "apparatus," on line 20.

Mr. PLATT. Mr. Chairman, I want to say a few words. In case this amendment is agreed to I want to insert a new paragraph as follows: After line 22 insert a paragraph as follows:

For pay of assistant engineer of heat and ventilating, $1,800.

That simply restores the bill as it was last year and puts back the engineer of heating and ventilating apparatus. The committee, as any one will see from the hearings, have done this: Col. Biddle wanted to have the two offices of chief engineer of the power plant and the engineer of heating and ventilating apparatus, who has outside work away from the power plant, combined and wanted a proviso that the engineer of heating and ventilating should be appointed to the position and have his salary raised to $2,700. The committee cut out the proviso and left the salary as it was, but combined the two offices and cut out one man. I think it perfectly plain from the hearings that that is not what Col. Biddle wanted to have done, and it could not be done without harming the service. What they wanted to do was to get rid of the chief engineer and put the engineer of heating and ventilating apparatus in his place. The chief engineer is a civil-service man and could not be gotten out in that way. You have left the man they wanted to get out in and cut out the other man. I have no interest in either man, but I think the bill should be restored as it was last year.

Mr. DENT. I would state that the committee declined to adopt the recommendation of Col. Biddle, but he did say that he could get along with one man for that purpose, and we gave him one man but not the salary asked for.

Col. Biddle says in the hearings that—

Instead of having a chief engineer of the fire plant and an engineer of the heating and ventilating system we wish to combine them in one man, giving the man who takes the place a better salary than he is getting.

The CHAIRMAN. There does not seem to be any increase or decrease provided for. It seems to be the same as last year.
Mr. MCKELLAR. Did you pay the $4,200 for two men last year?
Col. BIDDLE. Yes, sir.
Mr. MCKELLAR. And you are going to give this amount to one man.
Col. BIDDLE. We leave out one man.
Mr. MCKELLAR. You are going to discharge the chief engineer of the power plant?
Col. BIDDLE. And put in the heating and ventilating apparatus engineer.
Mr. MCKELLAR. You have no use for the man you propose to discharge?
Col. BIDDLE. No; we can get along with one man.
Mr. SHALLENBERGER. Will he have to employ any assistance?
Col. BIDDLE. There is a certain amount of assistance naturally he would have to have to run the plant, but no additional assistance is asked for.

Mr. PLATT. The information I have from people in the neighborhood is that they can not get along without an assistant, and this is simply a plan to get rid of the present assistant engineer and then afterwards put back the assistant or raise the salary.

Mr. TILSON. The gentleman realizes that there is an assistant engineer in the very next item.

Mr. PLATT. He was there before, and is not a new assistant.

Mr. TILSON. Certainly.

Mr. PLATT. Somebody has to do this outside work in looking after the heating and ventilating apparatus in these buildings, all of which are large buildings.

Mr. TILSON. The gentleman will note that the number of firemen has been decreased from 11 last year to 8 this year, the fact being they have installed automatic stokers, which do away with a great deal of work, making it very much simpler. Col. Biddle represented to the committee that with one man he could do all of the work, and do it better, than he was doing it now by dividing the responsibility between those two men. What he wished was that he should take the cheaper-priced man, the man that was getting $1,800, and make him the chief and give him $2,700.

Mr. PLATT. Give him a higher salary than the chief was getting before?

Mr. TILSON. Yes; and that seemed to the committee a rather large raise for one year; and therefore, instead of giving this one man $2,700, we gave one man, whichever one he should choose to keep, or whichever he would keep under the law, and gave him $2,400, which was the higher salary paid the preceding year. In other words, we dispensed with that position of engineer of the heating and ventilating system.

Mr. PLATT. You have the thing in such shape now that the man whom they say is not as efficient as the heating and ventilating engineer has the place and you can not get him out. You are not providing at all for any engineer of heating and ventilating, as this man who has had charge of the power plant probably can not do much of that outside work, which is in the chapel and the academy building, the barracks, the library, and other buildings. You have the thing fixed so that it will not work.

Mr. MANN. Where did we carry two engineers last year in the current law?

Mr. PLATT. On page 6 of the current law near the top of the page there is this item:

For pay of engineer of heating and ventilating apparatus for the academy building, the cadet barracks and office building, cadet hospital, chapel, and library, $1,800.

Mr. MANN. That is this place.

Mr. PLATT. And near the bottom of the page:

For pay of one chief engineer of power plant, $2,400.

I have simply restored it as it was, only I have not got the items in the same order.

Mr. MANN. I see.

Mr. PLATT. This man is a civil-service man. I do not know whether he is capable of taking care of this heating and ventilating. The heating and ventilating man may be capable of taking care of the power plant.

Mr. FIELDS. The assistant was able to take care of both positions, but the headman was not.

Mr. PLATT. Possibly so, but you have got it fixed so that the headman is to be left in and the assistant is to go out.

Mr. GREENE of Vermont. Mr. Chairman, on page 30 of the hearings Col. Biddle explains that, and he makes particular reference to the matter of the civil service. He says, about the middle of the page:

I wish to add that I do not desire to recommend anything that would operate to destroy civil-service rules, in which I believe. It is simply the desire to economize by substituting one man for two, and putting in the place the man who is considered the more competent for the position. If it is a question of violation of civil-service rules, I should prefer the omission of that clause, as far as I am concerned.

That is the proviso you want put in.

Mr. DENT. We did that.

Mr. GREENE of Vermont. Certainly, and there is no question about the plan to make any substitution by indirection, because the names of the two men involved are given, and he expresses his preference on that same page 30.

Mr. PLATT. Yes; but the man who is the chief engineer of the power plant now is the man who gets this salary. It seems to me that under the civil-service law and the bill as you have drawn it he must be retained. I think the items should be restored as in the current law.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

The question was taken; and on a division (demanded by Mr. PLATT) there were—ayes 11, noes 24.

So the amendment was rejected.

The Clerk read as follows:

For the repair and upkeep of quarters of the sergeant, first class, Hospital Corps, at soldiers' hospital: For miscellaneous minor repairs and general upkeep of quarters, etc., and putting on new tin roof, $50.

Mr. DENT. Mr. Chairman, on page 26, line 10, I move to strike out all the language beginning with the word "and," in line 9, down to the figures "$50," in line 10.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 26, lines 9 and 10, strike out the words "and so forth, and putting on new tin roof."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Provided, That a commission be, and is hereby, authorized to investigate and report upon the advisability of continuing the work of increasing the efficiency of the United States Military Academy at West Point, N. Y., in accordance with the general plan approved by the Secretary of War January 27, 1904, to provide for the enlargement, improvement, and extension of existing buildings, grounds, and roads, and in the supplementary plan submitted by the board of officers, approved by the Secretary of War November 4, 1915, and the best method to be pursued in the execution of the same; that said commission shall consist of three members of the Committee on Military Affairs of the Senate, to be appointed by the Vice President, three members of the Committee on Military Affairs of the House, to be appointed by the Speaker, and three Army officers, to be designated by the Secretary of War; that the ranking member of the Committee on Military Affairs of the Senate shall be chairman of said commission; that said commission shall have authority to sit at any time between the adjournment of the Sixty-fourth Congress and the reconvening of the Sixty-fifth Congress; that no member of said commission shall receive any compensation for his services, but shall receive his necessary traveling expenses and actual expenses while in attendance thereon; that said commission shall have authority to employ such clerical assistance as it may deem necessary: *Provided further*, That the sum of $5,000, or so much thereof as may be necessary, is hereby appropriated for the purpose of defraying the actual and necessary expenses and clerical hire herein provided for.

Mr. MILLER of Delaware. Mr. Chairman, I move to strike out the last word.

Mr. ANDERSON. Mr. Chairman, I reserve a point of order on the paragraph.

Mr. BENNET. Mr. Chairman, I reserve a point of order on the paragraph.

Mr. MILLER of Delaware. Mr. Chairman, I hope if this paragraph is retained in the bill, and I hope that it will be retained, that the commission so created will look into the question or into the matter of the hotel at West Point. Now, as I understand it, the hotel at West Point now is run by the quartermaster's department of the United States Army. This hotel, I understand, is a very antiquated structure, and due to the fact that it is on a military reservation the Government must of necessity run it through its Quartermaster's Department.

Mr. TILSON. Will the gentleman yield?

Mr. MILLER of Delaware. I will.

Mr. TILSON. The gentleman does not understand that the hotel is actually run by the Quartermaster's Department?

Mr. MILLER of Delaware. I was seeking to get some information, and I was going to ask a member of the committee a little further just what the facts were about it. I mean no reflection on the Quartermaster's Department, but has not that department something to do with that?

Mr. TILSON. It has to do with the letting of the concession.

Mr. MILLER of Delaware. I would like to ask the gentleman further while he is on his feet: Can not the Quartermaster's Department require the people who have that concession to run the hotel differently, or is it due to the structure itself?

Mr. TILSON. It is due to the structure itself. Among the many things gentlemen perhaps complain against is the structure itself. Undoubtedly the Quartermaster's Department could make terms with the person running the hotel.

Mr. MILLER of Delaware. This structure perhaps receives a greater number of official guests, so to speak, than the ordinary hotel, and inasmuch as it is on a military reservation it is a Government institution, and the Quartermaster's Department has something to do with it, I hope that this commission, if it

is created, will look into the matter, and either build a new structure or make it possible for a hotel to be erected, so that the people who go there on official business, and there are a great number who have to go there, will have a place where they can be adequately housed. I spoke to several members of the Committee on Military Affairs informally, and one of them informed me they had received a great number of complaints about this matter.

Mr. FIELDS. I will say to the gentleman I think the hotel is a disgrace to the Government.

Mr. MILLER of Delaware. Well, there is what another member of the Committee on Military Affairs says about it.

Mr. TILSON. That is unanimous, I think.

Mr. MILLER of Delaware. The gentleman from Connecticut says it is unanimous, so there is no use talking about it any more.

Mr. DENT. I think we all agree on that proposition.

Mr. MILLER of Delaware. I hope the point of order will not be sustained.

Mr. ANDERSON. Mr. Chairman, the gentleman from Delaware has touched upon the matter I had in mind in reserving the point of order. I want to say I have had a bill before the Committee on Military Affairs for the construction of this hotel for the last four years. There has been no action, although the superintendents of the academy for the last 20 years have recommended the construction of a hotel in the control of the Government, but it has always been neglected, and certainly something ought to be done about it. I will not make the point of order if there can be some assurance that the question will be gone into and a suitable investigation made to determine in regard to the structure which ought to be erected.

Mr. DENT. I will state to the committee that this matter is something which it is intended this commission shall thoroughly investigate. The reason it has not been done is that there have been so many differences in the past as to what construction should be carried on that we have been unable to determine among the various things as to what would be the best thing to do. We think what we propose is the most sensible thing to do.

Mr. ANDERSON. I know there has been a good deal of difference of opinion, and I withdraw the reservation of the point of order.

Mr. BENNET. Mr. Chairman, my impression is this commission will further complicate the question and delay the construction at West Point still more, and I make the point of order.

The CHAIRMAN. The gentleman makes the point of order, and the Chair sustains the point of order.

Mr. DENT. Mr. Chairman, I move the committee do now rise and report the bill to the House, as amended, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to; and the Speaker having resumed the chair, Mr. PAGE of North Carolina, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 20872) and had directed him to report the same back to the House with the sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. DENT. Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendments? If not, the Chair will put them in gross.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

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

On motion of Mr. DENT, a motion to reconsider the vote by which the bill was passed was laid on the table.

LEAVE OF ABSENCE.

Mr. GREGG, by unanimous consent, was granted leave of absence for one day, on account of illness.

WITHDRAWAL OF PAPERS.

Mr. ALEXANDER, by unanimous consent, was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of Anderson Creason, first session, Sixty-third Congress, no adverse report having been made thereon.

Mr. RAUCH, by unanimous consent, was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of Anna L. Yachman, H. R. 2214, Sixty-fourth Congress, no adverse report having been made thereon.

Also, papers in the case of Benjamin F. Long, H. R. 18879, Sixty-fourth Congress, no adverse report having been made thereon.

Also the papers in the case of Edward Johnson, H. R. 13317, Sixty-fourth Congress, no adverse report having been made thereon.

WILLIAM M'KINLEY COBB.

Mr. LLOYD. Mr. Speaker, I present the following privileged resolution from the Committee on Accounts.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 441 (H. Rept. No. 1624).

Resolved, That there shall be paid out of the contingent fund of the House $1,200 to William McKinley Cobb for extra and expert services rendered to the Committee on Pensions during the second session of the Sixty-fourth Congress as assistant clerk to said committee by detail from the Bureau of Pensions, pursuant to law.

The following committee amendment was read:

Line 2, strike out "$1,200" and insert in lieu thereof "$800."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The resolution as amended was agreed to.

WITHDRAWAL OF PAPERS.

Mr. POWERS, by unanimous consent, was granted leave to withdraw from the files of the House, without leaving copies, papers in the following cases, no adverse report having been made thereon:

John H. Alcern, H. R. 19335, Sixty-fourth Congress.
James H. Buckner, H. R. 17983, Sixty-fourth Congress.
Washington M. Brown, H. R. 14175, Sixty-fourth Congress.
John Dass, H. R. 18329, Sixty-fourth Congress.
Mary Davidson, H. R. 16653, Sixty-fourth Congress.
Elizabeth Davis, H. R. 17974, Sixty-fourth Congress.
Julia A. Cook, H. R. 11048, Sixty-fourth Congress.
Thomas F. Clutts, H. R. 17976, Sixty-fourth Congress.
Mary Burkhart, H. R. 15213, Sixty-fourth Congress.
Turner Bartley, H. R. 19163, Sixty-fourth Congress.
Green Elliott, H. R. 19104, Sixty-fourth Congress.
Jonas F. Fortney, H. R. 20440, Sixty-fourth Congress.
William Girdler, H. R. 14655, Sixty-fourth Congress.
Elizabeth J. Herrin, H. R. 19162, Sixty-fourth Congress.
Stephen House, H. R. 7332, Sixty-fourth Congress.
Thomas Hubbard, H. R. 19275, Sixty-fourth Congress.
Cloy Jackson, H. R. 15040, Sixty-fourth Congress.
Lucretia E. James, H. R. 19103, Sixty-fourth Congress.
John W. Johnson, H. R. 16651, Sixty-fourth Congress.
Nathan Lowson, H. R. 5625, Sixty-fourth Congress.
Fred Leick, H. R. 20399, Sixty-fourth Congress.
Mrs. Nan E. LeForce, H. R. 16652, Sixty-fourth Congress.
Columbus C. Logan, H. R. 15215, Sixty-fourth Congress.
George McDaniel, H. R. 17156, Sixty-fourth Congress.
Thomas G. Mitchel, H. R. 17977, Sixty-fourth Congress.
Henderson Morgan, H. R. 14017, Sixty-fourth Congress.
Gideon P. Myers, H. R. 17978, Sixty-fourth Congress.
John C. Oliver, H. R. 20439, Sixty-fourth Congress.
E. Ellen Peters and George V. Peters, H. R. 16963, Sixty-fourth Congress.
James F. Peters, H. R. 17977, Sixty-fourth Congress.
John R. Rice, H. R. 17981, Sixty-fourth Congress.
Jacob G. Robinson, H. R. 5523, Sixty-fourth Congress.
Francis M. Sexton, H. R. 9590, Sixty-fourth Congress.
Tevis C. Simmons, H. R. 18956, Sixty-fourth Congress.
Charles Smith, H. R. 17716, Sixty-fourth Congress.
Henderson Smith, H. R. 19274, Sixty-fourth Congress.
Pollie W. Smith, H. R. 13601, Sixty-fourth Congress.
Stephen Standolph, H. R. 15217, Sixty-fourth Congress.
James L. Strange, H. R. 19176, Sixty-fourth Congress.
Joseph D. Thach, H. R. 17982, Sixty-fourth Congress.
Joseph F. Turner, H. R. 19850, Sixty-fourth Congress.
Green Williams, H. R. 19044, Sixty-fourth Congress.
William C. Waddle, H. R. 20296, Sixty-fourth Congress.
Andrew York, H. R. 17788, Sixty-fourth Congress.
Walter G. Abner, H. R. 15216, Sixty-fourth Congress.
Elizabeth C. Archibold, H. R. 18431, Sixty-fourth Congress.
Bev. Baker, H. R. 9101, Sixty-fourth Congress.
Owen A. Black, H. R. 5512, Sixty-fourth Congress.
Nathaniel Blanton, H. R. 7958, Sixty-fourth Congress.
Eli Bowling, H. R. 17007, Sixty-fourth Congress.
George Brewer, H. R. 14176, Sixty-fourth Congress.
Emily Hughes Burch, H. R. 18502, Sixty-fourth Congress.
Leo V. Burchetts, H. R. 15901, Sixty-fourth Congress.
Mary Starues Elliott, H. R. 11846, Sixty-fourth Congress.
John Ferman, H. R. 14172, Sixty-fourth Congress.
Sam W. Faley, H. R. 20338, Sixty-fourth Congress.

William U. Frost, H. R. 5514, Sixty-fourth Congress.
Boscumb Hornsby, H. R. 16650, Sixty-fourth Congress.
James H. Hornsby, H. R. 17984, Sixty-fourth Congress.
Stephen House, H. R. 8177, Sixty-fourth Congress.
James M. Howard, H. R. 19848, Sixty-fourth Congress.
John C. Howard, H. R. 20795, Sixty-fourth Congress.
Foglos Hubbard, H. R. 11049, Sixty-fourth Congress.
James E. Jone, H. R. 17279, Sixty-fourth Congress.
Alexander Kelly, H. R. 16964, Sixty-fourth Congress.
Ewel King, H. R. 17986, Sixty-fourth Congress.
Edward Say, H. R. 7333, Sixty-fourth Congress.
Elijah Lundz, H. R. 19045, Sixty-fourth Congress.
Thomas W. McDonald, H. R. 17987, Sixty-fourth Congress.
Rebecca Martin, H. R. 17988, Sixty-fourth Congress.
Boscum M. Myers, H. R. 17989, Sixty-fourth Congress.
Gilson D. Moore, H. R. 19589, Sixty-fourth Congress.
Curt Morgan, H. R. 19588, Sixty-fourth Congress.
Susan Murphy, H. R. 17990, Sixty-fourth Congress.
William Pace, H. R. 5519, Sixty-fourth Congress.
Blain Pedago, H. R. 17717, Sixty-fourth Congress.
William G. Pennington, H. R. 5513, Sixty-fourth Congress.
George W. Peters, H. R. 5517, Sixty-fourth Congress.
George Poff, H. R. 17980, Sixty-fourth Congress.
Joseph Roach, H. R. 5522, Sixty-fourth Congress.
Lillie Roberts, H. R. 17718, Sixty-fourth Congress.
Sarah Scott, H. R. 8178, Sixty-fourth Congress.
Bertha Shackleford, H. R. 16202, Sixty-fourth Congress.
Dudley R. Sloan, H. R. 17067, Sixty-fourth Congress.
Daniel Smiley, H. R. 16985, Sixty-fourth Congress.
Samuel Smith, H. R. 20397, Sixty-fourth Congress.
Elijah Spurlock, H. R. 5515, Sixty-fourth Congress.
Raleigh J. Stansberry, H. R. 19849, Sixty-fourth Congress.
John Storms, H. R. 14101, Sixty-fourth Congress.
Robert Strong, H. R. 5518, Sixty-fourth Congress.
John Sullivan, H. R. 17991, Sixty-fourth Congress.
Gilbert Taylor, H. R. 17992, Sixty-fourth Congress.
Isaac Townsend, H. R. 17993, Sixty-fourth Congress.
Jacob C. Wright, H. R. 17591, Sixty-fourth Congress.
Leander Young, H. R. 19590, Sixty-fourth Congress.
John Asher, H. R. 13535, Sixty-fourth Congress.
James T. Ashinhurst, H. R. 13541, Sixty-fourth Congress.
Baptist Church (Somerset, Ky.), H. R. 13459, Sixty-fourth Congress.
Parks D. Brittain, H. R. 13532, Sixty-fourth Congress.
Susannah Cadle, H. R. 13533, Sixty-fourth Congress.
Thomas P. Colwell, H. R. 13457, Sixty-fourth Congress.
Lewis M. Davenport, H. R. 13539, Sixty-fourth Congress.
Dutton Davis, H. R. 13521, Sixty-fourth Congress.
John W Cook, H. R. 16984, Sixty-fourth Congress.
Wiley S. Cook, H. R. 5520, Sixty-fourth Congress.
Dillon Collett, H. R. 15214, Sixty-fourth Congress.
Buster Davis, H. R. 17633, Sixty-fourth Congress.
Malinda Davis, H. R. 13527, Sixty-fourth Congress.
Morgan Davidson, H. R. 17975, Sixty-fourth Congress.
U. S. Denny, H. R. 13455, Sixty-fourth Congress.
Jorah Ann Dobbs, H. R. 13454, Sixty-fourth Congress.
Green Fitzgerald, H. R. 13522, Sixty-fourth Congress.
Henry Frederick, H. R. 13519, Sixty-fourth Congress.
Hannah Gilbert, H. R. 13517, Sixty-fourth Congress.
Algeron S. Gray, H. R. 13528, Sixty-fourth Congress.
Joe Griffin, H. R. 13516, Sixty-fourth Congress.
Robert Hardwick, H. R. 13453, Sixty-fourth Congress.
George Humphreys, H. R. 13546, Sixty-fourth Congress.
G. W. Johnson, H. R. 13514, Sixty-fourth Congress.
Hiram J. Jones, H. R. 13537, Sixty-fourth Congress.
William B. Kelly, H. R. 13452, Sixty-fourth Congress.
Harriet U. Lair, H. R. 13451, Sixty-fourth Congress.
John Lee, H. R. 13515, Sixty-fourth Congress.
C. C. Logan, H. R. 13525, Sixty-fourth Congress.
William T. Long, H. R. 13528, Sixty-fourth Congress.
Mrs. A. M. Phelps, H. R. 13512, Sixty-fourth Congress.
Jesse Powers, H. R. 13536, Sixty-fourth Congress.
Presbyterian Church (Somerset, Ky.), H. R. 13458, Sixty-fourth Congress.
Enoch Rainwater, H. R. 13540, Sixty-fourth Congress.
John Ray, H. R. 13544, Sixty-fourth Congress.
Emanuel Sandusky, H. R. 13529, Sixty-fourth Congress.
George W. Saunders, H. R. 13542, Sixty-fourth Congress.
Charles Sewell, H. R. 13957, Sixty-fourth Congress.
Samuel Shodoan, H. R. 13534, Sixty-fourth Congress.
Thomas J. Smith, H. R. 13520, Sixty-fourth Congress.
Mary Speak, H. R. 13449, Sixty-fourth Congress.
John S. Spurlock, H. R. 13524, Sixty-fourth Congress.
William Taylor, H. R. 13513, Sixty-fourth Congress.
James W. Tucker, H. R. 13530, Sixty-fourth Congress.
G. B. Turner, H. R. 13526, Sixty-fourth Congress.
Wash Wells, H. R. 13543, Sixty-fourth Congress.
William Wells, H. R. 13518, Sixty-fourth Congress.
Amos Bennett, H. R. 5524, Sixty-fourth Congress.
James M. Cook, H. R. 16810, Sixty-fourth Congress.
J. W. Hardwick, H. R. 5526, Sixty-fourth Congress.
Porter Hill, H. R. 15480, Sixty-fourth Congress.
John Thacker, H. R. 19276, Sixty-fourth Congress.
Frank B. Lawson, H. R. 14992, Sixty-fourth Congress.
Emily J. Mullins, H. R. 15639, Sixty-fourth Congress.

NORMAN E. IVES.

Mr. LLOYD. Mr. Speaker, I also offer the following resolution, which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

House resolution 489 (H. Rept. No. 1625).

Resolved, That there be paid out of the contingent fund of the House $1,400 to Norman E. Ives, for extra and expert services to the Committee on Invalid Pensions, from March 5, 1916, to March 4, 1917, each date inclusive, as assistant clerk to said committee by detail from the Bureau of Pensions, pursuant to law.

With a committee amendment, as follows:

Amend by striking out on line 2 the figures "$1,400" and inserting "$800," and by striking out on lines 4, 5, and 6 the words "from March 5, 1916, to March 4, 1917, each date inclusive," and inserting in lieu thereof "during the second session of the Sixty-fourth Congress," so that the resolution as amended will read:

"*Resolved*, That there be paid out of the contingent fund of the House $800 to Norman E. Ives for expert services to the Committee on Invalid Pensions during the second session of the Sixty-fourth Congress, as assistant clerk to said committee, by detail from the Bureau of Pensions, pursuant to law."

Mr. SISSON. Mr. Speaker, this is the second detail from the Pension Office to the Committee on Pensions?

Mr. LLOYD. No; the latter one goes to the Committee on Invalid Pensions.

Mr. SISSON. That is the usual amount?

Mr. LLOYD. Yes; that is the usual amount.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on agreeing to the resolution as amended.

The resolution as amended was agreed to.

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. 19410. An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1918, and for other purposes;

H. R. 19119. An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1918, and for other purposes;

H. R. 20755. An act to provide a temporary government for the West Indian 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;

H. R. 20082. An act to amend an act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914;

H. R. 12030. An act to amend an act entitled "An act to provide for the disposal of certain lands in the Fort Berthold Indian Reservation, N. Dak.," approved August 3, 1914; and

H. R. 19300. An act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1918.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 8317. An act to authorize the Legislature of Alaska to establish and maintain schools, and for other purposes; and

S. 8307. An act authorizing the granting of patent to certain lands adjacent to the agricultural experimental station at Scottsbluff, Nebr., to the regents of the University of the State of Nebraska for dry-land agricultural experimental purposes.

ENROLLED BILLS AND JOINT RESOLUTION 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 bills and joint resolution:

H. R. 5948. An act for the relief of Hays Gaskill;

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;

H. R. 20573. An act to provide increased revenue to defray the expenses of the increased appropriations for the Army and Navy and the extensions of fortifications, and for other purposes; and

H. J. Res. 335. Joint resolution for the appointment of four members of the Board of Managers of the National Home for Disabled Volunteer Soldiers.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 20 minutes a. m., Saturday, March 3, 1917) the House adjourned until Saturday, March 3, 1917, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War transmitting, with a letter from the Chief of Engineers, report on preliminary examination of harbor at Havre de Grace, Md. (H. Doc. No. 2105); to the Committee on Rivers and Harbors.

2. A letter from the Secretary of War transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Shinnecock Bay, N. Y. (H. Doc. No. 2106); to the Committee on Rivers and Harbors.

3. A letter from the Secretary of War transmitting, with a letter from the Chief of Engineers, report on preliminary examination of channel west of Swan Island, Kennebec River, Me., near the town of Richmond (H. Doc. No. 2107); to the Committee on Rivers and Harbors.

4. A letter from the Secretary of War transmitting, with a letter from the Chief of Engineers, report on preliminary examination and survey of Mystic River, Mass., from the mouth of Island End River to Woburn, or as far as practicable, and Mystic River, Mass., below the Island End River, with a view to widening the river (H. Doc. No. 2108); to the Committee on Rivers and Harbors.

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. CLARK of Florida, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 5270) for a public building at Paris, Tex., reported the same with amendment, accompanied by a report (No. 1618), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LLOYD, from the Committee on Accounts, to which was referred the resolution (H. Res. 518) to continue the investigation authorized by House resolution No. 229, reported the same without amendment, accompanied by a report (No. 1617), which said resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CLARK of Florida, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 358) providing for the construction of a public building at Binghamton, N. Y., reported the same with amendment, accompanied by a report (No. 1619), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill (S. 6601) for the enlargement of the post-office building in Pittsburgh, Pa., reported the same without amendment, accompanied by a report (No. 1620), to which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill (H. R. 21074) to increase the limit of cost for the proposed new Federal building at Madison, Wis., and the site thereof, reported the same without amendment, accompanied by a report (No. 1621), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. JOHNSON of Kentucky, from the Subcommittee on the District of Columbia, submitted a report (No. 1622), under resolutions, House resolution 229 and House resolution 256, on the indebtedness of the District of Columbia to the United States on account of erroneous application of court fines in United States cases, District of Columbia, which said report was referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. LEWIS: A bill (H. R. 21098) to secure to the United States a monopoly of electrical communication for hire; to provide for the acquisition by the Post Office Department of the telephone and telegraph networks; and to license certain telephone lines, radio and telegraph agencies; to the Committee on the Post Office and Post Roads.

By Mr. JOHNSON of Kentucky: Resolution (H. Res. 548) providing for the consideration of H. R. 21069; to the Committee on Rules.

By Mr. MOON: Joint resolution (H. J. Res. 387) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1918, and for other purposes; to the Committee on Appropriations.

By Mr. KITCHIN: Joint resolution (H. J. Res. 390) to expedite the delivery of materials, equipment, and munitions, and to secure more expeditious construction of ships; to the Committee on Ways and Means.

By Mr. EMERSON: Joint resolution (H. J. Res. 388) granting permission to the people of the State of Ohio to place statues of William McKinley and ex-Senator Marcus A. Hanna in the Hall of Fame in the Capitol of the United States; to the Committee on the Library.

By Mr. MORIN: Joint resolution (H. J. Res. 389) to provide for the forming of a commission of representatives of the United States Senate and House of Representatives, the United States Army, the Organized Militia, and men representing the social, educational, and industrial life of the country to devise methods and plans for our national defense; to the Committee on Appropriations.

By Mr. HUMPHREY of Washington: Memorial of the Legislature of the State of Washington, favoring an appropriation by Congress for the purpose of making such improvements in Skokomish River as will effectively protect the lands in Skokomish Reservation; to the Committee on Indian Affairs.

Also, a memorial of the Legislature of Washington, urging the necessity of formulating some constructive policy relative to water-power development and the enactment of necessary legislation to carry on its development; to the Committee on Interstate and Foreign Commerce.

By Mr. DILL: Memorial of the Legislature of the State of Washington, favoring an appropriation by Congress for the purpose of making such improvements in Skokomish River as will effectively protect lands in Skokomish Reservation; to the Committee on Indian Affairs.

Also, a memorial of the Legislature of the State of Washington, urging the necessity of formulating some constructive policy relative to water-power development and the enactment of necessary legislation to carry on its development; to the Committee on Interstate and Foreign Commerce.

By Mr. ROWE: Memorial of the Legislature of the State of Pennsylvania, favoring volunteer retired bill; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills were introduced and severally referred as follows:

By Mr. LANGLEY: A bill (H. R. 21076) granting an increase of pension to Abraham Rhinehart; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21077) granting an increase of pension to William Pemington; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21078) granting an increase of pension to Isaac Montgomery; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21079) granting an increase of pension to John McKinney; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21080) granting an increase of pension to Peyton Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21081) granting an increase of pension to Alfred A. Gambill; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21082) granting an increase of pension to J. R. Evans; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21083) granting an increase of pension to William King; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21084) granting an increase of pension to Thomas Campbell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21085) granting an increase of pension to Woolery Campbell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21086) granting an increase of pension to Joseph Campbell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21087) granting an increase of pension to Milton Cooper; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21088) granting an increase of pension to Daniel Campbell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21089) granting an increase of pension to David Campbell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21090) granting an increase of pension to Nathaniel Blockburn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21091) granting an increase of pension to Martin V. Barker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21092) granting an increase of pension to William Billeter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21093) granting an increase of pension to George W. Adkins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21094) granting an increase of pension to Solomon Adams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21095) granting an increase of pension to Barzell F. Elliott; to the Committee on Pensions.

Also, a bill (H. R. 21096) granting an increase of pension to Chas. L. Farmer; to the Committee on Pensions.

Also, a bill (H. R. 21097) granting a pension to Deloney Bowling; to the Committee on Invalid Pensions.

PETITIONS, ETC.

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

By the SPEAKER (by request): Memorial of New Jersey Society of the Sons of the American Revolution, favoring Federal measure for training for national defense; to the Committee on Military Affairs.

Also (by request), memorial of members of George Washington Post, No. 103, Department of New York, Grand Army of the Republic, favoring preparedness; to the Committee on Military Affairs.

By Mr. ASHBROOK: Evidence in support of House bill 21065, Charles W. Sasser, for special relief; to the Committee on Pensions.

By Mr. BACHARACH: Petition of 259 people of the Woman's Christian Temperance Union, Moorestown, N. J.; 35 people of the Methodist Protestant Church, Moorestown, N. J.; and 90 people of the Young Men's Christian Association, Moorestown, N. J., favoring national prohibition; to the Committee on the Judiciary.

By Mr. BURKE: Petition signed by Rev. Christian Meyer and 20 other citizens of Theresa, Wis., protesting against this country entering the present European war and against American citizens being permitted to travel on belligerent merchant ships; to the Committee on Foreign Affairs.

Also, petition signed by F. A. Scharfenberg and 30 other citizens of Fort Washington, Wis., protesting against this country going to war and against American citizens being permitted to travel on belligerent merchant ships; to the Committee on Foreign Affairs.

By Mr. BUTLER: Petition of members of West Chester Lodge, Loyal Order of Moose, opposed to the bill increasing pound postage for publications; to the Committee on the Post Office and Post Roads.

Also, memorial of Brandywine Grange, No. 60, opposing an embargo on wheat and all foods; to the Committee on Interstate and Foreign Commerce.

Also, memorial of Brandywine Grange, No. 60, 230 members, indorsing national prohibition; to the Committee on the Judiciary.

Also, petition of 34 citizens of Delaware County, Pa., favoring a Christian amendment to the United States Constitution; to the Committee on the Judiciary.

Also, petition of Chester (Pa.) Lodge, No. 285, Loyal Order of Moose, opposed to increasing the cost of mailing magazines as second-class matter; to the Committee on the Post Office and Post Roads.

Also, petition of sundry citizens of the seventh Pennsylvania district, relative to high cost of living; to the Committee on Interstate and Foreign Commerce.

Also, petition of sundry church organizations of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

By Mr. COLEMAN: Petition of 70 people of Allegheny County, Pa., favoring a Christian amendment to the United States Constitution; to the Committee on the Judiciary.

By Mr. COOPER of Wisconsin: Petition of Robert F. F. Wolf and other residents of Slades Corners, Wis., asking that the will of the people be ascertained by a referendum before a state of war is allowed; to the Committee on Foreign Affairs.

By Mr. ESCH: Petition of members of the German Methodist Episcopal Church, of La Crosse, Wis., opposing war; to the Committee on Foreign Affairs.

By Mr. FULLER: Petition of the Friends of Irish Freedom, protesting against the enactment of Senate bill 8148, the "espionage bill"; to the Committee on the Judiciary.

Also, petition of D. Ross Fraser, Oglesby, Ill., favoring universal military training; to the Committee on Military Affairs.

Also, petition of the Illinois committee on social legislation asking an appropriation of $200,000 for the enforcement of the child-labor law; to the Committee on Appropriations.

Also, petition of Zion Evangelical Association, of Belvidere, Ill., in favor of settling all differences with foreign nations by arbitration and not by war; to the Committee on Foreign Affairs.

Also, petition of the executive committee, National Association of Life Underwriters, praying that life insurance premiums and funds be exempt from taxation; to the Committee on Ways and Means.

Also, petitions of citizens of Illinois, praying that the United States be kept out of war; to the Committee on Foreign Affairs.

By Mr. GALLIVAN. Petition of sundry citizens of Boston, Cambridge, and Somerville, Mass., opposing mail-exclusion bills and prohibition legislation; to the Committee on the Post Office and Post Roads.

Also, memorial passed by Central Labor Union, Washington, D. C., asking a referendum vote on the District dry bill; to the Committee on the District of Columbia.

Also, memorial of the Board of Aldermen of the city of Chelsea, Mass., favoring an embargo on all foodstuffs and necessaries of life; to the Committee on Interstate and Foreign Commerce.

Also, petition of Adelaide E. Wadsworth, Boston, Mass., member of the Massachusetts Branch of the League to Enforce Peace, relative to the adoption of the league's proposals by the United States; to the Committee on Foreign Affairs.

By Mr. KEISTER: Petition of 200 people, Methodist Church, West Newton, Pa., and 122 people Woman's Christian Temperance Union, West Newton, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. MANN: Petition of Sixth Ward Civic League of Chicago, Ill., favoring House bill 5763, the Nolan bill; to the Committee on Labor.

Also, petition of executive board, Chicago (Ill.) section, Council of Jewish Women, favoring House bill 5763; to the Committee on Labor.

By Mr. MORIN: Petition of the Garfield Board of Trade, Mr. J. A. Bowers, president, and J. M. Modispacher, secretary, urging the early designation, construction, and maintenance of a system of national highways, to be built and maintained by the National Government; to the Committee on Roads.

Also, petition of 800 members of Branch No. 5, German Roman Catholic Knights of St. George, urging that everything possible be done to keep our country out of war; to the Committee on Foreign Affairs.

Also, petition of 20,000 members of the German Roman Catholic Knights of St. George, urging that everything possible be done to keep our country out of war with the European nations; to the Committee on Foreign Affairs.

Also, petition of Mr. Ludwig Hummel, of Pittsburgh, Pa., in opposition to President being granted full power to protect American rights, and protesting against war; to the Committee on Foreign Affairs.

Also, petition of sundry citizens of Pittsburgh, Pa., protesting against a declaration of war without a referendum vote of all the people; to the Committee on Foreign Affairs.

By Mr. PRATT: Petition of a mass meeting held in Corning, N. Y., of which H. O. Dorman was secretary and Rev. John R. Adams was president, favoring a constitutional amendment prohibiting polygamy in the United States; to the Committee on the Judiciary.

By Mr. ROWE: Petitions of Frederick C. Noble and J. C. Meeny, of New York, favoring bill for compulsory military training; to the Committee on Military Affairs.

Also, petition of R. W. Kuehne, of Brooklyn, N. Y., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Federation of German-American Catholics, Brooklyn, N. Y., opposing war with Germany except by a referendum vote; to the Committee on Foreign Affairs.

Also, petition of R. J. Caldwell, New York, N. Y., favoring appropriation for the enforcement of the child-labor act; to the Committee on Appropriations.

Also, memorial of Chamber of Commerce of the State of New York, relative to protection of American lives and property at sea; to the Committee on Foreign Affairs.

Mr. SMITH of Michigan: Petition of C. S. Veeder and 83 citizens of Hillsdale, Mich., and vicinity, protesting against House bill 20357, Sunday-observance bill; to the Committee on the District of Columbia.

By Mr. STAFFORD: Petition of members of the Wisconsin Branch of the National Security League, favoring the enactment of legislation for universal military training; to the Committee on Military Affairs.

Also, petition indorsed by 20 citizens of the fifth Wisconsin district, urging the enactment of legislation for national military training; to the Committee on Military Affairs.

SENATE.

SATURDAY, *March 3, 1917.*

(Legislative day of Friday, March 2, 1917.)

The Senate reassembled at 10 o'clock a. m., on the expiration of the recess.

ARMED MERCHANT SHIPS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 21052) authorizing the President of the United States to supply merchant ships, the property of citizens of the United States and bearing American registry, with defensive arms, and for other purposes.

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

The VICE PRESIDENT. The Secretary will call the roll.

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

Ashurst	Fletcher	McLean	Sherman
Borah	Hardwick	Martin, Va.	Smith, Ga.
Brady	Hitchcock	Myers	Smith, S. C.
Brandegee	Hollis	Nelson	Smoot
Bryan	Husting	Norris	Sterling
Chamberlain	James	Oliver	Stone
Culberson	Jones	Overman	Sutherland
Curtis	Kenyon	Page	Swanson
Dillingham	La Follette	Pomerene	Thomas
Fall	Lea, Tenn.	Reed	Wadsworth
Fernald	McCumber	Sheppard	

Mr. JAMES. I desire to announce that my colleague [Mr. BECKHAM] is detained from the Senate by reason of illness in his family.

The VICE PRESIDENT. Forty-three 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. KIRBY, Mr. THOMPSON, Mr. TILLMAN, Mr. WEEKS, and Mr. WILLIAMS answered to their names when called.

Mr. SHAFROTH, Mr. CLAPP, Mr. ROBINSON, Mr. MARTINE of New Jersey, and Mr. WORKS entered the Chamber and answered to their names.

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

Mr. CHAMBERLAIN, Mr. THOMAS, and Mr. BRANDEGEE addressed the Chair.

The VICE PRESIDENT. The Senator from Connecticut [Mr. BRANDEGEE] had the floor when the recess was taken.

Mr. THOMAS. Will the Senator yield to me for a very important matter that will take only a moment?

Mr. BRANDEGEE. I will yield if I can do so without losing the floor.

The VICE PRESIDENT. If no Senator raises the question the Chair will not raise it.

Mr. BRANDEGEE. I could not yield on that condition, because some one may raise the question. I will be perfectly willing to yield the floor if I can do so without losing it.

Mr. THOMAS. I certainly would not under any circumstances have the Senator lose the floor.

The VICE PRESIDENT. The Chair will rule that the Senator from Connecticut has not lost the floor.

Mr. BRANDEGEE. I yield to the Senator on that basis.

GUY A. RICHARDS AND OTHERS.

Mr. THOMAS. The last number upon the calendar is Order of Business No. 1019, the bill (S. 7766) for the relief of Guy A. Richards, Jesse L. Robbins, Isaac M. C. Grimes, William L. Irvine, and David Cox. It is a bill for the relief of five homesteaders, two in Colorado and three living in Nebraska, located upon quarter sections on the border line between the two States. When they were ready to prove up and receive their patents a new survey practically wiped out their location by destroying the surveys which embraced this ground. It is the purpose of the bill to permit them to make selections in the same acreage elsewhere upon the unappropriated public domain. It is a case of great importance to them in the exigency with which they are confronted. I ask unanimous consent for the immediate consideration of the bill.

Mr. SMOOT. Let me ask the Senator a question. In selecting the land in lieu of that taken before are they allowed to locate anywhere in any State?

Mr. THOMAS. They are allowed to select lands where they can secure them and apply upon those lands the residence which they have heretofore had upon these quarter sections. It is one of the most meritorious cases that was ever presented to the consideration of the Senate for the relief of a private citizen.

Mr. SMOOT. I have no objection to the bill, but it does seem to me that we ought to limit them to entering lands within the States in which they originally located.

Mr. THOMAS. I will say to the Senator I am informed that they have already made selections in Colorado and in Nebraska. That information is second hand.

Mr. NORRIS. They ought not to be limited to the public lands in a single State. They made that entrance, and by reason of surveys they have not any land. They ought to be allowed to go anywhere where there are public lands.

Mr. THOMAS. I ask for the immediate consideration of the bill.

The VICE PRESIDENT. Is there objection?

There being no objection, the bill was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That Guy A. Richards, of Cambridge, Nebr.; Jesse L. Robbins, of Lamont, Nebr.; Isaac M. C. Grimes, of Lamont, Nebr.; William L. Irvine, of Witherbee, Colo.; and David Cox, of Holyoke, Colo., who made entries under the homestead laws in accordance with the official plat of survey approved November 23, 1881, of public lands shown by said plat to be a part of township 5 north, range 42 west of the sixth principal meridian, and prior to the resurvey of said township evidenced by plat approved January 30, 1915, which resurvey and plat thereof show the nonexistence of the land as entered and described by said parties, be, and they are hereby, authorized to make individual selections, within one year from the date of approval of this act, of unappropriated, surveyed, nonmineral public land, in area approximately equal to that entered by them and shown not to exist.

SEC. 2. That upon filing formal relinquishment of all right and claim asserted under said original homestead entries and making proof satisfactory to the Commissioner of the General Land Office of having so complied with the requirements of the homestead laws in connection with their original entries as would have entitled them to patents therefor, patent shall isue for the land selected: *Provided*, That if any of said parties is unable to show that he had earned title to the land formerly entered he shall perfect said selection as a homestead and receive credit for residence and improvements had in connection with such former entry.

SEC. 3. That the right of selection hereby granted shall not be assignable, but must be exercised by the said parties in person or, in case of death, by or in behalf of the decedent's heirs: *Provided*, That the land selected shall be of similar character to that actually claimed and occupied by the said parties under their original entries; but if selection is made of lands designated as subject to entry under the stock-raising homestead act approved December 29, 1916, double the area embraced by said original entries may be selected: *Provided further*, That the selections hereby authorized may be made subject to existing laws relating to surface entry, with reservation of minerals to the United States.

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

Mr. THOMAS. I am very grateful, indeed, to the Senator from Connecticut.

LEGISLATIVE, ETC., APPROPRIATIONS.

Mr. OVERMAN. Will the Senator from Connecticut yield to me?

Mr. BRANDEGEE. On the same condition.

The VICE PRESIDENT. The Chair will not allow the Senator from Connecticut to lose the floor, unless the Senate overrules him.

Mr. OVERMAN. I ask for action on the conference report on the bill (H. R. 18542) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1918, and for other purposes. There was only one item in dispute, and I ask for the adoption of the report.

Mr. NORRIS. I wish to inquire of the Senator if the item in dispute was that in regard to salaries?

Mr. OVERMAN. Yes, sir.

Mr. NORRIS. It is the same rate as in the Indian appropriation bill?

Mr. OVERMAN. Yes; the same provision that is contained in all the bills.

Mr. NORRIS. I understand that the Post Office appropriation bill, which has been passed, does not have the same provision.

Mr. OVERMAN. I do not know anything about that. I know that some of the others have it.